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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
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	CSC			CSC
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	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

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

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List of Public Laws

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

H.R. 3722..... Pub. L. 95–211
To amend the Securities Exchange Act of 1934 to authorize appropriations for the Securities and Exchange Commission for fiscal year 1978. (Dec. 19, 1977; 91 Stat. 1491). Price: $.50.

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To authorize appropriations for fiscal years 1978, 1979, and 1980 to carry out State cooperative programs under the Endangered Species Act of 1973. (Dec. 19, 1977; 91 Stat. 1492). Price: $.50.

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NOTE: There were no items eligible for inclusion in the list of NEXT WEEK'S PUBLIC HEARINGS.

List of Public Laws

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

rules and regulations

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

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

[3410-02]

Title 7—Agriculture

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

[Orange, Grapefruit, Tangerine, and Tangelo Reg. 1, Amdt. 7]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment establishes a total limitation of shipment regulation for Fresh Florida grapefruit, tangerines, and tangelos during the period beginning at 6:00 p.m., e.s.t., December 22, 1977, and ending 12:01 a.m., e.s.t., December 29, 1977. The regulation is needed to assist in preventing the accumulation of excessive market supplies of grapefruit, tangerines, and tangelos during the Christmas Holiday period specified, in which it is anticipated there will be a greatly reduced market demand.

EFFECTIVE DATE: December 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-3545.

SUPPLEMENTARY INFORMATION: *Findings.* (1) Pursuant to the marketing agreement and Order No. 905, both as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Growers Administrative Committee established under the marketing agreement and order, and upon other available information, it is found that the limitation of shipments of grapefruit, tangerines, and tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) This amendment reflects the Department's appraisal of the potential marketing situation during the week in which Christmas Day occurs and for the period immediately following. Historically, there has been heavy purchasing of fresh citrus fruits by the trade prior to Christmas Day followed by a period of slow movement immediately following the holiday. An accumulation of excessive quantities of any variety of citrus fruit in the markets during and immediately following the Christmas week contributes to unstable marketing conditions. It is reported that excessive shipments of fresh grapefruit, tangerines, and tangelos will likely occur, causing an accumulation of this fruit in the market during and immediately following Christmas. Hence, the curtailment of grapefruit, tangerine, and tangelo shipments, as hereinafter specified, would contribute to a better-managed supply situation and in turn to the establishment of orderly marketing.

(3) It is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective at the time specified. Shipments of Florida citrus fruits are currently regulated through September 24, 1978; determinations as to the need for, and extent of, regulation under § 905.52(a)(3) must await the development of the crop and the availability of information about market supplies and the demand for such fruits; the recommendation and supporting information for such regulation were promptly submitted to the Department after open meeting of the committee, after notice thereof, and interested persons were afforded an opportunity to submit information and views; information regarding specifications of the regulation has been provided to shippers, the regulation is identical with the recommendations of the committee; and compliance with the regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time.

Accordingly, it is found that the provisions in paragraph (e) of § 905.301 (Orange, Grapefruit, Tangerine, and Tangelo Regulation 1 42 FR 57947; 59367; 59995; 60918; 61590) following paragraph (d) thereof should be and hereby are revised to read as follows:

§ 905.301 Orange, Grapefruit, Tangerine, and Tangelo Regulation 1.

* * * * *

(e) During the period beginning at 6:00 p.m., e.s.t., December 22, 1977, and ending 12:01 a.m., e.s.t., December 29, 1977, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any grapefruit, tangerines, or tangelos of the varieties or types specified in paragraph (a) Table I of this section, grown in the production area.

* * * * *

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

Dated, December 16, 1977, to become effective 6:00 p.m., e.s.t., December 22, 1977.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-36370 Filed 12-20-77;8:45 am]

[3410-02]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Free and Reserve Percentages for 1977-78 Crop Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule designates free and reserve percentages for Natural (sun-dried) Seedless and Dipped Seedless raisins from California's 1977 production. The estimated 1977 production of Natural (sun-dried) Seedless raisins and Dipped Seedless raisins is in excess of domestic and Western Hemisphere market needs. The rule provides for the orderly marketing of these varietal types during the 1977-78 crop year by allocating an adequate supply to domestic and Western Hemisphere markets. The excess is available for these markets if needed, or for export to approved countries outside of the Western Hemisphere.

EFFECTIVE DATES: For the 1977-78 crop year beginning August 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: On November 11, 1977, notice was published in the FEDERAL REGISTER (42 FR 58759) inviting written comments, not later than November 25, 1977, on the proposed designation of preliminary free percentages of 59 percent and preliminary reserve percentages of 41 percent for Natural (sun-dried) Seedless, and Dipped Seedless raisins. One comment was received.

The proposal was pursuant to § 989.55 of the marketing agreement, and Order No. 989, both as amended (7 CFR Part 989; 42 FR 39200), regulating the handling of raisins produced from grapes grown in California, hereinafter referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The percentages were unanimously recommended under § 989.54(b) by the Raisin Administrative Committee, established under the order as the agency to administer its terms and provisions.

Under § 989.54(b) of the order, the Committee is required to recommend a preliminary free tonnage percentage for any varietal type of raisin for which a free tonnage has been computed which, when applied to the estimated production of that varietal type, would release 85 percent of the free tonnage for that varietal type—if the field price is firmly established.

No later than February 15 of a crop year the Committee shall recommend to the Secretary a free tonnage percentage which when applied to the estimated production of a varietal type would tend to release the full free tonnage computed for that varietal type. Section 989.54(b) also provides that any differences between any free tonnage percentage designated and 100 percent shall be the reserve percentage.

On December 6, 1977, the Committee recommended final free and reserve percentages for the 1977–78 crop year, and made its final 1977 production estimates for Natural (sun-dried) Seedless and Dipped Seedless raisins. The Committee estimated the 1977 production of Natural (sun-dried) Seedless raisins to be 218,574 natural condition tons (increased from its preliminary estimate of 217,000 natural condition tons). Dividing the computed free tonnage of 149,785 natural condition tons by the estimated production and rounding to the nearest full percent results in a final free percentage of 69 percent (and a final reserve percentage of 31 percent).

For Dipped Seedless raisins, the Committee estimated the 1977 production to be 9,005 natural condition tons (increased from its preliminary estimate of 8,000 tons). Dividing the computed free tonnage of 5,565 natural condition tons by the estimated production and rounding to the nearest full percent results in a final free percentage of 62 percent (and a final reserve percentage of 38 percent).

The commentator took exception to the preliminary percentages proposed for Dipped Seedless raisins and urged their withdrawal and reconsideration. He contended that the calculation and application of the free tonnage quantity and free tonnage percentages are unreasonable, arbitrary, capricious, unfair, discriminatory and necessarily contrary to the purpose of the Agricultural Marketing Agreement Act. He based his contentions on the fact that (1) the Dipped Seedless production estimate included chemical-spray raisins which, he contended have different characteristics and market uses than Water-Dipped and Soda-Dipped raisins, while (2) the computed free tonnage quantity was based solely on shipments of Water-Dipped (and a small quantity of Soda-Dipped raisins) without reference to the additional chemical-spray raisins. The exception is denied for the following reasons.

The order's objective is to establish and maintain orderly marketing conditions for all California raisins. To achieve this, it is necessary in some crop years to spread the burden of regulation among several varietal types. Excessive supply conditions during the current crop year resulted in the proposal to establish volume regulation for Natural (sun-dried) Seedless and Dipped Seedless raisins.

The Committee's recommendation of volume regulation for Dipped Seedless raisins was made in accordance with the order, and included chemical-spray raisins in the estimated production, without reference to those raisins in computing the free tonnage quantity. The applicable order requirements give them no alternative. The free tonnage quantity was computed in accordance with § 989.54(a) which requires the use of a prior year's free tonnage shipment base. The Committee used the 1974–75 crop year as the base. Chemical-spray raisins are a relatively recent development, and a history of prior years' shipments is not available.

The August 1, 1977, order amendment reduced the extensive number of varietal type categories to simplify classification of raisins used in regulating the volume and quality moving to market. Dipped Seedless raisins was one of the seven varietal types established. Each of the varietal types established was intended to be broad enough to include all raisins with similar characteristics and market uses regardless of the grapes variety or method of drying used in producing the raisin. The Dipped Seedless category established includes seedless raisins produced by sundrying or other dehydration of grapes which have been dipped in or sprayed with water, with or without soda, oil, or other chemicals and which may or may not have been sulfured prior to drying. Information available at the time of the amendment was that chemical-spray raisins possessed characteristics and market uses similar to raisins made by the various dipping methods, but as with other dipped raisins, there was some question as to their holding quality.

The commentator stated that chemical-spray raisins should be classified separately and not be included with Water-Dipped and Soda-Dipped raisins as Dipped Seedless raisins. It was stated that chemical-spray raisins lack the moisture and other quality assurances of Water-Dipped raisins; the chemical additive in chemical-spray raisins (ethyl oleate) must be noted on the container; unlike Water-Dipped raisins they cannot be treated as a completely natural product; and thus do not satisfy the demands of consumers of Water-Dipped raisins. The commentator also stated that his customers of Water-Dipped raisins have indicated that the chemical-spray raisins do not meet their specifications and will not be acceptable to them. Thus, he claimed that these raisins are completely unsuitable for marketing with Water-Dipped raisins.

The recent amendment recognized that new raisins may possess different characteristics which necessitate separate identification and classification and authorized changes in the list of varietal types through rulemaking.

After consideration of all relevant matter presented, including that in the notice, the comment submitted, the information and recommendation submitted by the Committee, and other available information, it is found that the designation of free and reserve percentages under § 989.55 of the order, for Natural (sun-dried) Seedless and Dipped Seedless raisins, set forth below will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time of this rule until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553). The relevant provisions of the order require that the free and reserve percentages designated for a particular crop year shall apply to all standard raisins of the varietal type to which applicable from the beginning of the crop year. The 1977–78 crop year began August 1, 1977.

The free and reserve percentages follow.

§ 989.232 Free and reserve percentages for the 1977–78 crop year.

The percentages of standard Natural (sun-dried) Seedless and Dipped Seedless raisins acquired by handlers during the crop year beginning August 1, 1977, which shall be free tonnage and reserve tonnage, respectively, are designated as follows:

	Free percentage	Reserve percentage
Natural (sun-dried) seedless	69	31
Dipped seedless	62	38

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

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A–107.

Dated: December 15, 1977.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[FR Doc.77-36369 Filed 12-20-77;8:45 am]

[6750-01]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 9062]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Fisher Foods, Inc.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, among other things, requires a Bedford Heights, Ohio retail food store chain, to make each of its advertised items readily available for sale to customers in its stores, to have advertised items correctly priced and to sell those items at or below the advertised price. Further, the firm must post copies of advertisements and notices of availability of "rainchecks" for unavailable items.

DATES: Complaint issued October 28, 1975. Decision, November 11, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Paul R. Peterson, Director, Cleveland Regional Office, Federal Trade Commission, Suite 500, Mall Bldg., 118 St. Clair Ave., Cleveland, Ohio 44114, 216-522-4207.

SUPPLEMENTARY INFORMATION: On Wednesday, May 11, 1977, there was published in the FEDERAL REGISTER (42 FR 23849) a proposed consent agreement with analysis In the Matter of Fisher Foods, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

Comments were filed and considered by the Commission.

The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows:

Subpart —Advertisting Falsely or Misleadingly § 13.10 Advertising falsely or misleadingly; 13.10-1 Availability of merchandise and/or facilities; § 13.125 Limited offers or supply; § 13.180 Quantity; 13.180-30 In stock; § 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. Subpart—Disseminating Advertisements, Etc.: § 13.1043 Disseminating advertisements, etc. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1572 Availability of advertised merchandise and/or facilities; § 13.1720 Quantity; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, Unfairly or Deceptively, to Make Material Disclosure: § 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).)

CAROL M. THOMAS,
Secretary.

[FR Doc.77-36297 Filed 12-20-77;8:45 am]

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

[6750-01]

SUBCHAPTER H—RULES, REGULATIONS, STATEMENTS AND INTERPRETATIONS UNDER THE HART-SCOTT-RODINO ANTITRUST IMPROVEMENTS ACT OF 1976

PART 800—TRANSITIONAL RULE

Mergers and Acquisitions; Transitional Rule; Correction

AGENCY: Federal Trade Commission.

ACTION: Correction of a previously published regulation.

SUMMARY: The purpose of this document is to correct a previously published document (42 FR 6365, February 2, 1977). The part number and heading have been changed and a section heading added.

EFFECTIVE DATE: February 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Malcolm R. Pfunder, Associate Director for Premerger Notification, Bureau of Competition, room 301, Federal Trade Commission, Washington, D.C. 20580, telephone: 202-523-3894.

In FR Doc. 77-3246, appearing at 42 FR 6365 (February 2, 1977), the following changes should be made:

1. The part heading should read as set forth above.

2. The section, as added, should contain the section number and heading to read as follows:

§ 800.1 Transitional Rule.

Issued: December 12, 1977.

By direction of the Commission.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc.77-36376 Filed 12-20-77;8:45 am]

[8010-01]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-14242]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

FOCUS Reporting System; Requirements for Financial Reporting

AGENCY: Securities and Exchange Commission.

ACTION: Amendment to form.

SUMMARY: This release revises and clarifies certain financial and operational reporting requirements of the FOCUS reporting system and adopts a Schedule of Consolidation and Diversification,[1] and a facing page for the annual audited report. The release also includes guideline forms to assist registrants in the preparation of these reports.

EFFECTIVE DATES: Schedule IIA: Fourth quarter of 1977; Parts I, II and IIA, the audit facing page and guideline forms: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Nelson S. Kibler, Assistant Director, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, 202-755-1390.

SUPPLEMENTARY INFORMATION: On May 10, 1977, the Commission's Release No. 34-13461 was published in the FEDERAL REGISTER (42 FR 23792) proposing to amend Parts I, II and IIA of Form X-17A-5 (17 CFR 249.617), the financial and operational combined uniform single ("FOCUS") report under the Securities Exchange Act of 1934 (the "Act"). The proposed amendments were intended to revise the Form to reflect amendments to the Commission's financial responsibility rules and to clarify certain line items and instructions. The Commission also proposed a Schedule of Consolidation and Diversification, Schedule IIA; this schedule, like Schedules I and III adopted earlier this year,[2] would be filed on an annual basis. The Commission also proposed a facing page for the annual audited report and guidelines for use in the preparation of reports on Form X-17A-5. All comments with respect to the proposed amendments were given careful consideration.

INTRODUCTION

Effective January 1, 1976, the Commission adopted Form X-17A-5, the Financial and Operational Combined Uniform Single ("FOCUS") Report.[3] Part I of Form X-17A-5, which is filed on a monthly basis by brokers and dealers which clear or carry customer accounts, consists of 26 categories of key indicators designed to provide a comprehensive yet concise report of a broker's or dealer's financial and operational condition. It is structured to facilitate a trend analysis of these indicators over a calendar year period. Part II of Form X-17A-5 is a general purpose financial and operational report designed to obtain essential regulatory information on a quarterly basis from brokers and dealers who clear or carry customer accounts. Part IIA, an abbreviated version of Part II, is filed on

[1] This schedule as adopted is redesignated "Schedule II." It is, however, cited as Schedule IIA throughout this release.

[2] Securities Exchange Act Release No. 13462 (April 22, 1977), 42 FR 23786 (May 10, 1977).

[3] Securities Exchange Act Release No. 11935 (December 17, 1975), 40 FR 59076 (December 30, 1975).

a quarterly basis by brokers and dealers which neither clear transactions nor carry customer accounts.

In the adopting release, the Commission stated its intention to periodcally review the FOCUS Report "* * * in order to continue modifying and updating the financial and operational reporting systems to keep pace with the changing securities industry."[4] Based on public comment letters, the recommendation of an advisory committee composed of regulators, and the Commission's experience of date, on May 10, 1977 the Commission proposed certain substantive and technical modifications to Form X-17A-5 as well as Schedule IIA, a facing page for the annual audit report, and guideline forms.[5]

AMENDMENTS TO PART I OF FORM X-17A-5[6]

No adverse comments having been received, the proposed amendments to Part I of Form X-17A-5 are adopted as proposed and are described below in sequence. In addition to the amended individual line items and instructions,[7] the language of a number of line items and instructions has been clarified.

1. EQUITY MARKETS (ITEM 2)

The instructions concerning the average number of markets made in equity securities have been clarified by including a specific reference to § 240.15c3-1(a)(4) which deals with certain additional capital requirements of market makers.

2. AGED FAILS (ITEM 4)

The instruction has been amended to require the entering of ledger balances of fails to receive and fails to deliver aged eleven business days or more following settlement date (twenty-one business days or more following settlement date for municipal securities). The time periods are revised in accordance with amended § 240.15c3-1(c)(2)(ix).[8]

3. 15C3-3 RESERVE (ITEM 7)

Item 7(c) has been amended to require the entry of the date on which a deposit was made if such deposit was required to be made pursuant to § 240.15c3-3(e).

4. TOTAL EQUITY SUBORDINATE (ITEM 16)

A new item has been added to require the entry of the total amount of approved subordination agreements which are outstanding at the report date and which are considered part of net capital pursuant to § 240.15c3-1(c)(2)(ii).

5. UNCONSOLIDATED INCOME/EXPENSE (ITEM 17)

This item combines the items presently appearing under the captions "Unconsolidated Income/Expense" (Item 16) and "Trading and Investment Account Gains (or Losses)" (Item 17).

6. DEDUCTIONS/CHARGES TO CAPITAL (ITEM 21)

Operational charges and potential charges to capital, which are presently designated Items 25 (a) and (b), have been redesignated Items 21 (a) and (b).

7. TOTAL HAIRCUTS (ITEM 22)

This requirement, which is presently designated Item 21, has been redesignated Item 22.

8. AI/RESERVE FORMULA DEBITS (ITEM 24)

Items 22 (a) and (b) have been redesignated Items 24 (a) and (b).

9. MINIMUM CAPITAL REQUIREMENT (ITEM 25)

Item 2(c), requiring the entry of the dollar amount of the highest minimum net capital requirement to which the firm is subject, has been redesignated Item 25(a).

A new Item 25(b) has been added to require the entry of the amount of minimum net capital required to support aggregate indebtedness or aggregate debit items (as appropriate), if such amount is greater than the minimum capital requirement reported in Item 25(a).

10. RATIO AND EXCESS NET CAPITAL (ITEM 26)

Item 24(a), requiring the entry of the ratio of aggregate indebtedness to net capital, has been redesignated Item 26(a). A new line item, Item 26(b), has been added to require the entry of the ratio of net capital to aggregate debit items when the alternative method is used. Items 24(b) (1) and (2), requiring the entry of the amount of excess net capital, have been redesignated Items 26(c) and (d). A new item, Item 26(e), requires recordation of the ratio of certain options deductions to net capital.

11. SCHEDULED CAPITAL WITHDRAWALS WITHIN 6 MONTHS (ITEM 27)

Item 25(c) has been redesignated Item 27.

AMENDMENTS TO PART II OF FORM X-17A-5[9]

No adverse comments having been received, the proposed amendments to Part II of Form X-17A-5 are adopted as proposed and are described in sequence. In addition to the amendments of particular statements and schedules, the facing page of Part II has been revised to require an indication of the purpose for which the report is being filed.[10]

1. COMPUTATION OF NET CAPITAL (PAGES 5 AND 6 OF PART II)

A new subcategory G has been added under Item 6 for entry of option deductions and/or charges computed pursuant to § 240.15c3-1. A new subcategory H has also been added under Item 6 for entry of the total amount of deductions and/or charges entered under that item.

Several items have been added to the net capital section in order to provide readily-accessible information in key categories. New Item 21 requires notation of the percentage of aggregate indebtedness to net capital after anticipated capital withdrawal. For brokers and dealers computing capital under the alternative method (17 CFR 240.15c3-1(f)), new Item 26 requires a ratio of the percentage of net capital to aggregate debits. New Line 27 prescribes a ratio of the percentage of net capital after anticipated withdrawals to aggregate debits.

A new Part C, captioned "Other Ratios," has been added. This section contains present Form 21 (redesignated Item 29), specifying the percentage of debt to debt-equity total computed in accordance with § 240.15c3-(d) and a new Item 30, requiring the ratio of certain options deductions to net capital.

2. COMPUTATION FOR DETERMINATION OF RESERVE REQUIREMENTS FOR BROKER-DEALERS UNDER RULE 15C3-3 (PAGE 8 OF PART II)

An additional line has been placed under the caption "Credit Balances" to permit the entry and description of credits other than those specifically described. Item 24 (amount held on deposit in "Reserve Bank Account(s)") and Item 25 (New Amount in Reserve Bank Account(s) after adding deposit or subtracting withdrawal) has been amended to include the dollar value of qualified securities.

3. INFORMATION FOR POSSESSION OF CONTROL REQUIREMENTS UNDER RULE 15C3-3 (PAGE 9 OF PART II)

As the result of the adoption of Note D to Item 2 of this sub-schedule, brokers and dealers filing Part II are required to answer Item 2 only on the report filed pursuant to Rule 17a-5(d). Item 2 requires the entry of the market value and number of items of customers' fully paid and excess margin securities for which instructions to reduce to possession or control had not been issued as of the report date. This information must be included as part of the annual audited report, which is due within 60 calendar days after the date of the unaudited quarterly report on Part II, and is not required to be filed with the unaudited quarterly report due within 17 business days after the close of the calendar quarter.

Item 3 of the subschedule adopted herein requires the broker or dealer to make a representation, on a quarterly basis, that the system and procedures implemented in order to comply with the

[4] Id. at 6.

[5] Securities Exchange Act Release No. 13461 (April 22, 1977), 42 FR 23792 (May 10, 1977).

[6] The text of amended Part I is attached hereto as Appendix A.

[7] Four blank lines have been added at the end of the form for the reporting of special information requested by the Commission or the designated examining authority.

[8] Securities Exchange Act Release No. 12482 (May 26, 1976), 41 FR 24114 (June 15, 1976).

[9] The text of proposed amended Part II is attached hereto as Appendix B.

[10] The broker or dealer specifies whether the report is filed pursuant to Rule 17a-5(a), Rule 17a-5(b), Rule 17a-11, at the special request of the designated examining authority, or for other specific reasons.

possession or control requirements of § 240.15c3-3 [11] have been tested and are functioning in a manner adequate to fulfill such requirements.

4. OWNERSHIP EQUITY AND SUBORDINATED LIABILITIES MATURING OR PROPOSED TO BE WITHDRAWN WITHIN THE NEXT SIX MONTHS (PAGE 10 OF PART II) [12]

The instruction which appears on this schedule has been revised to require that the broker or dealer report the existence of liabilities secured by fixed assets on which the lender could call for payment on demand or in less than six months.

5. OWNERSHIP EQUITY AND SUBORDINATED LIABILITIES MATURING OR PROPOSED TO BE WITHDRAWN WITHIN THE NEXT SIX MONTHS/RECAP (PAGE 12 OF PART II)

The caption of Item 3 has been changed from "Accruals" to "Other Anticipated Withdrawals," and Subcategories 3(B) ("Partners" Drawing Accounts"), 3(C) ("Taxes"), and 3(D) ("Interest on Capital") have been deleted.

6. FINANCIAL AND OPERATIONAL DATA (PAGE 12 OF PART II)

Item 15 ("failed to deliver") and Item 16 ("failed to receive") have been amended to require reporting of fails to deliver or receive aged 11 business days or more after settlement rather than 15 (aged 21 or more days for municipal securities). These revisions have been made to reflect the provisions of amended § 240.15c3-1(c)(2)(ix).[13]

AMENDMENTS TO PART IIA OF FORM X-17A-5 [14]

No adverse comments having been received, the proposed amendments to Part IIA of Form X-17A-5 are adopted and discussed in sequence below. In addition to the amendments to particular statements and schedules, the facing page has been revised to require an indication of the purpose for which the report is being filed.[15]

1. COMPUTATION OF NET CAPITAL (PAGE 3 OF PART IIA)

The Commission proposed that a new subcategory E be added under Item 6 to record certain option deductions and/or charges pursuant to § 240.15c3-1. After reviewing the comments addressed to this issue as well as the current reporting requirements under Part IIA of Form X-17A-5, the Commission has withdrawn this proposal.

2. OWNERSHIP EQUITY AND SUBORDINATED LIABILITIES MATURING OR PROPOSED TO BE WITHDRAWN WITHIN THE NEXT SIX MONTHS (PAGE 7 OF PART IIA)

The instruction which appears on this schedule has been revised to require that the broker or dealer report the existence of liabilities secured by fixed assets on which the lender could call for payment on demand or in less than six months.

CONSOLIDATION AND DIVERSIFICATION SCHEDULE [16]

No adverse comments having been received, proposed Schedule IIA of Form X-17A-5 the "Consolidation and Diversification Schedule," has been adopted and redesignated "scredule II." [17]

Schedule II requires a listing of annual revenue and expense items, net income and certain balance sheet items on both a consolidated and unconsolidated basis.

Pursuant to amended § 240.17a-10(a)(2),[18] every registered broker and dealer which is subject to the reporting requirements of paragraph (a) of § 240.17a-5 is required to file Schedule II as well as Schedule I with its fourth quarter report on Part II or IIA within seventeen (17) business days of the end of the fourth calendar quarter.[19]

FACING PAGE FOR ANNUAL AUDITED REPORT [20]

The Commission proposed the facing page for the annual report based on its experience that the processing of the annual report would be greatly facilitated if the identification information were submitted in a consistent format. The proposed facing page requires basic identification information, including the name and name and address of the broker or dealer and its accountant, the oath or affirmation, and the itemization of materials included in the report. No adverse comments on the proposed facing page were received; therefore, the Commission has determined to adopt it with certain technical modifications discussed below.

Section 240.17a-5(e)(3) specifies, in pertinent part, that all of the statements filed pursuant to paragraph (d) shall be public. However, if the Statement of Financial Condition is bound separately from the balance of the audited financial statements, the balance shall be deemed confidential. One commentator suggested that the facing page contain guidelines as to the filing of confidential reports. While it is not practicable to provide detailed information in this regard on what is primarily a uniform identification sheet, the Commission concurs that reference to the provision made for confidentiality of the segments of the report is appropriate. Accordingly, it has included in the facing page a note referring the broker or dealer to § 240.17a-5(e)(3) which establishes conditions for confidentiality of certain portions of the report.

In this same context, the Commission has observed that many brokers and dealers appear to be unaware that, if they claim an exemption from the requirement of paragraph (d) of § 240.17a-5 that the annual report be covered by the opinion of an independent public accountant, they are required, pursuant to paragraph (e)(2) of § 240.17a-5, to include with their unaudited report a statement of the facts and circumstances relied on as the basis for the exemption. The Commission has included a note on the Facing Page in order to clarify this requirement.

SUPPLEMENTAL FORMS AND GUIDELINES

The supplemental forms which are adopted herein [21] indicate the type of information and the format for its reporting required pursuant to the exception reporting provision, § 240.17a-5(a)(2)(iv). The adoption of these schedules, however, does not limit the authority of the Commission or the designated examining authority to require data other than that contained therein nor does it require self-regulators to use these forms when they request such information.

As proposed, the instructions to these forms appear to require that a broker or dealer exceeding the parameters set forth would be required to file a particular form without written notice by the designated examining authority. Since self-regulators may wish to establish varying requirements, these instructions have not been adopted and are withdrawn. Any self-regulator wishing to prescribe parameters for filing of these forms by its designated members without written notice should propose them as an amend-

[11] Pursuant to § 240.15c3-3(d)(4), every broker or dealer subject to § 240.15c3-3 with respect to physical possession or control of fully paid or excess margin securities is required to prepare and maintain a current and detailed description of the procedures which it uses to comply with those requirements. Securities Exchange Act Release No. 13462 (April 22, 1977), 42 FR 23786 (May 10, 1977).

[12] Two additional lines have been provided to permit the reporting of any additional data.

[13] Securities Exchange Act Release No. 12482 (May 26, 1976), 41 FR 24114 (June 15, 1976).

[14] The text of amended Part IIA is attached hereto as Appendix C.

[15] See n. supra.

[16] Attached hereto as Appendix F.

[17] The Commission proposed Schedule IIA after reconsideration of Schedule II, "Schedule of Review of All Subsidiaries and Partly-Reviewed Affiliates" originally proposed in Release No. 13100, 42 FR 782 (January 4, 1977).

[18] Securities Exchange Act Release No. 13462 (April 22, 1977), 42 FR 23786 (May 10, 1977).

[19] Section 240.17a-10, Securities Exchange Act Release No. 13462 (April 22, 1977), 42 FR 23785 (May 10, 1977).

[20] The text of the Annual Audited Report Facing Page is attached hereto as Appendix E.

[21] The supplemental forms, designated FOCUS Forms 1-27, are attached as Appendix D. The self-regulatory organizations may adopt instructions to the FOCUS Forms indicating the circumstances under which they are likely to be required by amending their plans filed pursuant to (a)(4) of Rule 17a-5.

ment to its plan filed pursuant to § 17a-5(a)(iv). The adopted forms [22] may also be utilized as guidelines to assist broker-dealers in the preparation of quarterly reports on Part II or Part IIA of Form X-17A-5.

Amendments to Schedule I [23] of Form X-17A-5

In light of comments received in response to the Commission's continuing request for suggestions in refining the FOCUS reporting system and, in particular, in response to the amendments to Form X-17A-5 proposed in Securities Exchange Act Release No. 13461, the Commission has determined to include in Schedule I two additional questions.

The Commission's confirmation rule, Rule 10b-10 (17 CFR 240.19b-10) ("§ 10b-10) will become effective on April 1, 1978.[24] Paragraph (b) of that section permits a broker or dealer to send certain statements to customers on a quarterly basis rather than daily or immediately. In order to monitor the use of that provision, the following question has been added as Item 22 to Schedule I:

Does your firm send quarterly statements to customers pursuant to Rule 10b-10(b) in lieu of daily or immediate confirmations? (enter applicable code: 1=Yes; 2=No.) *

Section 31 of the Act requires that every registered broker and dealer pay to the Commission on or before March 15 of each calendar year a fee in an amount equal to one three-hundredths of one percent of the aggregate dollar amount of the sales of securities registered on a national securities exchange (other than bonds, debentures, ond other evidences of indebtedness) transacted by such broker or dealer otherwise than on a national securities exchange during each preceding calendar year.[25]

For calendar year 1976, the Commission obtained this information through the use of a separate schedule, Schedule T, which was appended to Form X-17A-10 (§ 249.618). In Securities Exchange Act Release No. 13462, Form X-17A-10 was integrated into Form X-17A-5 by virtue of certain amendments to the Form and Schedules I and II. In order to avoid the necessity for brokers and dealers to file this information with the Commission in a separate report, the following question and related instruction are included in Schedule I of Form X-17A-5: [26]

Aggregate Dollar Amount of Non-Exempted OTC Sales of Exchange-Listed Securities Done by Respondent During the Reporting Period .....

This figure is used to compute fees payable to the Commission under Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 73ee) for over-the-counter ("OTC") sale of exchange listed securities. The Commission has exempted some OTC sales of exchange-listed securities for Section 31 transaction fees and Securities Exchange Commission Rule 31-1 (17 CFR 240.31-1) should be consulted in developing the figure to be reported in item 23 of Schedule I. The Commission will bill each respondent, on or before March 15 of each year, for any transaction fees payable pursuant to section 31 of the 1934 Act for OTC sales occurring during the preceding calendar year.

Effective Dates

Schedule II is adopted effective for the fourth calendar quarter of 1977 in order to establish a data base for calendar year 1977 that is complete and consistent with that compiled for calendar year 1976. All registered brokers and dealers required to file reports under paragraph (a) of § 240.17a-5 are required to file, with the report on Part II or IIA for the fourth calendar quarter of 1977, supplemental Schedules I and II.[27] These schedules must be filed with Parts II or IIA within 17 business days of the end of the fourth calendar quarter.[28]

The self-regulatory organizations will distribute these schedules to their members according to their normal procedures. In the event a broker or dealer belongs to more than one self-regulatory organization, the self-regulator designated to inspect that member for compliance with financial responsibility rules pursuant to section 9(c) of the Securities Investor Protection Act of 1970, 15 U.S.C. 78aaa et seq., and Rule 17d-1 (17 CFR 240.17d-1) will distribute the schedules to its designees according to its established program. The Commission will mail the schedules to SECO brokers and dealers.[29]

The amendments to Parts I, II and IIA as well as the audited facing page and the guideline forms will become effective on January 1, 1978 and must be used in any filing made as of that date or any date subsequent thereto.

Statutory Basis and Competitive Considerations

The amendments to 17 CFR 249.617 are effected pursuant to sections 15, 17 and 23 of the Securities Exchange Act of 1934, 15 U.S.C. 78o, 78q and 78w.

Because of the importance of the modifications to Schedule I for both regulatory and statistical purposes and in order for this information to be prepared and submitted to the self-regulatory organizations and the Commission in reports filed on Form X-17A-5 for calendar year 1977, it is essential that these amendments be adopted effective for the fourth calendar quarter of 1977. Since these revisions do not substantially alter Schedule I or the reporting requirements for brokers and dealers and in light of the fact that the public interest and the protection of investors require that effective surveillance and reporting systems be in place for this period, the Commission finds for good cause in accordance with the Administrative Procedure Act (5 U.S.C. 553(b)(3)(A) and (B)) that notice and public procedure are unneces-

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[22] Forms: 1. Cash segregated in compliance with Federal and other regulations; 2. Aged securities failed to deliver; 3. Receivables from customers; 4. Receivables from non-customers; 5. Additional capital charges on customers' and noncustomers' accounts; 6. Regulated commodity accounts liquidating to an equity; 7. Future commodities contracts and spot (cash) commodities-proprietary accounts; 8. Undue concentration based on § 240.15c3-1. 9. Securities owned and other investments—not readily marketable; 10. Other assets—miscellaneous; 11. Payable to customers; 12. Payable to non-customers; 13. Accounts payable and accrued liabilities and expenses; 14. Secured Demand Notes—capital deficiency charge; 15. Statement of changes in Stockholders Equity or Partners' or Sole Proprietors' Capital (Unconsolidated); 16. Computation of Net Capital—other deductions and/or charges; 17. Compliance with requirements of § 240.15c3-3; 18. Contingencies; 19. Money difference accounts; 20. Security suspense accounts; 21. Security suspense accounts—details; 22. Security difference accounts—details; 23. Account differences with correspondents and similar items; 24. Bank account reconciliations—unidentified items; 25. Maximum haircuts on underwriting commitments during the period; 26. Insurance claims receivable—cash and securities; and 27. Litigation.

[23] Schedule I must be filed as a supplemental report to Parts II and IIA of Form X-17A-5 for the fourth calendar quarter of 1977 by every registered broker or dealer, even those who are not required to file reports under paragraph (a) of § 240.17a-5. Certain broker-dealers may not be required to file monthly or quarterly reports with either the Commission or its designated examining authority. However, any broker or dealer not required to file monthly or quarterly reports with the Commission by virtue of the terms of a plan filed by a self-regulatory organization pursuant to paragraph (a)(iv) of § 240.17a-5 and approved by the Commission is nevertheless required to submit to the Commission, no later than 17 business days after the end of the calendar year, an annual report consisting of the Facing Page, balance sheet, and revenue and expense statement of Part IIA and Schedule I of Form X-17A-5. See § 240.17a-10 and instructions to Schedule I.

[24] Securities Exchange Act Release No. 13508 (May 5, 1977), 42 FR 25318 (May 17, 1977).

* Required in any schedule I filed for calendar year 1978 and following.

[25] No payment of a fee is required, however, for any calendar year in which the fee would be less than one hundred dollars.

[26] See Exhibit C.

[27] These schedules were adopted by the Commission in Securities Exchange Act Release No. 13462 (April 22, 1977), 42 FR 23786 (May 10, 1977).

[28] See § 240.17a-10, Schedule III, filed by brokers and dealers who have filed within sixty calendar days of the end of the calendar year. See Instructions to Schedule III. See § 240.17a-10.

[29] Note, however, that the Commission will not, on a regular basis, mail Parts I, II, and IIA or related schedules and forms to SECO brokers and dealers. SECO brokers and dealers may obtain forms as needed by writing the Publications Unit of the Securities and Exchange Commission at 500 North Capitol Street, Washington, D.C. 20549.

sary as a prerequisite to the adoption of these previously unpublished portions of Schedule I.

The Commission has determined that the amendments to Form X-17A-5 (17 CFR 249.617) impose no burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Accordingly, Part 249 of Chapter II of Title 17 of the Code of Federal Regulations is hereby amended:

§ 249.617 **Form X-17A-5, Information required of certain brokers and dealers pursuant to § 17 of the Securities Exchange Act of 1934 and § 240.17a-5, § 240.17a-10, § 240.17a-11 and § 240.17a-20 of this chapter. [Amended]**

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 9, 1977.

[FR Doc.77-36415 Filed 12-20-77;8:45 am]

[4810-22]

Title 19—Customs Duties

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

[T.D. 77-258]

PART 153—ANTIDUMPING

Antidumping—Pressure Sensitive Plastic Tape Measuring Over One and Three-Eights Inches in Width and Not Exceeding Four Mils in Thickness From Italy; Correction

AGENCY: Customs Service, Treasury.

ACTION: Correction.

SUMMARY: This notice corrects a document on antidumping of pressure sensitive plastic tape from Italy which was published at 42 FR 56110, October 21, 1977.

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

David R. Chapman, 202-566-5492.

In FR Doc. 77-30769 appearing on page 56110 of the FEDERAL REGISTER for October 21, 1977, the part of the description of the merchandise which reads: "Not Exceeding Four Millimeters in Thickness", should read "Not Exceeding Four Mils in Thickness", wherever it appears.

ROBERT H. MUNDHIEM,
General Counsel of the Treasury.

[FR Doc.77-36476 Filed 12-20-77;8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20935; RM-2653; RM-2763; RM-2690]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Immokalee, Fla.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Memorandum Opinion and Order.

SUMMARY: This action grants the assignment of Channel 252A to Immokalee, Fla., and denies a separate request for the assignment of Channel 288A to North Naples, Fla. The Immokalee channel will provide a first local FM service to the community. The denial of an FM assignment to North Naples was based on the failure to establish that the place qualified as a separate and identifiable community.

EFFECTIVE DATE: January 20, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Mark N. Lipp, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202 (b), Table of Assignments, FM Broadcast Stations. (Naples, North Naples and Immokalee,[1] Fla.); Docket No. 20935, RM-2653, RM-2763, RM-2690. REPORT AND ORDER (Proceeding Terminated). See 41 FR 44427.

Adopted: December 6, 1977.

Released: December 15, 1977.

1. The Commission has before it responses to the *Notice of Proposed Rule Making*, 41 FR 44427, adopted September 28, 1976, inviting comments on a proposal by Donald W. Miles, Harold M. Kneller, Jr., and David P. West ("petitioner") to amend the FM Table of Assignments by assigning Channel 288A to North Naples, Fla., as its first FM assignment.

2. Comments and reply comments[2] were filed by petitioner in support of the proposal. Oppositions to the proposal were filed by Collier Broadcasting Co., licensee of Station WRGI-FM, Naples, Fla., and of Station WRGI(AM), Marco Island, Fla.; Deltona Broadcasting Co., Inc., licensee of Station WPAP-FM, Panama City, Fla.; and Sterling Communications, permittee of Station WNTU-FM, Naples. A counterproposal was filed by Immokalee Communications, Inc. ("Immokalee") proposing the assignment of Channel 288A to Immokalee, Fla. An opposition to this counterproposal was submitted by petitioner.

3. North Naples (pop. 3,201)[3] is unincorporated and, according to petitioner, lies directly north of the city of Naples. It receives (or will receive) aural service from stations at Naples), Bonita Springs and Marco, Fla.

4. The *Notice* proposed the assignment of a first FM channel provided it could be shown that North Naples is a community within the meaning of the Commission's Rules. The *Notice* indicated that the term as used by the Commission describes "an identifiable population grouping separate and distinct from all others." *Seven Locks Broadcasting Co.*, 37 F.C.C. 2d 82, 83 (1964). In general, the test which has been employed to determine community status is whether the residents function as and conceive of themselves as residents of a community, around which their interests coalesce. *Yorktown, Va.*, 38 FR 6695 (*Notice*) (1973); *Sierra-Pacific Radio Corp. (KOSO)*, 7 F.C.C. 2d 61 (1967).

5. In support of its proposition that North Naples is a community, petitioner argues that there are definite boundaries.[4] In addition, it asserts that North Naples functions as a typical community and notes that there are a considerable number of social and business activities conducted in North Naples. A list of numerous civic organizations, churches, schools, banks, and various other establishments are located in the area petitioner defines as North Naples. Petitioner does not, however, offer any other information as to how these establishments are connected, besides their location, with the functioning of North Naples.[5] Also, petitioner has provided us with the names of persons it has personally interviewed including prominent businessmen, government employees and civic organization officials who petitioner asserts, have answered affirmatively when asked if they considered North Naples a separate community. Regarding the need for a station, assuming North Naples is a community, petitioner states that a locally originated source of radio programming is not only desirable but essential to continued orderly growth.

6. The opposing parties argue that North Naples is not a community. They allege that it has no specifically recognized boundaries and that there is no intent on the part of anyone to incorporate the area. They also assert that a large portion of the area of North Naples is sparsely populated, containing scattered pockets of residents separated by undeveloped fields, woods and agricultural land, with the rest of the area made up of separate neighborhoods, subdivi-

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[1] This community has been added to the caption.

[2] Petitioner's reply comments were received December 6, 1976, several days late. However, the certificate of service indicates that the comments were sent on November 30, 1976, before the filing deadline. Thus, we believe that acceptance of this filing would not be prejudicial, and the comments have been accepted for consideration.

[3] Population figures are taken from the 1970 U.S. Census.

[4] The boundaries are described as follows: the western boundary is the Gulf of Mexico; the northern boundary is the Lee County line; the southern boundary is the city of Naples (Creech Road); and the eastern boundary coincides with the Golden Gate canal. No official source is cited for these boundaries.

[5] In an attachment, petitioner submitted a picture which shows a road sign which declares—"North Naples—A Good Place to Live—A Good Place for Your Business, North Naples Civic Association"—and which shows three other signs mentioning North Naples. No discussion is provided regarding the nature or purposes of an organization called "North Naples Civic Association."

sions and development projects. They add that there is no shopping center or central shopping district designed to serve North Naples residents only. They also note that the area of North Naples has neither a separate newspaper nor civic clubs, that North Naples has no autonomous governing body and that government services are furnished to this area by Collier County, the city of Naples and the State of Florida. Statements from prominent residents of the area, attached to these comments, also assert that North Naples is not a community with definite boundaries but a group of separate subdivisions located north of Naples. Opponents contend further that the North Naples area could not generate enough advertising revenues to support a broadcast station without depending heavily on commercial advertising from the city of Naples. In their opinion, if the proposed channel is assigned, the Commission, in reality, would be adding a fourth FM channel to Naples. They argue that it is a well established policy that FM channels will only be assigned to defined communities already in being and that since petitioner acknowledges it is seeking an FM assignment for the North Naples area as a catalyst for coalescing the various subdivisions into a single community, adoption of the proposal would clearly constitute unwarranted departure from existing FM assignment policies.

7. In reply comments petitioner asserts in effect that the opponents have the burden of proving that the boundaries set forth by petitioner are incorrect and that they have not done so. Petitioner reasserts that North Naples has a substantial population as shown by factors such as the number of telephone subscribers[4] and public school population in the area, and it again refers to its list of civic and business concerns in the area.

8. In their replies, the opposing parties contend that petitioner has taken upon itself to arbitrarily draw the boundary lines of a new, self-created, community called North Naples. According to them, the maps submitted for this purpose fail to cite any authority for the boundaries drawn. They also assert that the vast majority of the organizations listed by petitioner as serving North Naples do not serve the purported community, but operate for the primary purpose of serving the residents of the city of Naples.

9. In a counterproposal filed by Immokalee Communications, Inc. ("Immokalee"), it was requested that Channel 288A be assigned to Immokalee, Fla. (RM-2763). Immokalee, an unincorporated community of 3,764 people, is located approximately 48 kilometers (30 miles) northeast of Naples. It has no FM assignments but is served by a local daytime-only AM station. Immokalee states that its Chamber of Commerce estimates a population of approximately 7,000 year-round residents in the Immokalee area and asserts that this population expands to 11,000 to 12,000 persons between October and May each year when thousands of migrant workers come into the area. We are told by proponent that Immokalee is primarily an agricultural community and has the second largest state farmer's market in Florida. The Immokalee petitioner also states that the community has its own fire department, bank, shopping center, churches, civic organizations and a weekly newspaper. Finally, it states that if Channel 288A were assigned to North Naples it would foreclose the assignment of the only remaining available channel to Immokalee.

10. In opposition to this counterproposal, petitioner argues that other FM channels are available at Immokalee. On this basis it requests that we dismiss Immokalee's petition and require it to file a new petition for a frequency other than Channel 288A.

11. Pursuant to Section 307(b) of the Communications Act of 1934, as amended, FM channels are assigned to specific communities. Where, as here, a question arises, it is the responsibility of the proponent of the assignment to establish that the alleged community is one under the standards used by the Commission. In essence, the term community means a specific locality, with defined boundaries where the residents share common interests. If it is an incorporated community the question is easily answered. If it is not, we look to various indicia, carefully examining the proponents data. A review of petitioner's evidence regarding the status of North Naples fails to establish such community status. Petitioner argues in this regard that the "Rotary, Kiwanis and Optimist Clubs in the area each have North Naples chapters separate and distinct from any city-of-Naples chapter." However the affidavits submitted by the respective presidents of the Naples Gulf Kiwanis Club and the Naples North Rotary Club indicate that neither has a North Naples chapter as such, and they do not recognize the area known as North Naples as a "single cohesive community." Although petitioner argues that North Naples has several schools and is to have the next high school built in Collier County, the Superintendent of Collier County Public Schools notes in his sworn statement that the school system "does not recognize North Naples * * * as a separate community" and that the "schools located in the area * * * are regional in nature." Petitioner related the results of a personal survey it took of 15 residents, businessmen, government employees and civic officials who purportedly agreed with the statement that North Naples is identifiable, separate and distinct from all (other communities) * * *," but no other details of the responses are given. However, in sworn statements two of the persons interviewed deny making the statement attributed to them and indicate they disagree with its contents. Petitioner concedes that North Naples lacks services typical of a community such as a post office, city hall and a newspaper. Likewise services such as water, electricity and sewer facilities are provided either by the county or city of Naples. What emerges then from an analysis of petitioner's allegations is a failure to show the sense of unity and involvement in community concerns necessary to qualify as a community.

12. Although not argued by petitioner, it is observed that the 1970 U.S. Census does contain a listing for North Naples as a "place," a term not really defined. It should be noted that North Naples, as shown in the Census maps is considerably smaller than in petitioner's unofficial maps. Even though the Census' recognition of particular places often coincides with a Commission determination that such place is a community, it is by no means conclusive for our purposes. The criteria used by the Commission require, as noted previously, the coalescence of common interests. No such requirement is reflected in the Census listings as a "place."[5] Rather the decision to include a place in the listings is based on information submitted by the county. As a result, that it chooses to have population listings in a particular fashion has no necessary connection with community status. Furthermore, other items of evidence offered by petitioner consisting of road signs and county designations are not sufficient in themselves, especially in light of the sworn statements from county officials.

13. Regarding the necessity to demonstrate identifiable boundaries for North Naples, petitioner has also failed to satisfy the Commission's requirements. In order to determine whether a station operated from a particular site (petitioner has not offered any proposed transmitter sites) can provide coverage to the entire community, the confines of this area must be known. See Sections 315(a) and 210(b) of the Commission's Rules. The documentation submitted by petitioner includes unofficial maps of an unknown source which attempt to provide boundaries. However, the lack of source material indicate that such boundaries are not officially recognized and since no scales are provided, it is not possible to substantiate that the requirement of principal community coverage could not be met. Moreover, the boundaries of North Naples as reflected in the Census raise a question about the accuracy of the depiction of petitioner's boundaries even if North Naples were a community. Alternatively, the channel could be assigned to the nearby community of Naples, but that city was recently de-

[4] Petitioner alleges that a common telephone exchange is used specifically for North Naples' residents and businesses. However an affidavit from the District Commercial Manager of the United Telephone Co. of Florida states that a particular service area with the same first three digits "does not reflect any conclusion on the part of the company that the area is a single community."

[5] The Census Bureau does not make its own independent judgment as to whether a "place" is a community in this sense before it is included in the population listings.

nied a fourth FM channel because the Commision wanted to avoid an unfair distribution of available frequencies in this area. See *Naples, Fla.*, 41 Fed Reg. 44427, Docket 20935 (1976). It should also be noted that this area does not suffer from a lack of radio service in light of the services provided by stations in Naples, Bonita Springs, and Marco, Fla.

14. As for the request to assign a channel to Immokalee, we believe an adequate showing of need has been demonstrated.[4] Immokalee presently has no local FM service. We have verified petitioner's contention that alternate channels (Channel 252A or Channel 276A) are available for assignment. Since the assignment of Channel 288A to Immokalee would preclude its usage from a number of other communities,[5] we believe it would be considerably more efficient to assign either Channel 252A or Channel 276A to Immokalee. Since East Naples (pop. 6,152) would be precluded by the assignment of Channel 276A to Immokalee and it has no local aural service, we shall assign Channel 252A to Immokalee. A site restriction of approximately 5 kilometers (3 miles) southeast of the community must be imposed to meet mileage separation requirements.

15. Accordingly, it is ordered, That effective January 20, 1978, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, as regards the city listed below is amended as follows:

City	*Channel No.*
Immokalee, Fla.	252A

16. It is further ordered that the petition of Donald W. Miles, Harold M. Kneller, Jr., and David P. West to assign Channel 288A to North Naples, Fla., is denied.

17. It is further ordered, that this proceeding is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

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

[FR Doc.77-36375 Filed 12-20-77;8:45 am]

[6712-01]

[Docket No. 21404; RM-2923]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Garberville, Calif.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: This action assigns a first Class A FM channel to Garberville, Calif. The channel assignment provides for an FM station which would render a first local aural broadcast service to the community.

EFFECTIVE DATE: January 23, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Garberville, Calif.) Docket No. 21404, RM-2923; *REPORT AND ORDER* (Proceeding Terminated).

Adopted: December 9, 1977.

Released: December 15, 1977.

1. On September 21, 1977, at the request of Daniel J. Healy ("petitioner"), the Commission adopted a *Notice of Proposed Rule Making*, 42 FR 51629, proposing the assignment of Channel 261A to Garberville, California, as its first FM assigenment. Supporting comments were filed by petitioner in which he reaffirmed his intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. According to the 52nd Edition of the Rand McNally Road Atlas, Garberville, which is not listed in the 1970 U.S. Census, has a population of 900.[1] It is located in Humboldt County (pop. 99,692—1970 U.S. Census), approximately 257 kilometers (160 miles) northwest of Sacramento, Calif. It has no local aural broadcast service, but petitioner indicates that it receives service from Station KFMI (FM), Eureka, and daytime-only AM Station KNCR, Fortuna, Calif.

3. Petitioner states that Garberville and the surrounding area is a popular recreation area whose population increases to between 50,000 and 80,000 during the months of June through October. He notes that Stations KFMI(FM) and KNCR, which serve Garberville, have specialized formats and therefore neither station has regular news and information programming directed to Garberville and the surrounding communities. Petitioner asserts that Garberville area residents have expressed an interest in having access to local news and general programming.

4. Petitioner submitted a letter from the President of the Garberville-Redway Chamber of Commerce in which the president states that both communities function under the jurisdiction of the government of Humboldt County and the Chamber of Commerce acts as the representative for Garberville and Redway in matters relating to county government. He adds that each town has a sanitation, water and fire district which jointly establish the city limits, particularly for tax purposes. We are told that the economy of the area is supported principally by recreation and lumbering. Socially, the area has the Ben Bow Golf Club, Kiwanis, Grange, Lions, Rotary, American Legion, etc.

5. Petitioner points out that Garberville is the primary community in the Garberville Minor Civil Division of Humboldt County. He adds that the Chamber of Commerce estimates the population within two miles of the center of Garberville to be 4,770, as calculated from post office records of boxes, house and star route delivery. A map submitted by petitioner shows an area enclosed within the unofficial community boundary of approximately 1.3 square kilometers (0.5 square mile) and located about 48 kilometers (30 miles) southeast of Rio Dell, Calif., the nearest incorporated community. Petitioner states that the total population for the recreational season (June through October) is approximately 61,900, and the expected number for any one day during this period would be about 1,857 visitors.

6. In view of the information submitted in response to the *Notice*, we are persuaded that Garberville is an unincorporated community with a significant number of year-round inhabitants. It has the attributes generally associated with a community, such as a Chamber of Commerce, post office, fire, sanitation and water districts, and a number of social and civic organizations. Also, the county and state governments maintain a number of offices in Garberville. The Commission thus believes it would be in the public interest to assign FM Channel 261A to Garberville, Calif. A demand has been shown for its use and it would provide the community with a first aural broadcast service. It can be made without affecting any existing assignment and would be consistent with the applicable minimum distance separation requirements.

7. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

8. In view of the foregoing, it is ordered, that effective January 23, 1978, Section 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with respect to the community listed below, as follows:

City	*Channel No.*
Garberville, Calif.	261A

9. It is further ordered, That this proceeding is terminated.

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[4] Immokalee previously received FM service from Station WCOF-FM (Channel 240A) now Station WLEQ(FM), until 1971, when it was moved to Bonita Springs, Fla. See *Muskegon Heights, Mich., et al.*, 36 FR 21592, 23 R.R. 2d 1591, 1595 (1971). See also *Carrolton, Ky., et al.*, 31 FR 3289, 6 R.R. 2d 1821 (1966). The present assignment will restore FM service to Immokalee.

[5] The communities include Naples, Bonita Springs, Fort Myers Beach and East Naples. Of them, only East Naples has no local FM service.

[1] The Garberville Minor Civil Division population (1970 U.S. Census) is 5,026. Petitioner states that the Fire Chief of the Garberville Fire District estimates the permanent population of the Fire District to be 1,300.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

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

[FR Doc.77-36376 Filed 12-20-77;8:45 am]

[6712-01]

[Docket No. 21353;FCC 77-825]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

Providing High Frequencies in the Maritime Mobile Service for the Use of Narrow-Band Direct-Printing (Radioteletypewriter) Between Ships and Shore on the Inland Waterways

AGENCY: Federal Communications Commission.

ACTION: Final Rule.

SUMMARY: To amend the rules, at the request of one of the concerned communications common carriers, to provide for the use of radioteletypewriter between ship and shore on the Inland Waterways.

EFFECTIVE DATE: January 24, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Walter E. Weaver, Safety & Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Part 81 of the Commission's rules to provide high frequencies in the maritime mobile service for the use of narrow-band direct-printing (radioteletypewriter) between ships and shore on the Inland Waterways (Docket No. 21353); *REPORT AND ORDER* (Proceeding Terminated).

Adopted: December 8, 1977.

Released: December 15, 1977.

1. The Notice of Proposed Rule Making in the above captioned-matter (FCC 77-555) was released on August 4, 1977, and was published in the FEDERAL REGISTER on August 9, 1977 (42 FR 40223). The time for filing comments and reply comments has expired. Comments were filed by AMCOM, Inc., in support of the proposed rule amendments. No dissenting comments were filed.

2. These rule amendments will permit station WFN at Jeffersonville, Ind., to provide radioteletypewriter service to vessels operating on the Inland Waterways.

3. Accordingly, it is ordered, That pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Part 81 of the Commission's rules are amended, as set forth below, effective January 24, 1978.

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

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303, 307.)

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

Part 81 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

In § 81.204, paragraph (c) is amended to read as follows:

§ 81.204 Assignable frequencies—Narrow-band direct printing radiotelegraph and data transmission systems.

* * * * *

(c) Subject to and in accordance with the provisions of paragraphs (a) and (b) of this section, coast radiotelegraph stations may, upon grant of a proper application, be authorized to employ the coast transmit frequencies specified in the indicated Series No., as set forth in paragraph (a) of this section, as follows:

(1) Ocean, Gulf of Mexico and Great Lakes areas:

Call letters	*NB-DP Series No.*
KFS	1, 3, 28, 47
KHK	10, 22, 42
KLB	8, 33, 50
KLC	8, 17, 48
KOK	6, 30, 49
KPH	13, 14, 21, 22, 38
WAX	10, 15, 36
WCC	13, 14, 21, 22, 38
WLO	5, 15, 25, 54
WNU	2, 19, 52, 57
WOE	6, 21, 26, 42
WPA	9, 22, 44
WSC	9, 18, 40
WSL	1, 3, 28, 47

(2) Inland waterways:

Call letters	*NB-DP Series No.*
WFN	11

[FR Doc.77-36377 Filed 12-20-77;8:45 am]

[6712-01]

[Docket No. 20685]

PART 91—INDUSTRIAL RADIO SERVICES

Allocation of the Frequencies 152.465 and 157.725 MHz to the Taxicab Radio Service; Correction

AGENCY: Federal Communications Commission.

ACTION: Correction.

SUMMARY: The errata corrects an FCC Order adopted November 9, 1977, which allocated two 150 MHz "bandedge" frequencies to the Taxicab, Forest Products and Special Industrial Radio Services in areas outside the 40 largest urbanized areas. This correction will allow base or mobile use by Forest Products and Special Industrial users in the frequency 157.725 MHz.

EFFECTIVE DATE: December 23, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Charles P. Mason, Industrial and Public Safety Rules Division, Safety and Special Radio Services Bureau, 202-632-6497.

SUPPLEMENTARY INFORMATION:

Released: December 14, 1977.

In the matter of allocation of the Frequencies 152.465 and 157.725 MHz to the Taxicab Radio Service, Docket No. 20685.

The Order, FCC 77-769, adopted November 9, 1977 and published at 42 FR 59975, November 23, 1977, is corrected by substituting the words "base or mobile" under the heading Class of Station in the frequency tables in § 91.354(a), and 91.504(a) of the Commission's rules for the frequency 157.725 MHz, as follows:

Part 91 of the Commission's rules is amended as follows:

1. Section 91.354(a) Table amended as follows:

§ 91.354 Frequencies available.

(a) * * *

Frequency or band	Class of station(s)	Limitations
*	*	*
157.725	Base or mobile	17
*	*	*

2. Section 91.504(a) Table is amended as follows:

§ 91.504 Frequencies available.

(a) * * *

Frequencies or band	Class of station(s)	General references	Limitations
*	*	*	*
157.725	Base or mobile	do	15
*	*	*	*

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Acting Secretary.

[FR Doc.77-36418 Filed 12-20-77;8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1290]

PART 1033—CAR SERVICE

Chesapeake and Ohio Railway Co. Authorized to Operate Over Tracks of Consolidated Rail Corp.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Service Order No. 1290).

SUMMARY: The Chesapeake and Ohio (C&O) line between Hallett, Ohio, and Walbridge, Ohio, is via trackage rights over the Toledo Terminal Railroad Co. C&O trains are subject to delays account congestion, and they are incurring further delays account snow and cold temperatures. C&O is seeking an alternate route. The C&O and Consolidated Rail Corp. (CR) have agreed for the C&O to use the tracks of CR between the C&O/CR connections at Alexis, Ohio, and the C&O/CR connection at Toledo, Ohio (Rockwell Junction), a distance of approximately 10.5 miles.

DATES: Effective 11:59 p.m., December 1977. Expires 11:59 p.m., March 31, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone: 202-275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 15th day of December 1977.

The line of The Chesapeake and Ohio Railway Co. (C&O) between Hallett, Ohio, and Walbridge, Ohio, is via trackage rights over the Toledo Terminal Railroad Co. The Toledo Terminal Railroad line is also heavily used by other carriers which subjects C&O trains to delays due to congestion. These delays increase during periods of extreme cold or heavy snow such as are now occurring and are anticipated throughout the winter. The C&O has requested and the Consolidated Rail Corporation (CR) has agreed to use by the C&O of a by-pass route via CR between CR milepost 50.2 at Alexis, Ohio, and CR milepost 57.0 at Swan Creek, Toledo, Ohio, and between CR mainline milepost 289.4 at Swan Creek, and CR milepost 285.7 at Rockwell Junction, Toledo, Ohio. This alternate route is needed immediately to enable the C&O to maintain existing service levels and to prevent car delays, pending disposition of the application of the C&O seeking permanent authority to operate over these tracks of CR.

It is the opinion of the Commission that an emergency exists requiring the immediate operation of C&O trains over these tracks of CR in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1290 Service Order No. 1290.

(a) *The Chesapeake and Ohio Railway Co. authorized to operate over tracks of Consolidated Rail Corp.* The Chesapeake and Ohio Railway Co. (C&O) is authorized to operate over tracks of Consolidated Rail Corporation (CR) between CR milepost 50.2 at Alexis, Ohio, and CR milepost 57.0 at Swan Creek, Toledo, Ohio, and between CR mainline milepost 289.4 at Swan Creek and CR milepost 285.7 at Rockwell Junction, Toledo, Ohio, a distance of approximately 10.5 miles.

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

(c) *Rates applicable.* Inasmuch as this operation by the C&O over tracks of CR is deemed to be due to carrier's disability, the rates applicable to traffic moved by the C&O over the tracks of CR shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) Nothing herein shall be considered as a prejudgment of the application of the C&O seeking authority to operate over tracks of CR.

(e) *Effective date.* This order shall become effective at 11:59 p.m., December 16, 1977.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1978, unless otherwise modified, changed or suspended by order of this Commission.

(49 U.S.C. 1(10-17).)

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

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. Homme, Jr.
Acting Secretary.

[FR Doc.77-36416 Filed 12-20-77;8:45 am]

[7035-01]

SUBCHAPTER D— TARIFFS AND SCHEDULES

[Special Permission Nos. M-60160 and M-60161 and Docket No. 36758]

PART 1306—PASSENGER AND EXPRESS TARIFFS AND SCHEDULES OF MOTOR CARRIERS

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS OF MOTOR CARRIERS

Tariffs and Schedules of Motor Carriers Emergency Transportation of Property or Passengers

AGENCY: Interstate Commerce Commission.

ACTION: Amend existing rules.

SUMMARY: These documents amend various rules to authorize the showing of expiration dates of 120 days on tariffs and schedules containing rates covering movements under emergency temporary authority. This expiration date will be shown when the carrier certifies that it will file, within 15 days, a temporary authority application and requests two 30-day extensions of the emergency temporary authority. Now, these tariffs and schedules are required to show 45-day expiration dates under these circumstances, which necessitates the filing of an additional supplement to extend the tariff or schedule for an additional 45 days. The changes proposed will eliminate the filing of the additional supplement.

EFFECTIVE DATE: December 30, 1977.

FOR FURTHER INFORMATION CONTACT:

William P. Geisenkotter, Chief, Section of Tariffs, Bureau of Traffic, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7739.

SUPPLEMENTARY INFORMATION:

Sections 1306.100, 1306.101, 1307.100, 1307.101, and 1310.28(i) of Title 49 of the Code of Federal Regulations authorize the filing of a "W" tariff or schedule containing rates and other provisions covering emergency temporary authority, as well the filing of a supplement to extend the expiration date of a "W" tariff or schedule. The "W" tariff or schedule may not become effective prior to the day it is filed with the appropriate field office of this Commission or prior to the day it is posted for public inspection where required. The tariff or schedule must bear an expiration date of not later than 45 days after its effective date.

Paragraph numbered "2" in the "Note" at the end of § 1131.2 provides that if the carrier certifies on the application for emergency temporary authority that it will file within 15 days a corresponding application for temporary authority for 180 days and requests two 30-day extensions of the emergency temporary authority, the timely filing of the application for temporary authority serves to automatically extend the emergency temporary authority for two 30-day periods. A supplement to the "W" tariff or schedule providing for a 45-day extension of the expiration date of the publication is required to accompany the application for temporary authority.

The proposed amendments will require a "W" tariff or schedule filed under the above circumstances to show an expiration date of 120 days in the first instance. This takes into account the two automatic extensions and the time lag between filing of the tariff and actual date of action on the emergency temporary authority application and will eliminate the filing of a supplement to extend the expiration date. The elimination of this supplemental filing is in the public interest and therefore amendment of the requirements is warranted. Notice of proposed rulemaking under the Administrative Procedure Act (5 U.S.C. 553) is unnecessary since the proposed amendment will relax existing regulations.

[Amendment to Special Permission No. M-60160 (Revised August 7, 1972)]

TARIFFS OF MOTOR COMMON CARRIERS EMERGENCY TRANSPORTATION OF PROPERTY OR PASSENGERS, OR BOTH

Sections 1306.100 and 1307.100 of Title 49 of the Code of Federal Regulations authorize the filing of a "W" tariff containing rates and other provisions covering emergency temporary authority, as well the filing of a supplement to extend the expiration date of a "W" tariff. The "W" tariff may not become effective prior to the day it is filed with the appropriate field office of this Commission or prior to the day it is posted for public inspection where required. The tariff must bear an expiration date of not later than 45 days after its effective date.

Paragraph numbered "2" in the "Note" at the end of § 1131.2 provides that if the carrier certifies on the application for emergency temporary authority that it will file within 15 days a corespondding application for temporary authority for 180 days and requests two 30-day extensions of the initial emergency temporary authority, the timely filing of the application for temporary authority serves to automatically extend the emergency temporary authority for two 30-day periods. A supplement to the "W" tariff providing for a 45-day extension of the expiration date of the tariff is required to accompany the application for temporary authority.

If a "W" tariff filed under the above circumstances would show an expiration date of 120 days in the first instance instead of 45 days, the two automatic extensions and the time lag between filing of the tariff and actual date of action on the emergency temporary authority application would be taken into account. Therefore, the filing of a supplement to extend the expiration date would be unnecessary. The elimination of this supplemental filing is in the public interest and therefore amendment of the requirements is warranted. Notice of proposed rulemakng under the Administrative Procedure Act (5 U.S.C. 553) is unnecessary since the proposed amendment will relax existing regulations.

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

It is ordered:

49 CFR Parts 1306 and 1307 are amended as follows:

In § 1306.100, paragraphs (b)(2) and (c)(3) are amended to read as follows:

§ 1306.100 Motor common carriers or property or passengers: Establishment of rates, fares, and other provisions covering emergency transportation of property or passengers, or both.

* * * * *

(b) *General provisions.* * * *

(2) A supplement may be issued to a tariff filed under this section only for the purpose of changing the expiration date of the tariff to the date with which the emergency temporary authority, or an extension thereof, expires. Such a supplement shall be subject to the posting and filing requirements provided for tariffs in paragraph (b)(1) of this section.

* * * * *

(c) *Limitations.* * * *

(3) If the carrier certifies on the emergency temporary authority application that within 15 days of the date of filing that application, a corresponding application will be filed seeking temporary authority for 180 days and requests in the emergency application two 30-day extensions of the emergency temporary authority, the tariff shall show on the title page a specific expiration date of 120 days after the effective date of the tariff. If the carrier does not provide the certification or request two 30-day extensions, the tariff shall show a specific expiration date of not later than 45 days from the effective date of the tariff. If a 120-day expiration date is inadvertently shown or if it is shown and the carrier does not timely file its 180-day temporary authority application as it certified it would, a supplement shall be filed changing the expiration date to the date the emergency temporary authority is indicated to expire.

* * * * *

In § 1307.100, paragraphs (b)(2) and (c)(3) are amended to read as follows:

§ 1307.100 Motor common carriers of property of passengers; establishment of rates, fares, and other provisions covering emergency transportation of property of passengers, or both.

* * * * *

(b) *General provisions.* * * *

(2) A supplement may be issued to a tariff filed under this section only for the purpose of changing the expiration date of the tariff to the date with which the emergency temporary authority, or an extension thereof expires. Such a supplement shall be subject to the posting and filing requirements provided for tariffs in paragraph (b)(1) of this section.

* * * * *

(c) *Limitations.* * * *

(3) If the carrier certifies on the emergency temporary authority application that within 15 days of the date of filing that application, a corresponding application will be filed seeking temporary authority for 180 days and requests in the emergency application two 30-day extensions of the emergency temporary authority, the tariff shall show on the title page a specific expiration date of 120 days after the effective date of the tariff. If the carrier does not provide the certification or request two 30-day extensions, the tariff shall show a specific expiration date of not later than 45 days from the effective date of the tariff. If a 120-day expiration date is inadvertently shown or if it is shown and the carrier does not timely file its 180-day temporary authority application as it certified it would, a supplement shall be filed changing the expiration date to the date the emergency temporary authority is indicated to expire.

* * * * *

These amendments shall become effective December 30, 1977.

(Sec. 204, 49 Stat. 546, as amended; (49 U.S.C. 304). Interpret or apply Sec. 207(c), 49 Stat. 560, as amended; (49 U.S.C. 317(c)).)

A copy of this order shall be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and another copy shall be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

Decided: December 12, 1977.

By the Commission, Special Permission Board, Members Geisenkotter, Manning, and Sullivan. (Member Geisenkotter not participating.)

H. G. HOMME, JR.
Acting Secretary.

[FR Doc.77-36386 Fied 12-20-77;8:45 am]

[3510-12]

Title 50—Wildlife and Fisheries

CHAPTER IV—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 651—HADDOCK, COD, YELLOWTAIL FLOUNDER

Closure Notice

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Closure of domestic fisheries.

SUMMARY: This notice closes all trawl, gillnet, and line-trawl fishing for haddock, cod, and yellowtail flounder by U.S. fishermen in the fishery conservation zone of the Northwest Atlantic Ocean north of Cape May, N.J. This action is necessary because the optimum yields for 1977 for these species has been exceeded. See Supplementary Information below for further details.

EFFECTIVE DATE: 2400 hours e.s.t. December 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. William G. Gordon, Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Mass. 01930, telephone: 617-281-3600.

SUPPLEMENTARY INFORMATION: On November 9, 1977, an emergency amendment was published in the FEDERAL REGISTER (42 FR 58412) which amended the haddock, cod and yellowtail flounder fisheries regulations by (1) increasing the catch quotas, to allow further incidental catches of these species (2) changing the quantity of these species which could be landed by vessels of different sizes, and (3) establishing a new method of measuring the quantity of incidental species (i.e., haddock, cod, and

yellowtail flounder) which could be landed during fishing trips of three days or more.

Those regulations remained in effect until December 18, 1977, when the 45-day emergency period provided by Section 305(e) of the Fishery Conservation and Management Act expired. This means that the incidental catch limitation reverted to the original rule of 5,510 pounds, or 10% by weight of all fish on board, whichever is greater, per trip for haddock, cod, and yellowtail flounder taken west of 69° W. longitude. The expiration of the emergency regulations also means that the temporary adjustment of the optimum yield (OY) for all three fisheries is no longer effective, and the OY's for these species have reverted to the OY's specified in the fishery management plan and included in the regulations published on June 10, 1977 (42 FR 29876).

Since the original OY's for haddock and cod and for yellowtail flounder west of 69° W. longitude, have been exceeded, it is necessary to prohibit any further fishing for these species during the remainder of 1977.

The only way that fishing mortality on haddock, cod, and yellowtail flounder can be eliminated is by prohibiting the catching of these species. This will affect all Commercial fishing south to Cape May, N.J.

Therefore, it shall be unlawful for any owner or operator of any commercial fishing vessel subject to the jurisdiction of the United States to catch haddock, cod or yellowtail flounder while trawling, gillnetting or line-trawling in that portion of the fishery conservation zone of the Northwest Atlantic Ocean north of Cape May, N.J. for any species of fish from 2400 hours e.s.t. December 23, 1977, to 2400 hours e.s.t. December 31, 1977.

Signed at Washington, D.C., this 20th day of December 1977.

DAVID H. WALLACE,
Acting Assistant Administrator for Fisheries.

[FR Doc.77-36585 Filed 12-20-77; 11:06 p.m.]

proposed rules

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

[3410–02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 980]

ONION IMPORTS

Inspection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed regulation would require imports of onions to be inspected and meet minimum grade, size, quality and maturity requirements. The regulation would promote orderly marketing of such onions by keeping less desirable qualities and sizes from being imported.

DATE: Comments due January 3, 1978.

ADDRESSES: Comments should be sent to: Hearing Clerk, room 1077 South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Acting Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, telephone: 202–447–6393.

SUPPLEMENTARY INFORMATION: Notice is hereby given of proposed grade, size, quality and maturity requirements to be made applicable to the importation of onions into the United States under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). Section 8e of the act provides that whenever a Federal marketing order is in effect for onions, the importation of onions shall be prohibited unless they comply with the grade, size, quality and maturity provisions of such order. The provisions hereinafter set forth comply with those which are effective under Marketing Order No. 958 for onions grown in designated counties of Idaho and Malheur County, Oregon, and under Marketing Order No. 959 for onions grown in designated counties in South Texas.

The proposed regulation is as follows:

§ 980.117 Import regulations; onions.

(a) *Findings and determinations with respect to onions.* (1) Under Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby found that:

(i) Grade, size, quality and maturity regulations have been issued regularly under Marketing Order Nos. 958 and 959, both as amended;

(ii) During the past several years, grade, size, quality, and maturity regulations have been in effect pursuant to these orders during the period August through April;

(iii) The marketing of onions can be reasonably distinguished by the seasonal categories, i.e., late summer and early spring. The bulk of the late summer crop is harvested and placed in storage in late summer and early fall and marketed over a period of several months extending into the following spring. But the onions harvested from the early spring crop are generally marketed as soon as the onions are harvested. The marketing seasons for these crops overlap.

(iv) Concurrent grade, size, quality and maturity regulations under the two marketing orders are expected in future seasons, as in the past.

(2) Therefore it is hereby determined that:

(i) Imports of onions during the August through mid-March period are in most direct competition with the marketing of onions produced in designated counties in Idaho and in Malheur County, Oregon, covered by Order No. 958, as amended (7 CFR Part 958), and during the mid-March through May period the marketing of imported onions is in most direct competition with onions produced in designated counties in South Texas covered by Order No. 959, as amended (7 CFR Part 959).

(b) *Grade, size, quality and maturity requirements.* On and after the effective date hereof no person may import onions as defined herein unless they are inspected and meet the following requirements:

(1) During the August through mid-March period of each marketing year, whenever onions grown in designated counties in Idaho and Malheur County, Oreg., are regulated under Marketing Order No. 958, imported onions shall comply with the grade, size, quality and maturity requirements imposed under that order.

(2) During the mid-March through May period of each marketing year, whenever onions grown in designated counties in South Texas are regulated under Marketing Order No. 959, imported onions shall comply with the grade, size, quality and maturity requirements imposed under that order.

(c) *Minimum quantity exemption.* Any importation which in the aggregate does not exceed 110 pounds may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* Provisions of this section shall not supercede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Food Safety and Quality Service, United States Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of onions that are imported into the United States under the provisions of Section 8e of the act.

(f) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the onions meet the United States import requirements for onions under Section 8e (7 U.S.C. 608e–1), issued by a designated governmental inspection service and applicable to a specified lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (7 CFR Part 2851). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice (in days)
All Texas points	Officer-in-Charge, 1301 West Expressway, Alamo, Tex. 78516, phone 512-787-4091 or 6881.	1
All Arizona points	Officer-in-Charge, P.O. Box 1614, Nogales, Ariz. 85621, phone 602-287-2902.	1
All California points	Officer-in-Charge, 784 South Central Ave., room 266, Los Angeles, Calif. 90021, phone 213-688-2389.	3
All Hawaii points	Officer-in-Charge, P.O. Box 22159, Pawaa Substation, Honolulu, Hawaii 96822, phone 808-941-2671.	1
All Puerto Rico points	Officer-in-Charge, P.O. Box 9112, Santurce, Puerto Rico 00908, phone 809-783-2230 or 4116.	2
New York City, N.Y.	Officer-in-Charge, room 28A, Hunts Point Market, Bronx, N.Y. 10474, phone 212-991-7569 or 7668.	1
New Orleans, La.	Officer-in-Charge, 5027 U.S. Postal Service Bldg., 701 Loyola Ave., New Orleans, La. 70113, phone 504-589-6741 or 6742.	1
Miami, Fla.	Officer-in-Charge, 1350 Northwest 12th Ave., room 530, Miami, Fla. 33136, phone 305-324-6116 or 6117.	1
All other Florida points	Officer-in-Charge, P.O. Box 1232, Winter Haven, Fla. 33880, phone 813-294-3511, ext. 33.	1
All other points	Chief, Fresh Products Branch, Fruit and Vegetable Quality Division, Food Safety and Quality Service, Washington, D.C. 20250, phone 202-447-5870.	3

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;
(ii) The name of the shipper, or applicant;
(iii) The commodity inspected;
(iv) The quantity of the commodity covered by the certificate;
(v) The principal identifying marks on the containers;
(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and
(vii) The following statement, if the facts warrant: Meets import requirements of 7 U.S.C. 608e-1.

(g) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) *Definitions.* For the purpose of this section, "Onions" means all varieties of *Allium cepa* marketed dry, except dehydrated, canned or frozen onions pickling onions in brine, onion sets, green onions or braided red onions. The term "U.S. No. 2" shall have the same meaning as set forth in the United States Standards for Grades of Bermuda-Granex-Grano Type Onions (7 CFR 2851.3195–2851.3209), United States Standards for Grades of Creole Onions (7 CFR 2851.3955–2851.3970), or in the United States Standards for Grades of Onions Other Than Bermuda-Granex-Grano and Creole Types (7 CFR 2851.2830–2851.2854), whichever is applicable to the particular variety, and variations thereof specified in this section. The term "moderately cured" means the onions are mature and are more nearly well cured than fairly well cured. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. Furthermore, braided red onions are exempt from such requirements. "Importation" means release from custody of the United States Bureau of Customs.

Dated: December 15, 1977.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-36207 Filed 12-20-77;8:45 am]

[3410-05]

Commodity Credit Corporation

[7 CFR Part 1421]

1978 WHEAT, FEED GRAINS, AND SOYBEANS LOAN, PURCHASE AND PAYMENT PROGRAMS

Proposed Determinations Regarding the Loan and Purchase Levels, and Established (Target) Prices

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Secretary of Agriculture proposes to make determinations and issue regulations relative to (a) the loan and purchase levels for the 1978 crops of feed grains (corn, barley, sorghum, oats, and rye), wheat, and soybeans, including commodity eligibility, storage requirements, premiums and discounts; (b) CCC minimum resale price; (c) established (target) price; and (d) other related provisions necessary to carry out the loan, purchase and payment programs. These determinations are required to be made by the Secretary in accordance with provisions of the Agricultural Act of 1949, as amended.

DATES: This notice invites written comments on the proposed determinations. Comments must be received on or before January 20, 1978.

ADDRESSES: Acting Director, Production Adjustment Division, ASCS, USDA, Room 3630 South Building, P.O. Box 2415, Washington, D.C. 20013. Comments will be available for public inspection at the Office of the Acting Director during regular business hours (8:15 a.m. to 4:45 p.m.).

FOR FURTHER INFORMATION CONTACT:

Bruce R. Weber, (ASCS), 202-447-7987.

SUPPLEMENTARY INFORMATION: The average price of corn received by producers during the 1977–78 marketing year is expected to be near 10 per centum of the 1977 loan rate; therefore, to maintain our domestic and export markets for grain the Secretary could lower the 1978 loan level to $1.80 per bushel. If such action were taken levels per bushel for other feed grains would be: Sorghum, $1.71; Barley, $1.47; Oats, $0.93; Rye, $1.53. Otherwise, if the corn loan level is maintained at $2.00 per bushel, other feed grain loan levels would be: Sorghum, $1.90; Barley, $1.63; Oats, $1.03; Rye, $1.70 (same as 1977 levels). USDA press release 2444–77 dated August 29 indicated the Department anticipated no change for 1978 wheat and feed grain loan levels from those in effect for 1977. However, if the average price of wheat received by producers during the 1977–78 marketing year exceeds 105 per centum of the 1977 loan level then the 1978 level will increase to $2.35 per bushel.

The 1978 loan level for soybeans if set at its traditional relationship to corn would be between $3.50 and $5.00 per bushel depending upon the level set for corn.

The established (target) prices per bushel for sorghum and, if designated by the Secretary, barley and oats could be established using the same components of the cost of production as used to establish the corn target (estimated levels–sorghum $2.22; barley, $2.26; and oats, $1.54) or established on their traditional feeding value relationship to corn (sorghum, $2.00; barley, $1.71; oats, $1.08).

With an extended (reserve) loan program in effect, the Commodity Credit Corporation may not sell any of its stocks of wheat or feed grains at less than 150 per centum of the current loan level for such commodity except for certain exemptions as outlined in Section 110 (d) (1) and (2) of the Agricultural Act of 1949, as amended by the Food and Agriculture Act of 1977.

Description of Subjects And Issues Involved

The following determinations with respect to the 1978 crops of corn, sorghum, barley, oats, rye, and soybeans are to be made pursuant to the Agricultural Act of 1949, as amended by the Food and Agriculture Act of 1977 (Pub. L. 95–113).

a. *Loan and purchase levels*—(1) *Corn.* Section 105A(a)(1) provides that the Secretary shall make available to producers loans and purchases at such

level, not less than $2.00 per bushel, for each of the 1978 through 1981 crops of corn, as he determines will encourage the exportation of feed grains and not result in excessive total stocks of feed grains in the United States: *Provided*, That if the Secretary determines that the average price of corn received by producers in any marketing year is not more than 105 per centum of the level of loans and purchases for corn for such marketing year, the Secretary may reduce the level of loans and purchases for corn the next marketing year by an amount the Secretary determines necessary to maintain domestic and export markets for grains, except that the level of loans and purchases shall not be reduced by more than 10 per centum in any year nor below $1.75 per bushel.

(2) *Other Feed Grains.* Section 105A (a)(2) provides the Secretary shall make available to producers loans and purchases on each of the 1978 through 1981 crops of barley, oats, and rye, respectively, at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value of such commodity in relation to corn and other factors in Section 401 (b) of this Act, and on each crop of grain sorghums at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value and average transportation costs to market grain sorghums in relation to corn.

(3) *Wheat.* Section 107A(a) provides the Secretary shall make available to producers loans and purchases at such level, not less than $2.35 per bushel for each of the 1978 through 1981 crops of wheat nor in excess of 100 per centum of parity, as the Secretary determines will maintain its competitive relationship to other grains in domestic and export markets: *Provided*, That if the Secretary determines that the average price of wheat received by producers in any marketing year is not more than 105 per centum of the level of loans and purchases for wheat for such marketing year, the Secretary may reduce the level of loans and purchases for wheat for the next marketing year by the amount the Secretary determines necessary to maintain domestic and export markets for grain, except that the level of loans and purchases shall not be reduced by more than 10 per centum in any year nor below $2.00 per bushel.

(4) *Soybeans.* Section 201(e) provides the price of the 1978 through 1981 crops of soybeans shall be supported through loans and purchases at such levels as the Secretary determines appropriate in relation to competing commodities and taking into consideration domestic and foreign supply and demand factors.

b. *Established (Target Price).* Section 105A(b)(1)(A), (B) and (D) provides the Secretary shall make available to producers, as applicable, payments for each of the 1978 through 1981 crops of corn, grain sorghums, and if designated by the Secretary, oats and barley. The established price for corn shall be $2.10 per bushel for the 1978 crop. The payment rate for grain sorghum and, if designated by the Secretary, oats and barley, shall be such rate as the Secretary determines fair and reasonable in relation to the rate at which payments are made available for corn.

c. *Other related provisions.* The Agricultural Act of 1949, as amended, also required a number of other determinations in order to carry out the feed grain, wheat, and soybean loan and purchase program such as (1) CCC minimum resale price, (2) commodity eligibility, (3) storage requirements, (4) premiums and discounts for grades, classes, and other qualities, and (5) such other provisions as may be necessary to carry out the programs.

An economic impact statement has been filed and is available for review and comment.

Signed at Washington, D.C., on December 14, 1977.

STEWART N. SMITH,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.77-36290 Filed 12-20-77;8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[10 CFR Parts 211, 214]

CANADIAN ALLOCATION PROGRAM AND BUY/SELL PROGRAM

Public Hearing; Change in Date

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Change in Date of Public Hearing and of Address for Written Comments and Requests to Speak.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice that the date for the public hearing on the amendments recently proposed by ERA (42 FR 62493, Dec. 13, 1977) to the Mandatory Canadian Crude Oil Allocation Regulations (Canadian Allocation Program) and the Mandatory Crude Oil Allocation Program (Buy/Sell Program) has been changed from December 27, 1977 to January 10, 1978. In addition, the address for written comments and requests to speak has also been changed.

DATES: Public hearing will be held on January 10, 1978. For other dates, see "Supplementary Information.

ADDRESS: Written comments and request to speak has been changed to: Box QM, room 2214, Office of Regulations Management, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Comment and Hearing Procedures), 2000 M Street NW., room 2214-B, Washington, D.C. 20036, 202-254-5201.

SUPPLEMENTARY INFORMATION: On December 8, 1977 (42 FR 62493, December 13, 1977), ERA issued a notice of proposed rulemaking concerning amendments to the Canadian Allocation Program and the Buy/Sell Program. The notice stated that the public hearing was to be held on December 27, 1977.

ERA has received several requests for a change in the date for the public hearing to avoid a conflict with the Christmas and the New Year holidays. These requests cited pre-arranged vacation plans and difficulties in scheduling travel during the holiday season.

Accordingly, in order to facilitate full participation in this proceeding, ERA is rescheduling the public hearing to 9:30 a.m. e.s.t., Tuesday, January 10, 1978 in Room 2105, 2000 M Street NW., Washington, D.C. 20461.

The filing deadline for written comments containing data, views or arguments with respect to the proposal remains January 13, 1978. The address for such written comments, however, has been changed to Box QM, room 2214, Office of Regulations Management, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Washington, D.C. 20036. Comments should be identified on the outside envelope with the designation "Amendments to Canadian Crude Oil Allocation Program and Buy/Sell Program." Fifteen copies should be submitted. All comments received before 4:30 p.m. on Friday, January 13, 1978, will be considered by ERA before final action is taken on the proposed regulations.

Written requests for an opportunity to make oral presentations should be directed to the above address and must be received before 4:30 p.m. on Tuesday, January 3, 1978. The person making the request should give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through Monday, January 9, 1978. Each person selected to be heard will be so notified by the ERA before 4:30 p.m., Thursday, January 5, 1978 and must submit 50 copies of his or her statement to the same address as that for written comments before 4:30 p.m. on Monday, January 9, 1978.

Any interested person may submit questions to be asked of any person making a statement at the hearing, to the same address as that for written comments before 4:30 p.m., Monday, January 9, 1978.

Issued in Washington, D.C., December 15, 1977.

DOUGLAS G. ROBINSON,
Assistant Administrator,
Regulations & Emergency Planning.

[FR Doc.77-36341 Filed 12-20-77;8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

[Reg. A—Docket No. R-0135]

[12 CFR Part 201]

PROPOSED INTERPRETATION OF REGULATION A

Eligible Bankers' Acceptances

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed Interpretation.

SUMMARY: This proposed interpretation concerning extensions of credit by Federal Reserve Banks provides that a bankers' acceptance secured by a field warehouse receipt covering readily marketable staples is eligible for discount by a Federal Reserve Bank despite the fact that the warehouseman is an employee of the owner of the goods. This proposed interpretation, if adopted, would reverse a current interpretation adopted by the Board in 1933.

The Board has concluded that a review of the interpretation is desirable in light of the changes in commercial practice and commercial law in the 44 years since the publication of the current interpretation.

DATE: Comments must be received before February 1, 1978.

ADDRESS: Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. All material submitted should include the Docket Number R-0135.

FOR FURTHER INFORMATION CONTACT:

Don C. Hammer, Attorney, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3611.

SUPPLEMENTARY INFORMATION:

(1) The Board has been asked to review its 1933 interpretation concerning the eligibility for discount of bankers' acceptances secured by field warehouse receipts. Under that interpretation, such acceptances were determined to be not eligible for discount because the actual custodian of the goods was so closely identified with the owner of the goods that, in the Board's view, the lending bank's security might be impaired. The Board has concluded that a review of the Interpretation is desirable in light of the changes in commercial practice and commercial law in the 44 years since the publication of the current interpretation. Furthermore, this matter is of significance to member banks because, under the Board's Regulation D, the sale of such acceptances by member banks could result in additional reserve liability for the member bank if the acceptance sold were ineligible for discount.

(2) To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or comments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 1, 1978. All material submitted should include the docket number R-0135. Such material will be made available for inspection and copying upon request except as provided in section 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR § 261.6(a)).

(3) This action is proposed pursuant to the Board's authority under section 13 of the Federal Reserve Act.

PROPOSED INTERPRETATION OF REGULATION A

The Board has been asked to review an interpretation it issued in 1933 concerning the eligibility for rediscount by a Federal Reserve Bank of bankers' acceptances issued against filed warehouse receipts where the custodian of the goods is a former employee of the borrower. (¶ 1445 Published Interpretations, 1933 Bulletin 188) The Board determined at that time that the acceptances were not eligible because:

> such receipts do not comply with the requirement of section 13 of the Federal Reserve Act that a banker's acceptance be "secured at the time of acceptance by a warehouse receipt or other such document *conveying or securing title* covering readily marketable staples," nor with the requirement of section XI of the Board's Regulation A that it be "secured at the time of acceptance by a warehouse, terminal, or other similar receipt, conveying security title to such staples, *issued by a party independent of the customer.*"

The requirement that the receipt be "issued by a party independent of the customer" was deleted from Regulation A in 1973, and thus the primary issue for the Board's consideration is whether a field warehouse receipt is a document "securing title" to readily marketable staples.

While bankers' acceptances secured by field warehouse receipts are rarely offered for rediscount or as collateral for an advance, the issue of "eligibility" is still significant. If an ineligible acceptance is sold by a member bank, the proceeds are deemed to be "deposits" under section 204.1(f) of Regulation D and are subject to reserve requirements.

In reviewing this matter, the Board has taken into consideration the changes that have occurred in commercial law and practice sine 1933. Modern commercial law, embodied in the Uniform Commercial Code, refers to perfecting "security interests" rather than "securing title" to goods. The Board believes that if, under State law, the field warehousing arrangement provides the lender with a perfected security interest in the goods, the "securing title" requirement of the Federal Reserve Act is satisfied.

Under the U.C.C. evidence of an agreement between the secured party and the debtor must exist before a security interest can attach. This agreement may be evidenced by: (1) a written security agreement signed by the debtor, or (2) the collateral being placed in the possession of the secured party or his agent (U.C.C. § 9-203). If the security interest is based on a written security agreement, it can only be perfected by the filing of a financing statement. (U.C.C. § 9-302) If the security interest is based on possession of the collateral by the secured party, then perfection can be achieved by: (1) having warehouse receipts issued in the name of the secured party; (2) notifying the bailee of the secured party's interest; or (3) having a financing statement filed. (U.C.C. § 9-304(3))

If the field warehousing operation is properly conducted, a security interest is created by the secured party's agent taking possession of the collateral and is perfected either by issuance of warehouse receipts in the name of the secured party (the lending bank) or by notification to the bailee (the field warehouseman) of the secured party's interest. Therefore, warehouse receipts issued pursuant to a bona fide field warehousing operation satisfy the legal requirements of section 13 of the Federal Reserve Act. Moreover, in a properly conducted field warehousing operation, the warehouse manager will be trained, bonded, supervised and audited by the field warehousing company. This procedure insures that he will not be impermissibly controlled by his former (or sometimes present) employer, the borrower, even though he may look to the borrower for reemployment at some future time.

If the warehousing operation is not conducted properly, however, and the manager remains under the control of the borrower, the security interest may be lost. In such instances, the security interest should be based upon a written security agreement between the borrower and the secured party, and perfection should be accomplished by the filing of a financing statement. It has been represented to the Board that a written security agreement is almost always entered into as an adjunct to establishment of a field warehousing operation and that a financing statement is, in fact, often filed. Therefore, if a bankers' acceptance secured by a field warehouse receipt is actually offered for rediscount or as collateral for an advance, the Reserve Bank may in its discretion require proof of the existence of a written security agreement and it may require that a financing statement be filed.

It has also been represented to the Board that most established field warehousing companies maintain large fidelity bonds and legal liability insurance. If the Reserve Bank desires additional protection, it may require proof of the existence of insurance coverage in an amount adequate to cover any loss.

This interpretation is based on facts that have been presented in regard to field warehousing operations conducted by established, professional field warehouse companies, and it does not necessarily apply to ad hoc warehousing operations. Thus ¶ 1430 and ¶ 1440 of the Published Interpretation (1918 Bulletin 31 and 1918 Bulletin 862) maintain their validity with regard to corporations formed for the purpose of conducting

limited field warehousing operations. Furthermore, the prohibition contained in ¶ 1435 Published Interpretations (1918 Bulletin 634) that "the borrower shall not have access to the premises and shall exercise no control over the goods stored" retains its validity, except that access for inspection purposes is still permitted under ¶ 1450 (1926 Bulletin 666). The reason for the acceptance transaction must be proper and cannot be for speculation (¶ 1400, 1919 Bulletin 858) or for the purpose of furnishing working capital (¶ 1405, 1922 Bulletin 52).

This interpretation represents a reversal only of the previous ¶ 1445 of the Published Interpretations (1933 Bulletin 188), and is not intended to affect any other Board interpretation regarding field warehousing.

By order of the Board of Governors, December 12, 1977.

THEODORE E. ALLISON,
Secretary of the Board

[FR Doc.77-36324 Filed 12-20-77;8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 120]

BUSINESS LOAN POLICY

Eligibility: Illegal and Related Activities

AGENCY: Small Business Administration.

ACTION: Notice of proposed rule.

SUMMARY: This proposed rule would set forth in very general terms, certain types of business (illegal and related activities) which SBA will not finance. The reason for this rule is to clarify SBA's position with respect to applications from businesses of of this kind. The intended effect is to prohibit SBA financing which would be inconsistent with the public interest.

DATE: Comments should be forwarded by January 19, 1978.

ADDRESS: Comments to: Associate Administrator for Finance and Investment, Small Busisess Administration, 1441 L Street NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT:

Howard S. Cooper, Attorney-Advisor Small Business Administration, 1441 L Street NW., room 722, Washington, D.C. 20416, 202-6533-6377.

SUPPLEMENTARY INFORMATION: The Administrator of the Small Business Administration (SBA) has a responsibility for the establishment of "general policies (particularly with reference to the public interest involved in the granting and denial of applications for financial assistance by the Administration and with reference to the coordination of the functions of the Administration with other activities and policies of the Government) * * *." SBA intends to issue a regulation setting forth, in very general terms, certain classes of enterprises the financing of which by SBA would be inconsistent with the public interest.

The first type of business is that which it itself illegal, whether under Federal, State, or local law, even if local conditions of law enforcement are such that the business can operate openly. These would include dealers in certain controlled substances or drugs, or bars or liquor dealers operating in officially "dry" communities. Prostitution is another such business in most areas of the United States.

A second type of business enterprise whose financing by SBA would not be in the public interest is one engaged in the production or sale of articles or services used primarily and directly in an illegal activity. The Federal and State Governments have recognized drug abuse as a serious social problem and have made efforts to stamp out the traffic in illicit drugs and to educate the public about the dangers of drug abuse. It would be inconsistent with such efforts to extend financial assistance to any enterprise selling articles or services designed to increase or facilitate drug consumption, even though the manufacture or distribution of the articles, or the furnishing of the servicse, may not be illegal in itself. Similarly, SBA would not extend financing to a hotel that derived a significant portion of its income from prostitution.

Pursuant to the authority of Section 4(d) of the Small Business Act and Reorganization Plan No. 4 of 1965 (30 FR 9353) and of Section 5(b)(6) of the Small Business Act, 15 U.S.C. 633(d) and 634(b)(6), it is proposed to amend Part 120 of Title 13, CFR, by inserting a paragraph (9) in § 120.2(d), to read as follows:

§ 120.2 **Business loans and guarantees.**

* * * * *

(d) Financial assistance will not be granted by SBA:

* * * * *

(9) If the applicant is engaged in an illegal activity; or in the production, servicing, or distribution of products or services to be utilized primarily and directly in connection with an illegal activity.

(Catalog of Federal Domestic Assistance Program No. 59,012, Small Business Loans.)

Dated: December 8, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-36090 Filed 12-20-77;8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[14 CFR Part 300]

[PDR-48A; Docket No. 31737; Dated: December 16, 1977]

RULES OF CONDUCT IN BOARD PROCEEDINGS: SEPARATION OF FUNCTIONS

Supplemental Notice of Proposed Rulemaking

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental Notice of Proposed Rulemaking.

SUMMARY: This notice extends for 21 days the filing date for comments in a rulemaking proceeding about modifications to the Board's "separation of functions" rule, allowing Board consultation with senior staff personnel in certain hearing cases. The extension was requested by the Chairman, Subcommittee on Aviation, American Bar Association.

DATES: Comments by: January 18, 1978.

ADDRESSES: Comments should be sent to: Docket 31737, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Comments may be examined at the Docket Section, Civil Aeronautics Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Gary J. Edles, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5234.

SUPPLEMENTARY INFORMATION: By Notice of Proposed Rulemaking PDR-48, dated November 22, 1977 (42 FR 60927, November 30, 1977), the Board stated that it had under consideration proposals to modify its "separation of functions" rule to allow the Board to consult with its senior staff personnel in deciding certain hearing cases. Comments in response to the notice are due December 28, 1977.

In a letter dated December 15, 1977, the Chairman of the Subcommittee on Aviation of the American Bar Association requested an extension of 40 days for the filing of comments in response to PDR-48. In support of the request, he stated that additional time is required to arrange for a meeting of the subcommittee members, to be held in early January, and to formulate a position.

Upon consideration of the foregoing, the undersigned finds good cause to allow the Subcommittee on Aviation a reasonable extension of time, in order to formulate views on the proposed rule. However, a 40-day extension appears to be excessive, and it seems that a 21-day extension should suffice at this stage.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations (14 CFR 385.20 (d)), the time for filing of comments is extended to January 18, 1978.

(Sec. 204(a), Federal Aviation Act of 1958, as amended 72 Stat. 743, (49 U.S.C. 1324).)

SIMON J. EILENBERG,
Associate General Counsel
Rules Division.

[FR Doc.77-36387 Filed 12-20-77;8:45 am]

[6355-01]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Parts 1500, 1510]

BABY RATTLES

Extension of Comment Period

AGENCY: Consumer Product Safety Commission.

ACTION: Extension of Comment Period.

SUMMARY: The Commission extends the time for submission of written comments on its proposed regulation banning certain baby rattles from December 19, 1977 to January 3, 1978. The Commission is taking this action at the request of an interested party who is unable to prepare comments by December 19, 1978.

DATE: Comments are due on or before January 3, 1978.

ADDRESS: Written comments should be submitted to the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street NW., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Elaine Besson, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6453.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of November 18, 1977 (42 FR 59511), the Commission proposed mandatory safety requirements for baby rattles in the form of a regulation banning rattles which do not have ends of a sufficient size. (16 CFR Parts 1500, 1510). The proposal specified that written comments should be submitted on or before December 19, 1977.

On December 14, 1977, a request for a 30-day extension of time on submission of comments was received from Sears, Roebuck and Co. The extension of time was requested because the Commission has recently published several other important proposals, and the commenter found the time insufficient for commenting on all proposals.

The Commission has decided to partially grant the request and extend the comment period until January 3, 1978, in the interest of allowing this commenter and other interested persons a full opportunity to comment on the proposal. The Commission believes that the extension, when taken with the initial 30-day comment period, provides an ample period of time for the submission of comments while not creating an unreasonable delay in the promulgation of a regulation that substantially promotes public safety.

Therefore, interested persons may submit written comments on the proposed rules until January 3, 1978. Comments received after that date will be considered if practicable. Comments and any accompanying data or material should be submitted, preferably in five copies, to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Comments and accompanying data may be seen in the Office of the Secretary, 1111 18th Street NW., Third Floor, Washington, D.C. 20207.

Dated: December 16, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-36419 Filed 12-20-77;8:45 am]

[6351-01]

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Part 1]

GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Demonstration of Continued Compliance With the Requirements for Contract Market Designation

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rule change.

SUMMARY: The Commodity Futures Trading Commission ("Commission") proposes to revise 17 CFR 1.50 (1977) to permit the Commission periodically to review the designations of contract markets more efficiently. Section 1.50 currently requires each contract market to demonstrate to the Commission at least once every five years the provisions that it has made to comply with the conditions and requirements for designation as a contract market set forth in Sections 5 and 5a of the Commodity Exchange Act, as amended ("Act"), 7 U.S.C. 7 and 7a (Supp. V, 1975). This proposal deletes the automatic five year filing requirement and would require contract markets to file reports upon the request of the Commission to demonstrate that they are complying with all or a specified portion of the conditions and requirements of Sections 5 and 5a.

DATES: Comments must be received on or before February 21, 1978. Proposed effective date: Not yet determined.

ADDRESS: Comments on the proposal should be sent to: Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT:

John Mielke, Office of Market Surveillance and Analysis, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, telephone: 202-254-3310.

SUPPLEMENTARY INFORMATION: Section 1.50(a) requires each contract market at least once every five years to file with the Commission a statement and other information showing the provisions the contract market has made to remain in compliance with the designation requirements set forth in Sections 5 and 5a of the Act. Section 1.50(b) provides for the establishment of a filing schedule by the Commission, while § 1.50(c) also requires a contract market to file the information required within 90 days after a special call by the Commission.

Section 1.50 was promulgated at a time when trading in only a limited number of commodities was subject to the provisions of the Act. The lack of flexibility inherent in the present periodic filing requirement has several disadvantages, particularly in view of the number of commodities that are now subject to Commission regulation. First, since filing schedules must be determined in advance, review of submissions can be delayed by the competing demands on the Commission's limited resources at the time the filing occurs. Thus, the information contained in these submissions may become outdated before it is reviewed. Second, a demonstration of compliance with all the provisions of Sections 5 and 5a may not always be necessary. In the interim between scheduled submissions, contract markets frequently submit materials (such as a proposal under Section 5a(12) of the Act for amendments to existing rules) to the Commission which demonstrate that a particular contract market continues to comply with certain of the designation requirements of Sections 5 and 5a. The present rule does not take into account information derived from these interim submissions. Finally, § 1.50 presently does not explicitly require contract markets to file specific information (such as minutes of director or disciplinary committee meetings) that the Commission may believe necessary for a review, but rather only requires contract markets to "include any information which will assist the Commission in evaluating the effectiveness of the provisions described in the statement."

To improve the efficiency and flexibility of the Commission's review of a contract market's continued compliance with Sections 5 and 5a of the Act, the Commission is proposing to eliminate the mandatory five year filing requirement and the requirement that each submission seek to demonstrate compliance with all of the provisions of Sections 5 and 5a. In lieu thereof, the Commission is proposing to require contract markets to file, upon Commission request, such reports demonstrating that they are complying with the conditions and requirements for designation set forth in Sections 5 and 5a of the Act as the Commission shall specify in the request. Under proposed § 1.50(a) the Commission would have the discretion to limit its request to information relating to certain requirements of Sections 5 and 5a. The requested reports must be filed within 60 days of the Commission's request or such longer period as the Commission may specify, under the appropriate circumstances, for example, in the case of a Commission request for information relating to all or substantially all of the Section 5 and 5a requirements. Thus, the Commission will be able to pinpoint and receive information that might be of special concern, and the contract

markets will no longer be required to submit information that had recently been provided, for example, in a rule change review.

Section 1.50(d), which relates to the consequences of a contract market's failing to comply with the designation requirements of Sections 5 and 5a of the Act and failing or refusing to file the information required by § 1.50, and § 1.50(e), which provides for extensions of time for filing information upon a showing of good cause, will not be affected by the proposed changes. Sections 1.50 (d) and (e) would be redesignated, however, as §§ 1.50 (b) and (c) respectively.

In consideration of the foregoing, the Commission, pursuant to the authority contained in Sections 5, 5a, 6(a), 6b, 6c and 8a of the Act, 7 U.S.C. 7, 7a, 8, 13, 13a–1 and 12a (Supp. V, 1975), hereby proposes to amend § 1.50 of Chapter 1 of Title 17 of the Code of Federal Regulations to read as follows:

§ 1.50 Demonstration of continued compliance with the requirements for contract market designation.

(a) With respect to each commodity for which it has been designated as a contract market, each board of trade shall file with the Commission within 60 days of a Commission request, or within such longer period as the Commission may specify in the request, a written report containing such supporting data, and other information and documents as the Commission may specify, that clearly demonstrates that such contract market is complying with the conditions and requirements of Sections 5 and 5a of the Act.

(b) Any failure by a contract market to continue to comply with the conditions and requirements for designation as a contract market as set forth in Sections 5 and 5a of the Act, and any failure or refusal to file the information required by this regulation shall be cause for action by the Commission under Sections 5b, 6(a), 6b, 6c, or 8a(7) of the Act (7 U.S.C. 7b, 8(a), 13a, 13a–1 and 12a(7)).

(c) Upon showing of good cause by a contract market, the Commission may extend for a reasonable time the filing date for any report under this regulation.

(7 U.S.C. 7, 7a, 8, 13, 13a–1 and 12a (Supp. V, 1975).)

Issued in Washington, D.C. on December 16, 1977 by the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.77-36313 Filed 12-20-77;8:45 am]

[4710–02]

DEPARTMENT OF STATE

Agency for International Development

[22 CFR Part 216]

PESTICIDE AND OTHER ENVIRONMENTAL PROCEDURES

Assessment of Projects

AGENCY: Agency for International Development (A.I.D.).

ACTION: Proposed rules.

SUMMARY: These proposed rules would amend A.I.D.'s current environmental procedures by adding supplemental procedures for the environmental assessment of all proposed A.I.D. projects involving assistance for the procurement or use, or both, of pesticides. The proposed rules would also modify current A.I.D. procedures to adapt them to recent changes in A.I.D.'s project and program review and approval process which have eliminated the stage in those processes at which initial environmental examination was previously conducted.

DATES: Comments on these proposed rules must be received on or before February 6, 1978. Comments should be submitted to: Mr. Albert Printz, A.I.D. Environmental Coordinator, Agency for International Development, Department of State, Washington, D.C. 20523.

FOR FURTHER INFORMATION CONTACT:

Mr. Albert Printz, A.I.D. Environmental Coordinator, at the above address or by phone at 703–235–9035.

SUPPLEMENTARY INFORMATION: On May 13, 1977, A.I.D. issued a final programmatic environmental impact statement on its pest management activities, including such activities conducted, supported or otherwise assisted by it for the procurement or use of pesticides (42 FR 25394). That statement discussed several alternatives for A.I.D.'s future pest management programs and concluded that one alternative was the best alternative for A.I.D.'s future programs. The preferred alternative included the continuation of A.I.D.'s programs of assistance for the procurement and use of pesticides for public health and food production and preservation programs in less developed countries but would subject pesticide activities to a specific additional environmental evaluation as part of the overall project assessment process. Except in emergency situations, all projects involving the procurement or use of pesticides would require a risk/benefit evaluation of the proposed pesticide use in addition to the evaluation otherwise required by A.I.D.'s current environmental procedures. The scope and depth of this evaluation would be determined by the pesticide's current registration status in the United States.

The proposed rules below, particularly § 216.3(b), are intended to implement the conclusions reached in A.I.D.'s final impact statement. Proposed § 216.3(b)(1) requires that the Initial Environmental Examination for every project involving assistance for the procurement or use of pesticides include a separate section evaluating the economic, social and environmental costs and benefits of the planned pesticide use and specifies the factors which, at a minimum, must be considered in that evaluation. A pesticide whose use is restricted by EPA on the basis of user hazard is subject to additional requirements (§ 216.3(b)(1)(ii).) If the project includes assistance for (1) any pesticide other than one registered by EPA for general use or for restricted use on the basis of user hazard; or (2) any pesticide for which EPA has initiated an adverse regulatory action, a positive Threshold Decision must be made and an Environmental Assessment or Environmental Impact Statement must be prepared in accordance with A.I.D. regulations. The proposed regulations also establish procedures for reassessing the impact of proposed pesticide uses if the regulatory status of a pesticide changes subsequent to its evaluation in an IEE, EA, or EIS (§216.3(b)(1)(iv)); and for environmental assessments when specific pesticides are not identified at the time of Project Paper approval (§ 216.3(b)(1)(v).)

The proposed procedures provide for two limited exceptions to the proposed pesticide procedures. One exception is for emergency situations in which insufficient time is available to complete the required environmental assessment before significant public health or economic problems will occur. This exception is the same as that contained in A.I.D.'s current Interim Pesticide Procedures (41 FR 1297). The other exception covers situations in which A.I.D. is a minor donor to a multidonor project and does not under the terms of the agreement governing its contribution, control the planning or design of the multidonor project (*see* proposed § 216.1(c)(12).)

Proposed § 216.3(b)(3) establishes procedures for evaluation of pesticides procured or used on a non-project assistance basis. A.I.D. has determined as a matter of policy not to provide pesticides on a non-project assistance basis except in the rare circumstances set out in this proposed section.

The proposed revisions to § 216.1(c)(2), 216.1(c)(3), 216.1(c)(10), 216.1(c)(11), 216.1(c)(12), 216.1(c)(13), and the proposed new § 216.3(a) affect changes to Regulation 16 which are, for the most part, unrelated to the new pesticide procedures. These proposed revisions are designed to adjust A.I.D.'s environmental procedures to recent modifications in its internal procedures for review and approval of development assistance projects.

A.I.D. has recently changed from a three-step review and approval process (involving the preparation of a Project Identification Document (PID), followed by a Project Review Paper (PRP) and a final approval document, the Project Paper (PP) in the case of project assist-

ance; and for non-project assistance, a Program Assistance Initial Proposal (PAIP), Program Assistance Review Document (PARD), and Program Assistance Approval Document (PAAD) to a two-step procedure which eliminates the intermediate requirement for a Project Review Paper (PRP) or Program Assistance Review Document (PARD).

A.I.D.'s Environmental Procedures, A.I.D. Regulation 16, 22 CFR Part 216, currently provide for the environmental analysis of A.I.D. development assistance projects as an integral part of project approval documentation. These procedures provide for the preparation of an Initial Environment Examination (IEE) as a part of, and concurrently with, the PRP or PARD. Based on the IEE, a Threshold Decision was made at the PRP or PARD stage either that the proposed action was not a major action having a significant effect on the human environment or that an Environmental Assessment or Environmental Impact Statement was required. Elimination of the PRP/PARD stage necessitates the proposed revisions of A.I.D.'s environmental procedures.

The effect of the revisions below is to require the preparation of an Initial Environmental Examination concurrently with the Project Identification Document or Program Assistance Initial Proposal, the two internal A.I.D. documents which initially identify and decribe a proposed project or program. Based on this initial examination, a Threshold Decision will be required at the time of PID/PAIP approval. Because the specific activities to be conducted under a project cannot always be sufficiently identified at the PID/PAIP stage to permit completion of an adequate IEE, the new procedures would permit deferral of the Threshold Decision if an IEE cannot be completed at the time required for PID/PAIP approval. In such cases, however, a specific time must be set for completion of the IEE which insures that all required environmental analyses will be completed prior to A.I.D.'s final authorization of the project.

Accordingly, it is proposed that 22 CFR, Part 216, be amended, as follows:

§ 216.1 [Amended]

1. By revising the last sentence of § 216.1(c)(2) to read:

* * * * *

(c) * * *

(2) * * * The initial Environmental Examination will be an integral part of the Project Identification Document or equivalent document which will be circulated to selected Federal agencies for comment, when an Environmental Assessment is to be prepared.

* * * * *

2. By revising the first sentence of § 216.1(c)(3) to read:

* * * * *

(c) * * *

(3) * * * A formal Agency decision which determines, based on an Initial Environmental Examination, whether a proposed agency action is or is not a major action significantly effecting the human environment, and, if so, whether an Environment Assessment or an Environment Impact Statement is required.

* * * * *

3. By deleting §§ 216.1(c)(10), *Project Review Paper* (PRP), and 216.1(c)(11), *Program Assistance Review Document* (PARD).

4. By renumbering §§ 216.1(c)(12), *Project Paper* (PP), and 216.1(c)(13), *Program Assistance Approval Document* (PAAD) to read respectively, 216.1(c)(10) and 216.1(c)(11).

5. By adding a new § 216.1(c)(12) to read as follows:

* * * * *

(c) * * *

(12) *Minor Donor.* For the purposes of these procedures A.I.D. is a minor donor to a multidonor project when its total contribution to a multidonor project will not exceed $1,000,000 or 25 percent of the estimated project cost provided that A.I.D. does not, under the terms of the agreement governing its contribution, control the planning or design of the multidonor project.

6. By revising § 216.3, *General Procedures*, to read:

§ 216.3 Procedures.

(a) *General Procedures*—(1) *Preparation of the Initial Environmental Examination.* An Initial Environmental Examination will be prepared by the originator of a project concurrently with the Project Identification Document (PID) or Program Assistance Initial Proposal (PAIP). For projects including the procurement or use, or both, of pesticides, the procedures set forth in § 216.3(b) will be followed in addition to the procedures in paragraph (a). If some of the activities to be conducted under the project are not identified in sufficient detail to permit the completion of an Initial Environmental Examination at the PID or PAIP stage, the PID or PAIP will include (i) an explanation indicating why the Initial Environmental Examination cannot be completed; (ii) an estimate of the amount of time required to complete the initial environmental analysis; and (iii) a recommendation that a Threshold Decision be deferred until the Initial Environmental Examination is completed. The responsible Assistant Administrator will act on the request for deferral concurrently with action on the PID or PAIP and will designate a time for completion of the Initial Environmental Examination. In all instances this completion date will be in sufficient time to allow for the completion of an Environmental Assessment or Environmental Impact Statement, if required, before a final decision is made to provide A.I.D. funding for the project.

(2) *Threshold Decision.* If the Initial Environmental Examination is completed prior to or at the same time as the Project Identification Document or Program Assistance Initial Proposal, a Threshold Decision will be specifically recommended in the Project Identification Document or Program Assistance Initial Proposal and acted upon at the Bureau or office level concurrently with approval of those documents. When an Initial Environmental Examination is completed subsequent to approval of the Program Identification Document or Program Assistance Initial Proposal pursuant to § 216.3(a)(1) above, it will be immediately forwarded to the responsible Assistant Administrator with a recommended Threshold Decision. If the Threshold Decision is negative (i.e. an Environmental Assessment or an Environmental Impact Statement is not required), the cognizant Bureau or office will record this decision and such record will constitute a Negative Determination. If the Threshold Decision based on an Initial Environmental Examination is positive (i.e. a significant environmental impact is likely to occur), then the activity is to be evaluated to determine if an EIS is to be prepared pursuant to § 216.6 of these procedures. When a Threshold Decision based on an Initial Environmental Examination indicates that an Environmental Assessment is required the procedures of § 216.5 will be followed and the approved Project Identification Document or other document containing the Initial Environmental Examination will be circulated to selected U.S. Federal agencies with relevant expertise, utilizing the list provided in the CEQ Guidelines. Such agencies will be invited to make written comments within thirty days on the Examination and on matters that should be considered in preparation of the Environmental Assessment. Comments received on environmental aspects from reviewing Federal agencies will be forwarded to the originating project office for considtration in the formulation of the design and implementation of the project and the required Environmental Assessment, and will form part of the project file when the project comes forward in the Project Paper stage for final approval.

(3) *Preparation of Environmental Assessments and Environmental Impact Statements.* If the Project Identification Document or Program Assistance Initial Proposal is approved, and if the Threshold Decision is positive, the originator of the project will prepare, prior to or concurrently with the Project Paper or Program Assistance Approval Document, an Environmental Assessment or draft Environmental Impact Statement as required. Draft Environmental Impact Statements will be circulated for review and comment as part of the review of Project Papers and as outlined further in § 216.6 of these procedures. Final approval of the Project Paper or Program Assistance Approval Document and the method of implementation will include consideration of the Environmental Assessment or final Environmental Impact Statement, as well as other required (non-environmental) analyses. If loans or grants for broad

sector activities (e.g. river basin development etc.) are proposed, a general or programmatic Environmental Assessment or Environmental Impact Statement consistent with the scope of the proposed loan or grant will be prepared in conjunction with the Project Paper and agreement will be reached with the recipient government that a detailed Assessment will be prepared and considered on each individual project as it is developed and prior to its approval.

(4) *Processing and Review Within A.I.D.* Initial Environmental Examinations, Environmental Assessments and final Environmental Impact Statements will be processed within A.I.D. in accordance with the normal A.I.D. procedures for other documents. These procedures call for participation in the project review process of technical, legal and country specialists. Environmental Assessments and final Environmental Impact Statements will be reviewed as an integral part of the Project Paper or equivalent. In addition to these normal procedures, Environmental Assessments will be reviewed by the appointed Bureau environmental officer and, periodically, by the Environmental Coordinator who will monitor the Environmental Assessment process. Draft and final Environmental Impact Statements will be reviewed by the Environmental Coordinator and the Office of the General Counsel.

(5) *Monitoring.* To the extent feasible and relevant, projects and programs for which Environmental Impact Statements or Environmental Assesaments have been prepared, should be designed to include measurement of any changes in environmental quality, positive or negative, during their implementation. This will require recording of baseline data at the start. To the extent that available data permits, originating offices of A.I.D. will formulate systems in collaboration with the recipient nation(s), to monitor such impacts during the life of A.I.D.'s involvement in the activity.

(6) *Revisions.* If, after a Threshold Decision is made resulting in a Negative Determination, a project is revised or new information becomes available which indicates that a proposed action might be "major" and its effects "significant", the Negative Determination will be reviewed and revised by the cognizant Bureau and an Environmental Assessment or Environmental Impact Statement will be prepared, if appropriate. Environmental Assessments and Environmental Impact Statements will be amended and processed appropriately if there are major changes in the project or program, or when significant new information becomes available. When ongoing programs are revised to incorporate a change in scope or nature, a determination will be made as to whether such change may have an environmental impact not previously assessed. If so, the procedures outlined above will be followed.

(b) *Pesticide Procedures*—(1) *Project Assistance.* Except as provided in § 216.3(b)(2), all proposed projects involving assistance for the procurement or use, or both, of pesticides shall be subject to the procedures prescribed in § 216.3(b)(1)(i) through (v) below. These procedures shall also apply, to the extent permitted by agreements entered into by A.I.D. before the effective date of these pesticide procedures, to such projects that have been authorized but for which pesticides have not been procured as of the effective date of these pesticide procedures.

(i) When a project includes assistance for procurement or use, or both, of pesticides for research or limited field evaluation purposes, or if the pesticides are registered for the same or similar uses by USEPA without restriction, the Initial Environmental Examination for the project shall include a separate section evaluating the economic, social and environmental costs and benefits of the planned pesticide use to determine whether the use may result in significant environmental impact. Factors to be considered in such an evaluation shall include, but not be limited to, the following:

(*a*) The USEPA registration status of the requested pesticide;

(*b*) The basis for selection of the requested pesticide;

(*c*) The extent to which the proposed pesticide use is part of an integrated pest management program;

(*d*) The proposed method or methods of application, including availability of appropriate application and safety equipment;

(*e*) Any acute and long-term toxicological hazards, either human or environmental, associated with the proposed use and measures available to minimize such hazards;

(*f*) The effectiveness of the requested pesticide for the proposed use;

(*g*) Compatibility of the proposed pesticide with target and nontarget ecosystems;

(*h*) The conditions under which the pesticide is to be used, including climate, flora, fauna and geography;

(*i*) The availability and effectiveness of other pesticides or nonchemical control methods;

(*j*) The requesting country's ability to regulate or control the distribution, storage, use and disposal of the requested pesticide;

(*k*) The provisions made for training of users and applicators; and

(*l*) The provisions made for monitoring the use and effectiveness of the pesticide.

In those cases where the evaluation of the proposed pesticide use in the Initial Environmental Examination indicates that the use will significantly effect the human environment, the Threshold Decision will include a recommendation for the preparation of an Environmental Assessment or Environmental Impact Statement, as appropriate. In the event a decision is made to approve the planned pesticide use, the Project Paper shall include to the extent practicable, provisions designed to mitigate potential adverse effects of the pesticide. When the pesticide evaluation section of the Initial Environmental Examination does not indicate a potentially unreasonable risk arising from the pesticide use, an Environmental Assessment or Environmental Impact Statement shall nevertheless be prepared if the environmental effects of the project otherwise require further assessment.

(ii) When a project includes assistance for the procurement or use, or both, of any pesticide registered for the same or similar uses in the U.S. but the proposed use is restricted by the USEPA on the basis of user hazard, the procedures set forth in § 216.3(b)(1)(i) above will be followed. In addition, the Initial Environmental Examination will include an evaluation of the user hazards associated with the proposed USEPA restricted uses to ensure that the implementation plan which is contained in the Project Paper incorporates provisions for making the receipient government aware of these risks and providing, if necessary, such technical assistance as may be required to mitigate these risks. If the proposed pesticide use is also restricted on a basis other than user hazard, the procedures in § 216.3(b)(1)(iii) shall be followed in lieu of the procedures in this subsection.

(iii) If the project includes assistance for the procurement or use, or both of:

(*a*) Any pesticide other than one registered for general use or for restricted use on the basis of user hazard; or

(*b*) Any pesticide for which a notice of rebuttable presumption against reregistration, notice of intent to cancel, or notice of intent to suspend has been issued by USEPA,

The Threshold Decision will provide for the preparation of an Environmental Assessment or Environmental Impact Statement, as appropriate (§ 216.6(a)). The EA or EIS shall include, but not be limited to, an analysis of the factors identified in § 216.3(b)(1)(i) above.

(iv) Notwithstanding the provisions of §§ 216.3(b)(1)(i) through (iii) above, if the project includes assistance for the procurement or use, or both, of a pesticide against which USEPA has initiated a regulatory action for cause, or for which it has issued a notice of rebuttable presumption against reregistration, the nature of the action or notice, including the relevant technical and scientific factors will be discussed with the requesting government and considered in the IEE and, if prepared, in the EA or EIS. If USEPA initiates any of the regulatory actions above against a pesticide subsequent to its evaluation in an IEE, EA or EIS, the nature of the action will be discussed with the recipient government and considered in an amended IEE or amended EA or EIS, as appropriate.

(v) If the project includes assistance for the procurement or use, or both of pesticides but the specific pesticides to be procured or used cannot be identified at the time the IEE is prepared, the procedures outlined in §§ 216.3(b)(i) through (iv) will be followed when the specific pesticides are identified and before procurement or use is authorized. Where identification of the pesticides to be procured or used does not occur until after Project Paper approval, neither the procurement nor the use of the pesti-

cides shall be undertaken unless approved, in writing, by the Assistant Administrator (or in the case of projects authorized at the Mission level, the Mission Director) who approved the Project Paper.

(2) *Exceptions to Pesticide Procedures.* The procedures set forth in § 216.3(b)(1) above shall not apply to the following projects including assistance for the procurement or use, or both, of pesticides.

(i) Projects under emergency conditions.

Emergency conditions shall be deemed to exist when it is determined by the Administrator, A.I.D., in writing that:

(*a*) A pest outbreak has occurred or is imminent; and

(*b*) Significant health problems (either human or animal) or significant economic problems will occur without the prompt use of the proposed pesticide; and

(*c*) Insufficient time is available before the pesticide must be used to evaluate the proposed use in accordance with the provisions of this regulation.

(ii) Projects where A.I.D. is a minor donor, as defined in § 216.1(c)(12) above, to a multi-donor project.

(3) *Non-Project Assistance.* In a very limited number of special circumstances A.I.D. may provide non-project assistance for the procurement and use of pesticides. Assistance in such cases shall be provided if the A.I.D. Administrator determines in writing that (i) emergency conditions, as defined in § 216.3(b)(2)(i) above exist; or (ii) that compelling circumstances exist such that failure to provide the proposed assistance would seriously impeded the attainment of U.S. foreign policy objectives or the objectives of the foreign assistance program. In the latter case, a decision to provide the assistance will be based to the maximum extent practicable, upon a consideration of the factors set forth in § 216.3(b)(1)(i) and, to the extent available, the history of efficacy and safety covering the past use of the pesticide in the recipient country.

JOHN J. GILLIGAN,
Administrator.

DECEMBER 9, 1977.

[FR Doc.77-36314 Filed 12-20-77;8:45 am]

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

[LR-154-76]

INCOME TAX

Investment Credit for Movie and Television Films; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Public Hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to investment credit for movie and television films and tapes.

DATES: The public hearing will be held on March 1, 1978, beginning at 10 a.m. Outlines of oral comments must be delivered or mailed by February 22, 1978.

ADDRESS: The public hearing will be held in the I.R.S. Auditorinum, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

George Bradley or Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 48(k) of the Internal Revenue Code of 1954. These proposed regulations appeared in the FEDERAL REGISTER for December 20, 1977 (42 FR 63791).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by February 22, 1978. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-154-76), Washington, D.C. 20224. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restrictions, attendees can not be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

ROBERT A. BLEY,
Director, Legislation and Regulations Division.

[FR Doc.77-36378 Filed 12-20-77;8:45 am]

[7710-12]

POSTAL SERVICE

[39 CFR Part 257]

PHILATELY

Revision and Restatement of Policies and Procedures on Philatelic Sales and Cancellations

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: All posal regulations concerning the sale of stamps and other philatelic items or concerning philatelic cancellations are proposed to be revised or restated. In general, this action is proposed to make existing philatelic regulations comply with changed postal operating requirements or to make them complete and clear, because some of the regulations have at times been misunderstood by postal employees and the public. Certain of the changes are proposed in response to expressions from members of the public, where it apepars that these changes will not interfere with postal operations.

DATE: Comments must be received on or before January 20, 1978.

ADDRESS: Written comments should be directed to: General Manager, Stamps Division, U.S. Postal Service, 475 L'Enfant Plaza, W., SW., Washington, D.C. 20260.

Copies of all written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m. Monday through Friday, in the office of the Stamps Division, room 5510, Postal Service Headquarters, 475 L'Enfant Plaza, W., SW., Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT:

Linda Whitehead, on telephone number: 202-245-4956.

SUPPLEMENTAL INFORMATION: A detailed description of each section of proposed 39 CFR Part 257 follows:

Section 257.1 The requirement that there be a uniform philatelic policy followed throughout the postal system is restated. The requirement that postal contractors also comply is added. The section codifies the existing but previously unwritten policy that the Postal Service attempts to avoid the creation of philatelic rarities.

Section 257.2 Postal regulations on commemorative stamps and philatelic products are continued. The provision outlines the process by which commemorative stamps are proposed, reviewed, and selected.

Section 257.3 Existing regulations concerning the distribution and requisition of postage stamps are restated with an additional requirement that stamps having a value of 17¢ to 99¢ be adequately stocked. The provision adds a description of the types of stamp selling facilities and the items sold in them and adds a definition of philatelic terms including plate blocks, marginal markings and line pairs or line markings. The existing regulations on establishing and operating temporary philatelic stations are restated and condensed. The existing regulations allowing 100 handstamped cancellations to be provided free to any customer is amended to reduce the number of free cancellations to 50. The proposed regulation consolidates existing references to mail order sales of stamps and limits such sales to the Philatelic Sales Branch.

It explains and outlines sales policies,

adds minimum purchase requirements for plate blocks at temporary philatelic stations so as to be uniform with other philatelic outlets and adds to the regulations the information formerly included on order forms which set minimum purchases required to obtain line pairs.

Section 257.4 Postmarks, other postal markings and philatelic postmarking services are defined and restated, but not substantively changed. The section adds a requirement that all postmarks be made available to all members of the public and that notice should be given of the availability of any unusual postmarks. It adds a definition of backdating of mail and prohibits the practice with explanation of the circumstances under which exceptions are permitted. The general policy on philatelic postmarking is restated. It adds a provision that special attention cannot be guaranteed on philatelic items routinely entered into the mailstream, and restates that postal employees make philatelic cancellations with black ink only and avoid defacing philatelic items. Conditions for hand back service are restated. The maximum number of philatelic cancellations obtainable on hand back service is reduced from 100 to 50, and prohibition of hand back service on special die hub and regular machine cancellations is added. Illustrations of permissible philatelic cancellations are added and first day of issue cancellations are explained. The use of pictorial special die hub and standard cancellations is restated, and prohibited practices are added. First day covers are defined and the procedures for obtaining them are set out. The section reduces from 200 to 50 the maximum number of covers on which the Postal Service will affix stamps for first day covers, establishes circumstances under which hand stamped cancellations will be provided on first day covers, and adds a definition of unofficial first day covers. The regulations on flight covers are restated, and the maximum number of flight covers which will be accepted without prior approval and without payment of additional f ees is reduced to 50. Provision is added that in the event of delay of a flight, that postmarked dates will not be changed, replacement covers issued or any other liability assumed.

Provision for optional times and locations for philatelic postmarking services is added. Permission for cancellations on currency, backs of envelopes and foreign stamps under stated circumstances is added. Holding of mail to comply with customers' requests is permitted under some circumstances and prohibited under others. The regulation sets new policies on replacement of damaged or missing covers and conditions under which replacements will be made, and provides a new method by which members of public may request and obtain cancellations from post offices that are inaccessible or which do not normally cancel mail and on dates when cancellation services are not provided. Procedures at military post offices are added. A definition of cover services is added and the terms and conditions under which services are provided to them are explained. Regulations for cancellation at temporary philatelic stations are restated.

Section 257.5 New postal regulations are added to permit Postal Service production of cacheted envelopes for major postal events, and the use of stamps and other items for informational or presentation purposes. A new policy is established that postal personnel may issue to the public their autographs on philatelic materials but are prohibited from discriminating or accepting fees or other gratuities.

Section 257.6 Because revisions of the federal copyright law, effective January 1, 1978, amend existing statutes concerning the ownership of the designs of postage stamps and other philatelic items, the Postal Service will copyright the design of such items issued after that date. The proposed regulation grants permission for the reproduction of copyrighted designs in specific circumstances if specified conditions are met. It further provides for applications for licenses to reproduce copyrighted designs in situations which fall outside the scope of this general permission.

Accordingly, although exempt from the notice and comment requirements of the Administrative Procedures Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revision of 39 CFR Part 257:

Part 257 is revised to read as follows:

PART 257—PHILATELY

Sec.

257.1 Policy.
257.2 Purpose and selection of commemorative stamps and philatelic products.
257.3 Distribution and sale of stamps, stamped paper and philatelic products.
257.4 Cancellations for philatelic purposes.
257.5 Special philatelic services, products and programs.
257.6 Copyright of philatelic designs.

AUTHORITY: 39 U.S.C. 401, 404.

§ 257.1 Policy.

There shall be a single national policy governing the release, sale and discontinuance of postage stamps and stamped paper. The policy shall be established by the Customer Services Department, USPS Headquarters, Washington, D.C. 20260. The policy governing philatelic products shall be administered by the Philatelic Marketing Division. All other policies shall be administered by the Stamps Division. Uniform application of policies will provide a high degree of integrity to the entire program, and all post offices, postal employees and contractors shall comply with the policies set forth in Part 257. The Postal Service will avoid the creation of philatelic rarities.

§ 257.2 Purpose and selection of commemorative stamps, and philatelic products.

(a) *Purpose of commemorative stamps.* Commemorative stamps explain the cultural and historical heritage of the United States. They describe our Nation's achievements, portray the natural wonders of our country, instill pride in America, and focus attention on worthy causes, issues and interests that are of national concern. The Postal Service encourages the widespread use of these stamps to promote our national ideals, progress and heritage. They are not intended to replace regular stamps of the same class, but are provided upon request when available.

(b) *Selection of commemorative stamps.* Subjects for commemorative pastage stamps may be proposed by the public through correspondence to the Citizens' Stamp Advisory Committee. The Committee, which is composed of individuals from outside the Postal Service appointed by the Postmaster General, reviews suggestions and makes recommendations for commemorative stamps to the Postmaster General, who makes the final selections. Because the Committee works far in advance of actual stamp issuance, all proposals should be submitted at least two years prior to the desired issuance date. Stamp suggestions should be forwarded to the Citizens' Stamp Advisory Committee, U.S. Postal Service, c/o Stamp Development Branch, 475 L'Enfant Plaza, SW., Washington, D.C. 20260.

(c) *Philatelic products.* Philatelic products are produced and sold to expand interest in the hobby of stamp collecting by demonstrating both the fun and the informative value of stamps.

§ 257.3 Distribution and sale of stamps, stamped paper and philatelic products.

(a) *Distribution.* All post offices receive initial supplies of new issue commemorative stamps without requisition. Philatelic products such as Mint Sets, Stamp Collecting Kits, etc., are distributed automatically to Management Sectional Centers and those post offices which distribute stamps and stamped paper. Distributing post offices shall establish a program for the distribution of new philatelic products and the replenishment of existing philatelic products to associate post offices. Distributing offices shall assure that less-than-bulk quantities of stamps are supplied to all post offices so they can be placed on sale in accordance with instructions issued in the Postal Bulletin. Management Sectional Centers requiring additional philatelic products should requisition them from the regional accountable paper depository. All other post offices shall requisition philatelic products from the Management Sectional Center or usual source of supply for less-than-bulk orders.

(b) *Requisitioning.* The accountable paper custodian or other individual in charge of the stamp stock at each post

office is responsible for requisitioning and maintaining an adequate inventory of stamps, stamped paper and other philatelic products required for efficient and effective operation. This individual should periodically evaluate philatelic demand and, when necessary, forward a separate requisition to the normal source of supply for additional stock. All requisitioning shall be in accordance with the procedures in Section 520, Series F-1 Handbook, Financial and Cost Controls. Accountable paper custodians should, when necessary, reduce the quantity of stamps received automatically to preclude costly overstocking and subsequent destruction; this is done by memorandum to the Bureau of Engraving and Printing for bulk quantities or to the Postal Data Center for less-than-bulk quantities. The Management Sectional Center accountable paper custodian should maintain a good working supply of stamps for sale in philatelic outlets in denominations from 17¢ to 50¢ in strips of 20 with plate numbers and marginal markings, and strips of 10 of 51¢ to 99¢ with plate numbers and marginal markings, and plate blocks of four of $1.00 to $5.00 stamps. Management Sectional Center accountable paper custodians can requisition strips or blocks directly from the regional accountable paper depository. The regional accountable paper depository is responsible for tearing stamps into strips and/or blocks and disposing of partial sheets in accordance with Section 553, Series F-1 Handbook.

(c) *Retail sales.* Stamps, stamped paper and philatelic products are sold at various types of postal retail facilities. Most of these facilities have regular stamp windows or have been designated as "Stamp Collecting Centers." "Stamp Collecting Centers" sell the curernt commemorative stamps and philatelic products. Other post offices provide specialized philatelic services and sell the full range of stamps and philatelic products offered by the Postal Service. These facilities, described below, as well as the Philatelic Sales Branch, are referred to collectively as "philatelic outlets."

(1) *Philatelic Centers (Postiques®).* Philatelic Centers (Postiques®) are retail sell i naeargs.33θ)d cm cm cmc tail selling areas or self-contained facilities separate from the lobby window positions. They display and sell all current stamps and related philatelic products. The stamps and stamped paper stock offered for sale include commemorative stamps, definitive and regular issue stamps, coils, postage due stamps, air mail and special delivery stamps, booklets and booklet panes, packets of stamped embossed envelopes, postal cards, and message reply cards and aerogrammes.

(2) *Dedicated Philatelic Windows.* A Dedicated Philatelic Window is a lobby window designated to sell stamps and related philatelic products only. No other postal services are available at Dedicated Philatelic Windows, which are to be identified so that customers desiring normal postal services are directed to other windows. The same items sold at Philatelic Centers are also sold at Dedicated Philatelic Windows.

(3) *Temporary Philatelic Stations*—(i) *Purpose of participation.* Post offices establish sepecial temporary stations to provide philatelic services, and to sell commemorative stamps and philatelic products. These stations may include specially constructed counters or mobile retail units. They are located at stamp shows, philatelic exhibitions, stamp dedications, state fairs, conventions, and parades.

(ii) *Requests for participation.* Requests for Postal Service participation at such events should be made by the sponsors or organizers to the local postmaster for initial action. Only requests for first day of issue or other special support which must come from the national level should be directed to the Stamps Division. All first day ceremonies are conducted under the direction of the Stamps Division. The payment of direct fees for space may not be authorized below the Headquarters level. Once a postmaster has agreed to participate in an exhibition, a unilateral withdrawal from such a commitment may not be made without the approval of the Regional Retail Branch based upon a showing of good cause.

(iii) *Authorization.* Temporary philatelic stations may be authorized by the postmaster with approval by the Regional Retail Manager. Postmasters are authorized to participate at events where admission fees are charged by the sponsor, but in these cases the same cancellation used at the event must be available on request to those not attending the event.

(iv) *Ceremonies.* Postmasters and other local officials are encouraged to participate in opening ceremonies for stamp exhibitions or other stamp ceremonies arranged by philatelic groups whether or not a temporary philatelic station has been authorized.

(v) *Announcement and publicity*—(A) *Posters.* An announcement of the temporary philatelic station and any show cancellation must be posted on the main post office lobby bulletin board and may be posted in other post offices within a 10-mile radius of the event so that collectors will be advised of the USPS's participation. In case of larger shows the posting may occur throughout the sectional center. Posters should be placed on display at least 15 days before the event but in no case more than 30 days before the event. The emphasis of all announcements must be placed on the temporary philatelic station. The announcements should mention the name of the stamp show, pictorial or standard cancellation (if any), the dates and hours open to the public, and the location. Promotional material for the show itself must not be incorporated.

(B) *Press releases.* The postmaster should also announce through press releases to local newspapers the planned establishment of this station. The post office, however, must not distribute free flyers to homes, sell or distribute tickets, exchange ticket coupons, or authorize the use of post office facilities for direct show promotion.

(vi) *Arrangements.* Postmasters should insure that detailed planning begins well in advance of the show so that participation brings credit to the USPS and provides a wide range of stamps and philatelic products to collectors. Particular attention should be taken in selecting sales personnel who are knowledgeable about stamp collecting and who have retail experience. All clerks should be fully trained in philatelic sales and cancellation policies.

(A) *Stamp Stock.* The postmaster should secure a wide range of philatelic products and current postage, using the Philatelic Sales Branch stock list (PS Form 3300) as a guide. Consideration should be given to prepackaging sets of regular issues or postage dues for sale to collectors. No stamp which has been withdrawn from sale by the Philatelic Sales Branch may be sold by any philatelic station. Withdrawals are noted in the Postal Bulletin. Postmasters should requisition philatelic stock not already available in their post office from the Regional Accountable Paper Depository on Form 17, "Stamp Requisition", including the quantity required and the fact that it is for a stamp show. For stamp shows, stamps above the first class rate may be requisitioned in partial sheets or plate blocks of four as noted in § 257.3(b). At the conclusion of the show, excess philatelic stock, including remainders from commemorative sheets, should be sold at the regular windows for postage purposes.

(B) *Philatelic Products.* Postmasters should display and sell philatelic products such as Souvenir Mint Sets, "Stamps & Stories", and Stamp Collecting Kits.

(C) *Sales restrictions.* The sales policies regarding plate number blocks, marginal markings and line markings on coil stamps are described in § 257.3(e)(3) (ii) and (iii).

(D) *Security and facilities.* Postmasters should insure that sufficient security for the stamp stock is provided at the show site and that all other facilities are adequate.

(E) *Appearance.* Postmasters should insure that the appearance of the temporary philatelic station brings credit to the Postal Service by utilizing attractive signs and having space for satisfactory service. The hours that the station is open should be posted.

(F) *Prompt Service.* At those exhibitions where a large number of collectors is expected, postmasters should consider utilizing a speedy line or customer numbers which can be distributed and announced so that customers will not have to wait to make their purchases.

(G) *Cancellation Service.* Cancellation service should be provided separately from stamp sales. A sufficient number of clerks should be available to provide speedy service. Clerks should be trained in advance how to provide handstamped postmarks of philatelic quality. Refer to § 257.4(c) for cancellation regulations.

(H) *Sales Report.* An exhibition sales report must be submitted to the Regional Retail Manager within one week of the close of every station showing both gross revenues and net revenues.

(d) *Mail order sales.* The Philatelic Sales Branch services mail orders for postage stamps of selected quality and other philatelic items. Customers may obtain an order form listing items available by writing to the Philatelic Sales Branch, U.S. Postal Service, Washington, D.C. 20265. Post offices may not fill mail orders for stamps and other philatelic items other than mail orders under the Stamps by Mail program and orders for local precancels. Customers must furnish a self-addressed stamped envelope for return of precanceled stamps. Postmasters may not order precancel devices solely to satisfy collector demands. Philatelic Centers and Dedicated Philatelic Windows may accept and fill mail orders for special cacheted envelopes with cancellations authorized under § 257.5(a). This section shall not affect procedures outlined in § 257.4(h)(3) for purchase of newly issued stamps by cover services from the first day of issue post office.

(e) *Sales policies*—(1) *New Issues.* Only the post office or offices designated as the official first day of issue office(s) shall sell a new item on the first day of sale. New issues shall be placed on sale at all other offices on the day after the first day of sale.

(2) *Regular Stamp Windows and Stamp Collecting Centers*—(i) *Commemorative Stamps.* It is the Postal Service's intent that all commemorative stamps be sold and none destroyed. Offices shall place commemorative stamps on regular sale, holding aside only enough for the local philatelic demand. All supplies should be sold within 60 days after being placed on sale. After 60 days, clerks should sell all remaining commemorative stamps to customers in place of other sheet stamps. Commemorative stamps of local interest may remain on sale for a longer period but in no case after the date of withdrawal from sale announced in the Postal Bulletin.

(ii) *Plate Number Blocks and Marginal Markings.* Plate number blocks are the stamps located on one corner of a pane of stamps with a plate number or numbers printed on the margin (selvage). The plate number blocks may include as few as four stamps where a single number appears or as many as 20 where multiple numbers and other markings such as Mr. ZIP and Mail Early appear. All clerks must keep to a minimum the number of broken panes in their stamp credits. Clerks may set aside plate blocks as panes are broken for regular sale. Clerks may break a pane of stamps to sell a plate block or other marginal markings only when they do not already have broken panes of the same stamp.

(iii) Coiled Stamps: These offices may not open and break coils of stamps.

(3) *Philatelic Outlets*—(i) *Commemorative Stamps.* These offices may keep an issue on sale until a notice of its removal from sale at the Philatelic Sales Branch is published in the Postal Bulletin. When such a notice is published, the stock being removed from sale must be immediately returned to the main stamp stock, using Form 17. This stock must then be redistributed to regular stamp windows for sale for a period of 30 days. After 30 days, any remaining stock shall be handled in accordance with Section 224, Series F-1 Handbook, Financial and Cost Controls. Copies of updated lists of items available at the Philatelic Sales Branch (PS Form 3300) will be furnished periodically to known philatelic outlets.

(ii) *Plate Number Blocks and Marginal Markings.* On stamps having a denomination of 16¢ or less, clerks may break a pane of stamps to sell a plate block or other marginal markings only when they do not have broken panes of the same stamp. At all other times, the sale of plate blocks and marginal markings shall be restricted as follows:

Denominations	*Minimum purchase*
1¢ to 16¢	Full panes.
17¢ to 50¢	Strips of 20 stamps.
51¢ to 99¢	Strips of 10 stamps.
$1 to $5	Block of four stamps.

(iii) *Coiled Stamps.* These offices may open coils of stamps as requested, except that coils having fractional denominations can only be sold in multiples of ten. To guarantee receipt of "line pairs" or "line markings" on coils, the following minimum purchases are required: Bulk-rate denomination (when fractional)—minimum of 30 stamps; $1—minimum of 6 stamps; and all other denominations—minimum of 25 stamps. (A "line marking" is the vertical line of color appearing at intervals of 25 stamps made by the joint or seam where printing plates meet on a rotary press. The "line pair" consists of the two coil stamps on either side of the "line marking." Line markings may not be visible on all coils.)

(iv) *Stamp Credit (Accountability).* Philatelic outlets should maintain a good working level of stamp stock, stationery and philatelic products to encourage philatelic interest and to meet the needs of collectors. Philatelic outlets are authorized stamp and stationery credits of $50,000 to $125,000, plus credits for the full range of current philatelic products. This section does not apply to the Philatelic Sales Branch.

(v) *Packaged Stamps.* Stamps withdrawn from sale which are incorporated in philatelic products such as Mint Sets or Collecting kits may be sold by philatelic windows, postal stores, stamp collecting centers, and the Philatelic Sales Branch.

§ 257.4 Cancellations for philatelic purposes.

(a) *Definition and policy.* A postmark is a postal cancellation which contains the post office name, state, ZIP Code and month, day and year the canceling post office accepted custody of the material except as provided in § 257.4(g) (1) and (4). Other postal markings are made by validators, obliterators or special purpose cancelers. The Postal Service shall endeavor to make all unusual postmarking services widely known to collectors through advance national publicity so as to avoid such postmarks being available only to small groups of people. It is the policy of the Postal Service to prohibit backdating of mail except:

(1) When postal operating requirements and public demand necessitate that cancellation commence prior to and continue after the date contained in the postmark;

(2) When replacements are being made of damaged, defective, or missing cancellations or covers, or

(3) When all requirements for cancellations were met by customers and cancellations were not applied because of errors of postal personnel.

(b) *Philatelic postmarking*—(1) *General.* Postmaking for philatelic purposes is provided at the request of collectors or cover servicers for postmarking outside ordinary mail processing. This service requires special procedurse and arrangements so that other postal operations and services are not interferred with or disrupted. It may involve handstamping requested either on a hand back or mail back basis and may entail the holding of mail for cancellation. Before this specialized service can be provided, all its conditions must be met. As a free service it is limited to transactions with fewer than 50 envelopes. For 50 or more envelopes advance approval of the Stamps Division is required before service can be provided.

(2) *Cooperation with Collectors.* Employees should strive to furnish clear and legible postmarks to stamp collectors. Postal employees shall give special attention to mail bearing an endorsement that is of philatelic value or to requests for light cancellations; however, stamps must be canceled sufficiently to protect postal revenue. The Postal Service cannot provide special attention to a philatelic cover if it has been routinely entered into the mailstream by the sender. Postmarking devices may be used only under the supervision of authorized postal personel. All handstamped postmarks shall be made with black ink. Employees should also exercise care in handling all philatelic covers to assure that they are not damaged in mail handling. These covers are generally identifiable by a design printed on the left side of the envelope. Postal employees should assure that philatelic covers are not over-canceled, backstamped, marked "received this date" or otherwise defaced on front or back, used as a top piece in a bundle for destination package for labeling purposes or bent, folded, mutilated or damaged by rubber bands.

(3) *"Hand Back" and "Mail Back" Service.* Postmarks rather than other obliterations should be used to provide the following services whenever they are available:

(1) *"Hand Back" Service.* Post offices shall honor requests for "hand back" cancellation service where a customer

personally presents an envelope, postal card or other item described in § 257.4(g)(3) to a postal clerk for cancellation and immediate return or hand back to the customer. The envelope, card or other item does not enter the mailstream. All such materials must bear uncanceled postage at the applicable first class rate. So that service to other customers is not disrupted, there is a limit of 50 cancellations which can be provided for any single customer. This service shall not be provided for special die hub or regular machine cancellations.

(ii) *"Mail Back" Service.* "Mail back" service refers to that service authorized by the Stamps Division for stamp dealers and cover servicers which permits envelopes, cards or other items submitted for cancellation to be returned in bulk through the mail. Conditions of service are further described in § 257.4(h)(3). This form of "mail back" service must be approved in writing in advance by the Stamps Division. Mail back service shall not be provided for special die hub or machine cancellations.

(c) *Permissible cancellation devices.* The following postmark devices may be used to provide handstamped cancellations for collectors:

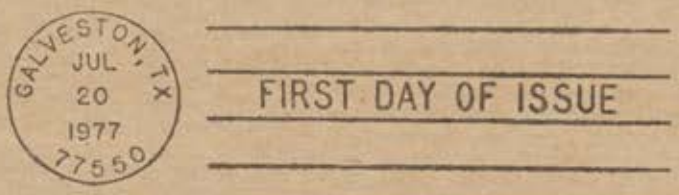
(1) Standard cancellation with killer bars (Item 550).



(2) Circular cancellation without killer bars. (Item 550 without killer bars.)



(3) First day of issue cancellation at the post office where an item is first issued.



(4) Bull's eye cancellation.



(5) Pictorial cancellation subject to conditions set forth in § 257.4(d)(2).



The following devices are obliterators, and should not be used for philatelic purposes where one of the postmarks described above is available:

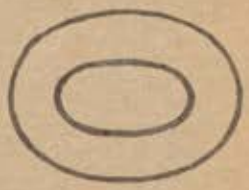
(6) Validator stamp (also known as a registry stamp or round dater—Item 570).



(7) Parcel post canceler (Item 502).



(8) Rubber oval stamp (Item 0-681).



(9) Receiving or dating stamp (Item 552).



(d) *Types of Postmarks or Cancellations*—(1) *First Day of Issue.* These cancellations are provided by the post office when a philatelic issue is first placed on sale and are dated to show that day. They include both machine and handstamp cancellations. The words "First Day of Issue" appear in the killer bars. Requests for first day cancellations must be postmarked no later than the date specified in the Postal Bulletin to qualify for service. Bull's eye cancellations are used when the conventional first day of issue postmark will not cancel all the unused stamps on an item presented for postmarking.

(2) *Pictorial Cancellations.* These cancellations are authorized to be used only

at temporary philatelic stations and at other philatelic outlets. They shall not be used at regular stamp windows for special local celebrations. Cancellations used are generally handstamps except when volume requires the use of a machine cancellation. They may be used only during the operation of the temporary philatelic station. Requests for such cancellations must be at the post office offering the service no later than the date of the cancellation to qualify for service. A station may be authorized only one pictorial cancellation during its operation at an event. Different cancellations for each day of an event are authorized only for international philatelic exhibitions recognized by the Stamps Division and held in the United States.

(3) *Special Die Hub Cancellations.* Special die hub cancellations contain words relating to an event. These cancellations are applied by machine to live mail. Neither hand back nor mail back (return in bulk) service is authorized. Cancellations of philatelic quality are often not possible.

(4) *Standard Cancellations.* Circular handstamped cancellations with or without killer bars may be provided upon request at post offices, stations and branches in conformance with Part 332, "Postal Service Manual." They are available every day the office is open for business. No slogan or pictorial material may be included. Mail requests for these cancellations must be at the post office offering the service on the date of the cancellation to qualify for service.

(5) *Flight Cancellations.* Refer to § 257.4(f). These cancellations are made by regular cancellation equipment or by handstamp depending on volume.

(6) *Regular Machine Cancellations.* Post offices may not machine cancel mail with the regular postmark when the envelopes are unaddressed or when the customer requests hand back or mail back service. Such cancellations can be provided only on addressed envelopes which are delivered to the addressee or addressees through mail delivery.

(e) *First Day of Issue*—(1) *First Day Sale.* A particular post office or postal facility is usually designated to have the exclusive sale of a new issue on the day it is issued. No other postal facility may begin general sale of the new issue until the following day. For purposes of this section, the word "issue" shall mean postage stamp, stamp booklet, or booklet pane, postal card, stamped envelope or aerogramme.

(2) *Notification.* New stamps and other philatelic issues are announced by notices displayed in post office lobbies, in the Postal Bulletin and through news releases distributed to the press and philatelic periodicals.

(3) *First Day Covers*—(i) *Definition.* A first day cover is an envelope, post card, or other item of reasonable dimension bearing a new stamp or booklet pane or a new postal card, a new stamped envelope or a new aerogramme canceled with a die reading "First Day of Issue" and showing place and date of first day sale.

(ii) *Procedures.* Customers who want first day cancellations of new stamps have two options:

(A) They may buy their stamps at their local post offices when they go on sale and affix them to their own envelopes. The stamped envelopes are then mailed to the postmaster at the city of issuance for cancellation.

(B) They may submit their envelopes with proper remittance to cover the cost of the stamps desired. The Postal Service will affix and cancel the stamps except as indicated in subdivision (iv) of this subparagraph. Remittance should be made by money order or cashier's, certified or personal check made payable to the U.S. Postal Service. Cash will not be accepted, nor will postage stamps or foreign coins and currency; any orders containing such remittance will be returned unserviced. All covers must bear addresses to the right side of the envelope and at least ⅝ of an inch up from the bottom of the envelope. Requests must be postmarked no later than the date specified in the announcement, which usually will be 15 calendar days from the date of issuance, to qualify for cancellation service. Covers must not be returned in outer envelopes even when furnished by collectors because operating efficiency is impeded.

(iii) *Requirements.* Envelopes submitted by collectors must be of ordinary letter size and must be properly addressed. Collectors should place a filler of postal card thickness in each envelope, and either turn in the flap or seal it. If applicable, collectors should put a pencil notation in the upper right corner of each cover to show the position and number of postage stamps to be placed there.

(iv) *Unacceptable Covers.* The issuing post office shall not provide cancellation service on covers submitted through the mail which are unaddrssed, or bear stamps issued after the issue date and before the submittal cut-off date, or bear previously canceled stamps. These restrictions can be waived only by written authorization of the Stamps Division.

(v) *Bulk Orders.* The post office servicing first day covers shall not accept from any one customer more than 50 envelopes requiring that stamps be affixed. When more than 50 envelopes are submitted, they must be returned unserviced to the customer, with a statement that service will be provided upon resubmittal of stamped envelopes or 50 or fewer envelopes. Care must be taken to prevent customers from avoiding this rule by placing multiple smaller orders. Customers desiring cancellations on more than 50 covers must buy and affix their own stamps to their envelopes.

(vi) *Handstamped Cancellations.* Handstamped cancellations will be applied at the first day ceremony location, at the main office window of the first day post office, and nonmachineable covers. In all other cases, machine cancellations will be supplied, except as provided in § 257.4(h)(3).

(vii) *Hand Back Service.* Hand back service for first day cancellations is limited to the first day of issue. Material to be canceled must be presented to the main office window of the first day post office.

(viii) *Mail Orders for Mint Stamps.* The first day post office may not accept mail order requests for uncanceled stamps from customers outside their service area, except for cover servicers as provided in § 257.4(h)(3)(i).

(4) *Unofficial First Day Covers.* Stamps acquired at the first day post office may be canceled at any post office. Envelopes containing new stamps canceled on the first day of sale at a post office other than the issuing office are known as "unofficial first day covers."

(f) *Flight Covers*—(1) *Definition.* The Postal Service authorizes special cachet and cancellation services for inaugural flights and other aviation events of national interest. Flight covers generally bear official USPS cachets, the postmark of the city of origin and the backstamped postmark of the city of destination.

(2) *Authorization.* The Air Transportation Division may authorize cachet and cancellation service for (i) all stop points on a new airmail route; (ii) new stop points on an existing route; and (iii) other aviation events of national interest. Notices authorizing official cachets are published in the Postal Bulletin. This service will not be authorized for new aircraft used on an existing airmail route. Backstamped postmarks may be authorized where international airmail service is inaugurated to a stop point in the United States.

(3) *Preparation of Covers.* Collectors must pre-address each cover to the right side of the envelope and at least ⅝ of an inch from the bottom of the envelope. Each envelope must bear postage at the applicable letter mail rate. Each envelope should include a uniform enclosure of the approximate weight of a postal card to assure a good impression. A clear space, 2½ inches by 2½ inches, on the lower portion of the envelope and to the left of the address must be allowed for the cachet. An additional 1½ inches to the left of the innermost stamp must be provided to permit a clear postmark.

(4) *Submittal of Covers.* Collectors should send the envelopes for inaugural cachets under cover and endorsed "Flight Covers" to the post office or airport mail facility applying the cachet and postmark. A request to hold covers for the inaugural service should be enclosed, indicating the directional service and cachet desired.

(5) *Compliance With Collectors' Requests*—(i) *Direction Specified.* Post offices should comply with requests for dispatched in a particular direction to the greatest extent practicable unless otherwise specified by the Air Transportation Division. No directional service will be accorded for events of national aviation interest.

(ii) *Direction Not Specified.* In the absence of specific requests, post offices should dispatch covers on the actual first flight, regardless of direction.

(iii) *Incomplete Instructions.* If the collector's request is not clear, post offices should dispatch covers in accordance with the judgment of the dispatching office.

(iv) *Color of Ink Used for the Cachet.* The Air Transportation Division will determine the color of ink to be used on the cachet at each stop point. Requests from collectors for other ink colors must not be honored.

(v) *Position of Cachet.* Post offices should apply cachets legibly and neatly to the left side of the address side of the cover.

(6) *When Cachets Must Not Be Applied.* Cachets must not be applied to:

(i) Covers for immediate return to sender. All covers must be dispatched on the flight.

(ii) Covers bearing a previous official or unofficial cachet.

(iii) Covers lacking sufficient clear space for application of cachet without obscuring the address.

(iv) Aerogrammes and postal cards.

(v) Double postal or post cards intended for return reply purposes.

(vi) Covers received after the flight.

(vii) Covers on which postage is not fully prepaid.

(viii) Covers containing previously canceled postage stamps.

(ix) Anything other than a flight cover.

(7) *Backstamping.* All inaugural covers will be backstamped with machine or hand cancellation devices at the destination post office. Postage stamps are not required for the second cancellation. Requests for additional or special backstamping must not be honored.

(8) *Delay of Flight.* If, after postmarking of covers has begun, the flight is canceled or the scheduled date of departure is delayed to a subsequent date, the postmark dates already stamped on the flight covers will not be changed, replacement covers will not be issued, nor will any liability be accepted.

(g) *When and where Philatelic Postmarking may be done*—(1) *Date and Place of Postmarking.* Postmarking provided for philatelic purposes may commence prior to the actual date of the cancellation requested and may continue after that date when demand, processing capability, or other requirements of the Postal Service dictate it. Under no circumstances may any postmarked materials be released before the date of the cancellation. The Regional Retail Branch may determine that local processing capability requires that philatelic cancellation services be performed at an office other than the post office whose cancellation is used; in these cases, however, all materials to be postmarked must be received at or deposited in the post office whose cancellation is being used, or at an office designated by the Regional Retail Branch or the Stamps Division.

(2) *Preparation requirements.* Post cards, postal cards and envelopes submitted through the mail must bear postage at the applicable rate and complete addresses, except as provided in § 257.4(h)(iv). Materials submitted for hand back service need not be addressed.

(3) *Special Types of Materials On Which Cancellations Are Requested.* The materials herein described may be canceled as indicated. These provisions do not apply to any arrangements made with cover servicers by the Stamps Division under § 257.4(h).

(i) *Plain Cards, Slips of paper, and Blank Envelopes.* Postal employees may not place postmarks for customers on plain slips of paper, plain cards or blank envelopes which do not bear unused postage in an amount equaling or exceeding the first class rate.

(ii) *Picture Post Cards (Maximum Cards).* Picture post cards with the stamp placed on the face of the card rather than on the address side are known as maximum cards. Postmasters may cancel these cards and hand them back to the person presenting them.

(iii) *Posters, Portfolios and Other Memorabilia.* These items with the stamps placed thereon may be canceled when presented in person for hand back service. Submittal and return through the mail is not permitted.

(iv) *Already Canceled Stamps/Multiple Cancellations.* Items bearing previously canceled stamps and postmarks are acceptable for additional cancellations when presented for hand back service. Mint stamps to cover the first class rate must be affixed for each cancellation. Materials bearing multiple cancellations may not be submitted or returned through the mail in outer envelopes.

(iv) *Currency.* Currency bearing unused postage stamps of first class value or items bearing currency with stamps affixed or adjacent thereto may be canceled when presented in person for hand back services. Submittal and return through the mail is not permitted. The Postal Service does not accept responsibility for currency in its possession in conjunction with philatelic services.

(iv) *Backs of Envelopes.* Post offices may cancel unused stamps when they are affixed to the reverse side of envelopes bearing already canceled stamps. This service is available only for envelopes presented for hand back service. They may not be returned through the mail even when outer envelopes are provided. Such a cancellation denotes only that the item was presented to the post office for postmarking on that date; it does not denote that the envelope was carried by the Postal Service and should be differentiated from flight covers described in § 257.4(f). This type of cover may be presented, for instance, in situations reenacting Pony Express routes, promoting special airline flights, balloon ascents, and the like, on which covers are carried outside the mail service.

(vii) *Foreign Postage Stamps.* Unused foreign postage stamps may be canceled with a U.S. Postal Service postmark only when unused U.S. postage of an appropriate rate is canceled with the same stroke.

(4) *Holding the Mail.* Post offices may hold mail to comply with customers' requests that the mail be postmarked on a specified date. Post offices may not, however, hold mail for an event where the date of occurrence is not certain or where it is subject to change or for cancellation on a day when the office will be closed, except as authorized by the Stamps Division. In these latter instances, the envelopes submitted should be canceled on the date received and returned to the customer with a short note explaining why the requested service cannot be performed. There will be a limit of 50 covers per customer which can be held for cancellation. Except on first day covers where customers have affixed their own stamps, quantities above this number must receive the prior written authorization of the Stamps Division. The Stamps Division may also authorize the holding of mail for events of nationwide interest.

(5) *Damaged or Missing Covers.* Requests for replacement of first day cancellations, pictorial cancellations, and standard cancellations may be accepted at the appropriate post office for a period of 60 days from the date of issuance for first day covers, or 30 days from the date of cancellation for other types. Replacement cancellations will be made for poor quality of cancellation, damage to the envelope, or other similar defects. The customer must return the unsatisfactory cover or covers to the appropriate post office for replacement. Replacement covers must be returned to the customer in a penalty envelope so that a stale postmark does not appear in the mail stream. Damaged covers should be disposed of in accordance with Section 553, Series F-1 Handbook. The Postal Service will not replace missing or unsatisfactory standard machine cancellations, special die hub cancellations, or flight cancellations, as these cancellations are made in the course of live mail processing. All claims for non-receipt of other covers submitted for servicing by the Postal Service must be sent to the appropriate post office no later than 60 days from the date of postmark or from the date cancellations were last applied. Claims for replacement cancellations filed after this time will not be honored and will be returned to the customer with a short explanation as to why the request cannot be honored. The Postal Service is not responsibile for damage or loss of cacheted covers or of other items of value.

(6) *Special Requests.* Requests for cancellations at postal facilities that normally do not cancel mail must be made in writing to the Regional Retail Branch at least 60 days in advance to permit regional authorization and appropriate national publicity. These requirements also apply to requests for cancellations at offices which are in-

accessible to the public or to requests for cancellations at any offices on dates when mail is not normally canceled (i.e., Sundays and holidays). Cover servicers, as described in § 257.4(h), must submit their requests for cancellations to the Stamps Division.

(7) *Military Post Offices.* Military post offices, including APO's and FPO's, may handstamp covers both on a hand back basis and on mail order requests in conformance with all policies and in accordance with all conditions and procedures herein stated, except that: (i) the postal chief at each such installation may establish the number of covers individual collectors or dealers may submit. Quantities above this number must be approved in advance and in writing by the particular military postal chief and will be subject to a handling fee to cover the cost of the service; and (ii) military post offices may not establish temporary philatelic stations or provide pictorial cancellations.

(h) *Cover Servicers*—(1) Definition. Cover servicers include those individuals, groups or commercial enterprises that submit 50 or more envelopes or other items for cancellations, whether presented in one or more packages, and that request return in bulk.

(2) *Mail Back Service.* (i) Service subject to a service charge as indicated in § 257.4(h)(3) may be provided by postmasters only when the customer requesting it has received the prior written approval of the Stamps Division.

(ii) Mail back service, or return under cover in bulk, is available to dealers only when return postage, registration if desired, and all other applicable fees such as special handling and special delivery are remitted to the postmaster at the place of postmarking. Such requests which do not include such payment will be held until the proper amount is received. In the event of overpayment by the cover servicer, the amount in excess of postage and fees required shall be returned separately in mint postage stamps. If the refund is $10 or more, it must be sent under registered mail.

(iii) Mailback service is generally permitted on first day of issue, pictorial or standard cancellations requested on the following materials: envelopes, maximum cards and posters, portfolios or other memorabilia. The Postal Service will not accept covers for first day of issue cancellation which bear a stamp issued after the date of the postmark but before the expiration date for submittal.

(iv) Unless the cover servicer has received written Headquarters' approval for cancellation service, the envelopes will be returned to the cover servicer unserviced with a letter stating that advance approval from the Stamps Division must be obtained before the request can be honored.

(3) *Conditions of Service*—(i) *First Day of Issue Cancellations.* Customers recognized as first day cover servicers will be permitted, though not required, to purchase mint stamps by mail from the first day post office or from the Philatelic Sales Branch on the date of issuance. Machine cancellations will be provided to dealers free of charge only when stamp-affixed envelopes are submitted. All stamped envelopes must be returned for servicing within the prescribed time limit. Hand cancellations will be provided subject to a service charge established by the Stamps Division.

(ii) *Pictorial Cancellations.* These handstamped cancellations are provided subject to approval by and a service charge established by the Stamps Division, except for exhibition or convention sponsors as indicated in § 257.4(i)(5).

(iii) *Special Die Hub Machine Cancellations.* All envelopes must be addressed. They will be canceled free of charge on any quantity of envelopes submitted, but may not be returned in bulk or handed back.

(iv) *Standard Cancellations.* These handstamped cancellations may be applied on unaddressed covers and returned in bulk only when authorized by the Stamps Division. Orders are subject to a service charge established by the Stamps Division.

(v) *Flight Cancellations.* These covers must be addressed and service is subject to approval by the Stamps Division. A service fee is charged when handstamped cancellations are requested.

(i) *Cancellation Services at Temporary Philatelic Stations*—(1) *Approval.* Postmasters may request authority from the Regional Retail Branch to provide cancellation service at temporary philatelic stations. Only the standard circular cancellation shall be provided, unless the sponsors or organizers apply to the postmaster for use of a pictorial cancellation at least 10 weeks prior to the event. The sponsors or organizers must also propose a design and finished artwork for a pictorial cancellation. The cancellation service and design require the approval of the Postmaster, the District Manager, and the Regional Retail Manager.

(2) *Requirements.* All cancellations must carry the name of the exhibition or event, followed by the word "Station" or "Sta.," the city, state and ZIP Code, and the month, day and year. The design of pictorial cancellations cannot carry a commercial message or endorsement, and may not directly refer to fraternal, political, religious or trade organizations. Overall dimensions cannot exceed 4 inches horizontally and 2 inches vertically.

(3) *Publicity.* The Regional Retail Manager must submit a reproducible copy of the pictorial cancellation (actual size) to the Stamps Division so that appropriate national publicity can be arranged. The use of standard cancellations at temporary philatelic stations must also be reported. All reports should include the dates the temporary philatelic stations will be open. Reports and copies of pictorial cancellations shall be submitted the first of each month for those cancellations authorized 2 months later (e.g., January 1 for March authorization; February 1 for April, etc.).

(4) *Equipment.* Pictorial and standard cancellations shall be applied by rubber handstamps purchased by the Region. If more than 100,000 pieces of mail are anticipated, the Region may apply to the Stamps Division at least 60 days in advance for purchase of a metal die for machine cancellation. These cancellations may only be provided for the duration of the temporary philatelic station. Special cancellations which are to be used for a longer time are governed by Part 258, "Postal Service Manual."

(5) *Service Limitations.* Except for the exhibition or convention sponsor, handstamping as a free service will be limited to a maximum of 50 covers for any single individual or group. The sponsor may obtain any reasonable amount of hand backs free of service charge for its members, and special folders or programs prepared by the sponsor may be canceled and made available upon the opening of the show. Individuals or groups requiring more than 50 handstamped cancellations may obtain this service only by paying a special fee. Written application for this service must be made in advance to and authorized by the Stamps Division.

(6) *Use and Return of Equipment.* Philatelic cancellation handstamps, like other canceling devices, may be used only under the supervision of authorized postal personnel and must be returned by the postmaster to the Regional Retail Branch 65 days after close of the exhibition or convention, by which time all replacement requests will have been handled. The Regional Retail Manager shall destroy the cancellation device upon receipt.

§ 257.5 Special Philatelic Services, Products and Programs.

(a) *Postal Cacheted Envelopes.* Postal Service produced cachets or cacheted envelopes are permitted only for first flights and for major postal or aviation events, such as the opening of a new Philatelic Center or Dedicated Philatelic Window. All such cachets or cacheted envelopes must be approved by the appropriate Regional and Headquarters organizations, and their approval must be communicated to the Stamps Division at least 2 months prior to the event so that national publicity of their availability can be arranged.

(b) *Presentations.* The Postmaster General, the Assistant Postmaster General, Customer Services, and the Stamps Division General Manager are authorized to approve the use of canceled and uncanceled U.S. postage stamps, postal stationery, and other philatelic products for information purposes and as official presentations of the U.S. Postal Service. All such presentations shall be approved in writing by one of the three authorized officials with a statement indicating the intended use. These presentations shall not be used as postage and will be registered to those instances when the best interests of the Postal Service will be served.

(c) *Autographs.* Postal employees have the prerogative to accept or refuse re-

quests for autographs. Employees should exercise fairness in handling such requests. Nothing of value may be accepted or requested in exchange for autographs.

§ 257.6 Copyright of Philatelic Designs.

(a) *Policy.* The designs of postage stamps, stamped envelopes, postal cards, aerogrammes, souvenir cards, and other philatelic items issued on or after January 1, 1978, will be copyrighted by the U.S. Postal Service in accordance with Title 17, United States Code.

(b) *Permission for use.* The use of illustrations of the designs covered by such copyrights is permitted as follows:

(1) In editorial matter in newspapers, magazines, journals, books, philatelic catalogs, and philatelic albums.

(2) In advertising matter, circulars, or price lists for the sale of the postal items illustrated.

(3) In advertising matter, circulars, or price lists for the sale of newpapers, magazines, journals, books, philatelic catalogs, and philatelic albums containing illustrations of philatelic designs.

(4) In editorial matter and in philatelic advertising matter in motion picture films, microfilms, slides, or electronic tape for projection upon a screen or for use in telecasting. No print or other reproduction of such films, slides, or tapes shall be made except for the uses permitted in § 257.6(b) (1), (2), and (3). Illustrations permitted by § 257.6(b) (1), (2), and (3) shall meet the conditions of 18 U.S.C. Section 504 (1) (i), (ii), and (iii).

(c) *Requests for Licenses.* The U.S. Postal Service may grant licenses for the use of illustrations of its copyright designs outside the scope of the above permission. Requests for such licenses should be addressed to the Stamps Division, U.S. Postal Service, Washington, D.C. 20260.

(39 U.S.C. 401, 404.)

ROGER P. CRAIG,
Deputy General Counsel,
Land Department.

[FR Doc. 77-36200 Filed 12-20-77;8:45 am]

[7710-12]

[39 CFR Part 232]

CONDUCT ON POSTAL PROPERTY

Soliciting, Vending, and Debt Collection

AGENCY: Postal Service.

ACTION: Proposed rules.

SUMMARY: The Postal Service proposes herein (1) to delete the regulation authorizing postal officials to permit nonprofit organizations to use lobby space for fund raising campaigns; (2) to add a new regulation prohibiting campaigning on postal premises for election to any public office, and (3) to add a new regulation prohibiting the depositing or posting of handbills, flyers, pamphlets, signs, posters, placards, or other literature on the grounds, floors, walls, stairs, racks, counters, desks, writing tables, window ledges, or furnishings on postal premises.

As to the use of post office lobbies only by nonprofit organizations for fund raising, this use has come to be viewed as unjustifiably discriminatory by some excluded individuals and groups and therefore possibly unconstitutional. This proposed revision would correct the problem.

The purpose of prohibiting campaigning on postal premises is to prevent abuses and to preclude any appearance of partisan endorsement or preference.

As to the prohibition against depositing of literature on postal premises, this has become necessary because many post office lobbies have become cluttered with all kinds of posters and signs, which adds to the cost of cleaning and may constitute a safety hazard.

DATE: Comments must be received on or before January 23, 1978.

ADDRESS: Written comments should be directed to the General Manager, Retail Operations Division, Customer Services Department, (room 5304), U.S. Postal Service, Washington, D.C. 20260.

Copies of all written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m. Monday through Friday, in the office of the General Manager, Retail Operations Division, Customer Services Department, (room 5200), U.S. Postal Service, Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT:

John Hughes-Caley, 202-245-5791.

SUPPLEMENTARY INFORMATION: The Postal Service proposes to accomplish the changes described above by revising paragraph (h), "soliciting, vending, and debt collection," of its rules for Conduct on Postal Property, 39 CFR 232.6. Existing § 232.6(h)(1) prohibits soliciting alms and contributions, collecting private debts, commercial soliciting and vending, and the display or distribution of commercial advertising on postal premises. These prohibitions would be retained. There would be eliminated, however, § 232.6(h) (2) and (3), under which the use of lobby space for fund raising campaigns by national nonprofit charitable or philanthropic organizations, and by local charitable and other nonprofit organizations, may be permitted provided they do not interfere with the transaction of postal business or require expenditures by the Postal Service or the use of Postal Service employees or equipment. The need to stop permitting charitable fund raising activities in postal lobbies stems from the inequity and unsatisfactory results of the existing program, and the impracticability of allowing the use of post office lobbies by all persons desiring to do so.

The authorization to permit the use of post office lobbies by the limited class comprised of national nonprofit charitable and philanthropic organizations, and local charitable and other nonprofit organizations, to the exclusion of other kinds of organizations, and of individuals altogether, may be unjustifiably discriminatory. This program of selective use was adopted some years ago for the very sound reason that it appeared to be a reasonable means of permitting benevolent uses of post office lobbies, and the only way such uses could be permitted without undly interfering with the conduct of postal business. Neverthless, it has come to be viewed, especially in light of some of the more recent court decisions interpreting the First, Fifth, and Fourteenth Amendments of the Constitution, as bordering on the unequal application of limitations on speech- and assembly-related conduct.

Furthermore, even the limited activities permitted by this program have produced highly unsatisfactory results. Because of the presence of large amounts of fund-solicitation materials, many post office lobbies have taken on a cluttered, disorderly appearance; in some lobbies there is even insufficient space for the effective display of postal materials and the efficient transaction of postal business. Additionally, the program has imposed unnecessary, nonmission related administrative burdens on the Postal Service. Furthermore, most post office lobbies are laid out for the sole purpose of providing space for the efficient transaction of postal business, and are too small to accommodate nonpostal public activities without disturbing postal employees in the performance of their duties and impeding the public in transacting postal business.

Accordingly, it has been determined tentatively that the use of space in postal lobbies for the solicitation of contributions should be discontinued entirely.

It has also been determined tentatively that campaigning on postal premises for election to public office should be prohibited in order to prevent abuses and preclude any appearance of partisan endorsement or preference. Such a prohibition is consistent with existing regulations prohibiting the display on bulletin boards of photographs or likenesses of any member of a State legislature or the Congress, political pictures, cartoons, or other matter designed to influence the election. (See 39 CFR 243.2(a) (3) and (4).) This new prohibition would prevent the use of post office parking and maneuvering areas for electioneering from vehicles and trailers, as well as preventing electioneering in post office lobbies.

The Postal Service also proposes to adopt a regulation entitled "Depositing literature." This would prohibit the depositing or posting of handbills, flyers, pamphlets, signs, posters, placards, or other literature except official postal and other governmental notices and announcements, on the grounds, floors, walls, stairs, racks, counters, desks, writing tables, window ledges, or furnishings on postal premises.

As has been indicated above, many post office lobbies have taken on a cluttered, disorderly appearance, and in some lob-

bies there is insufficient space for the effective display of government materials and the efficient transaction of postal business. This is due in most cases to the proliferation of posters, signs, and unattended stacks of various types of pamphlets, flyers, and the like on floors, stairs, counters, writing tables, and window ledges. The presence of such materials in large quantities also adds significantly to the task of keeping lobby floors clean and safe.

Certain conforming changes would also be made to existing § 232.6(n)(3).

Accordingly, although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), Postal Service invites public comment on the following proposed amendments.

In 39 CFR 232.6 strike out the reference to "paragraph (o)" in paragraph (n)(3) and insert "paragraph (p)" in lieu thereof; redesignate paragraphs (o) and (p) as (p) and (q) respectively; revise paragraph (h) and add paragraph (o) reading as follows:

§ 232.6 Conduct on postal property.

* * * * *

(h) *Soliciting, Vending, Debt Collection and Distribution of Literature.* Soliciting alms and contributions, campaign for election to any public office, collecting private debts, commercial soliciting and vending, and the display or distribution of commercial advertising on postal premises are prohibited. This prohibition does not apply to:

(1) commercial activities performed under contract with the Postal Service or pursuant to the provisions of the Randolph-Sheppard Act;

(2) the posting of notices on bulletin boards as authorized in § 243.2(a) of this chapter;

(3) the solicitation of Postal Service and other Federal military and civilian personnel for contributions by recognized agencies as authorized by the Manual on Fund Raising Within the Federal Service, issued by the Chairman of the United States Civil Service Commission under Executive Order 10927 of March 18, 1961.

* * * * *

(o) *Depositing literature.* The depositing or posting of handbills, flyers, pamphlets, signs, posters, placards, or other literature, except official postal and other governmental notices and announcements, on the grounds, floors, walls, stairs, racks, counters, desks, writing tables, window ledges, or furnishings on postal premises, is prohibited. This prohibition does not apply to the posting of notices on bulletin boards as authorized in § 243.2(a) of this chapter.

* * * * *

(39 U.S.C. 401(2), 403(b)(3).)

LOUIS A. COX,
General Counsel.

[FR Doc.77-36312 Filed 12-20-77;8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 833-2]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Proposed Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This proposal announces receipt of a request from the State of New York to revise its State Implementation Plan. The State is seeking approval from the Environmental Protection Agency (EPA) of the reissuance of a "special limitation" to continue a relaxation of the sulfur-in-fuel-oil limitation applicable to Units 1 through 5 of the Niagara Mohawk Power Corporation's steam generating station in Oswego N.Y. If approved by EPA, this "special limitation" will permit the continued use until May 31, 1980 of fuel oil having a maximum sulfur content of 2.8 percent, by weight. This "special limitation" was initially approved by EPA on July 20, 1976 and was in effect until May 31, 1977. These units are otherwise required by State regulation to use fuel oil with a maximum sulfur content of 2.0 percent, by weight.

DATES: Comments must be received on or before January 20, 1978.

ADDRESSES: All comments should be addressed to: Eckardt C. Beck, Regional Administrator, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, N.Y. 10007.

Copies of the proposal are available for public inspection during normal business hours at: U.S. Environmental Protection Agency, Air Programs Branch, room 908, Region II Office, 26 Federal Plaza, New York, N.Y. 10007.

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460.

New York State Department of Environment Conservation, Region 7 Office, 100 Elwood Davis Road, North Syracuse, N.Y. 13212.

FOR FURTHER INFORMATION CONTACT:

William S. Baker, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, N.Y. 10007, 212-264-2517.

SUPPLEMENTAL INFORMATION: On August 24, 1977, the State of New York submitted a request to the Environmental Protection Agency (EPA) to approve a proposed revision to the New York State Implementation Plan (SIP). The State submittal included an order to the Niagara Mohawk Power Corp. implementing a "special limitation." This order was promulgated by the State on September 1, 1977 under the provisions of Title 6 of the New York State Official Compilation of Codes, Rules and Regulations (6 NYCRR 225.2) as Section 250.10 of 6 NYCRR.

On October 5, 1977, the State submitted additional information including a technical analysis of the air quality impact resulting from the SIP revision proposal and an evaluation report prepared by the hearing officer for the State public hearing held on May 5, 1977. The revision request was submitted in accordance with all EPA requirements under 40 CFR Part 51.

The proposed SIP revision is a "special limitation" which if approved by EPA, will allow the Niagara Mohawk Power Corporation to continue to use, until May 31, 1980, higher sulfur content fuel oil than normally allowed by State regulation at Units 1 through 5 of its Oswego facility. In the Oswego area, State regulation limits the maximum sulfur content of fuel oil to 2.0 percent, by weight. This "special limitation" will allow the use of fuel oil having a maximum sulfur content of 2.8 percent, by weight. A previous "special limitation" allowing the use of 2.8 percent sulfur content fuel oil at the Oswego facility was approved by EPA on July 20, 1976 (41 FR 29817) and expired on May 31, 1977.

The State's technical evaluation and hearing officer's report indicate that, based on observed and predicted pollutant concentrations, no violations of the national ambient air quality standards are expected to occur as a result of continuation of the "special limitation." A preliminary review by EPA leads to agreement with these findings.

This notice is issued as required by Section 110 of the Clean Air Act, as amended, to advise the public that comments may be submitted as to whether the proposed revision to the New York State Implementation Plan should be approved or disapproved. The Administrator's decision regarding approval or disapproval of the proposed plan revision will be based on whether it meets the requirements of Section 110(a)(A)-(K) of the Clean Air Act and EPA regulations in 40 CFR Part 51.

(Secs. 110, 301, Clean Air Act, as amended (42 U.S.C. 7410, 7601))

Dated: December 8, 1977.

ECKARDT C. BECK,
Regional Administrator,
Environmental Protection Agency.

[FR Doc.77-36388 Filed 12-20-77;8:45 am]

[6560-01]

[40 CFR Part 52]

[FRL 833-4]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Proposed Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This proposal announces receipt of a request from the State of New York to revise its State Implementation Plan. The State is seeking approval from the Environmental Protection Agency (EPA) of a temporary relaxation of the sulfur-in-coal limitation for the Rochester Gas and Electric Corp. Beebee generating station, Unit 12, in Rochester, N.Y. If approved by EPA, this "special limitation" will permit the use until October 31, 1980 of coal having a maximum sulfur content of 2.8 pounds per million Btu gross heat content. This facility is presently limited by State regulation to the use of coal with a sulfur content of 2.5 pounds per million Btu maximum and 1.9 pounds per million Btu average for any consecutive three month period.

DATES: Comments must be received on or before January 20, 1978.

ADDRESSEES: All comments should be addressed to: Eckardt C. Beck, Regional Administrator, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, N.Y. 10007.

Copies of the proposal are available for public inspection during normal business hours at: U.S. Environmental Protection Agency, Air Programs Branch room 908, Region II Office, 26 Federal Plaza, New York, N.Y. 10007.

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460.

New York State Department of Environmental Conservation, Division of Air Resources, 50 Wolf Road, Albany, N.Y. 12233.

New York State Department of Environmental Conservation, Region 8 Office, Route 20, Avon, N.Y. 14414.

FOR FURTHER INFORMATION CONTACT:

William S. Baker, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, N.Y. 10007, 212-264-2517.

SUPPLEMENTARY INFORMATION: On September 22, 1977, the State of New York submitted a request to the Environmental Protection Agency (EPA) to approve a proposed revision to the New York State Implementation Plan (SIP). The contents of the State submittal include an Order dated August 25, 1977 and signed by the Acting First Deputy Commissioner of the New York State Department of Environmental Conservation. On October 18, 1977, the State submitted additional information including a copy of a hearing officer's report on a public hearing held on June 8, 1977, a technical support document entitled, "Diffusion Analysis and Ground Level Concentration Estimates for Beebee Station (Stacks 1, 2 and 3)," prepared for Rochester Gas and Electric Corp. by Pickard, Lowe and Garrick, Inc., January 1977, and a copy of the public hearing transcript, with corrections submitted by Rochester Gas and Electric Corp. The State's revision request was submitted in accordance with all EPA requirements under 40 CFR Part 51.

The proposed SIP revision is a "special limitation" issued under the provisions of a section of a New York State regulation, 6 NYCRR 225.2. If approved by EPA for inclusion in the SIP, this "special limitation" will allow the Rochester Gas and Electric Corp. to temporarily use higher sulfur content coal than currently allowed at its Beebee generating station, Unit 12, in Rochester, N.Y. The "special limitation" will allow the use until October 31, 1980 of coal having a maximum sulfur content of 2.8 pounds per million Btu gross heat content. The current sulfur-in-coal limitations are 2.5 pounds per million Btu as a maximum and 1.9 pounds per million Btu as an average for any consecutive three-month period. No limitation on the average sulfur content of coal burned over any consecutive three month period is included in the "special limitation."

The hearing officer's report and technical support documents submitted by the State indicate that when burning coal with a sulfur content of 2.8 pounds per million Btu no contraventions of any national or State ambient air quality standards are expected to occur. A preliminary review by EPA leads to agreement with this finding.

In the hearing officer's report, it is also indicated that the increase in emissions resulting from the use of higher sulfur content fuel will consume a part of the increment in emissions allowable under the Prevention of Significant Deterioration provisions of 40 CFR Part 51.

This notice is issued as required by Section 110 of the Clean Air Act, as amended, to advise the public that comments may be submitted as to whether the proposed revision to the New York State Implementation Plan should be approved or disapproved. The Administrator's decision regarding approval or disapproval of this proposed plan revision will be based on whether it meets the requirements of Section 110(a)(2)(A)-(K) of the Clean Air Act and EPA regulations in 40 CFR Part 51.

(Secs. 110, 301, Cean Air Act, as amended (42 U.S.C. 7410, 7601))

Dated: December 8, 1977.

ECKARDT C. BECK,
Regional Administrator,
Environmental Protection Agency.

[FR Doc.77-36389 Filed 12-20-77;8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20935; RM-2653; RM-2763; RM-2690]

FM BROADCAST STATION IN NAPLES, FLA.

Memorandum Opinion and Order

AGENCY: Federal Communications Commission.

ACTION: Memorandum Opinion and Order.

SUMMARY: This action dismisses, on procedural grounds, a petition for reconsideration of an earlier decision which denied a fourth FM channel assignment to Naples, Fla. The petition for reconsideration also was found lacking in merit.

EFFECTIVE DATE: Non-Applicable.

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

FOR FURTHER INFORMATION CONTACT:

Mark N. Lipp, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

MEMORANDUM OPINION AND ORDER

Adopted: December 14, 1977.

Released: December 16, 1977.

In the matter of amendment of § 73.-202(b), *Table of Assignments*, FM Broadcast Stations. (*Naples*, North Naples and Immokalee,[1] *Fla.*), Docket No. 20935, Rm-2653, RM-2763, RM-2690.

1. The Commission has before it a Petition for Reconsideration of its *Memorandum Opinion and Order*, 41 FR 44427, adopted September 28, 1976, submitted by Sunshine Broadcasters, Inc. ("Sunshine"). Sunshine requests reconsideration of our denial of its proposal to assign Channel 276A to Naples, Fla., so that it can be considered in light of the resolution of two separate requests to assign Channel 288A to either North Naples, Fla. (RM-2653) or Immokalee, Fla. (RM-2763). An opposition to this petition for reconsideration was filed by Collier Broadcasting Co. ("Collier").

2. Petitioner failed to serve its petition on the other parties to this proceeding as required by § 1.420(f) of the Commission's rules. As a result, the petition for reconsideration is defective and will be dismissed. However, on our own motion, we have examined the contents of the petition to see if it offers a proper basis for reversing our previous decision.

3. Sunshine argues that the earlier denial of its request was based on a finding that if the channel is needed in this

[1] In a recently issued document, Immokalee was added to this proceeding—see fn. 2 *infra*.

area, it should be assigned to another nearby town, such as North Naples, which has a greater need for it. It urges that if the Commission does not respond to this asserted need by assigning the channel to North Naples (rather than to Immokalee) then further consideration should be given to adding a channel to Naples.

4. Collier responds by asserting that Sunshine offers no new facts or arguments warranting further consideration of its proposal and by contending that the disposition of the North Naples/Immokalee case has no relevance to the instant petition.

5. The Naples proposal was denied because under our population guidelines Naples warrants two channels, and as we pointed out, it already had three. Only a particularly weighty showing of need could justify a further departure from our guidelines. Although petitioner is correct in asserting that we pointed to the possibly greater need for the channel in another community in this area, it misconstrues our purpose in doing so. The reason other communities were mentioned was that the proposal could have the further drawback of depriving these comunities of their opportunity to seek their own local service. However, no matter what action was taken on any individual request in this area,[1] the need for a fourth channel at Naples has not been shown. Thus, the earlier denial must be affirmed.

6. *Accordingly, it is ordered*. That the petition for reconsideration filed by Sunshine Broadcasters, Inc., is dismissed and the earlier refusal to assign the channel to Naples is affirmed.

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

[FR Doc.77-36417 Filed 12-20-77;8:45 am]

[1] See *North Naples and Immokalee, Fla.*, Docket 20935, adopted December 6, 1977, Mimeo No. 83913.

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.

[3410-11]

DEPARTMENT OF AGRICULTURE

Forest Service

SOUTH FORK MOUNTAIN UNIT—SHASTA-TRINITY NATIONAL FOREST; LAND MANAGEMENT PLAN

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Land Use Plan, South Fork Mountain Unit, Shasta-Trinity National Forest, Calif. USDA-FS-R5(Adm)-77-09.

The environmental statement concerns a proposed land use plan for the 73,200 acres of National Forest lands known as the South Fork Mountain Unit of the Shasta-Trinity National Forest, in Trinity County, Calif. Thirty thousand acres within this Unit have been inventoried as "roadless."

This draft environmental statement was transmitted to the Council on Environmental Quality (CEQ) on September 30, 1977.

Copies are available for inspection during regular working hours at the following locations:

Hayfork Ranger District, P.O. Box 35, Hayfork, Calif. 96041.
Shasta College Library, Old Oregon Trail, Redding, Calif. 96001.
Yolla Bolla Ranger District, Platina, Calif. 96076.
Shasta County Library, 1855 Shasta, Redding, Calif. 96001.
Forest Service—USDA, P.O. Box 2417, Washington, D.C. 20013.
U.S. Forest Service, 1615 Continental Street, Redding, Calif. 96001.
U.S. Forest Service, 630 Sansome Street, San Francisco, Calif. 94111.

A limited number of single copies are available, upon request to Forest Supervisor Richard J. Pfilf, Shasta-Trinity National Forest, 1615 Continental Street, Redding, Calif. 96001.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal Agencies having jurisdiction by law or special expertise with respect to any environmental effect for which comments have not been specifically requested.

Comments concerning the proposed action, and requests for additional information should be addressed to Forest Supervisor Richard J. Pfilf, Shasta-Trinity National Forest, 1615 Continental Street, Redding, Calif. 96001. Comments must be received by December 30, 1977, in order to be considered in the preparation of the final environmental statement.

DOUGLAS R. LEISZ,
Regional Forester.

DECEMBER 12, 1977.

[FR Doc. 77-36365 Filed 12-20-77; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Order 77-12-85; Docket 31465]

CORNWALL AVIATION 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 15th day of December, 1977.

By application filed October 3, 1977,[1] Cornwall Aviation Ltd. (Cornwall) requests a foreign air carrier permit to engage in charter foreign air transportation of persons and their accompanying baggage, and planeload charter foreign air transportation of property, between any point or points in Canada and the United States, using "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

Cornwall was incorporated under the Business Corporations Act of May 23, 1972. The Air Transport Committee of the Canadian Transport Commission has issued Cornwall license No. ATC 528/75 (CF), dated June 27, 1975, a class 9-4 license which authorizes the holder to operate international charter commercial air services from a base at Summerstown, Ontario. The licensee is restricted in its operations to the use of Group A aircraft.[3] The Canadian Department of Transport, Civil Aviation Branch, has issued Cornwall Operating Certificate No. 3525, dated September 15, 1975, which certifies that the carrier is adequately equipped and able to conduct a safe operation.

Cornwall's balance sheet as of December 31, 1975 shows current assets of $13,670 and total assets of $32,906. Current liabilities are $455 and the company shows long term debt of $29,221. The applicant's statement of income and deficit for the eight month's ended December 31, 1975, shows an income for the period of $1,934. The applicant states that since its inception it has never been unable to meet current financial obligations and has never defaulted on any commitment to provide transportation.

In its application, the carrier lists the following aircraft as available for charters to the United States: five Cessna 150's, seating capacity of two; and maximum takeoff weight of 1,600 pounds; and two Cessna 172's, seating capacity of 4, and maximum takeoff weight of 2,300 pounds. The applicant has had no safety or tariff violations or any 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-1093, dated July 17, 1975, 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

[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) 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.

[4] See Docket 26473.

United States and Canada are within the scope of the designation.

OWNERSHIP AND CONTROL OF THE APPLICANT

Ms. Lillian Toczyski, a Canadaian citizen, is the only officer, director, and shareholder of Cornwall.

The applicant does not own, either directly or indirectly, any shares of common stock or other interest in any U.S. carrier, any other Canadian carrier or other foreign carrier, or in any person 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 Cornwall Aviation 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 Cornwall Aviation Ltd. authorizing it to engage in charter foreign air transportation with small aircraft of persons and their accompanied baggage and planeload charters of property between any point or points in Canada and 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, Cornwall Aviation 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 here, the application of Cornwall Aviation Ltd. in docket No. 31465 should be denied; and

6. That an evidentiary hearing is not required in the public interest.[3]

Accordingly, *it is ordered*, That: 1. All interested persons are directed to show cause why the Board should not make final the tentative findings and conclusions set forth here, 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 Cornwall Aviation Ltd.;

2. Any interested person having objection to the issuance of an order making final the tentative findings and conclusions here and issuing said permit shall, within 21 days after the adoption of this order, file with the Board and serve upon the persons named in paragraph 5, a statement of objections specifying the part or parts of the tentative findings and conclusions objected to, together with a summary of testimony, statistical data and such evidence expected to be relied upon in support of the statement of objections. If an evidentiary hearing is requested, the objector should state in detail why such hearing is considered necessary and what relevant and material facts he would expect to establish 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; *Provided*, That the Board may proceed to enter an order in accordance with the tentative findings and conclusions here if it is determined that there are no factual issues present that warrant the holding of an evidentiary hearing;[4]

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 here; and

5. This order shall be served upon Cornwall Aviation 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]

United States of America, Civil Aeronautics Board, Washington, D.C.

PERMIT TO FOREIGN AIR CARRIER FOR SMALL AIRCRAFT OPERATIONS

Cornwall Aviation Limited 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 of persons and their accompanied baggage, and planeload charter flights of 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

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[3] We also tentatively find that our proposed action will not constitute a "major regulatory action" under the Energy Policy and Conservation Act as defined in section 313.4(a)(1) of the Board's regulations.

[4] 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 Canandian 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.)

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 competency 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 of 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 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 name and address 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 here 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 here authorized, the authority granted here 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 here 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 on the ———— ————.

Secretary.

(SEAL)

Issuance of this permit to the holder approved by the President of the United States

on ———— ————

in ————, ————

[FR Doc. 77-36383 Filed 12-20-77; 8:45 am]

[3510-25]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

ALBERT EINSTEIN COLLEGE OF MEDICINE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket No. 77-00322. Applicant: Albert Einstein College of Medicine, 1300 Morris Park Avenue, Bronx, N.Y. 10461. Article: Microcalorimetry System, Model LKB 10700. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in the investigation of the pre-polymerization phase of the gelation of Hemoglobin S which will help to understand the mechanism of the polymerization process.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time Customs received this application (August 1, 1977.)

Reasons: The foreign article provides a detector sensitivity of 0.05 microvolts per microwatt and a baseline stability equivalent to 0.5 microvolts per eight hour period. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated October 21, 1977 that (1) the features of the article described above are pertinent to the applicant's intended use and (2) it knows of no domestic instrument or apparatus, of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time Customs received this application.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs
Division.

[FR Doc. 77-36348 Filed 12-20-77; 8:45 am]

[3510-25]

MARQUETTE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket No. 77-00302. Applicant: Marquette University, Wehr Life Science Building, 530 North 15th Street, Milwaukee, Wis. 53233. Article: M86 Combined Scanning Microinterferometer and Microdensitometer. Manufacturer: Vickers Instruments, Inc., United Kingdom. Intended use of article: The article is intended to be used for the measurement of amounts of DNA and proteins in individual cells in order to gain quantitative data on the behavior of genetic material during the growth and differentiation of fish oocytes, insect embryos, and two kinds of unicellular organisms, *Pediastrum* and *Oxytricha*. The instrument will also be used to measure DNA amounts in Feulgen-stained blood cell nuclei from unisexual and bisexual fishes of the genus *Poecilia* (molly fishes) in order to identify the diploid and triploid forms that comprise a breeding complex in nature with the bisexual Mexican molly fish. The role of polyploidy in speciation and evolution is a prime focus of studies of these fish. Additional studies will be made to develop cytochemical methods for sex identification of juvenile birds that lack obvious sexual dimorphism, for example, endangered species such as the Whooping crane or Puerto Rican parrot.

In addition, the article will be used in the course: Biology 295, Introduction to Cytophotometry, and Biology 137, Experimental Cell Biology, to provide a basic understanding of quantitative cytochemistry and its application to both basic and applied biomedical research.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides scanning integrating microdensitometry and microinterferometry in the same instrument. The Department of Health, Education, and Welfare advises in its memorandum dated October 21, 1977, that (1) the capabilities of the article described above are pertinent to the applicant's intended uses, and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs
Division.

[FR Doc. 77-36347 Filed 12-20-77; 8:45 am]

[3510-25]

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SERVICES, ET AL.

Consolidated Decisions on Applications for Duty-Free Entry of Spectropolarimeters

The following is a consolidated decision on applications for duty-free entry of spectropolarimeters pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket No. 77-00310. Applicant: National Institute of Environmental Health Sciences, NIH, DHEW, Laboratory of Environmental Biophysics, NIEHS, P.O. Box 12233, Research Triangle Park, N.C. 27709. Article: Automatic Recording Spectropolarimeter, Model J-40A. Manufacturer: Japan Spectroscopic Co., Ltd., Japan. Intended use of article: The article is intended to be used for the investigation of the circular dichroism spectra of proteins and nucleic acids and their complexes with noncovalently bound small molecules (drugs, xenobiotics, environmental agents, etc.). The objectives of the investigations are to relate the circular dichroism spectra to the arrangement of molecular groups in three-dimensional space. The three-dimensional arrangements of molecular groups will in turn be used to derive the basic molecular forces which stabilize the structure of proteins and nucleic acids and their complexes with small molecules. Application received by the Commissioner of Customs: July 21, 1977. Advice submitted by the Department of Health, Education, and Welfare on October 21, 1977.

Docket No. 77-00314. Applicant: The University of Michigan, 5419 Medical Science Building I, Department of Biology-Chemistry, Ann Arbor, Mich. 48109. Article: Spectropolarimeter, Model J-40C with Alternate Measurement Accessory. Manufacturer: Japan Spectroscopic Co., Ltd., Japan. Intended use of article: The article is intended to be used for the investigation of circular dichroism and magnetic circular dichroism (MCD) spectra of the peptides, proteins, and metalloproteins and their complexes with non-covalently bonded molecules. The objectives of the investigations are to relate the circular dichroism spectra to the arrangement of molecular groups in three-dimensional space. In turn, the three-dimensional arragement of molecular groups will be used to derive the basic molecular forces which stabilize the arrangement and the relationships between molecular arrangement and effect of the molecules on biological systems. Application received by Commissioner of Customs: July 22, 1977. Advice submitted by the Department of Health, Education, and Welfare on October 21, 1977.

Comments: No comments have been received in regard to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States.

Reasons: Each foreign article has a sensitivity limit at 185 nanometers (nm), 500 nm, 700 nm of equal to or better than 8 millidegrees (m°) noise (3m° noise, 0.5m° noise, and 1.5m° noise respectively). Each article also provides high frequency switching (50,000 times/second) between right and left polarized light. The Department of Health, Education, and Welfare (HEW) advises in its respectively cited memoranda that the features of each article described above are pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate are intended to be used. HEW also advises that it knows of no domestic instrument or

apparatus of equivalent scientific value to any of the articles to which the foregoing applications relate for such purposes as these articles are intended to be used which is being manufactured in the United States.

The Department of Commerce known of no other instrument of apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc. 77-36349 Filed 12-20-77; 8:45 am]

[3510-25]

NATIONAL JEWISH HOSPITAL & RESEARCH CENTER, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket No. 77-00346. Applicant: National Jewish Hospital & Research Center, 3800 East Colfax, Denver, Colo. 80206. Article: LKB 8800A Ultrotome III Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for sectioning human, animal, and bacteriological specimens which have been embedded in hardened epoxy resins. Investigations will include ultrastructural studies on normal and pathologic human and animal tissues, membrane-membrane interactions, and ultrastructural changes in cells induced by changes in their biochemical and physical environments. Educational use of the article will include preceptor training of post-doctoral research fellows in electron microscopy techniques. Application received by the Commissioner of Customs: August 29, 1977. Advice submitted by the Department of Health, Education, and Welfare on November 8, 1977.

Docket No. 77-00347. Applicant: National Animal Disease Center, P.O. Box 70, Ames, Iowa 50010. Article: LKB 8800A Ultrotome III Ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of normal and diseased animal tissue. Tissues will be prepared in various embedments and will vary in density, consistency, and tensile strength for ultrathin sectioning. Experiments will be conducted to elucidate the pathogenesis of economically important diseases of livestock and as a consequence provide means for control and eventual eradication of such diseases. Application received by Commissioner of Customs: August 29, 1977. Advice submitted by the Department of Health, Education, and Welfare on November 8, 1977.

Docket No. 77-00348. Applicant: Wayne State University, School of Medicine, 540 East Canfield, Detroit, Mich. 48201. Article: LKB 8800A Ultrotome III Ultramicrotome and Modular Table Complete, Model 2128-720. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for investigation of the fine structure of the retina and the mode of function of its constituent cells specifically the maintenance and renewal of photoreceptor elements. Animals maintained under controlled dark-light cycles will be studied at different intervals to establish the means by which the phagocytic removal of the outer segment material is accomplished. The article will also be used by a number of investigators with independent programs many of which involve the same sort of cytochemical localization and specificity as the above and include the localization (in retina) of those sites where acetylcholine serves as the effective neurotransmitter; localization of free (nonmembrane) phospholipids in the female reproductive tract; characterization of membrane structure in lens fiber cells as well as other projects. In addition, the article will be used in the courses Cell and Tissue Ultrastructure, Microscopic Anatomy, Human Reproduction, and individualized Research and Directed Study Courses, all relating to the application of fine structure study techniques involving sectioning of plastic embedded tissues prior to light and electron microscopy. Application received by Commissioner of Customs: August 29, 1977. Advice submitted by the Department of Health, Education, and Welfare on November 8, 1977.

Docket No. 77-00361. Applicant: University of Utah, Department of Anatomy, College of Medicine 2C110, Salt Lake City, Utah 84132. Article: LKB 8800A Ultrotome III Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for ultrathin sectioning of specimens of differing hardness during studies of cell and tissue ultrastructure. The principle courses in which the article will be used are entitled Ultrastructure and Cytochemistry which involve a study of the general principles on techniques and use of the electron microscope to study the fine structure of cells and various subcellular organelles and the employment of cytochemical staining methods to localize various enzymes. In addition, the article will be used for preparing material for demonstration to medical students. Application received by Commissioner of Customs: September 2, 1977. Advice submitted by the Department of Health, Education, and Welfare on November 8, 1977.

Docket No. 77-00369. Applicant: University of Rochester Medical Center, 601 Elmwood Avenue, Rochester, N.Y. 14642. Article: LKB 2128 Ultrotome IV Ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of tissue from animal and human central nervous system. Investigations will include studies on normal human central nervous system at various developmental stages, as well as abnormal tissue from brain tumors and animals that have been exposed to methyl mercury. Experimental methods will include im-munohistochemistry and autoradiography. Application received by Commissioner of Customs: September 12, 1977. Advice submitted by the Department of Health, Education, and Welfare on November 8, 1977.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, is being manufactured in the United States.

Reasons: Each of the foreign articles provides a range of cutting speeds 0.1 to 20 millimeters per second. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials, and geometry of the block. In connection with a prior application (Docket No. 69-00665-33-46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and

Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (Docket No. 70-00077-33-46500) which also relates to an article that is identical to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intented to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc. 77-36350 Filed 12-20-77; 8:45 am]

[3510-25]

PENNSYLVANIA STATE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket No. 77-00362. Applicant: The Pennsylvania State University, University Park, Pa. 16802. Article: Goniometer Stage Assembly for EM-300; PW6500/C-300 and Scanning Attachment for EM-300 and Adapter; PW6570/00C. Manufacturer: Philips Electronics Instruments NVD, the Netherlands. Intended use of article: The articles are accessories to an existing electron microscope which will allow analysis of suitably prepared thin sections of biological samples for a large array of chemical elements. Some of the tissue and cells to be studied are bone (cells and matrix), avian oviduct mucosa, intestinal mucosa, enamel organ. Cells and tissues in different stages of physiological activity will be analyzed with the EDAX system for several elements such as calcium, potassium, sodium and magnesium. In addition, the article will be used in the courses: Biophysics 585, Biological Ultrastructure and Biophysics 600.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to accessories for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated November 8, 1977 that it knows of no domestic instrument of equivalent scientific value to the article for its intended uses.

The Department of Commerce knows of no other similar accessories being manufactured in the United States, which are interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special
Import Programs Division.

[FR Doc. 77-36351 Filed 12-20-77; 8:45 am]

[3510-25]

UNIVERSITY OF MIAMI—ROSENSTIEL SCHOOL

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket No. 77-00320. Applicant: University of Miami, Rosenstiel School of Marine and Atmospheric Science, 4600 Rickenbacker Causeway, Miami, Fla. 33149. Article: Thermometer and Accessories. Manufacturer: Watanabe Keiki Manufacturing Co., Japan. Intended use of article: The article is intended to be used for educational purposes in MSC-101, Survey of Oceanography, a course concerning introduction to oceanography, methods, and techniques.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the application was received by the U.S. Customs Service (July 29, 1977).

Reasons: In response to Question 5 the applicant states he intends to order the foreign articles with the following temperature ranges (1) Protected type: −2° to 35° Centigrade (°C) and (2) Unprotected type: −2° to 60° C. At the time the U.S. Customs Service received this application there was one domestic manufacturer, Kahl Scientific Instruents Corp. (Kahl), which provided deep sea reversing thermometers which matched precisely the protected and unprotected temperature ranges of the article as described in Question 5 (Kahl specifications dated 1975). In response to Question 8, the applicant alleges that only the article provides for in situ measurement of temperature and depth of the ocean. The National Oceanic and Atmospheric Administration (NOAA) advises in its memoranda dated October 3, 1977, and October 14, 1977, that domestic deep sea reversing thermometers manufactured by Kahl match the specifications of the article as stated in response to Question 5 as well as Question 8. NOAA further advised that these domestic thermometers are of

equivalent scientific value to the foreign article for the applicant's intended purposes.

Based on the foregoing considerations, NOAA advice, our own review of the application as well as other factual information in our possession (specifications, text books etc.) we find that at the time customs received this application, the domestic deep sea reversing thermometers manufactured by Kahl were of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc. 77-36352 filed 12-20-77; 8:45 am]

[3510-25]

UNIVERSITY OF NOTRE DAME

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket No. 77-00277. Applicant: University of Notre Dame, Radiation Laboratory—ERDA Contract EY-76-C-02-0038, Notre Dame, Ind. 46556. Article: Housing for Hanovia 1kW-UV-Lamp including elliptical mirror, plane mirror and igniter. Manufacturer: Physical-Chemistry Dept., University of Zurich, Switzerland. Intended use of article: The article is intended to be used as a source for high intensity UV irradiation which is needed to initiate transient radicals in liquids to study their structure and chemical reactivity by means of electron spin resonance.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a focussing mirror system optimized for use to provide "in situ" high intensity ultraviolet light in the vicinity of 2.5×10^{18} photons per second per square centimeter ($sec^{-1}\ cm^{-2}$) into an electron spin resonance cavity. The National Bureau of Standards advises in its memorandum dated November 7, 1977, that (1) the specification of the article described above is pertinent to the applicant's intended uses and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc. 77-36353 Filed 12-20-77; 8:45 am]

[3510-25]

UNIVERSITY OF PENNSYLVANIA, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The foll owing is a consolidated decision on applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours at the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Subsection 301.8 of the Regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90-day period.
>
> . . . If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of Subsection 301.11.

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20-day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Subsection 301.8 further provides:

> . . . the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission, to the Federal Register for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket No. 77-00056. Applicant: University of Pennsylvania, Department of Physics, DRL/E1—209 S. 33d Street, Philadelphia, Pa. 19174. Article: Mass Spectrograph, Micromass Model 622. Date of denial without prejudice to resubmission on August 4, 1977.

Docket No. 77-00058. Applicant: North Carolina State University, Department of Geosciences, Raleigh, N.C. 27607. Article: Lightweight, portable, rock coring drill, Model GSC with standard equipment included. Date of denial without prejudice to resubmission on July 19, 1977.

Docket No. 77-00101. Applicant: Drake University, 26th and University Avenue, Des Moines, Iowa 50311. Article: Scanning Electron Microscope, Model S-500 HISCAN and accessories. Date of denial without prejudice to resubmission on July 19, 1977.

Docket No. 77-00193. Applicant: University of Rochester, Department of Biology, Rochester, N.Y. 14627. Article: Ultrasonic Disintegrator, Model PG 100 and accessories. Date of denial

without prejudice to resubmission on August 30, 1977.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc. 77-36354 Filed 12-20-77; 8:45 am]

[3510-25]

VETERANS ADMINISTRATION HOSPITAL, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket No. 77-00378. Applicant: Veterans Administration Hospital, 130 West Kingsbridge Road, Bronx, N.Y. 14068. Article: LKB 8800A Ultrotome III Ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for sectioning animals, cells, tissue cultures, biopsy and autopsy tissues which have been exposed to environmental toxins, to deficiency states of combinations of toxins. Investigations will include ultrastructural studies of tissues and cells of normal and exposed animals and of counter part human specimens. Subcellular changes as in endoplasmic reticulum, mitochondria, nuclear chromatin microtubules and membranes will receive special attention. Particular focus will be upon the fine structure of elastin and collagen in interstitial spaces and after phagocytosis. The article will also be used for teaching post doctoral students, medical students and M.D. fellows the skills of ultrastructure and applied biology. Application received by Commissioner of Customs September 21, 1977. Advice submitted by the Department of Health, Education, and Welfare on November 28, 1977.

Docket No. 77-00379. Applicant: The George Washington University, Department of Pathology, Ross Hall, 2300 I Street NW., Washington, D.C. 20037. Article: LKB 8800A Ultrotome III Ultramicrotome and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for cutting sections of plastic embedded biological materials, both animal and fungal. The experiments to be conducted included correlative scanning and transmission electron microscopic analysis of the same block of tissue (areas of control and traumatized cerebral ventricular system in Rhesus monkey), ultrastructural and E.M. autoradiographic analysis of macrophages under various environmental conditions, ultrastructural analysis of infection of certain organ systems by different pathologic fungi and screening of virus in various systems. The article will also be used in the course "Elective for Pathology Residents in Diagnostic Electron Microscopy" by both graduate and medical students as part of their introduction to the principles and techniques of electron microscopy as well as actual research projects following completion of the course. Another course, "Scanning and Transmission Electron Microscopy" is an intensive introductory course to all aspects of scanning and transmission electron microscopy and emphasizes working experience on a wide range of instruments. Application received by Commissioner of Customs September 21, 1977. Advice submitted by the Department of Health, Education, and Welfare on November 28, 1977.

Docket No. 77-00381. Applicant: Vanderbilt University, Nashville, Tenn. 37232. Article: LKB 8800A Ultrome III Ultramicrotome and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the study of biological materials including bacterial, fungal, viral, and tissue culture preparations. Animal tissues and molecular preparations will also be studied. The investigations will include examination of molecular ultrastructure of antibody-antigen complexes, the examination of immune cells attacking parasites (Schistosomes), and examination for morphology variations in the development of viral mutants. An attempt will be made to locate certain fungal antigens and demonstrate some unusual bacterial capsules. The article will also be used in the course Macromolecular and Cellular Ultrastructure in which students will learn both theoretical and practical aspects of electron microscopy to the extent that they are able to understand and use an electron microscope at its maximum level of performance. Application received by Commissioner of Customs September 21, 1977. Advice submitted by the Department of Health, Education, and Welfare on November 28, 1977.

Docket No. 77-00386. Applicant: Langston University, P.O. Box 967, Langston, Okla. 73050. Article: LKB 8800A Ultrotome III Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section biological materials: plant, animal and fungal specimens embedded in hardened expoxy resins. Investigations will include ultrastructural studies on normal as well as pathological plant and animal tissues, developmental studies on prokaryotes and eukaryotes, cyto- and histochemical studies on enzymes in the cell, membrane studies in relation to host-parasite relationships and autoradiography. Application received by Commissioner of Customs September 28, 1977. Advice submitted by the Department of Health, Education, and Welfare on November 28, 1977.

Docket No. 77-00387. Applicant: Veterans Administration Hospital, Department of Medicine, Rm. 1E408, 3801 Miranda Avenue, Palo Alto, Calif. 94304. Article: LKB 2128-010 Ultrotome IV Ultramicrotome with accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological materials e.g., animal tissues, cell cultures, cell pellets, lipid-containing materials, and cell fractions. The studies will include examination of soft tissue such as liver, intestine and several endocrine organs, and also oriented cell monolayers, tissues labeled with heavy metal precipitates, pellets of centrifuged stratified materials such as isolated cell and simulated-cell like materials. Much of the work will have to do with research in carbohydrate and lipid metabolism in combined ultrastructural, biochemical and function studies related to health, aging, and disease states of man and animals. Various post-doctoral fellows, colleagues and visiting scientists will be trained to use the article for their own ultrastructural studies. Application received by Commissioner of Customs September 23, 1977. Advice submitted by the Department of Health, Education, and Welfare on November 28, 1977.

Docket No. 77-00398. Applicant: University of Texas Health Science-Center, Department of Cell Biology, L1-224, 5323 Harry Hines Blvd., Dallas, Tex. 75235. Article: LKB 2128-010 UM IV Ultrotome and Accessories. Manufacturer: The article is intended to be used for the investigation of the brains of rats, opposums, cats and monkeys. The particular area of the central nervous system to be studied is the basilar pontine gray. Experiments wil involve the identification of axon terminals of all the known afferent systems reaching the basilar pontine gray as well as presynaptic elements arising from basilar pontine intrinsic and projection neurons. Application received by Commissioner of Customs September 29, 1977. Advice submitted

by the Department of Health, Education, and Welfare on November 28, 1977.

Docket No. 77-00399. Applicant: Lutheran Medical Center, Department of Pathology, 150 55th Street, Brooklyn, N.Y. 11220. Article: LKB 2128-010 Ultrotome IV Ultramicrotome and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for sectioning various biological materials including a variety of human and animal tissues, principally kidney, liver, lung, and tumors. Studies will include enzyme and subcellular organelle distribution changes in cell membrane, and subcellular changes in cells induced by environmental factors. The mineral pulmonary burden in human lungs obtained at autopsy will be determined and related to environmental factors. In selected animal experiments, viral particles will be identified and related to oncogenic developmental factors. In addition, education will be carried out on an individual basis for training staff physicians and technicians in the use of the ultramicrotome, the electron microscope, the general principles of the techniques used and the ultrastructure of cells, tissues, and minerals. Application received by the Commissioner of Customs September 29, 1977. Advice submitted by the Department of Health, Education, and Welfare on November 28, 1977.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, is being manufactured in the United States.

Reasons: Each of the foreign articles provides a range of cutting speeds 0.1 to 20 millimeters per second. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness, and other properties of the specimen materials, the properties of the embedding materials, and geometry of the block. In connection with a prior application (Docket No. 69-00665-33-46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (amount such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (Docket No. 70-00077-33-46500) which also relates to an article that is identical to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc.," requires a maximum range in cutting speed and, further, that the "production of ultrathin serial is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc. 77-36355 Filed 12-20-77; 8:45 am]

[4310-10]

Domestic and International Business Administration

WATCHES AND WATCH MOVEMENTS

Proposed Annual Rules

AGENCY: Industry and Trade Administration, Bureau of Trade Regulation.

ACTION: Proposed watch quota allocation rules.

SUMMARY: Pursuant to Pub. L. 89-805, the Secretaries of Commerce and the Interior, acting jointly, are required to allocate among producers of watches and watch movements located in the Virgin Islands, Guam, and American Samoa the number of units each firm is entitled to enter free of duty into the customs territory of the United States during each calendar year. The Secretaries are authorized to issue such regulations as they determine necessary to carry out their watch quota allocation duties.

Section 303.3 of title 15 of the Code of Federal Regulations (42 FR 62907 et seq.), provides, in pertinent part, that "Between November 1 and December 15 each calendar year the Secretaries will publish a notice in the FEDERAL REGISTER proposing rules for the allocation of quotas for the forthcoming calendar year * * *" and further specifies that such rules generally shall contain "(a) Criteria or formulae which will be used by the Secretaries in calculating each producer's annual watch quota allocation, and (b) Such other special rules or provisions as the Secretaries may prescribe, e.g., notice of a new entrant provision, notice of allocation bases for new entrants, etc."

These proposed rules set forth the criteria and formulae which the Secretaries propose to use in calculating quota allocations for calendar year 1978. They also propose new entrant provisions for Guam and American Samoa.

DATE: Interested parties are invited to provide comments on or before December 29, 1977, by writing to the Bureau of Trade Regulation, Industry and Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, Attention: Statutory Import Programs Staff, room 6894. After consideration of all comments received, the Secretaries will publish the annual rules in final form as soon as possible.

FOR ADDITIONAL INFORMATION CONTACT:

Mr. Richard M. Seppa who can be reached by telephone on 202-377-2925.

SUPPLEMENTARY INFORMATION: In carrying out their watch quota allocation responsibilities under Pub. L. 89-805, the Secretaries have pursued a policy of encouraging greater direct economic contributions to the territories. In the Virgin Islands, this has been accomplished by gradually increasing the portion of quota allocated on the basis of (i) wages paid to local persons engaged in the assembly of watches and watch movements and (ii) net income tax payments to the territorial government. To allow for the increasing emphasis on direct economic contributions, the percentage of quota allocated on the basis of shipments has been reduced gradually.

Consistent with the Secretaries' longstanding policy of maximizing the benefit to the territories from the watch assembly operations, and in response to an increased use of foreign watch components whose assembly requires little local labor input, the Secretaries are proposing for the Virgin Islands an allocation formula which will provide further incentives to

maintain meaningful levels of direct economic contribution.

With respect to the Guam allocation, the Secretaries are proposing to introduce as an allocation factor net corporate income taxes paid to the Territorial government as an additional incentive to increase the producers' direct economic contribution.

The proposed rules also contain a new entrant provision for Guam due principally to the low level of quota utilization in the territory during 1977.

The sole quota recipient in American Samoa will discontinue operations by the end of calendar year 1977. Because no response has been received to an invitation published in the FEDERAL REGISTER on September 30, 1977 (42 FR 52466 et seq.), for applications from new firms for the American Samoa quota, a new entrant provision for American Samoa is contained in the proposed rules for calendar year 1978.

Accordingly, the calendar year 1978 watch quota allocation rules are proposed to read as follows:

Section 1. (Virgin Islands and Guam) Pursuant to 15 CFR 303.5(a)(2) the annual quotas for calendar year 1978 for the Virgin Islands and Guam will be allocated on the basis of (1) the number of units assembled in the territory and entered by each producer duty-free into the customs territory of the United States during calendar year 1977, (2) the dollar amount of wages, up to a maximum of $14,000 per person, paid by such producer in the territory whose pay was attributable to the producer's Headnote 3(a) watch assembly operation, and (3) the total dollar amount of income taxes paid by such producer during calendar year 1977 attributable to its Headnote 3(a) watch assembly operations, excluding penalty payments and less any income tax refunds and subsidies paid by the Territorial government to such producer during calendar year 1977.

In making allocations under this formula, a weight of 25 percent will be assigned to Headnote 3(a) shipment history, a weight of 55 percent will be assigned to wages paid as specified above, and a weight of 20 percent will be assigned to the total dollar amount of income taxes paid during calendar year 1977 and attributable to Headnote 3(a) watch assembly operations, with the exclusions and deductions specified above.

Section 2. Applications from new firms are invited for the calendar year 1978 American Samoa quota, because the sole recipient in the territory has advised the departments that it would discontinue operations by the end of calendar year 1977. Due to the limited size of the American Samoa quota, the Departments will allocate that quota to the single firm which offers the best prospect of making a meaningful long term contribution to the economy of the territory. See section 4, below, for application procedures.

Section 3. Applications from new firms are invited for 150,000 units of the calendar year 1978 Guam quota, because of the low level of quota utilization in the territory during 1977.

Section 4. Applicants for new-entrant quotas in Guam or American Samoa must complete applicable sections of Form DIB-334P, copies of which may be obtained from the Statutory Import Programs Staff, Room 6894, U.S. Department of Commerce, Washington, D.C. 20230, and must provide such additional information as the Secretaries may require (15 CFR Part 303.5(b)). Detailed instructions for completing DIB-334P will be provided by the Statutory Import Programs Staff together with copies of the application form.

Section 5. If the Secretaries determine with respect to the new-entrant provisions for quotas in Guam or in American Samoa that no application has been received by March 1, 1978, proposing a sufficient number of assembly operations or otherwise offering the prospect of a meaningful contribution to the territorial economy, the Secretaries shall notify each applicant of the specific deficiencies and may issue a new invitation or extend the date for revised applications or applications from other new firms. In the event that any or all of the new-entrant quota in Guam is not allocated under this provision, the quota involved will be treated in accordance with procedures set forth in 15 CFR 303.5(b) (42 FR 62907 et seq.).

Any new firm which is selected to receive a quota will be required to comply with specified conditions and applicable rules of the Departments and with United States Customs Service regulations regarding assembly operations which must be performed in the insular possession under General Headnote 3(a), Tariff Schedules of the United States, as well as with the general requirements of the Territorial government regarding the establishment and conduct of a business.

Dated: December 15, 1977

FRANK A. WEIL,
Assistant Secretary for Industry and Trade, U.S. Department of Commerce.

RUTH G. VAN CLEVE,
Director, Office of Territorial Affairs, U.S. Department of the Interior.

[FR Doc. 77-36293 Filed 12-20-77; 8:45 am]

[3510-25]

Industry and Trade Administration

FOREIGN AVAILABILITY SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee will be held on Tuesday, January 10, 1978, at 1:30 p.m. in Room 5611, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. sec. 2404(c)(1) and the Federal Advisory Committee Act. The Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems, including technical date or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Foreign Availability Subcommittee was formed to ascertain if certain kinds of equipment are available in non-COCOM and Communist countries, and if such equipment is available, then to ascertain if it is technically the same or similar to that available elsewhere.

The Subcommittee meeting agenda has five parts:

GENERAL SESSION

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Review final draft of the RYAD I Report.

(4) Review of RYAD II draft material.

EXECUTIVE SESSION

(5) Discussion of matters properly classified under Executive Order 11652, dealing

with the U.S. and COCOM control program and strategic criteria related thereto.

The general session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5) the Acting Assistant Secretary of Commerce for Adminstration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Public Law 94-409, that the matters to be discussed in the executive session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the executive session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an executive order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Subcommittee during the executive session of the meeting have been properly classified under Executive Order 11652. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Trade and Industry Administration, room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Trade and Industry Administration, room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-4109.

The complete notice of determination to close meetings or portions thereof of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on February 2, 1977 (42 FR 6374).

Dated: December 16, 1977.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 77-36391 Filed 12-20-77; 8:45 am]

[3510-04]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $0.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22161 for $3.50 ($7 outside North American continent). Request for copies of patent applications must include the patent application number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent application 771,598: Multimode Date Distribution and Control Apparatus; filed Feb. 24, 1977.

Patent application 771,851: A Thermally Developable Diazo-Type Imaging Material; filed Feb. 23, 1977.

Patent application 771,852: Dizaosulfonate Reprographic Material; filed Feb. 23, 1977.

Patent application 771,858: Method for the Preparation of Bis (Perfluoro-T-Butyl) Peroxide; filed Feb. 23, 1977.

Patent application 774,341: Water Slurry Coating Method for Thermionic Cathodes; filed Mar. 4, 1977.

Patent application 776,390: Pre-TR High Power/Intermediate Power Stage Apparatus; filed Mar. 10, 1977.

Patent 4,010,463: Phase Locked Loop Resolver to Digital Converter; filed Apr. 21, 1975, patented Mar. 1, 1977; not available NTIS.

Patent 4,011,117: Method for Curing Poly (Glycidyl 2,2-Dinitro-2-Ethoxide); filed May 23, 1974, patented Mar. 8, 1977; not available NTIS.

Patent 4,011,255: Fluoroalkyleneether Difunctional Compounds; filed Sept. 4, 1975, patented Mar. 8, 1977; not available NTIS.

Patent 4,011,267: Perfluoroalkyiether Substituted Aryl Phosphines and Their Synthesis; filed Nov. 6, 1975, patented Mar. 8, 1977; not available NTIS.

Patent 4,011,306: Oxygen Generation Method; filed Feb. 26, 1976, patented Mar. 8, 1977; not available NTIS.

Patent 4,011,471: Surface Potential Stabilizing Circuit for Charge-Coupled Devices Radiation Hardening; filed Nov. 18, 1975, patented Mar. 8, 1977; not available NTIS.

Patent 4,011,532: Fast Acting Waveguide Coupler; filed Jan. 14, 1976, patented Mar. 8, 1977; not available NTIS.

Patent 4,011,560: Programable Light Display System; filed Oct. 2, 1975, patented Mar. 8, 1977; not available NTIS.

Patent 4,011,566: In-Line Coax-to Waveguide Transition Using Dipole; filed July 25, 1975, patented Mar. 8, 1977; not available NTIS.

Patent 4,015,658: Apparatus for Electric Enhancement of Heat Transfer; filed Nov. 12, 1975, patented Apr. 5, 1977; not available NTIS. 1977.

Patent 4,015,710: Reusable Shipping Container Assembly; filed Oct. 17, 1975, patented Apr. 5, 1977; not available NTIS.

Patent 4,015,880: Multiple Level Fluid Bearing Track Assembly; filed May 21, 1975, patented Apr. 5, 1977; not available NTIS.

Patent 4,016,022: Low Flow, Vacuum Bag Curable Prepreg Material for High Performance Composite Systems; filed Dec. 30, 1975, patented Apr. 5, 1977; not available NTIS.

Patent 4,016,322 Ablative Protective Material for Reentry Bodies; filed Sept. 12, 1975, patented Apr. 5, 1977; not available NTIS.

U.S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent application 646,703: Hydride Compressor; filed Jan. 5, 1976.

Patent application 657,518: Penetration Resistant Barrier; filed Feb. 12, 1976.

Patent application 657,519: Hydride Heat Pump; filed Feb. 12, 1976.

Patent 3,969,182: Growth of Mercuric Iodide Single Crystals from Dimethyisulfoxide; filed July 16, 1975, patented July 13, 1976; not available NTIS.

Patent 3,970,853: Transverse Section Radionuclide Scanning System; filed June 10, 1975, patented July 20, 1976; not available NTIS.

Patent 3,976,592: Production of MHD Fluid; patented Aug. 24, 1976; not available NTIS.

Patent 3,977,478: Method for Laser Drilling Subterranean Earth Formations; filed Oct. 20, 1975, patented Aug. 31, 1976; not available NTIS.

Patent 3,978,805: Stabilized Floating Platforms; filed Apr. 25, 1975, patented Sept. 7, 1976; not available NTIS.

Patent 3,983,423: Thermionic Converter; filed Jan. 9, 1975, patented Sept. 29, 1976; not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCTION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Bldg., Bethesda, Md. 20014.

Patent application 750,339: Polyols from Epoxidized Tallow, Trimethylolpropane and Propylene Oxide; filed Dec. 13, 1976.

Patent application 790,988: Activity Monitor for Ambulatory Subjects, filed Apr. 26, 1977.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent application 642,878: Sealing of Glass Ampoules; filed Dec. 22, 1975.

Patent application 706,656: Method and Apparatus for Remotely Transducing and Transmitting Pressure and Temperature Changes; filed July 19, 1976.
Patent application 711,944: Headgear Suspension System, filed Aug. 5, 1976.
Patent application 720,851: Lead-in-Paint Indicator Gel; filed Sept. 7, 1976.
Patent application 727,504: Container Lift Coupling; filed Sept. 28, 1976.
Patent application 763,271: Ocean Adapted Airship; filed Jan. 27, 1977.
Patent application 767,606: A Non-Explosive Lithium Battery; filed Feb. 10, 1977.
Patent application 770,872: Aircraft to Weapon Fuze Communication Link; filed Feb. 22, 1977.
Patent application 772,704: Anisotropic Sheet Metal; filed Feb. 28, 1977.
Patent application 779,657: High Density-High Volumetric Heating Value Liquid Ramjet Fuel; filed Mar. 21, 1977.
Patent application 786,755: A Dynamic Acoustic Measurement System; filed Apr. 7, 1977.
Patent application 788,383: Television Projector System; filed Apr. 18, 1977.
Patent 3,946,322: Pulse Duty Cycle Transition Moderating Device; filed June 17, 1974, patented Mar. 23 1976; not available NTIS.
Patent 3,958,597: Throttle Control for Remote Air Driven Devices; filed Oct. 21, 1974, patented May 25, 1976; not available NTIS.
Patent 3,984,266: Process for Bonding a Ferro-Cement Structure with Fiberglass Reinforced Plastic; filed Apr. 22, 1974, patented Oct. 5, 1976; not available NTIS.
Patent 4,000,584: In situ Lapping Apparatus for Gate Valves; filed Apr. 1, 1976, patented Jan. 4, 1977; not available NTIS.
Patent 4,002,061: Capacitance Transducer for the Measurement of Bending Strains at Elevated Temperatures; filed Apr. 30, 1976, patented Jan. 11, 1977; not available NTIS.
Patent 4,007,633: Method of Determining the Physical Characteristics of a Sea Floor; filed Oct. 14, 1975, patented Feb. 15, 1977; not available NTIS.
Patent 4,008,427: Variable Input Power Supply; filed Sept. 29, 1975, patented Feb. 15, 1977; not available NTIS.
Patent 4,008,606: Ship's Bottom Inspection Apparatus; filed Oct. 20, 1975, patented Feb. 22, 1977; not available NTIS.
Patent 4,009,452: Submersible Power Package; filed Jan. 12, 1976, patented Feb. 22, 1977; not available NTIS.
Patent 4,009,828: Organic Nucleating Agent for Both Warm and Cold Clouds; filed Nov. 19, 1975, patented Mar. 1, 1977; not available NTIS.
Patent 4,010,619: Remote Unmanned Work System (RUWS) Electromechanical Cable System; filed May 24, 1976, patented Mar. 8, 1977; not available NTIS.
Patent 4,012,384: 7-(N-Methyl-N-Alkylamino)-1,3,5,-Triazaadamantanes; filed July 28, 1975, patented Mar. 15, 1977; not available NTIS.
Patent 4,015,987: Process for Making Chip Carriers Using Anodized Aluminum; filed Aug. 13, 1975, patented Apr. 5, 1977; not available NTIS.
Patent 4,016,761: Optical Temperature Probe; filed Apr. 18, 1974, patented Apr. 12, 1977; not available NTIS.
Patent 4,016,775: Finger Actuated Controller; filed July 11, 1974, patented Apr. 12, 1977; not available NTIS.
Patent 4,017,208: Two-Way Fluid Meter Pump; filed June 13, 1975, patented Apr. 12, 1977; not available NTIS.
Patent 4,017,587: Boron Carbide; filed Apr. 26, 1971, patented Apr. 12, 1977; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 727,503: Thrust Augmented Spin Recovery Device; filed Sept. 28, 1976.
Patent application 733,814: Vortex Attenuation Method; filed Oct. 19, 1976.
Patent application 760,057: Safety Flywheel; filed Jan. 17, 1977.
Patent application 790,637: Method for Producing Solar Energy Panels by Automation; filed Apr. 25, 1977.
Patent application 796,256: Induction Powered Biological Radiosonde; filed May 12, 1977.
Patent 3,478,514: Hydraulic Drain Means for Servo-Systems; patented Nov. 18, 1969; not available NTIS.
Patent 3,736,453: Arc Control in Compact Arc Lamps; patented May 29, 1973; not available NTIS.
Patent 3,896,955: Automated Multi-Level Vehicle Parking System; patented July 29, 1975; not available NTIS.
Patent 4,014,745: Application of Luciferase Assay for ATP to Antimicrobial Drug Susceptibility; patented Mar. 29, 1977; not available NTIS.
Patent 4,018,532: Sun Direction Detection System; patented Apr. 19, 1977; not available NTIS.
Patent 4,018,971: Gels as Battery Separators for Soluable Electrode Cells, patented Apr. 19, 1977; not available NTIS.
Patent 4,019,868: Solar Hydrogen Generator; patented Apr. 26, 1977; not available NTIS.

[FR Doc. 77-35718 Filed 12-20-77; 8:45 am]

[3510-04]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

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DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE ARMY, Office of Judge Advocate General, Patent Division, room 2C-455, Pentagon, Washington, D.C. 20314.

Patent 3,925,675: Portable Fluoroscope; filed Sept. 6, 1974, patented Dec. 9, 1975; not available NTIS.
Patent 4,006,646: Anti-Friction Worm and Wheel Drive; filed Sept. 9, 1975, patented Feb. 8, 1977; not available NTIS.
Patent 4,007,296: Method for Making Thick Film Capacitors; filed June 29, 1974, patented Feb. 8, 1977; not available NTIS.
Patent 4,008,601: Fluidic Partial Pressure Sensor; filed Jan. 16, 1975, patented Feb. 22, 1977; not available NTIS.
Patent 4,015,259: Method and Apparatus for Interrogating and Identifying Fixed or Moving Targets; filed May 21, 1975, patented Mar. 29, 1977; not available NTIS.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent application 771,853: Method for the Preparation of Perfluoroethers; filed Feb. 23, 1977.
Patent application 776,385: Break-Away Outrigger; filed Mar. 10, 1977.
Patent application 776,389: Magnetic Probe Output Calibration Tool; filed Mar. 10, 1977.
Patent application 776,391: In-Line Actuator Monitoring and Control Apparatus; filed Mar. 10, 1977.
Patent application 776,803: Method for Fabrication of High Minority Carrier Lifetime, Low to Moderate Resistivity, Single Crystal Silicon; filed Mar. 11, 1977.
Patent application 778,761: Explosively Driven Plasma Current Generator; filed Mar. 17, 1977.
Patent application 778,762: Selective Cooling of Turbine Vanes; filed Mar. 17, 1977.
Patent application 786,691: Aircraft Conveyor Load Redistribution System; filed Apr. 11, 1977.
Patent application 787,655: Vapor Clearing of Filter Medium; filed Apr. 14, 1977.
Patent application 787,678: Electro-Acoustically Scanned Interferometer-Spectrometer; filed Apr. 14, 1977.
Patent application 790,647: Kinetic Energy, Impact-Separated, Follow-Through Ungula Penetrator; filed Apr. 25, 1977.
Patent application 790,772: Pilot Operated Stepping Valve; filed Apr. 25, 1977.
Patent application 790,773: Solid Propellant Pressurization of Monopropellant Fuel Powered System; filed Apr. 25, 1977.
Patent application 790,774: Surface Acoustic Wave Rate Sensor and Position Indicator; filed Apr. 25, 1977.
Patent 4,009,662: Discriminating Sensor for Contact Fuzing; filed Sept. 29, 1975, patented Mar. 1, 1977; not available NTIS.
Patent 4,010,426: RF Power Amplifier Parallel Redundant System; filed Nov. 12, 1975, patented Mar. 1, 1977; not available NTIS.
Patent 4,011,565: Method of Determining Ionospheric Reflection Height; filed Apr. 19, 1976, patented Mar. 8, 1977; not available NTIS.

Patent 4,011,574: Junction Arrays for Superconducting Application; filed Aug. 12, 1975, patented Mar. 8, 1977; not available NTIS.

Patent 4,013,013: Ordnance Fuze Time Delay Mechanism; filed Nov. 12, 1975, patented Mar. 22, 1977; not available NTIS.

Patent 4,014,613: Method and Apparatus for Determining Changes in Spacing between Two Positions of Interest; filed Sept. 10, 1975, patented Mar. 29, 1977; not available NTIS.

Patent 4,015,427: Fuel Grain for Spherical Boost-Sustain Rocket Motor; filed Nov. 12, 1975, patented Apr. 5, 1977; not available NTIS.

Patent 4,015,528: High Density Armor Piercing Projectile; filed Mar. 19, 1975, patented Apr. 5, 1977; not available NTIS.

Patent 4,015,533: Dual Pressure Sensing Safing and Arming Mechanism; filed June 15, 1976, patented Apr. 5, 1977; not available NTIS.

Patent 4,015,710: Reusable Shipping Container Assembly; filed Oct. 17, 1975, patented Apr. 5, 1977; not available NTIS.

Patent 4,015,910: Bolted Paired Vanes for Turbine; filed Mar. 9, 1976, patented Apr. 5, 1977; not available NTIS.

Patent 4,016,416: Phase Compensated Zone Plate Photodetector; filed Mar. 23, 1976, patented Apr. 5, 1977; not available NTIS.

Patent 4,016,427: Apparatus for Producing Efficient Second Harmonic Generation and Frequency Mixing; filed Jan. 21, 1976, patented Apr. 5, 1977; not available NTIS.

Patent 4,016,438: Enthalpy Augmentation to MHD Generation; filed May 27, 1975, patented Apr. 5, 1977; not available NTIS.

Patent 4,016,511: Programmable Variable Length High Speed Digital Delay Line; filed Dec. 19, 1975, patented Apr. 5, 1977; not available NTIS.

Patent 4,016,569: Near Field Antenna Boresight Alignment Apparatus; filed Oct. 3, 1975, patented Apr. 5, 1977; not available NTIS.

Patent 4,017,342: Method for Improving Metal Combustion in Solid Rocket Propellants; filed Apr. 5, 1976, patented Apr. 12, 1977; not available NTIS.

Patent 4,017,887: Method and Means for Passivation and Isolation in Semiconductor Devices; filed Dec. 20, 1974, patented Apr. 12, 1977; not available NTIS.

Patent 4,022,952: Electrode Assembly for Bipolar Battery; filed Dec. 19, 1975, patented May 10, 1977; not available NTIS.

Patent 4,026,041: Two-Dimensional Drawing Board Manikin; filed Apr. 28, 1976, patented May 31, 1977; not available NTIS.

Patent 4,026,145: Hydraulic Grip for Tubular Mechanical Properties Specimen; filed Apr. 16, 1976, patented May 31, 1977; not available NTIS.

Patent 4,027,187: Supersonic Spark Gap Switch; filed Apr. 22, 1976, patented May 31, 1977; not available NTIS.

U.S. Energy Research and Development Administration, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent 3,980,397: Diffraction Smoothing Aperture for an Optical Beam; filed May 9, 1975, patented Sept. 14, 1976; not available NTIS.

Patent 3,981,406: Automatic Box Loader; filed Oct. 31, 1975, patented Sept. 21, 1976; not available NTIS.

U.S. Department of Health, Education, and Welfare, National Institutes of Health, Chief, Patent Branch, Westwood Bldg., Bethesda, Md. 20014.

Patent application 781,954: An Antiserum for the Specific Detection of HCG in Human Urine; filed Mar. 28, 1977.

Patent application 786,202: Modification of Hepatitis B Virus Infection in Chronic Carriers of Hepatitis B Surface Antigen; filed Apr. 11, 1977.

Patent 4,016,867: Uterine Caliper and Depth Gauge; filed Apr. 27, 1976, patented Apr. 12, 1977; not available NTIS.

U.S. Department of the Navy, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent application 728,814: Omnidirectional Monitor Buoy; filed Oct. 1, 1976.

Patent application 737,635: Retaining Clip; filed Nov. 1, 1976.

Patent application 764,310: Composition for the Control of Mosquitos; filed Jan. 31, 1977.

Patent application 767,602: Electronic Ignition System for Liquid Explosive; filed Feb. 10, 1977.

Patent application 771,717: High Electrical Frequency Infrared Detector; filed Feb. 24, 1977.

Patent application 772,718: High Fidelity Low Frequency Transducer for Use at Great Depth; filed Feb. 28, 1977.

Patent application 780,630: 2,5-Dipicrylfurans; filed Mar. 23, 1976.

Patent application 781,098: Room Temperature Cured Elastomer; filed Mar. 25, 1977.

Patent application 782,102: Fabrication of Ablator Liners in Combustors; filed Mar. 28, 1977.

Patent application 782,571: Optical Waveguide Power Divider; filed Mar. 29, 1977.

Patent application 783,100: Laser Tuning with an Acousto-Optic Lens; filed Mar. 31, 1977.

Patent application 784,020: An Elastic Electrically-Conductive Strain Cable; filed Apr. 4, 1977.

Patent application 785,976: Four-Dimensional Isometric Radar Target Image Display; filed Apr. 8, 1977.

Patent application 788,874: Tapped Surface Acoustic Wave Delay Line; filed Apr. 19, 1977.

Patent application 789,161: Retroreflectance Measurement System; filed Apr. 20, 1977.

Patent application 790,105: Automated Fire.Inerting System; filed Apr. 22, 1977.

Patent application 790,623: Air Revitalization Compositions; filed Apr. 25, 1977.

Patent application 790,624: Air Revitalization Materials; filed Apr. 25, 1977.

Patent application 800,590: High Strength, Nonmetallic Coupling; filed May 25, 1977.

Patent 3,928,108: Method of Making a Poly(Methyl Methacrylate) Pre-Holographic Element; filed Aug. 12, 1974, patented Dec. 23, 1975; not available NTIS.

Patent 3,981,592: System for Locating Breaks in Fiber Optic Filaments; filed Mar. 31, 1975, patented Sep. 21, 1976; not available NTIS.

Patent 3,984,266: Process for Bonding a Ferro-Cement Structure with Fiberglass Reinforced Plastic; filed Apr. 22, 1974, patented Oct. 5, 1976; not available NTIS.

Patent 3,993,631: Polyphthalocyanines Prepared from N,N BIS(3,4-Dicyanophenyl) Alkanediamides; filed Aug. 23, 1974, patented Nov. 23, 1976; not available NTIS.

Patent 4,002,504: Multifilament Superconductors; filed Dec. 23, 1975, patented Jan. 11, 1977; not available NTIS.

Patent 4,005,376: Electronically Variable Surface Acoustic Wave Phase Shifter; filed Apr. 15, 1976, patented Jan. 25, 1977; not available NTIS.

Patent 4,006,412: Digital Display System Circuit; filed Oct. 29, 1974, patented Feb. 1, 1977; not available NTIS.

Patent 4,008,470: Passive Ranging System; filed Feb. 27, 1968, patented Feb. 15, 1977; not available NTIS.

Patent 4,009,392: Radiation Focus Meter; filed Jan. 26, 1976, patented Feb. 22, 1977; not available NTIS.

Patent 4,012,244: High Density Impulse Solid Propellant; filed Mar. 31, 1961, patented Mar. 15, 1977; not available NTIS.

Patent 4,013,245: Homing Projectile; filed Dec. 5, 1975, patented Mar. 22, 1977; not available NTIS.

Patent 4,015,621: Pressure Control and Fluid Venting System for a Pressurized Container; filed Mar. 18, 1976, patented Apr. 5, 1977; not available NTIS.

Patent 4,015,715: Stable Platform Shipping Container; filed Jan. 23, 1974, patented Apr. 5, 1977; not available NTIS.

Patent 4,016,764: Temperature Compensated, High Resolution Pressure Transducer Based on Capacitance Change Principles; filed July 19, 1976, patented Apr. 12, 1977; not available NTIS.

Patent 4,018,911: Method for Large Volume Freezing and Thawing of Packed Erythrocytes; filed Nov. 10, 1975, patented Apr. 19, 1977; not available NTIS.

National Aeronautics and Space Administration, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 740,156: Differential Sound Level Meter; filed Nov. 8, 1976.

Patent application 796,257: Flame-Resistant Liquid Oxygen Compatible Neoprene Rubber Composition; filed May 12, 1977.

Patent 4,017,959: Method of Forming Shrink-Fit Compression Seal; patented Apr. 19, 1977; not available NTIS.

Patent 4,018,409: Combined Docking and Grasping Device; patented Apr. 19, 1977; not available NTIS.

[FR Doc. 77-35719 Filed 12-20-77; 8:45 am]

[3510-04]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

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Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22161 for $3.50 ($7 outside North American continent). Requests for copies of patent applications must include the patent application number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually

be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE ARMY, Office of Judge Advocate General, Patent Division, Room 2C-455, Pentagon, Washington, D.C. 20314.

Patent 3,918,032: Amorphous Semiconductor Switch and Memory with a Crystallization-Accelerating Layer; filed Dec. 5, 1974; patented Nov. 4, 1975; not available NTIS.

Patent 3,969,681: Fast Electronic Tuning of High Power Circuits for VHF-UHF Power Amplifier at High-Efficiency; filed Aug. 15, 1974; patented July 13, 1976; not available NTIS.

Patent 3,987,320: Multiaxis Piezoelectric Sensor; filed July 30, 1975; patented Oct. 19, 1976; not available NTIS.

Patent 3,997,913: Electronic Time Compressor/Expander Utilizing Magnetic Storage; filed Jan. 9, 1975; patented Dec. 14, 1976; not available NTIS.

Patent 4,003,007: High Power Pulse Compression Techniques; filed Nov. 13, 1975; patented Jan. 11, 1977; not available NTIS.

Patent 4,004,758: Method and Apparatus for Providing Decelerated Aircraft Approach; filed Dec. 10, 1975; patented Jan. 25, 1977; not available NTIS.

Patent 4,005,407: Cathode Ray Tube Digitizer; filed May 8, 1975; patented Jan. 25, 1977, not available NTIS.

Patent 4,005,419: Beacon Side Lobe Detector; filed Jan. 19, 1976; patented Jan. 25, 1977; not available NTIS.

Patent 4,008,474: Doppler Radar for Distinguishing between Approaching and Receding Targets and Having Increased Frequency Response; filed June 18, 1975; patented Feb. 15, 1977; not available NTIS.

Patent 4,010,468: Methods and Apparatus for Eliminating Interference in Radar Systems; filed Oct. 10, 1975; patented May 1, 1977; not available NTIS.

Patent 4,012,143: Multi-Axis Laser Scanner; filed Oct. 10, 1975; patented Mar. 15, 1977; not available NTIS.

Patent 4,013,950: Apparatus for Measuring the Electromagnetic Impedance of Soils; filed Apr. 12, 1976; patented Mar. 22, 1977; not available NTIS.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent application 787,676: Improved Rocket Nozzle System; filed Apr. 14, 1977.

Patent application 787,680: Socket Lug Assembly for Aircraft Stores; filed Apr. 14, 1977.

Patent 4,021,362: Gas Generating System for Chemical Lasers; filed July 1, 1975; patented May 3, 1977; not available NTIS.

Patent 4,021,662: Laser Target Simulator; filed July 9, 1975; patented May 3, 1977; not available NTIS.

Patent 4,021,753: Free Expansion Nozzle for Gas Dynamic Lasers; filed Apr. 8, 1975, patented May 3, 1977; not available NTIS.

Patent 4,021,785: Interface System for a Computer Terminal and Random Access Slide Projector; filed Sept. 17, 1975, patented May 3, 1977; not available NTIS.

Patent 4,021,801: Single Bit Doppler Processor for Guidance Missile System; filed Mar. 3, 1971, patented May 3, 1977; not available NTIS.

Patent 4,021,812: Layered Dielectric Filter for Sidelobe Suppression; filed Sept. 11, 1975, patented May 3, 1977; not available NTIS.

Patent 4,021,836: Inverted Heterojunction Photodiode; filed Apr. 12, 1976, patented May 3, 1977; not available NTIS.

Patent 4,022,020: Debris Catcher for Thrust Termination Ports; filed Dec. 5, 1975, patented May 10, 1977; not available NTIS.

Patent 4,022,053: Projectile Guide Track; filed Sept. 30, 1975, patented May 10, 1977; not available NTIS.

Patent 4,022,129: Nozzle Ejection System; filed Jan. 16, 1976, patented May 10, 1977; not available NTIS.

Patent 4,022,454: Universal Self-Aligning Locator; filed Jan. 8, 1976, patented May 10, 1977; not available NTIS.

Patent 4,026,498: Motion Sensor for Spinning Vehicles; filed Aug. 5, 1975, patented May 31, 1977; not available NTIS.

Patent 4,027,299: Surface Wave Augmented Loop Memory System; filed Nov. 12, 1975, patented May 31, 1977; not available NTIS.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Management Branch, General Services Division, Federal Building, Agricultural Research Service, Hyattsville, Md. 20782.

Patent application 792,366: Single Line, Traction Driven Running Skyline System; filed Apr. 29, 1977.

U.S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent application 698,553: Guidance System for Laser Targets; filed June 22, 1976.

Patent 3,967,500: Magnetic Transit-Time Flowmeter, filed May 29, 1975, patented July 6, 1976; not available NTIS.

Patent 3,978,729: Circuit for Monitoring Temperature of High-Voltage Equipment; filed Dec. 9, 1975; patented Sept. 7, 1976; not available NTIS.

Patent 3,983,437: Electromagnetic Radiation Detector; filed Mar. 12, 1968, patented Sept. 28, 1976; not available NTIS.

Patent 3,986,026: Apparatus for Proton Radiography; filed Nov. 14, 1975, patented Oct. 12, 1976; not available NTIS.

Patent 3,988,615: Method for Radioactivity Monitoring; filed Apr. 28, 1975, patented Oct. 26, 1976; not available NTIS.

Patent 3,993,732: Method of Recycling Lithium Borate to Lithium Borohydride Through Diborane; filed July 16, 1975, patented Nov. 23, 1976; not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Md. 20014.

Patent application 782,849: Permanently Attached Artificial Limb; filed Mar. 30, 1977.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent application 737,305: Built-In Test Equipment for Sonobuoy; filed Nov. 1, 1976.

Patent application 746,773: Anti-Strumming Cable; filed Dec. 2, 1976.

Patent application 775,238: Lubricant; filed Mar. 7, 1977.

Patent application 783,134: Aspect Ratio and Scan Converter System; filed Mar. 31, 1977.

Patent application 784,383: Technique for Threshold Control Over Edges of Devices on Silicon-on-Sapphire; filed Apr. 4, 1977.

Patent application 790,511,70: Shock-Excursion Apparatus for Retracting the Umbilical Plug of a Missile; filed Apr. 25, 1977.

Patent application 790,739: Positively Expandable and Retractable Thread Measuring Gage; filed Apr. 25, 1977.

Patent application 792,948: Gun Pod Stationary Blast Diffuser; filed May 2, 1977.

Patent application 793,214: A Tunable Laser Based Upon S2, Te2 and other Selected Dimers; filed May 2, 1977.

Patent application 800,589: Compressor Stall Warning System; filed May 25, 1977.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent 4,020,632: Oil Cooling System for a Gas Turbine Engine; patented May 3, 1977; not available NTIS.

[FR Doc. 77-35720 Filed 12-20-77; 8:45 am]

[3510-04]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

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Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE ARMY, Office of Judge Advocate General, Patent Divi-

sion, Room 2C-455, Pentagon, Washington, D.C. 20314.

Patent 4,001,814: Fixed Format Message entry Device with Electronic Storage and Editing; filed May 21, 1975; patented Jan. 4, 1977; not available NTIS.

Patent 4,003,295: Fluidic Capacitor for Temperature Independent RC Time Constants in Liquids; filed Apr. 10, 1975; patented Jan. 18, 1977; not available NTIS.

Patent 4,004,175: High Voltage Particle Accelerator Utilizing Polycrystalline Ferroelectric Ceramic Material; filed Dec. 9, 1975; patented Jan. 18, 1977; not available NTIS.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent 4,021,409: Thermally Stable Benzlbidazonaphthyridine Compositions; filed June 19, 1975; patented May 3, 1977; not available NTIS.

Patent 4,022,746: Bis-Ethynyl Heterocyclic compositions and Method of Snythesis; filed Sept. 10, 1975; patented May 10, 1977; not available NTIS.

Patent 4,026,734: Method of Coating Titanium; filed Jan. 16, 1976; patented May 31, 1977; not available NTIS.

Patent 4,027,188: Tubular Plasma Display Seal Design; filed June 23, 1975; patented May 31, 1977; not available NTIS.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Management Branch, General Services Division, Federal Building, Agricultural Research Service, Hyattsville, MD. 20782.

Patent 4,030,244: Metering and Spray Apparatus for Horticultural Applications; filed May 14, 1976; patented June 21, 1977; not available NTIS.

U.S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent application 651,981: Method for the Safe Disposal of Alkali Metal; filed Jan. 27, 1976.

Patent 3,976,479: Alloy Solution Hardening with Solute Pairs; filed Mar. 12, 1974; patented Aug. 24, 1976; not available NTIS.

Patent 3,976,735: Fabrication of Boron Articles; filed Sept. 30, 1974; patented Aug. 24, 1976; not available NTIS.

Patent 3,989,480: Decomposition of Carbohydrate Wastes; filed Mar. 25, 1976; patented Nov. 2, 1976; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief of Patents, Office of Naval Research, Code 302, Arlington, VA. 22217.

Patent application 800,972: Solder Extractor Apparatus; filed May 26, 1977.

Patent application 772,040: Acoustic Emission Fatigue Analyzer; filed Feb. 25, 1977.

Patent application 772,418: High Power Battery with Liquid Depolariser; filed Feb. 28, 1977.

Patent application 782,661: Heave Meter; filed Mar. 30, 1977.

Patent application 788,861: Spectrometer with Electronic Readout; filed Mar. 19, 1977.

Patent application 790,130: Room-Temperature, Thin-Film, PbS Photoconductive Detector Hardened against Laser Damage; filed Apr. 22, 1977.

Patent application 793,568: A Pressure-Equalized Electrochemical Battery System; filed May 4, 1977.

Patent application 795,690: Method and Means of Monitoring the Quality of a Fluid Dielectric; filed May 11, 1977.

Patent application 799,114: Monopulse, Fan-Beam, Search-Radar System with Improved Height and Azimuth Determination; filed May 24, 1977.

Patent application 799,809: Integrated Optical Matrix Multiplier; filed May 23, 1977.

Patent 3,981,756: Process for Preparing High Density Solid Propellants; filed Sept. 9, 1975; patented Sept. 21, 1976; not available NTIS.

Patent 4,004,310: Marker Buoy Recovery Aid; filed Mar. 1, 1976; patented Jan. 25, 1977; not available NTIS.

Patent 4,004,519: Projectile Power Generator; filed Apr. 12, 1976; patented Jan. 25, 1977; not available NTIS.

Patent 4,004,533: Scuttling Valve; filed May 25, 1976; patented Jan. 25, 1977; not available NTIS.

Patent 4,005,384: Vehicle Detector; filed Jan. 14, 1970; patented Jan. 25, 1977; not available NTIS.

Patent 4,007,691: Smoke Marker; filed Dec. 23, 1975; patented Feb. 15, 1977; not available NTIS.

Patent 4,009,960: Passive Optical Rangefinder; filed Feb. 12, 1975; patented Mar. 1, 1977; not available NTIS.

Patent 4,010,689: Apparatus for Sensing Target Distance; filed Dec. 23, 1970; patented Mar. 8, 1977; not available NTIS.

Patent 4,011,024: Drilling Machine; filed Feb. 4, 1976; patented Mar. 8, 1977; not available NTIS.

Patent 4,011,114: Cross-Linked Nitrocellulose Propellant Formulation; filed Apr. 9, 1964; patented Mar. 8, 1977; not available NTIS.

Patent 4,011,265: 3,3"-Diamino- or 3,3"-Dimethoxy-Octanitro-M-Terphenyl; filed Mar. 19, 1970, patented Mar. 8, 1977; not available NTIS.

Patent 4,011,818: Warhead Explosive Liner; filed Apr. 1, 1976, patented Mar. 15, 1977; not available NTIS.

Patent 4,011,819: Stress Relieved Molded Cover Assembly and Method of Making the Same; filed Mar. 3, 1976, patented Mar. 15, 1977; not available NTIS.

Patent 4,012,627: Distribution-Free Filter; filed Sept. 29, 1975, patented Mar. 15, 1977; not available NTIS.

Patent 4,012,633: Wide Dynamic Range Analog Signal Optical Communication System; filed Sept. 5, 1975, patented Mar. 15, 1977; not available NTIS.

Patent 4,012,691: Determination of Thermal Impedances of Bonding Layers in Infrared Photoconductors; filed Apr. 8, 1976, patented Mar. 15, 1977; not available NTIS.

Patent 4,012,738: Combined Layers in a Microwave Radiation Absorber; filed Jan. 31, 1961, patented Mar. 15, 1977; not available NTIS.

Patent 4,013,944: Pressure Insensitive System for Measuring the Length of a Cable Deployed Underwater Using Magnet Actuated Reed Switches; filed Jan. 2, 1976, patented Mar. 22, 1977; not available NTIS.

Patent 4,013,966: FM RF Signal Generator Using Step Recovery Diode; filed Oct. 16, 1975, patented Mar. 22, 1977; not available NTIS.

Patent 4,013,967: Mid-Pulse Detector; filed Apr. 29, 1976, patented Mar. 22, 1977; not available NTIS.

Patent 4,014,002: Data Acquisition and Transfer System; filed Apr. 5, 1976, patented Mar. 22, 1977; not available NTIS.

Patent 4,015,530: Two Channel Optical Fuzing System; filed Mar. 30, 1966, patented Apr. 5, 1977; not available NTIS.

Patent 4,015,553: Submersible Barge Control System; filed Aug. 18, 1975, patented Apr. 5, 1977; not available NTIS.

Patent 4,015,677: Automatic Patient Weighing System; filed July 25, 1975, patented Apr. 5, 1977; not available NTIS.

Patent 4,015,798: Fleet Angle System and Method of Level Winding; filed Feb. 17, 1976, patented Apr. 5, 1977; not available NTIS.

Patent 4,015,873: Retriever; filed Dec. 22, 1975, patented Apr. 5, 1977; not available NTIS.

Patent 4,016,407: Universal Modular Controller; filed Sept. 19, 1975, patented Apr. 5, 1977; not available NTIS.

Patent 4,016,500: Explosively Driven Laser Amplifier System; filed Oct. 17, 1975, patented Apr. 5, 1977; not available NTIS.

Patent 4,016,726: Connector Hinge for Oil Containment Booms; filed Aug. 21, 1975, patented Apr. 5, 1977; not available NTIS.

Patent 4,017,043: Deployable Rotor; filed Mar. 8, 1976, patented Apr. 12, 1977; not available NTIS.

Patent 4,017,414: Powdered Metal Source for Production of Heat and Hydrogen Gas; filed Dec. 8, 1975, patented Apr. 12, 1977; not available NTIS.

Patent 4,017,811: Inverse Wiedemann Effect Torsional Delay Line Matched Filter Device; filed Feb. 28, 1968, patented Apr. 12, 1977; not available NTIS.

Patent 4,020,450: Towed Hydrophone Preamplifier and Receiver; filed Jan. 5, 1976, patented Apr. 26, 1977; not available NTIS.

Patent 4,020,489: Sequential Observer Multi-Functional Friend Accept Decider; filed July 25, 1975, patented Apr. 26, 1977; not available NTIS.

Patent 4,021,846: Liquid Crystal Stereoscopic Viewer; filed Sept. 25, 1972, patented May 3, 1977; not available NTIS.

Patent 4,024,443: A.C.-Powered, Commutated Electric Motor; filed Sept. 9, 1975, patented May 17, 1977; not available NTIS.

Patent 4,025,912: Method and Apparatus for Remotely Transducing and Transmitting Pressure and Temperature Changes; filed July 19, 1976, patented May 24, 1977; not available NTIS.

Patent 4,028,633: Drive Control to Prevent Simultaneous Conduction in Push-Pull Switching Amplifier; filed July 19, 1976, patented June 7, 1977; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 675,328: Selective Image Area Control of X-Ray Film Exposure Density; filed Apr. 9, 1976.

Patent application 777,983: Phase Conjugation Method and Apparatus for an Active Retrodirective Antenna Array; filed Mar. 16, 1977.

Patent application 779,415: Digital Data Reformatter/Deserializer; filed Mar. 18, 1977.

Patent application 782,463: Stabilization of He2(A-3 Sigma u(+)) Molecules in Liquid Helium by Optical Pumping for Vacuum UV Laser; filed Mar. 29, 1977.

Patent application 782,464: Digital Demodulator-Correlator; filed Mar. 29, 1977.

Patent application 785,257: Sun Tracking Solar Energy Collector; filed Apr. 6, 1977.

Patent application 789,760: Double Discharge Metal Vapor Laser with Metal Halide as a Lasant; filed Apr. 21, 1977.
Patent application 792,068: Water System Virus Detection; filed Apr. 28, 1977.
Pa tent application 792,069: A Cantilever Mounted Resilient Pad Gas Bearing; filed Apr. 28, 1977.
Patent application 797,217: Abrasion Resistant Coatings for Plastic Surfaces; filed May 16, 1977.
Patent application 799,023: Computerized System for Translating a Torch Head; filed May 20, 1977.
Patent application 799,025: Collapsible Corrugated Horn Antenna; filed May 20, 1977.
Patent application 799,026: Application of Semiconductor Diffusants to Solar Cells by Screen Printing; filed May 20, 1977.
Patent application 799,832: Electric Discharge for Treatment of Trace Contaminants; filed May 23, 1977.
Patent application 801,290: Gas Path Seal; filed May 27, 1977.
Patent application 801,432: A Regulated High Efficienty, Lightweight Capacitor-Diode Multiplier DC to DC Converter; filed May 27, 1977.
Patent application 803,822: High Toughness-High Strength Iron Alloy; filed June 6, 1977.
Patent application 803,823: Method for Fabricating Solar Cells Having Integral Collector Grids; filed June 6, 1977.
Patent 4,025,327: Method for Fabricating a Mass Spectrometer Inlet Leak; patented May 24, 1977; not available NTIS.
Patent 4,025,866: Open Loop Digital Frequency Multiplier; patented May 24, 1977; not available NTIS.
Patent 4,025,891: Method for Making a Hot Wire Anemometer and Product Thereof; patented May 24, 1977; not available NTIS.
Patent 4,025,950: Sampling Video Compression System; patented May 24, 1977; not available NTIS.
Patent 4,026,527: Vortex Generator for Controlling the Dispersion of Effluents in a Flowing Liquid; patented May 31, 1977; not available NTIS.
Patent 4,027,265: Unbalanced Quadriphase Demodulator; patented May 31, 1977; not available NTIS.

[FR Doc. 77-35721 Filed 12-20-77; 8:45 am]

[3510-04]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the commissioner of Patents and Trademarks, Washington, D.C. 20231, for $0.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22161 for $3.50 ($7 outside North American Continent). Requests for copies of patent applications must include the patent application number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE ARMY, Office of Judge Advocate General, Patent Division, Room 2C-455, Pentagon, Washington, D.C. 20314.

Patent 4,004,175: High Voltage Particle Accelerator Utilizing Polycrystalline Ferroelectric Ceramic Material. Filed 9 Dec 75, patented 18 Jan 77, Not available NTIS.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Mgmt. Branch, General Services Division, Federal Bldg., Agricultural Research Service, Hyattsville, Md. 20782.

Patent Application 785,615: Shrinkproofing of Fabrics. Filed 7 Apr 77.

U.S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent Application 646,782: Regenerable Sorbent and Method for Removing Hydrogen Sulfide from Hot Gaseous Mixtures; filed Mar. 1, 1976.
Patent Application 652,695: Method for Preparing Single Crystal Lab. sub. 6 Cathodes; filed Jan. 27, 1976.
Patent Application 652,696: Method of Preparing Porous, Active Material for Use in Electrodes of Secondary Electrochemical Cells; filed Jan. 27, 1976.
Patent Application 657,525: Compartmented Electrode Structure; filed Feb. 12, 1976.
Patent Application 675,086: Nuclear Waste Solidification; filed Apr. 8, 1976.
Patent Application 683,156: Method for Isotope Enrichment by Photoinduced Chemionization; filed May 4, 1976.
Patent Application 690,498: Variable Displacement Internal Combustion Engine; filed May 27, 1976.
Patent Application 696,997: Isotope Separation by Photoselective Dissociative Electron Capture; filed June 17, 1976.
Patent 3,959,094: Electrolytic Synthesis of Methanol from CO sub. 2; filed Mar. 13, 1975, patented May 25, 1976; not available NTIS.
Patent 3,960,138: Differential Temperature Integrating Diagnostic Method and Apparatus; filed Jan. 6, 1975, patented June 1, 1976; not available NTIS.
Patent 3,969,123: Refractory Ceramic Compositions and Method for Preparing Same; filed Feb. 11, 1975, patented July 13, 1976; not available NTIS.
Patent 3,969,160: High-Strength Ductile Uranium Alloy; filed June 13, 1975, patented July 13, 1976; not available NTIS.
Patent 3,969,495: Thermochemical Production of Hydrogen; filed June 26, 1975, patented July 13, 1976; not available NTIS.
Patent 3,969,631: Gas Production Apparatus; filed Mar. 20, 1975, patented July 13, 1976; not available NTIS.
Patent Application 3,970,450: Modified Iridium—Tungsten Alloy; filed July 16, 1975, patented July 20, 1976; not available NTIS.
Patent 3,976,898: Prestressed Glass, Aezoelectric Electrical Power Source; filed Mar. 20, 1975, patented Aug. 24, 1976; not available NTIS.
Patent 3,979,209: Ductile Tungsten—Nickel Alloy and Method for Making Same; filed Feb. 18, 1975, patented Sept. 7, 1976; not available NTIS.
Patent 3,979,234: Process for Fabricating Articles of Tungsten—Nickel—Iron Alloy; filed Sept. 18, 1975, patented Sept. 7, 1976; not available NTIS.
Patent 3,980,495: Calcium Alloy as Active Material in Secondary Electrochemical Cell; patented Dec. 14, 1976; not available NTIS.
Patent 3,980,916: Beam Limiter for Thermonuclear Fusion Devices; filed July 22, 1975, patented Sept. 14, 1976; not available NTIS.
Patent 3,983,392: Method and Apparatus for Measuring Incombustible Content of Coal Mine Dust Using Gamma Ray Backscatter; filed Feb. 14, 1975, patented Sept. 28, 1976; not available NTIS.
Patent 3,985,078: Power Supply; filed Sept. 11, 1975, patented Oct. 12, 1976; not available NTIS.
Patent 3,985,551: Process for Removing Carbon from Uranium; filed Feb. 24, 1976, patented Oct. 12, 1976; not available NTIS.
Patent 3,985,595: Insensitive Explosive Composition of Halogenated Copolymer and Triaminotrinitrobenzene; filed Nov. 29, 1974, patented Oct. 12, 1976; not available NTIS.
Patent 3,987,145: Ferric Ion as a Scavenging Agent in a Solvent Extraction Process; filed May 15, 1975, patented Oct. 19, 1976; not available NTIS.
Patent 3,987,302: Resonance Ionization for Analytical Spectroscopy; filed Aug. 27, 1975, patented Oct. 19, 1976; not available NTIS.
Patent 3,988,123: Gasification of Carbonaceous Solids; filed Aug. 15, 1975, patented Oct. 26, 1976; not available NTIS.
Patent 3,988,919: Use of Graphitized Carbon Beads for Gas Liquids Chromatography; filed Oct. 7, 1975, patented Nov. 2, 1976; not available NTIS.
Patent 3,989,608: Flotation Process for Removal of Precipitates from Electrochemical Chromate Reduction Unit; filed Dec. 30, 1975, patented Nov. 2, 1976; not available NTIS.
Patent 3,989,808: Method of Preparing Pure Fluorine Gas; filed July 28, 1975, patented Nov. 2, 1976; not available NTIS.
Patent 3,991,680: Tagging Explosives with Sulfur Hexafluoride; filed May 15, 1975, patented Nov. 16, 1976; not available NTIS.
Patent 3,993,538: Production of High Purity Radiothallium; filed Jan. 27, 1976, patented Nov. 23, 1976; not available NTIS.
Patent 3,993,579: Method of Encapsulating Solid Radioactive Waste Material for Storage; filed Oct. 22, 1975, patented Nov. 23, 1976; not available NTIS.
Patent 3,993,728: Bidentate Organophosphorus Solvent Extraction Process for Actinide Recovery and partition; filed Aug. 27, 1975, patented Nov. 23, 1976; not available NTIS.

Patent 3,995,009: Process for Loading Weak-Acid Ion Exchange Resin with Uranium; filed Sept. 15, 1975, patented Nov. 30, 1976; not available NTIS.
Patent 3,996,331: Plutonium and Americium Separation from Salts; filed June 24, 1975, patented Dec. 7, 1976; not available NTIS.
Patent 3,997,005: Method for Control of Subsurface Coal Gasification; filed Oct. 23, 1975, patented Dec. 14, 1976; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent 4,010,689: Apparatus for Sensing Target Distance; filed Dec. 23, 1970, patented Mar. 8, 1977; not available NTIS.
Patent 4,012,738: Combined Layers in a Microwave Radiation Absorber; filed Jan. 31, 1961, patented Mar. 15, 1977; not available NTIS.
Patent 4,015,530: Two Channel Optical Fuzing System; filed Mar. 30, 1966, patented Apr. 5, 1977; not available NTIS.
Patent 4,017,043: Deployable Rotor; filed Mar. 8, 1976, patented Apr. 12, 1977; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546

Patent Application 675,328: Selective Image Area Control of X-Ray Film Exposure Density; filed Apr. 9, 1976.
Patent Application 780,569: Spacesuit Torso Closure; filed Mar. 23, 1977.
Patent Application 788,856: Internal Combustion Engine with Electrostatic Discharging Fuels; filed Apr. 19, 1977.
Patent Application 793,670: Non-Floating Universal Joint; filed May 4, 1977.
Patent Application 797,210: Nitramine Propellants; filed May 16, 1977.
Patent 4,018,649: Process for Control of Cell Division; patented Apr. 19, 1977; not available NTIS.
Patent 4,025,875: Length Controlled Stabilized Mode-Lock Nd:YAG Laser; patented May 24, 1977; not available NTIS.
Patent 4,025,964: Magnetic Electrical Connectors for Biomedical Percutaneous Implants; patented May 31, 1977; not available NTIS.
Patent 4,026,527: Vortex Generator for Controlling the Dispersion of Effluents in a Flowing Liquid; patented May 31, 1977; not available NTIS.
Patent 4,026,655: Pseudo-Backscatter Laser Doppler Velocimeter Employing Antiparallel-Reflector in the Forward Direction; patented May 31, 1977; not available NTIS.
Patent 4,027,273: Compact Pulsed Laser Having Improved Heat Conductance; patented May 31, 1977; not available NTIS.

[FR Doc. 77-35722 Filed 12-20-77; 8:45 am]

[3510-04]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22161 for $3.50 ($7 outside North American continent). Requests for copies of patent applications must include the patent application number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Management Branch, General Services Division, Federal Building, Agricultural Research Service, Hyattsville, Md. 20782.

Patent application 766,771: N-(3-Alkylamidopropyl)-N,N-Dimethyl-N (p-Sulfobenzyl Ammonium Inner -Salts; filed May 13, 1977.
Patent 4,031,019: Alcohol Esters of Fatty Acids as Useful Metalworking Lubricants; filed Oct. 3, 1975, patented June 21, 1977, not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent application 751,638: Ignition Device for Missile Motors; filed Dec. 17, 1976.
Patent application 785,974: A Frequency-Agile Fire-Control Radar System; filed Apr. 8, 1977.
Patent application 788,371: Analog Sound Velocity Calculator; filed Apr. 18, 1977.
Patent application 791,458: Parametric Energy Coupled Uninterruptible Power Supply; filed Apr. 27, 1977.
Patent application 797,207: Compensation for Simultaneous Platform Motion and Antenna Scanning in MTI Radars; filed May 16, 1977.
Patent application 797,209: Motion-Compensation Arrangements for MTI Radars; filed May 16, 1977.
Patent application 797,726: Flip Chip Fiber Film Coupler; filed May 17, 1977.
Patent application 798,289: Programmable Charge Coupled Device Timing System; filed May 19, 1977.
Patent application 799,103: Fabrication of Atmospheric-Tarnish-Free Copper Metal Mirrors for High-Power Laser Applications; filed May 24, 1977.
Patent application 801,180: A Mass Transport Heat Exchanger Method and Apparatus for Use in Ocean Thermal Energy Exchange Power Plants; filed May 27, 1977.
Patent 4,009,380: Electro-Optical System for Performing Matrix-Vector Multiplication; filed Jan. 20, 1975, patented Feb. 22, 1977, not available NTIS.
Patent 4,017,043: Deployable Rotor; filed Mar. 8, 1976, patented Apr. 12, 1977, not available NTIS.
Patent 4,017,809: Multi-Frequency Oscillator Circuit; filed July 25, 1975, patented Apr. 12, 1977, not available NTIS.
Patent 4,017,836: Event Stacker and Display Device; filed Apr. 5, 1976, patented Apr. 12, 1977, not available NITS.
Patent 4,025,913: Electrical Field Sensing and Transmitting Apparatus; filed Dec. 22, 1975, patented May 24, 1977, not available NTIS.
Patent 4,026,213: Selectively Aimable Warhead; filed June 17, 1971, patented May 31, 1977, not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 680,015: Determination of Antimicrobial Susceptibilities of Insected Urines Without Isolation; filed Apr. 23, 1976.
Patent application 796,258: A Cervix-to-Rectum Measuring Device in a Radiation Applicator for Use in the Treatment of Cervical Cancer; filed May 12, 1977.
Patent application 799,024: Composite Sandwich Lattice Structure; filed May 20, 1977.
Patent application 807,762: Boron Trifluoride Coatings for Thermoplastic Materials; filed June 17, 1977.
Patent 3,849,720: Electro-Mechanical Sine/Cosine Generator; patented Nov. 19, 1974, not available NTIS.
Patent 4,023,266: Process for Preparing Liquid Metal Electrical Contact Device; patented May 17, 1977, not available NTIS.
Patent 4,025,783: Gregorian All-Reflective Optical System; patented May 24, 1977, not available NTIS.
Patent 4,025,876: Distributed Feedback Acoustic Surface Wave Oscillator; patented May 24, 1977, not available NTIS.
Patent 4,026,527: Vortex Generator for Controlling the Dispersion of Effluents in a Flowing Liquid; patented May 31, 1977, not available NTIS.
Patent 4,027,212: Three Phase Full Wave DC Motor Decorder; patented May 31, 1977, not available NTIS.
Patent 4,031,389: Isotope Separation Using Metallic Vapor Lasers; patented June 21, 1977, not available NTIS.

[FR Doc. 77-35723 Filed 12-20-77; 8:45 am]

[3510-04]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $0.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22161 for $3.50 ($7

outside North American Continent). Requests for copies of patent applications must include the patent application number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Management Branch, Agricultural Research Service, Hyattsville, Md. 20782.

Patent application 807,273: Wood Cleaning Process and Apparatus; filed June 16, 1977.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent application 801,446: Remotely Operated X-Y Translation Table; filed May 27, 1977.

Patent application 801,664: Voltage Level Shifting Device; filed May 31, 1977.

Patent application 802,707: Chemical Removal of Polymeric Residue with One or More Metals, Salts, and Oxides Mixed Therein; filed June 2, 1977.

Patent application 806,382: Tokamak Plasma Heating with Intense, Pulsed, Ion Beams; filed June 14, 1977.

Patent application 808,839: Current-Reducing Device; filed June 22, 1977.

Patent 4,010,360: Carrier-Compatible Chiro-Z Transform Device; filed Mar. 31, 1976, patented Mar. 1, 1977; not available NTIS.

Patent 4,010,474: Two Dimensional Array Antenna; filed May 5, 1975, patented Mar. 1, 1977; not available NTIS.

Patent 4,012,089: Electronic Equipment Enclosure; filed Apr. 8, 1974, patented Mar. 15, 1977; not available NTIS.

Patent 4,015,252: High Speed Serial Data Synchronization Scheme; filed June 25, 1975, patented Mar. 29, 1977; not available NTIS.

Patent 4,016,547: MOS Shift Register Compensation System for Defective Tracks of Drum Storage System; filed Jan. 22, 1976, patented Apr. 5, 1977; not available NTIS.

Patent 4,017,040: Steerable Extraction Rocket; filed Jan. 12, 1976, patented Apr. 12, 1977; not available NTIS.

Patent 4,017,043: Deployable Rotor; filed Mar. 8, 1976, patented Apr. 12, 1977; not available NTIS.

Patent 4,020,677: Apparatus for Determining Salinity of Fluids; filed June 17, 1976, patented May 3, 1977; not available NTIS.

Patent 4,022,406: Automatically Variable Multistage Parachute; filed June 23, 1975, patented May 10, 1977; not available NTIS.

Patent 4,023,019: Automatic Scaled Digital Integrator; filed Sept. 23, 1974, patented May 10, 1977; not available NTIS.

Patent 4,023,024: Electronic Urn Decision Device; filed May 19, 1975, patented May 10, 1977; not available NTIS.

Patent 4,023,028: Method and Apparatus for Computing the Discrete Fourier Transform Recursively; filed Aug. 20, 1974, patented May 10, 1977; not available NTIS.

Patent 4,023,117: Stimulated Raman Scattering Resonator; filed Feb. 3, 1976, patented May 10, 1977; not available NTIS.

Patent 4,023,123: Microstrip Reverse-Phased Hybrid Ring Coupler; filed Feb. 3, 1975, patented May 10, 1977; not available NTIS.

Patent 4,023,906: Compact Three-Beam Interferometer; filed June 11, 1976, patented May 17, 1977; not available NTIS.

Patent 4,023,909: Null Balance Alphameter; filed Jan. 15, 1976, patented May 17, 1977; not available NTIS.

Patent 4,025,145: Repairable Shielded Cable Connector; filed May 17, 1976, patented May 24, 1977; not available NTIS.

Patent 4,025,873: Broadband, Microwave, Two-Stage, Stagger-Tuned, Field Effect Transistor Amplifier; filed Aug. 17, 1976, patented May 24, 1977; not available NTIS.

Patent 4,027,946: Acousto-Optic Guided-Light Beam Device; filed Sept. 24, 1975, patented June 7, 1977; not available NTIS.

Patent 4,028,565: Semiconductor Visible Image Storage Device; filed June 27, 1975, patented June 7, 1977; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent 4,026,527: Vortex Generator for Controlling the Dispersion of Effluents in a Flowing Liquid; patented May 31, 1977; not available NTIS.

[FR Doc. 77-35724 Filed 12-20-77; 8:45 am]

[3510-04]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

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Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22161 for $3.50 ($7 outside North American continent). Request for copies of patent applications must include the patent application number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF COMMERCE, National Technical Information Service, Office of Government Inventions and Patents, Springfield, Va. 22161.

Patent application 801,272: Apparatus and Method for Determination of Wavelength; filed May 27, 1977.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Management Branch, General Services Division, Federal Building, Agricultural Research Service, Hyattsville, Md. 20782.

Patent 3,375,242: Conversion of Naringin to Neohesperidin and Neohesperidin Dihydrochalcone; Mar. 26, 1968; not available NTIS.

Patent 3,429,873: Preparation of Hesperetin Dihydrochalcone Glucoside; filed Oct. 14, 1966; patented Feb. 25, 1969; not available NTIS.

Patent 3,583,894: Enzyme Preparation of Hesperetin Dihydrochalcone Glucoside; filed Mar. 29, 1968; patented June 8, 1971; not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Md. 20014.

Patent application 742,450: Improved Synthesis of Methotrexate; filed Nov. 17, 1976.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets NW., Washington, D.C. 20240.

Patent application 796,639: Massive Catalyst; filed May 13, 1977.

Patent 4,005,012: Semipermeable Membranes and the Method for the Preparation Thereof; filed Sept. 22, 1975; patented Jan. 25, 1977; not available NTIS.

Patent 4,009,527: Coordinated Color Chart System, and Method for Producing Same; filed Nov. 6, 1975; patented Mar. 1, 1977; not available NTIS.

Patent 4,010,647: Sampling Method and Apparatus; filed Dec. 24, 1975; patented Mar. 8, 1977; not available NTIS.

Patent 4,022,626: Structural Material; filed Aug. 22, 1975; patented May 10, 1977; not available NTIS.

Patent 4,025,121: High-Pressure Injection Hydraulic Transport System With a Peristaltic Pump Conveyor; filed Feb. 26, 1976; patented May 24, 1977; not available NTIS.

Patent 4,026,786: Preparation of PbO2Anode; filed July 31, 1975, patented May 31, 1977, not available NTIS.

Patent 4,026,917: Method of Removing Polynuclear Aromatic Compounds by Adsorption With Coconut Charcoal; filed Feb. 11, 1975, patented May 31, 1977, not available NTIS.

Patent 4,026,978: Method of Making Asymmetric Cellulose Triacetate Membranes; filed July 17, 1975, patented May 31, 1977, not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent application 804,036: A Missile System; filed June 3, 1977.

Patent application 804,041: Correction and Transmission System for Directional Target Information; filed June 6, 1977.

Patent 4,016,456: Multielectrode Grid for Aligning Polarized Particles Such as Asbestos; filed Sept. 5, 1975, patented Apr. 5, 1977, not available NTIS.

Patent 4,016,796: Weapon Retention Device; filed Mar. 29, 1976, patented Apr. 12, 1977, not available NTIS.

Patent 4,018,636: Soluble Binder for Plastic Bonded Explosives and Propellants; filed Apr. 20, 1976, patented Apr. 19, 1977, not available NTIS.

Patent 4,022,057: Expanding Tool for Nondestructive Inspection of Flexible Wire Rope; filed July 12, 1976, patented May 10, 1977, not available NTIS.

Patent 4,022,130: Ejectable Fuze; filed Feb. 6, 1976, patented May 10, 1977, not available NTIS.

Patent 4,022,405: Fan Lift-Cruise V/STOL Aircraft; filed Mar. 25, 1976, patented May 10, 1977, not available NTIS.

Patent 4,022,422: Stemless Bantam Valve; filed Feb. 19, 1976, patented May 10, 1977, not available NTIS.

Patent 4,023,493: Fireline Detonator; filed Sept. 24, 1975, patented May 17, 1977, not available NTIS.

Patent 4,027,540: Inertial Optical Stabilizer; filed Mar. 21, 1975, patented June 7, 1977, not available NTIS.

Patent 4,027,549: Plug-Type Counterweight and Lock; filed Oct. 16, 1975, patented June 7, 1977, not available NTIS.

Patent 4,028,739: Ventilated Helmet With Selected Weight Distribution; filed July 2, 1976, patented June 14, 1977, not available NTIS.

[FR Doc. 77-35725 Filed 12-20-77; 8:45 am]

[3510-17]

Office of the Secretary

COMMERCE TECHNICAL ADVISORY BOARD

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that the Commerce Technical Advisory Board will hold a meeting on Wednesday, January 25, 1978, from 9 a.m. until 4:30 p.m. and on Thursday, January 26, 1978, from 9 a.m. until 12 noon, in room 6802, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C.

The Board was established to study and evaluate the technical activities of the Department of Commerce and recommend measures to increase their value to the business community. Tentative agenda items include:

(a) Organization of the Commerce Technical Advisory Board and definition of its structure.

(b) Operating procedures and relationship to panels.

(c) Balance of membership.

(d) Relationship of CTAB to programs of the Department of Commerce.

The meeting will be open to public observation. The public may submit written statements or inquiries to the Chairman before or after the meeting. A limited number of seats will be available to the public and to the press on a first-come, first-served basis.

Copies of minutes and materials distributed will be made available for reproduction, following certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the U.S. Department of Commerce, Central Reference and Inspection Facility, Washington, D.C. 20230.

Further information may be obtained from Mrs. Florence S. Feinberg, Administrator, room 3867, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5065.

Dated: December 12, 1977.

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

[FR Doc. 77-36346 Filed 12-20-77; 8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

MACRAME HANDICRAFT ARTICLES

Announcing Exemption of Certain Textile Products Exported From the Republic of the Philippines

DECEMBER 16, 1977.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Exempting certain macrame handicraft articles from the levels of restraint established under the terms of the multifiber bilateral textile agreement between the governments of the United States and the Republic of the Philippines.

SUMMARY: Paragraph 14 of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of October 15, 1975, as amended, between the governments of the United States and the Republic of the Philippines provides that handloomed fabrics of the cottage industry, handmade cottage industry products made from handloomed fabrics, or traditional folklore handicraft textile products shall not be subject to the provisions of the agreement. Accordingly, it has been agreed to include macrame handicraft articles, hand plied or braided and hand tied, not combined with woven or knit material (except if such material is used for non-essential decorative and ornamental purposes) among the items that are currently exempt from the bilateral agreement.

EFFECTIVE DATE: December 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Donald R. Foote, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, 202-377-5423.

SUPPLEMENTARY INFORMATION: On September 9, 1976, a letter was published in the FEDERAL REGISTER (41 FR 38205) which established an export visa requirement and certification for exempt textile products exported from the Republic of the Philippines. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to exempt from the levels of restraint established under the bilateral agreement with the Philippines certain specifically defined macrame handicraft articles. A complete list of exempt items from the Philippines follows this notice.

EDWARD GOTTFRIED,
Acting Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce.

EXEMPT TEXTILE PRODUCTS FROM THE REPUBLIC OF THE PHILIPPINES

1. Batik and hablon fabrics.
2. Banaue cloth.
3. Other handwoven and handloomed fabrics of the cottage industry.
4. Articles and garments made by hand from handwoven and handloomed fabrics.
5. Handcrocheted garments, shawls, hats, and accessories, including the "catsa group" type garments (heavily hand crochet work in combination with coarse greige or dyed cotton fabric or batik fabric).
6. Macrame handicraft articles, hand plied or braided and hand tied, not combined with woven or knit material (except if such material is used for nonessential decorative and ornamental purposes).

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive of August 31, 1976 from the Chairman, Committee for the Implementation of Textile Agreements, which established requirements for export visas and exempt certifications for certain cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of the Philippines.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 15, 1975, as amended, between the

Governments of the United States and the Republic of the Philippines, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, the directive of August 31, 1976 is amended, effective on December —, 1977, to exempt the following items, in addition to those previously designated, when they are certified in accordance with previously established procedures.

Macrame handicraft articles, hand plied or braided and hand tied, not combined with woven or knit material (except if such material is used for nonessential decorative and ornamental purposes).

The action taken with respect to the Government of the Republic of the Philippines and with respect to imports of cotton, wool and man-made fiber textile products from the Philippines has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

EDWARD GOTTFRIED,
Acting Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce.

[FR Doc. 77-36345 Filed 12-20-77; 8:45 am]

[3710-08]

DEPARTMENT OF DEFENSE

Department of the Army

ARMED FORCES EPIDEMIOLOGICAL BOARD

Open Meeting

1. In accordance with section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463) announcement is made of the following committee meeting:

NAME OF COMMITTEE: Ad hoc subcommittee on Asbestos-Related Health Problems of the AFEB Subcommittee on Environmental Quality.

DATE OF MEETING: January 6, 1978.

PLACE: The Surgeon General's Conference Room, Building 3, U.S. Navy Bureau of Medicine and Surgery, 23rd and D Streets NW., Washington, D.C.

TIME: 0900-1630.

Proposed Agenda: The proposed agenda will include a continuation of discussions on potential health hazards associated with asbestos in DOD work environments, current information of health-risk assessment, DOD personnel medical surveillance programs, a review of data from studies completed, underway or planned to provide needed information, a review of radiological aspects of asbestosis and of problems associated with its pathogenesis, an overview of current diagnostic techniques and related matters.

2. This meeting will be open to the public, but limited by space accommodations. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. Interested persons wishing to participate should advise the Executive Secretary, DASG-AFEB, Room 1B472, Pentagon, Washington, D.C. 20310.

Dated: December 6, 1977.

DUANE G. ERICKSON,
LTC, MSC, USA,
Executive Secretary.

[FR Doc. 77-36429 Filed 12-20-77; 8:45 am]

[3810-70]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON COMMAND AND CONTROL SYSTEMS MANAGEMENT

Advisory Committee Meeting

The Defense Science Board Task Force on Command and Control Systems Management will meet in closed session on January 11-12, 1978, in the Pentagon, room 1E801 No. 3 on January 11, and room 1E801 No. 4 on January 12.

The mission of the Defense Science Board is to advise the Secretary of the Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

The Task Force is examining possible improvements in the process by which the Department of Defense plans for, develops and acquires Defense command and control systems.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552b(c) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

DECEMBER 16, 1977.

[FR Doc. 77-36299 Filed 12-20-77; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

GASOLINE MARKETING ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Gasoline Marketing Advisory Committee will meet Friday, January 20, 1978, 10 a.m., in Room 2105, 2000 M Street NW., Washington, D.C.

The purpose of the Committee is to provide the Department of Energy with expert and technical advice concerning the wholesale and retail selling of gasoline.

The agenda for the meeting is as follows:

1. Old Business: Discussion of requests and commitments from the prior Committee meeting.
2. DOE gasoline rationing plan.
3. Modification of the regulations for standby controls.
4. Data monitoring.
5. Committee status.
6. Viability of the retail dealer.
7. Gasoline white paper.
8. New business: Items for discussion at the next meeting.
9. Remarks from the floor (10 minute rule).

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Georgia Hildreth, Acting Director, Advisory Committee Management, 202-566-9996, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Transcripts of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 2107, DOE, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C., on December 16, 1977.

WILLIAM S. HEFFELFINGER,
Director of Administration.

[FR Doc. 77-36396 Filed 12-20-77; 8:45 am]

[3128-01]

Office of Administrative Review

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF ADMINISTRATIVE REVIEW

Week of October 3 Through October 7, 1977

Notice is hereby given that during the week of October 3 through October 7, 1977, the decisions and orders summerized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy. The following summery also contains a list of submissions which were dismissed by the Office of Administrative Review and the basis for the dismissal.

APPEALS

Getty Oil Co., New York, N.Y.; the Standard Oil Co., Cleveland, Ohio, FRA-1230; FEA-1057, Crude Oil

The Getty Oil Co. (Getty) filed an appeal from a remedial order which the FEA Deputy Assistant Administrator for Compliance issued to the firm on August 12, 1976. The remedial order concerned certain crude oil transactions which occurred between Getty and the Standard Oil Co. (Sohio) during the period October 1973 through January 1976. According to the remedial order, Getty agreed to sell 25,000 barrels per day (BPD) of predominantly old domestic crude oil to Sohio, and in return Sohio agreed to sell 25,000 BPD of foreign crude oil to Getty. The Deputy Assistant Administrator for Compliance found that Getty should have treated the transactions as an exchange, but that Getty instead treated the transactions as independent purchases and sales. Consequently, the remedial order concluded that the transfer of old crude oil by Getty in return for higher-valued foreign crude oil from Sohio constituted the charging of a price by Getty for the old crude oil which it delivered to Sohio which was in excess of the ceiling price determined pursuant to 6 CFR 150.354 and 10 CFR 212.73. Under the terms of the remedial order, Getty was required to refund to Sohio the difference between the value of the foreign crude oil which it received from Sohio and the applicable ceiling price for the domestic crude oil which Getty transferred to Sohio. The remedial order further found that as a consequence of Getty's failure to treat the Getty-Sohio crude oil transactions as an exchange, Getty had improperly excluded the 25,000 BPD of old domestic crude oil which it transferred to Sohio from the crude oil receipts which the firm reported to the FEA and which were used by the agency to calculate Getty's obligations under 10 CFR 211.67 (the entitlements program). The remedial order concluded that as a result of this course of conduct Getty had received a very substantial amount of excess entitlement revenues from the inception of the program in November 1974 through January 1976. Accordingly, the remedial order required Getty to account for the previously unreported old crude oil in the reports which it submits to the FEA under the provisions of 10 CFR 211.66 and 211.67 in equal amounts over a six month period beginning with the effective date of the order. In a related proceeding, Sohio filed an appeal from an ancillary order which the FEA issued to Sohio in conjunction with the Getty remedial order.

In considering the Getty appeal, the Office of Administrative Review of the Department of Energy's Economic Regulatory Administration concluded that the Getty-Sohio crude oil transactions had constituted an exchange for purposes of the DOE regulatory program. On the basis of the finding that the Getty-Sohio transactions constituted an exchange, the DOE further concluded that Getty had received consideration for the domestic crude oil which it transferred to Sohio in exchange for matching barrels of foreign crude oil which substantially exceeded the applicable ceiling price for the domestic crude oil throughout the period October 1973 through January 1976. Accordingly, the portion of the Getty appeal which challenged the ceiling price charge specified in the remedial order was denied.

The DOE also noted that as a result of the different manner in which Getty and Sohio accounted for the crude oil transactions under the exchange agreements in effect between the firms, the economic benefits associated with the price controls on old domestic crude oil had been excluded from the DOE regulatory program for both cost passthrough and entitlements purposes. The DOE also concluded that during the period prior to the advent of the entitlements program in November 1974, Sohio's customers incurred the added expense which resulted from Getty's overcharges to Sohio and Sohio's passthrough of the costs of the foreign crude oil under its exchange accounting treatment of the transactions. In November 1974 and subsequent months, all refiners, and to an unknown extent, their customers, absorbed the additional expenses generated by Getty's violations as a result of the crude oil cost equalization aspect of the entitlements program and the refiner cost passthrough regulations. In view of the determination which was reached with respect to the ceiling price charge, however, the DOE concluded that is was not necessary to consider the additional arguments which Getty had addressed to the entitlements charge alleged in the remedial order, and that portion of the Getty appeal was also denied.

In considering the appropriate remedial action which Getty should be required to undertake, the DOE observed that the class of persons injured by the Getty violations includes every domestic refiner and consumer of petroleum products during the period concerned. In addition, the DOE noted that it would be difficult for any remedial action which might be based on the present DOE regulatory program to have the intended restitutional effect of compensating the injured parties with any degree of precision. In view of the broad scope of the DOE's statutory and regulatory authority, as well as the agency's responsibility to ensure that the most appropriate compensation is provided to the ultimate victims of Getty's unlawful conduct, the DOE concluded that Getty should be required to remit the entire amount of its ceiling price violations during the period October 1973 through January 1976, or $84,624,845, plus applicable interest to the United States Treasury. In view of the remedy specified in connection with the Getty appeal, the DOE concluded that the requirement of the ancillary order that Sohio pass through the refunds which it was to receive from Getty should be rescinded, and the Sohio appeal was dismissed.

Gulf Oil Corp., Washington, D.C., FFA-1463, Freedom of Information

The Gulf Oil Corp. (Gulf) appealed from a partial denial by the FEA Information Access Officer of a request for information which the firm had submitted under the Freedom of Information Act (the Act). In its initial request, Gulf sought access to five categories of information which relate to the FEA's crude oil transfer price regulations, 10 CFR 212.84. In a partial response to the Gulf request the Information Access Officer released two documents in their entirety to Gulf and provided portions of a third document, a 101 page computer printout listing prices and volumes for various reference crude oils reported to the FEA during the period October 1973 through May 1975. The Information Access Officer deleted from the printout the aggregate quantities and average prices of reference crude oils in months when three firms or less participated in transactions on the grounds that the release of these figures would disclose confidential commercial information which was exempt from mandatory disclosure under section 552(b)(4) of the Act. In considering Gulf's appeal, the Department of Energy determined that the information withheld from Gulf which is traceable to individual firms is exempt from disclosure since that information is confidential commercial and financial information which, if released to the public, would cause substantial harm to the competitive positions of the firms submitting the information. The DOE determined that information of this type was exempt from mandatory public disclosure under section 552(b)(4) even if the information is several years old. However, the DOE held that the Information Access Officer erred in deleting aggregate quantities and average prices for those months in which three or more firms had reported transactions in a given reference crude oil. The DOE further determined that the Information Access Officer must provide Gulf aggregate volume and average price information when three firms had transactions in a particular month unless (i) one of the three firms is a governmental entity or utility; (ii) fewer than three firms actually lifed that particular type of crude oil in that particular month, or other special circumstances are present. The Gulf appeal was therefore denied in part and granted in part.

SUMMARY DECISION

T, he following firm filed an application for stay of a remedial order which had been issued to it by the DOE. In considering the stay request, the DOE referred to a recent decision in *Rickelson Oil & Gas Co.*, 6 FEA Par. 85,029 (August 24, 1977), in which it held that a remedial order will generally be stayed pending the determination of an appeal unless it appeared that the public interest required immediate compliance with the remedial order. Since the record in this case did not indicate that the public interest required immediate compliance with the remedial order, the DOE granted the request for stay pending consideration of the appeal.

Berry Holding Co., Washington, D.C., DRS-0002

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Administrative Review, Room B-120,

2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

MELVIN GOLDSTEIN,
Director, Office of Administrative Review.

DECEMBER 16, 1977.

[FR Doc. 77-36392 Filed 12-20-77; 8:45 am]

[3128-01]

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF ADMINISTRATIVE REVIEW

Week of October 10 through October 14, 1977

Notice is hereby given that during the week of October 10 through October 14, 1977, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Administrative Review and the basis for the dismissal.

APPEALS

Graves, Dougherty, Hearon, Moody & Garwood, Austin, Tex., FFA-1484, Freedon of Information

Graves, Dougherty, Hearon, Moody & Garwood (Graves Dougherty) appealed from a partial denial of a Request for Information which the firm had submitted under the Freedom of Information Act. In its Appeal, Graves Dougherty requested that the Department of Energy order the release of the names and addresses of all producers and suppliers of butane and propane who export those products to Mexico. The FEA Information Access Officer denied Graves Dougherty's request for those records on the grounds that there are no documents in the FEA's possession which are responsive to the firm's request. In considering Graves Dougherty's Appeal, the DOE determined that the records which Graves Dougherty sought are maintained by the Office of Export Administration of the Department of Commerce and not by the Department of Energy. Because the Freedon of Information Act does not require the Department of Energy to obtain copies of those documents from the Department of Commerce, the DOE concluded that the Graves Dougherty Appeal should be denied.

Joe E. Sharber, Wewoka, Okla., FRA-1480, Crude Oil

Joe E. Sharber appealed from a Remedial Order which the FEA Regional Office in Dallas, Tex. (FEA Region VI) issued to him on September 6, 1977. In the Remedial Order, FEA Region VI concluded that Sharber improperly classified the Rodden lease as a stripper well property and thereby sold the crude oil produced from the lease at prices which were in excess of those permitted by the Mandatory Petroleum Price Regulations. In considering the Appeal, the Department of Energy noted that the contentions which Sharber raised had been considered in two prior proceedings before the FEA Office of Exceptions and Appeals. In those Decisions, the FEA found that the No. 1 Well on the Rodden lease does not qualify under Ruling 1975-12 as a multiple completion well and therefore cannot be considered as two wells for purposes of determining whether the lease qualifies as a stripper well property. The DOE determined that no valid purpose would be served by reiterating that discussion. The DOE further found that Sharber had failed to substantiate his assertion that the Oklahoma Corporation Commission (OCC) had treated the Rodden No. 1 Well as two wells. Moreover, the DOE stated that such an OCC determination would not, by itself, permit the firm to consider its well as two wells for the purposes of the DOE regulatory program. Based on these considerations, the DOE concluded that Sharber failed to demonstrate that the Remedial Order issued to him on September 6, 1977 by FEA Region VI is erroneous in fact or law or is arbitrary or capricious. Accordingly, Sharber's Appeal was denied.

Texaco, Inc., New York, N.Y., FRA-1450; FRA-1451; FRA-1452, Aviation Fuels

Texaco, Inc. filed Appeals from three Temporary Assignment Orders issued to it by the Federal Energy Administration. The Orders directed Texaco to supply kerosene-base aviation fuel to Frontier Airlines, Inc., Braniff Airways, Inc. and Continental Airlines, Inc. In considering Texaco's Appeals, the DOE determined that the Assignment Orders failed to demonstrate the existence of "dire circumstances" and therefore were not properly issued as Temporary Assignment Orders pursuant to the provisions of 10 CFR 205.39. The DOE therefore granted Texaco's Appeals and rescinded the three Temporary Assignment Orders.

PETITION FOR SPECIAL REDRESS

William Joseph Kott, La Canada, Calif., FSG-0054 Motor Gasoline

William Joseph Kott filed a Petition for Special Redress in which he requested that the Federal Energy Administration determine that the Mandatory Petroleum Price Regulations require his supplier of motor gasoline, the Union Oil Co. of California, to maintain the credit terms which were available to Kott on May 15, 1973. In his Petition, Kott alleged that the FEA Los Angeles Area Office erroneously concluded that Union could lawfully change the credit terms which it made available to Kott on May 15, 1973, and therefore improperly dismissed the complaint which he had filed against Union. In considering Kott's Petition, the DOE noted that a decision whether to commence compliance proceedings is not ordinarily administratively appealable and will be reviewed in a Petition for Special Redress only if a party can demonstrate that an FEA office grossly abused its discretion in dismissing a complaint. In that regard, the DOE found that Union had changed the credit terms under which it made motor gasoline available to Kott only in direct response to Kott's payment difficulties, and that Union had followed its normal and historic business procedures. Therefore, from the information available it did not appear that Union had violated the provisions of the Price Regulations. Consequently, the DOE determined that the record in this matter did not indicate that the FEA Los Angeles Area Office had grossly abused its discretion. Accordingly, the Kott Petition for Special Redress was denied.

Southland Oil Co., Jackson, Miss., FEX-0186, Crude Oil

On April 8, 1977, the Federal Energy Administration issued a Decision and Order to the Southland Oil Co., in which it considered a number of contentions raised by Southland with respect to the exception relief which the firm had received during its 1975 fiscal year from its entitlements purchase obligations. *Southland Oil Co.*, 5 FEA Par. 80,596 (April 8, 1977). Subsequently, the FEA concluded on its own motion that one of the issues raised by Southland warranted additional consideration and issued a Supplemental Order which reopened that issue for further consideration. *See Southland Oil Co.*, 6 FEA Par. 87,025 (September 12, 1977). After reconsideration of the facts, the Office of Administrative Review of the Department of Energy concluded that the FEA's prior determination which utilized the months of January through November 1975 in arriving at the appropriate level of exception relief to be afforded a firm in 1975 was erroneous and should be revised in order to exclude the operating results for the months of October and November 1975. The DOE therefore concluded that the determination which was reached as to the appropriate level of 1975 entitlement exception relief should have been based upon a comparison of the firm's historical profitability indices with its actual operating results for the period January 1 through September 30, 1975. The DOE noted, however, that the operating results for that period should be stated on the basis of an accrual method of accounting for entitlements costs rather than on a cash method so as to achieve a proper matching of entitlements costs with other revenues and expenses for the January through September period. On the basis of the revised method of analysis, the DOE determined that Southland should be permitted to sell $1,756,850 in additional entitlements during October 1977.

SUMMARY DECISION

The following firm filed an Application for Stay of a Remedial Order which the DOE issued to the firm. In considering the stay request, the DOE referred to a recent Decision in *Rickelson Oil and Gas Co.*, 6 FEA Par. 85,029 (August 24, 1977), in which it held that a Remedial Order will generally be stayed pending the determination of an Appeal unless it appeared that the public interest required immediate compliance with the Remedial Order. Since the record in this case did not indicate that the public interest required immediate compliance with the Remedial Order, the DOE granted the request for stay pending consideration of the Appeal.

Phillips Petroleum Co., Bartlesville, Okla., DRS-0001

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

City of Seattle, Seattle, Wash., FEE-4370

El Paso Natural Gas Co., El Paso, Tex., FEE-4467

Victor E. Sacre, Lewiston, Maine, FEE-4787

Domingo Saenz, Jr., Tivolli, Tex., FEE-4556

Texaco, Inc., Houston, Tex., FEE-4514

Wilmer, Cutler & Pickering, Washington, D.C., FFA-1477

The following submission was dismissed on the grounds that the relief requested had already been granted:

James A. Leonard, Austin, Tex., FRT-0050

The following submissions were dismissed on the grounds that there was no information on which to base the request for extension of exception relief:

Sun Co., Inc., Dallas, Tex., FXE-4824, FXE-4825

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Administrative Review, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

MELVIN GOLDSTEIN,
Acting Director, Office of Administrative Review.

NOVEMBER 23, 1977.

[FR Doc. 77-36393 Filed 12-20-77; 8:45 am]

[3128-01]

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF ADMINISTRATIVE REVIEW

Week of October 17 Through October 21, 1977

Notice is hereby given that during the week of October 17 through October 21, 1977, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Administrative Review and the basis for the dismissal.

APPEALS

Brown Co., Richmond, Va., FFA-1472, freedom of information

The Brown Co., appealed from a partial denial by the FEA Information Access Officer of a Request for Information which the firm submitted under the Freedom of Information Act (the Act). In its initial request, Brown sought copies of documents which related to the methodology used by the FEA in selecting the major fuel burning installations (MFBI's) to which prohibition orders were issued under the Energy Supply and Environmental Coordination Act of 1974 (ESECA). The FEA Information Access Officer withheld 23 documents from disclosure on the ground that they were intra-agency memoranda which were exempt from disclosure under the provisions of 5 U.S.C. 552(b)(5) of the Act. In considering Brown's Appeal, the Department of Energy concluded that 21 of the 23 documents which were withheld by the Information Access Officer were properly classified as intra-agency memoranda which were exempt from mandatory disclosure. The DOE held that two of the 23 documents did not fall within the parameters of 5 U.S.C. 552(b)(5) and should have been released to Brown. In addition, the DOE concluded that the public interest would be properly served if 16 documents were released even though they were exempt from mandatory disclosure under the provisions of 5 U.S.C. 552(b)(5). With respect to the remaining five documents, the DOE affirmed the Information Access Officer's determination that the release of the five documents would not be in the public interest because of the policy considerations underlying the exemption in the Act for intra-agency memoranda. The DOE also noted that four of those documents were prepared by agency attorneys and their release could seriously impair the confidentiality of the lawyer-client relationship which exists between an agency and its attorneys. Brown's Appeal was therefore granted in part and the Information Access Officer was directed to release all but five of the documents which he had previously withheld from disclosure.

Robert E. Davis, Great Bend, Kans., FRA-1440, crude oil

Robert E. Davis appealed from a Remedial Order which the FEA Regional Office in Kansas City, Mo. (FEA Region VII) issued to him on July 14, 1977. In the Remedial Order, FEA Region VII concluded that during the period November 1973 through December 1974, Davis had improperly classified the Gartung lease as a stripper well property and thereby sold the crude oil produced from the lease at prices which exceeded those permitted by the Mandatory Petroleum Price Regulations. In considering the Appeal, the Department of Energy noted that the contentions which Davis raised had already been considered by the FEA Office of Exceptions and Appeals. *Robert E. Davis*, 5 FEA Par. 83,164 (May 24, 1977). In that Decision, the FEA found that Well 3 on the Gartung lease did not qualify under Ruling 1975-12 as a multiple completion well and therefore could not be counted as two wells. In the present Decision, the DOE affirmed the prior determination. The DOE further found that Davis had failed to substantiate his assertion that the Kansas Corporation Commission (KCC) had treated Well 3 as two wells. Moreover, the DOE stated that such a KCC determination would not by itself constitute sufficient reason for a firm to conclude that its well should be considered as two wells for the purposes of the DOE regulatory program. Based on these considerations, the DOE concluded that Davis had failed to show that the Remedial Order issued to him on July 14, 1977 by FEA Region VII is erroneous in fact or law or is arbitrary or capricious. Accordingly, the Davis Appeal was denied.

Gas del Oro, Inc., Laredo, Tex., FFA-1471, freedom of information

Gas del Oro, Inc. appealed from a partial denial by the FEA Information Access Officer of a Request for Information which the firm submitted under the Freedom of Information Act (the Act). In the Request for Information which it filed, Gas del Oro sought copies of the Application for Exception from the provisions of 10 CFR 212.165 submitted by the Ozona Gas Processing Plant in Case No. FEE-4029. In the Order which was issued to Gas del Oro, the Information Access Officer withheld portions of the Ozona exception application on the grounds that the material involved was confidential commercial and financial information which was exempt from mandatory public disclosure under Section 552(b)(4) of the Act. In considering the Appeal, the DOE held that Gas del Oro's contention that the information must be released to it because it is necessary to enable the firm to pursue its administrative appeal of the exception Decision issued to Ozona in Case No. FEE-4029 was without merit in the context of a proceeding conducted under the Freedom of Information Act. However, the DOE determined that certain items of information which were withheld from Gas del Oro under Section 552(b)(4) should properly have been released to the firm because that material was either already in the public domain, or could be derived mathematically from the data which had been released to the firm. The DOE also considered whether any of the material which had been withheld from Gas del Oro under Section 552(b)(4) of the Act was releaseable to the public under Section 14(b)(2) of the Federal Energy Administration Act of 1974, as amended. Based on the precedent established in The New York Times, 3 FEA Par. 80,520 (December 3, 1975), the DOE concluded that the Ozona enterprise did not routinely disclose its financial operating results to the public, and therefore Section 14(b)(2) of the FEAA did not require the release of that material. The Gas del Oro Appeal was therefore granted in part and denied in part.

Charles E. Gould, Wichita, Kans., FRA-1437, crude oil

Charles E. Gould (Gould) filed an Appeal from a Remedial Order which the Regional Administrator of FEA Region VII issued to him on August 8, 1977. In the August 8 Remedial Order, FEA Region VII found that during the months of November and December 1973 Gould improperly sold certain quantities of crude oil from the Lowe Jones Property in Lyon County, Kans. at prices which exceeded the maximum allowable price levels computed pursuant to 6 CFR 150.354(c). In his Appeal, Gould contended that the requirement of the Remedial Order that he refund the full amount of the overcharges is arbitrary and capricious and constitutes an undue burden. According to his submission, Gould had already refunded all of the overcharges specified in the Remedial Order except that portion of the overcharges which is attributable to the working interest owned by an individual who is now deceased. Gould contended that he would experience considerable difficulties and incur substantial legal expenses if he were to attempt to recover any refunds made for the overcharges attributable to this individual's working interest. In considering the Appeal, the DOE observed that the primary purpose of any Remedial Order is to eliminate the effect of the violation, and make restitution to the purchaser or purchasers who paid unlawful prices. The DOE further observed that since the operator establishes the prices at which crude oil is sold from the property, it is the operator who generally should bear the responsibility of refunding any overcharges which occur as a result of a violation of the crude oil price regulations. With respect to Gould, the DOE con-

cluded that any burden or inconvenience which Gould may incur in fulfilling the requirements of the Remedial Order is outweighed by the fact that it was Gould who established the excessive prices which are the subject of the refunds. Accordingly, the Gould Appeal was denied.

W. E. Shrider Co., Newark, Ohio, FRA-1336, crude oil

W. E. Shrider Co. appealed from a Remedial Order which Federal Energy Administration Region V issued to the firm on May 9, 1977. The Remedial Order found that Shrider had erroneously treated the six wells on the Mary B. Griggs lease as separate properties during the period September 1, 1973 through December 31, 1975 when in fact the lease constituted a single "property" as that term is defined in 6 CFR 150.354(b) and 10 CFR 212.72. In considering Shrider's Appeal, the DOE concluded that under Ruling 1977-1 separate properties are not created by the fact that all working interest owners must agree upon a course of action before any wells may be drilled on a lease. The DOE also indicated that individual wells on a single lease may not be regarded as separate properties merely because they are spaced on the lease so as to comply with state spacing requirements. Finally, the DOE rejected Shrider's contention that the DOE must issue a Remedial Order which specifically names each royalty and working interest owner and makes each ownership interest individually responsible for its proportionate share of the overcharges. On the basis of the foregoing considerations, the DOE denied Shirder's Appeal.

APPLICATIONS FOR EXCEPTION

Charter Oil Co., Jacksonville, Fla., FXE-4448 crude oil

Charter Oil Co. filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would relieve the firm of any obligation to purchase entitlements beginning with the month of September 1977. In support of its exception request, Charter submitted projected financial statements for its current fiscal year ending December 31, 1977 and projected monthly crude oil runs to stills and receipts of old, new and imported crude oil for the fiscal year. In considering Charter's exception request the DOE determined that as a result of Charter's crude oil runs and receipts during the current fiscal year, the firm would be required to purchase entitlements at a substantial cost commencing with the month of September 1977. As a result of the projected entitlements cost which Charter would incur during its current fiscal year, the firm's profit margin and return on invested capital would be below historical levels. Under the criteria set forth in *Beacon Oil Co.*, 3 FEA Par. 83,209 (June 8, 1976), and *Delta Refining Co.*, 2 FEA Par. 83,275 (September 11, 1975), Exception relief was therefore warranted. Accordingly, the DOE issued a Proposed Decision and Order granting Charter's Application for Exception and thereby relieving the firm of any entitlement purchase obligations during the six month period September 1977 through February 1978 to account for its crude oil runs to stills and old oil receipts during the period July 1977 through December 1977. Since no Notice of Objection was filed to the Proposed Decision and Order a Final Decision and Order was issued by the DOE.

UCO Oil Co., Whittier, Calif., FPI-0116, naphtha

UCO Oil Co. filed an Application for Exception from the provisions of 10 CFR 213.35(c) which, if granted, would result in the issuance of an Order which would permit UCO to import 1,277,500 barrels of finished naphtha on a fee-exempt basis during the current allocation period. In considering UCO's request, the DOE found that UCO is currently experiencing financial difficulties which threaten its essential operations. The DOE also found that since UCO's selling price for motor gasoline is at the upper range in the market in which it competes, UCO would not be able to increase its selling price for motor gasoline to reflect the cost of import license fees without incurring a corresponding reduction in its sales and profitability. In view of these findings, the DOE concluded that UCO had demonstrated that it will incur an exceptional hardship if it does not obtain fee-free import authority with respect to the finished naphtha which it imports. Accordingly, on September 23, 1976, the FEA issued a Proposed Decision and Order which granted exception relief and directed the Director of the DOE Office of Oil Imports to issue a license to UCO which grants the firm authority to import 902,500 barrels of finished naphtha during the remainder of the current allocation period. In addition, the DOE determined that UCO should be permitted to obtain a refund of any license fees paid on the 375,000 barrels of finished naphtha which the firm has already imported during the current allocation period. Since no Notice of Objection was filed to the Proposed Decision and Order, a Final Decision and Order was issued by the DOE.

REQUEST FOR MODIFICATION OR RESCISSION

Capitol Oil Co., Baltimore, Md., FMR-0121, No. 2 fuel oil

Capitol Oil Co filed an Application for Modification or Rescission of a Decision and Order which the FEA issued to the firm on March 22, 1977. In that Decision, the FEA denied Capitol's Appeal from a July 6, 1976 Remedial Order in which it was found that Capitol had charged prices for No. 2 fuel which exceeded the maximum allowable price levels. *Capitol Oil Co.*, 5 FEA Par. 80,580 (March 22, 1977). In its Application, the firm contended that if required to refund the overcharges, Capitol's existence as a viable business entity would be threatened. The firm also contended that the cost and price calculation underlying the July 6, 1976 Remedial Order were not consistent with the provisions of DOE Rulings 1977-3 and 1975-13. In considering the firm's Application, the DOE concluded that the financial material submitted by Capitol failed to demonstrate that its financial position precluded the firm from refunding the overcharges stated in the Remedial Order. In addition, the DOE determined that Capitol's transactions with the Coast Guard do not represent "cargo sales" under Ruling 1977-3, but rather constitute sales to a separate class of purchaser from the firm's residential customers. However, the DOE did find considerable merit to the firm's contention concerning Ruling 1975-13. The DOE determined that the Remedial Order incorrectly deducted certain early payment discounts which Capitol received from the full price it was charged for No. 2 fuel oil and thereby understated the magnitude of the product cost increases which the firm could properly pass through to its customers. Accordingly, the July 6 Remedial Order was remanded to DOE Region III for an appropriate modification. However, the DOE noted that this modification would not preclude the firm from making refunds to the Coast Guard pursuant to the March 22 Decision and Order.

REQUEST FOR STAY

Fort Howard Paper Co., Green Bay, Wis., DES-0003, reporting requirements

Fort Howard Paper Co. requested a stay of the requirement established in a Federal Register Notice on December 16, 1976 (41 Fed. Reg. 54977) that it report certain information regarding its energy consumption to the DOE's industrial energy conservation program. The stay was requested pending the issuance of a determination by the Office of Conservation and Solar Applications which was specified in a Decision and Order issued to Fort Howard on May 31, 1977. *Fort Howard Paper Co.*, 5 FEA Par. 80,658 (May 31, 1977). That Decision indicated that the Office of Conservation and Solar Applications intended to take additional measures to determine whether Fort Howard was properly included on the list of the 50 most energy-consumptive firms in SIC Code 26 which are required to report energy consumption data to the DOE as required by section 375 of the Energy Policy and Conservation Act. In considering Fort Howard's request, the DOE determined that in view of the administrative delay on the part of the Office of Conservation and Solar Applications, it would be inequitable to require Fort Howard to continue to participate in the reporting program pending the determination of that Office. Fort Howard's request for stay was therefore granted.

SUPPLEMENTAL ORDER

Little America Refining Co., Washington, D.C., DEX-0002, crude oil

On September 19, 1977, the FEA issued a Proposed Decision and Order to the Little America Refining Co. (LARCO) granting the firm exception relief. In the Proposed Decision and Order which it issued, the FEA determined that the projected impact of LARCO's purchase obligations under the Entitlements Program beginning in the month of September 1977 would prevent it from attaining its historical profit margin and its historical return on invested capital. Subsequently, the Office of Administrative Review of the Department of Energy's Economic Regulatory Administration assumed jurisdiction over the matter and noted that the monthly Entitlement Notices will continue to be issued prior to the issuance of a final exception decision to LARCO. On the basis of precedents involving similar factual situations, the DOE on its own motion issued an order to LARCO staying the requirement that the firm purchase entitlements worth $7,416,392 pending the issuance of a final Decision and Order in the exception proceeding.

SUMMARY DECISION

The following firm filed an application for Stay of a Remedial Order which the DOE issued to the firm. In considering the stay request, the DOE referred to a recent Decision in *Rickelson Oil and Gas Co.*, 6 FEA Par. 85,029 (August 24, 1977), in which it held that a Remedial Order will generally be stayed pending the determination of an Appeal unless it appeared that the public

interest required immediate compliance with the Remedial Order. Since the record in this case did not indicate that the public interest required immediate compliance with the Remedial Order, the DOE granted the request for stay pending consideration of the Appeal.

Collins Oil Co., Aurora, Ill., DRS-0015

DISMISSALS

The following submissions were dismissed for failure to correct deficiencies in the firm's filing as required by the DOE Procedural Regulations:

American Gas Products Co., Rogers City, Mich., FRA-1447

Daytona Beach Aviation, Daytona Beach, FL, FEE-4800

The following submissions were dismissed on the grounds that the requests are now moot:

Champlin Petroleum, Co. Fort Worth, Tex., FES-3590

Continental Oil Co., Washington, D.C., FES-3520

Standard Oil Co., (Indiana) Cleveland, Ohio, FES-3708

The following submission was dismissed on the grounds that alternative regulatory procedures existed under which relief might be obtained:

Westinghouse Electric Co. Pittsburgh, Pa., DEE-0054

The following submission was dismissed on the grounds that there was no basis presented upon which to modify the existing order:

Kennecott Copper, Corp., Salt Lake City, Utah, FMR-0127, FES-0127

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Administrative Review, Room B-120, 2000 M Street NW. Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

MELVIN GOLDSTEIN,
Acting Director, Office of Administrative Review.

NOVEMBER 23, 1977.

[FR Doc. 77-36394 Filed 12-20-77; 8:45 am]

[3128-01]

ISSUANCE OF PROPOSED DECISIONS AND ORDERS BY THE OFFICE OF ADMINISTRATIVE REVIEW

November 15 through December 2, 1977

Notice is hereby given that during the period November 15 through December 2, 1977, the Proposed Decisions and Orders which are summarized below were issued by the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Amendments to the DOE's procedural regulations, 10 CFR, Part 205, were issued in proposed form on September 14, 1977 (42 FR 47210 (September 20, 1977)), and are currently being implemented on an interim basis. Under the new procedures any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of the new procedures, 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. The new procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Administrative Review, Room B-120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except federal holidays.

MELVIN GOLDSTEIN,
Director, Office of Administrative Review.

DECEMBER 14, 1977.

PROPOSED DECISIONS AND ORDERS

Bayou State Oil Corp., Washington, D.C., FEE-4264, Refined Petroleum Products.

Bayou State Oil Corp. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart E. The exception request, if granted, would permit Bayou State to calculate its maximum allowable prices for refined petroleum products by allocating the increased costs of crude oil which it incurred during the period March 1, 1975 through August 31, 1976 on the basis of Bayou State's actual refined product sales volumes, excluding the volumes of gasoline sold by its affiliate, Ida Gasoline Co., Inc. On November 22, 1977, the DOE issued a Proposed Decision and Order which determined that the exception request be denied.

City of Long Beach, Calif., Long Beach, Calif., DXE-0071, Crude Oil

The City of Long Beach, Calif. filed an application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in the extension of exception relief previously granted to the city and would enable Long Beach to sell certain quantities of the crude oil produced from Fault Block Unit 2 of the Wilmington Field, located in Long Beach, Calif., at upper tier price levels. On November 15, 1977, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Continental Oil Co., Houston, Tex., FEE-3998, Refined Products.

Continental Oil Co. filed an Application for Exception from the provisions of 10 CFR 212.83. The exception request, if granted, would permit Conoco to allocate the increased crude oil costs and increased nonproduct costs that it incurs in producing exempt products to the aviation fuel that it receives in exchanges for the exempt products. On November 22, 1977, the DOE issued a Proposed Decision and Order which determined that the exception request be denied.

James L. Flinn, Scurry County, Tex., FEE-4752, Crude Oil

James L. Flinn filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Flinn to sell a portion of the crude oil produced from the C. W. Pepnoe "A" Lease at upper tier ceiling prices. On November 22, 1977, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Hanover Management Co., Dallas, Tex., DXE-0099, Crude Oil

Hanover Management Co. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in the extension of relief previously granted and would permit Hanover to sell the crude oil which it produces from the Fruin "A" No. 1 well located in Payne County, Okla., at upper tier ceiling prices. On November 23, 1977, the DOE issued a Proposed Decision and Order which granted exception relief to the extent that Hanover be permitted to sell 75.71 percent of the crude oil produced from the Fruin well for the benefit of the working interest owners at upper tier ceiling prices.

Husky Oil Co., of Delaware, Washington, D.C., DEX-0007, Crude Oil

The DOE reviewed the exception relief granted to Husky Oil Co. of Delaware during its 1976 fiscal year from the provisions of 10 CFR 211.67. On December 2, 1977, the DOE issued a Proposed Decision and Order which determined that the level of exception relief granted to Husky during 1976 was excessive and that the firm should be required to purchase entitlements.

William C. Kirkwood, Casper, Wyo., FEE-4358 through 4361, Crude Oil

On June 21, 1977, William C. Kirkwood filed four Applications for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception requests, if granted, would permit Kirkwood to sell at exempt prices the crude oil which is produced from the Cowley Field Dalton No. 1 Lease and the Dubois Federal Lease, located in the State of Wyoming, and from the Justice Field Rudnik No. 4 Lease and the Justice Field

Rudnik No. 32-27 Lease, located in the State of Colorado. In addition, Kirkwood requested retroactive exception relief which would have the effect of ratifying the prices which have been charged in the past for the crude oil produced from the four properties. On November 22, 1977, the Department of Energy issued a Proposed Decision and Order which determined that the Kirkwood exception request with respect to the Dubois Federal Lease be dismissed and that the Kirkwood exception request with respect to the remaining three properties be denied.

Ward S. Merrick, Ardmore, Okla., FEE-4555, Crude Oil

Ward S. Merrick filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would have permitted Merrick to classify the Hattie Brown Lease, located in Carter County, Okla., as 18 separate properties and to charge exempt prices for all of the crude oil produced from the Lease. On November 22, 1977, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Monsanto Co., St. Louis, Mo., FEE-4397.

Monsanto Co. filed an Application for Exception from the provisions of 10 CFR 211.67. The exception request, if granted, would permit Monsanto to include unfinished oils in its crude oil receipts and runs to stills for purposes of the Entitlements Program. On December 2, 1977, the DOE issued a Proposed Decision and Order which determined that the exception request be denied.

Monsanto Co., Houston, Tex., FEE-4152, FEE-4153, Crude Oil

Monsanto Co. filed two Applications for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception requests, if granted, would permit Monsanto to sell crude oil produced from the Billeaud Well and the Lucia Well at upper tier ceiling price levels. On November 22, 1977, the DOE issued a Proposed Decision and Order which determined that the exception request with respect to the Lucia Well be granted and that the request with respect to the Billeaud Well be denied.

Moore and Miller, Oklahoma City, Okla., FEE-4792, Crude Oil

Moore and Miller filed an Application for Exception which, if granted, would result in the issuance of an order eliminating any requirement that Moore and Miller pay interest on certain overcharges which the firm has agreed to refund under the terms of a Consent Order dated May 6, 1977. On November 15, 1977 the DOE issued a Proposed Decision and Order which determined that the exception request be denied.

Peninsular Gas Co., Omaha, Nebr., FEE-4446, Propane

Peninsular Gas Co. filed an Application for Exception from the provisions of Part 211 of the Mandatory Petroleum Price and Allocation Regulations. The exception request, if granted would permit Peninsular to increase its base period use of propane for peak shaving and the assignment of a supplier or suppliers to furnish it with the additional volumes of propane. On November 18, 1977, the DOE issued a Proposed Decision and Order which determined that the exception be granted.

Reading & Bates Oil and Gas Co., Tulsa, Okla., FEE-4418, FEE-4432, Crude Oil

Reading & Bates Oil Gas Co. filed two Applications for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception requests, if granted, would permit Reading & Bates to sell the crude oil produced from the Schrader Unit Well No. 1 and the Dempsey-Mantooth Well No. 2A at upper tier ceiling prices. On December 2, 1977, the DOE issued a Proposed Decision and Order which determined that the exception request which pertains to the Dempsey-Mantooth Well No. 2A be granted so as to permit Reading & Bates to sell 21.14 percent of the crude oil produced from that well for the benefit fo the working interest owners at upper tier ceiling prices and that the exception request which pertains to the Schrader Unit Well No. 1 be denied.

Texas Pacific Oil Co., Inc., Dallas, Tex., FEE-4405, Crude Oil

Texas Pacific Oil Co., Inc. filed an Application for Exception from the provisions of 10 CRF, Part 212, Subpart D. The exception request, if granted, would permit Texas Pacific to sell the crude oil produced from the Ackers-State (Caddo) Unit, located in Stephens County, Tex., at stripper well prices. On Novermber 22, 1977, the DOE issued a Proposed Decision and Order in which it determined that the exception request be granted.

Texas Pacific Oil Co., Inc., Dallas Tex., FEE-0118, Crude Oil

Texas Pacific Oil Co., Inc. filed an Application for Exception from the provisions of 10 CRF, Part 212, Subpart D. The exception request, if granted, would permit the firm to classify the East Frankirk (Canyon Sand) Unit, located in Stonewall County, Tex., as a stripper well property as of June 1, 1977 and thereby charge exempt prices for all of the crude oil produced from the Unit. On December 2, 1977, the Department of Energy issued a Proposed Decision and Order in which it determined that the Texas Pacific exception request be denied.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy has issued Proposed Decisions and Orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors limited listed below. The proposed exception relief permits the firms involved to increase the prices of the production of the gas plants listed below to reflect certain non-product cost increases.

Company	Case No.	Plant	Location	Amount of price increase (per gallon)
Allied Chemical Corp.	DEE-0037	Perkins	Coke County, Tex.	$0.00991
Farmland Industries, Inc.	DXE-0090	Gillette	Campbell County, Wyo.	.0274
	DXE-0091	Lamont	Grant County, Okla.	.0658
	DXE-0092	Mertzon	Irion County, Tex.	.0232
	DXE-0093	Quitman	Wood County, Tex.	.0127
Gary Operating Co.	DXE-0063	Altonah	Duchesne County, Utah.	.0229
	DXE-0064	Bluebell	Duchesne County, Utah.	.0515
Indiana Wells Oil Co.	DXE-0070	Indian	Crockett County, Tex.	.07021
Oklahoma Natural Gas Co.	DXE-0073	Garvin County	Garvin County, Okla.	.0234

[FR Doc. 77-36395 Filed 12-20-77; 8:45 am]

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CI77-657]

AMERICAN NATURAL GAS PRODUCTION CO., ET AL.

Amendment to Application

DECEMBER 13, 1977.

Take notice that on November 3, 1977, American Natural Gas Production Co. (Production Co.) filed an amended application in the above-captioned docket and that such filing was joined in by the following additional production companies: Oil & Gas Futures, Inc., of Texas; H. W. Bass & Sons, Inc.; SAG Ventures, Penna. Co.; and the Norwegian Oil Co. (DNO-U.S.), Inc. Production Co. and the other applicants have acquired 100 percent of the working interests in block 504, described below.

The original application, filed on July 20, 1977 (noticed on August 15, 1977), was pursuant to section 7(c) of the Natural Gas Act, as amended, and section 2.75 of the Commission's general policy and interpretations, optional procedure for certificating new producer sales of natural gas, for a certificate of public convenience and necessity authorizing the sale of natural gas from West Cameron block 504 offshore Louisiana, to Michigan-Wisconsin Pipe Line Co. (Michigan-Wisconsin), all as more fully set forth in the application, which is on file with the Commission and open to public inspection. Production Co. is a wholly owned subsidiary of Michigan-Wisconsin.

The application, as amended, indicates that as a result of exploratory drilling in West Cameron block 504, offshore Louisiana, applicants have calculated total reserves (all interests) of 43.55 Bcf for said tract.

Applicants state that pursuant to gas sales contracts dated as of various recent dates, they have agreed to sell all gas produced from and attributable to their interests in wells proposed to be drilled in West Cameron block 504 to Michigan-Wisconsin at an initial rate of $2.709 per Mcf at 15.025 psia. The rate is proposed to escalate $0/01 quarterly.

Any person desiring to be heard or to make any protest with reference to said application, on or before January 4, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-36303 Filed 12-20-77; 8:45 am]

[6740-02]

[Docket No. RP78-19]

COLUMBIA GULF TRANSMISSION CO.

Proposed Changes in FERC Gas Tariff

DECEMBER 14, 1977.

Take notice that Columbia Gulf Transmission Co. (Columbia Gulf) on November 30, 1977, tendered for filing the following revised tariff sheets to its FERC Gas Tariff Original Volume No. 1 and Original Volume No. 2, to become effective January 1, 1978.

ORIGINAL VOLUME NO. 1

Twenty-Fourth Revised Sheet No. 7.

ORIGINAL VOLUME NO. 2

Fifth Revised Sheet No. 72.
Fifth Revised Sheet No. 73.
Second Revised Sheet No. 92.
Second Revised Sheet No. 93.
Second Revised Sheet No. 126.
Third Revised Sheet No. 145.
Third Revised Sheet No. 146.
Second Revised Sheet No. 256.
Second Revised Sheet No. 263.
First Revised Sheet No. 278.
First Revised Sheet No. 320.
First Revised Sheet No. 337.
First Revised Sheet No. 338.
First Revised Sheet No. 386.
First Revised Sheet No. 387.
First Revised Sheet No. 417.
First Revised Sheet No. 440.
First Revised Sheet No. 493.

The proposed tariff changes would increase revenues from jurisdictional sales and service by approximately $3,023,000 based on the 12 month period ending July 31, 1977, as adjusted.

The increased rates for transportation of gas reflect an increase in Columbia Gulf's rate of return from 10.67 percent to 10.69 percent. Columbia Gulf alleges that the increased revenues to be derived from such change is needed to increase internally generated funds in order to attract additional outside capital "to develop new sources of gas supply having far greater costs than historically experienced by the industry."

Copies of the filing were served upon the company's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 23, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-36311 Filed 12-20-77; 8:45 am]

[6740-02]

[Docket No. RP78-20]

COLUMBIA GAS TRANSMISSION CORP.

Proposed Changes in FERC Gas Tariff

DECEMBER 14, 1977.

Take notice that Columbia Gas Transmission Corp. (Columbia), on November 30, 1977, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1.

The revised tariff sheet proposed to become effective January 1, 1978, reflects an increase in Columbia's rates to provide additional annual revenue of $67,118,512 necessary to offset a revenue deficiency of approximately that amount based on a cost of service for the test period twelve months ended July 31, 1977, as adjusted, compared with revenue at underlying rates effective September 2, 1977.

Columbia also requests, in the event the filed tariff sheet proposed to become effective January 1, 1978 is suspended beyond the commencement of service by Columbia LNG Corp., that the Commission limit the suspension on that portion of Columbia's proposed increase resulting from the purchase of revaporized LNG to the date of commencement of service by Columbia LNG Corp.

Columbia states that the necessity for the increase in its rates is brought about principal0Pi128"ly by: the recovery of the cost of revaporized LNG to be purchased from Columbia LNG Corp. at Loudoun, Va. and an increase in the cost of gas to be transported by others.

Columbia also requests permission to modify section 20 of the General Terms and Conditions of its FERC Gas Tariff, Original Volume No. 1. Such modifications are set forth in Columbia's petition filed October 7, 1977 at Docket No. RP 78-2.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing, should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10. All such petitions or protests should be filed on or before December 23, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with

the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-36307 Filed 12-20-77; 8:45 am]

[6740-02]

[Docket No. ER77-196]

FLORIDA POWER CORP.

Order Approving Settlement Agreement and Determining Proper Filing Fee

DECEMBER 13, 1977.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 9591, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulation Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provision" of section 705(b) of the DOE Act provides that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) and (2) of the DOE Act.

The joint regulation adopted on October 1, 1977 by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On July 1, 1977, Florida Power Corp. (Florida) together with its intervening resale customers[1] filed a Motion for Approval of a Settlement Agreement and for Determination of Proper Filing Fee. The Presiding Law Judge certified the proposed Settlement Agreement to the Commission on June 27, 1977. On July 22, 1977, Staff filed comments supporting the settlement, but opposing the requested reduction of the filing fee. Public notice was issued August 11, 1977, with comments due on August 26, 1977. No additional comments have been received.

On February 11, 1977, Florida Power Corp. filed, inter alia, increased rates to its wholesale customers for total requirements, partial requirements, transmission, and generating support service.[2] The filing proposed revenue increases for all resale service of about $23,672,000 (34.9 percent), based on estimated sales for the Period II test year lending February 28, 1977.

By order of March 1, 1977, the Commission accepted for filing and suspended for one day (subject to refund) Florida's proposed rate filing, and granted Cities and Seminole Cooperative intervention in the proceeding.

Staff filed Top Sheets on June 13, 1977, and a settlement conference with all parties present was held on June 23, 1977. The proposed Settlement increases the Company's resale revenues by about $19,316,000 (28.5 percent) based on projected Period II billings. Staff analysis of the Company's resale costs to service the same period would support an overall increase of about $20,556,000 (30.3 percent). Staff analysis of Florida Power Corp.'s costs indicates that the proposed settlement rates are not excessive, and that they would result in an overall resale earned rate of return of 8.76 percent, including a return on equity of about 12 percent.

The Settlement Agreement also provides that the tax normalization issue will be handled in this settlement in conformance with Order No. 530-B with the understanding that, if that Order is reversed, Florida Power will make additional refunds to its customers. In addition, the Company agrees to offer a joint transmission rate[3] prospectively from the date of any order or regulation by the Commission or its successor agency establishing that transmission customers are entitled to such rates as a matter of right in circumstances such as pertain between Florida Power Corp. and its transmission customers.

Based upon our review of the record in this proceeding, including the Settlement Agreement itself, the Commission finds that the proposed settlement represents a reasonable resolution of all issues in this docket, and that such settlement is in the public interest. Accordingly, the Settlement Agreement should be accepted for filing and made effective as of the date of this order.

Regarding the proper filing fee, Florida Power Corp.'s application in this proceeding was accompanied by a check for a filing fee in the amount of $33,040 together with a letter explaining the basis on which this amount was computed. The Company's computation was based on its rate increase for the twelve months following the proposed effective date (which coincides with Period II). Also, the amount of the Company's tendered fee reflects, essentially, the amount of the net increase in the Company's resale costs from its placing in service, on March 13, 1977, of its Crystal River Unit No. 3 nuclear plant, rather than the indicated revenue impact from increased rates.

By letter of March 29, 1977, the Commission Secretary advised Florida Power Corp. that the filing fee amount is properly computed on the basis of comparative billings for the twelve months preceding the proposed effective date, and that the proper amount in this case is 49,386 greater than the Company's offered fee. On April 18, 1977, the Company remitted the balance of the required fee under protest.[4]

By its Motion, Florida Power Corp. requests that the Commission refund the protested portion of the filing fee on the grounds that the revenue increases indicated by a comparison of the Company's revenues from its present and proposed rates (the basis on which the Commission assessed the filing fee) produces unreasonable results in terms of cost recovery because Florida Power Corp.'s present rate structure allegedly does not accurately track net changes in service costs.[5]

[1] The intervening resale customers are the Seminole Electric Cooperative, Inc., and the municipalities of Alachua, Bartow, Bushnell, Chattahoochee, Fort Meade, Lake Helen, Leesburg, Mount Dora, Newberry, Ocala, Quincy, and Williston. The Company indicates that it will also extend the proposed settlement rates to the affected resale customers that did not intervene in this proceeding. These customers are the municipal systems of Orlando, Sebring, New Smyrna Beach, Gainesville, Kissimmee, Tallahassee, Wauchula, and Reedy Creek.

[2] On February 11, 1977, the Company filed in Docket No. ER77-197 an initial tariff agreement with five Crystal River Unit No. 3 participants (Alachua, Bushnell, Leesburg, Ocala, and the Seminole Cooperative) for transmission of generating support service under rates GS-1E (see B/P memo 3-21-77). By letter dated May 4, 1977, the Commission accepted the proposed filing and terminated Docket No. ER77-197, but made Rate GS-1E subject to the refund provision in Docket No. ER77-196.

[3] The concept of joint transmission rates refers to a pooling of transmission costs on an area-wide basis (such as with the State of Florida) where wheeling transactions occur over the integrated facilities of more than one utility. The question of joint transmission rate is not before the Commission in any Florida Power Corp. proceeding at the present time.

[4] The Company's computation of the filing fee is based on an indicated increase for Period II of $5,608,117, while the Secretary's assessment is computed on the total increase of $20,970,806 for the 12 months preceding the proposed effective date.

[5] Florida Power Corp. appears to argue that under its present rate structure its Fuel Adjustment clause automatically passes on to ratepayers fuel savings generated by the Crystal River Unit No. 3 nuclear unit, but that there is not a comparable automatic adjustment which tracks in-

Section 36.2(g) of the Commission's Regulations provides that filing fees be computed on the basis of rate increases in excess of charges for the 12 months preceding the proposed effective date, not the 12 months following the effective date as the Company proposes. Additionally, whereas Florida's proposed filing fee apparently is based soley on its increased costs associated with the placing in service of a particular nuclear plant, the Regulations do not provide for consideration of factors other than the 12 month comparison between existing and proposed rates. We find, therefore, that the Company's proposed fee is improper to the extent it is determined by the amount of costs related to its nuclear plant.

For these reasons, we conclude that the Company's motion to reduce the amount of its filing fee must be denied.

The Commission finds: (1) The proposed Settlement Agreement should be approved and made effective as hereinafter ordered and conditioned.

(2) The Company's Motion to Reduce the Filing Fee should be denied.

The Commission orders: (A) The Settlement Agreement certified to the Commission in this proceeding on June 27, 1977, is hereby accepted, incorporated herein by reference and approved, subject to the following conditions.

(B) This approval is subject to the condition that if Commission's Order No. 530-B is reversed by a final order, the Company shall revise its settlement rates to exclude such disallowed amounts and, with 15 days after the final order, shall refund, with interest, any amounts collected in excess of the revised settlement rates.

(C) Within 30 days from the date of this order the Company shall file with the Commission revised tariff sheets and rate schedules in conformance with the Settlement Agreement.

(D) Within 30 days after compliance rate filings are accepted for filing the Company shall refund amounts collected in excess of the settlement rates with interest computed at 9 percent per annum.

(E) Within 30 days after refunds have been made, the Company shall file with the Commission a compliance report showing monthly billing determinants and revenues under prior, present and settlement rates; the monthly revenue refund; and the monthly interest computation together with a summary of such information for the total refund period. A copy of such report shall also be furnished to each State Commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.

(F) The Company's Motion to Reduce the Filing Fee is hereby denied.

(G) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against Florida Power Corporation, or any other person or party.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission. Commissioner Sheldon voted present.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-36304 Filed 12-20-77; 8:45 am]

creases in fixed costs associated with this unit. The Company contends that, as a result, revenues under its present rates are considerably below the level of underlying costs. The Company states that its proposed tariff results in a net increase in resale revenues of about $5.6 million for Period II, which, the Company argues, is the proper amount upon which to compute its filing fee.

[6740-02]

[Docket No. ER77-452]

MONONGAHELA POWER CO. ET AL.

Order Granting Motion and Amending Procedures Established in Prior Order

DECEMBER 13, 1977.

In the matter of Monongahela Power Co., the Potomac Edison Co., and West Penn Power Co.

On November 9, 1977, Commission Staff Counsel filed a motion in these proceedings requesting procedural amendments to the Commission's order of October 20, 1977. Specifically, Staff Counsel requests the Commission to set a date for the filing by Allegheny Power Service Corporation (Allegheny)[1] of its case-in-chief in support of its rate filing and to extend the dates heretofore established for filing of Staff's top sheets and the convening of the initial conference.

In our order of October 20, 1977, we established procedural dates on the assumed basis that Allegheny had filed its case-in-chief with its rate change proposal.[2] However, that assumption was not accurate and, therefore, the dates established by our order should be amended to permit the orderly presentation of the issues to the Presiding Administrative Law Judge. Accordingly, we will grant the motion and establish procedural dates that will permit a proper presentation of the issues.

The Commission finds: Good cause exists to grant the motion filed by Staff Counsel on November 9, 1977, and to amend the procedural dates heretofore established, all as hereinafter ordered.

The Commission Orders: (A) The motion filed by Staff Counsel on November 9, 1977, is hereby granted.

(B) The procedural dates heretofore set by order issued October 20, 1977, are hereby amended and modified as follows: 1. Within 30 days from the date of issuance of this order, Allegheny shall file and serve its case-in-chief. 2. Staff shall prepare and serve its top sheets on all parties for settlement purposes on March 20, 1978. (See Administrative Order No. 157.) 3. The initial conference shall convene on March 30, 1978.

(C) In all other respects, our order of October 20, 1977, shall remain in full force and effect.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUM,
Secretary.

[FR Doc. 77-36305 Filed 12-20-77; 8:45 am]

[1] Allegheny filed the proposed rate change for the Allegheny Power System, which is composed of Allegheny, Monongahela Power Co., the Potomac Edison Co., and West Penn Power Co.

[2] By Notice issued November 11, 1977, the procedural dates heretofore established were extended.

[6740-02]

[Docket No. CP77-607]

CITY OF MARIETTA, TEX. APPLICANT AND NATURAL GAS PIPELINE CO. OF AMERICA, RESPONDENT

Order Providing for Hearing, Establishing Procedures, and Granting Interventions

DECEMBER 14, 1977.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be contin-

ued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

On September 6, 1977, the city of Marietta, Tex. (Marietta) filed in Docket No. CP77-607 an application pursuant to section 7(a) of the Natural Gas Act for an order directing Natural Gas Pipeline Co. of America (Respondent) to establish an additional physical connection to its transportation facilities with those of Marietta and to deliver presently contracted supplies of natural gas to Marietta at said point.

Marietta alleged that its existing natural gas distribution system receives gas pursuant to the Federal Power Commission's order issued December 7, 1966, in Docket No. CP67-18, as amended on August 31, 1967, which directed Respondent to establish physical connection of its natural gas transmission system with Marietta's distribution facilities and sell and deliver to Marietta up to 610 Mcf of natural gas per day. Marietta's existing distribution system has a single physical connection to the gas supply lateral of Respondent which originates in the Bryans Mill Field, and the existing point of connection is at the intersection of said supply lateral and Texas Highway No. 77, approximately 1 mile west of the city of Douglassville. The master metering, regulating, and odorizing facilities are at this location.

In its filing, Marietta has proposed to expand its existing natural gas distribution system in order to serve approximately 1,500 additional rural customers of Cass County, Tex. Marietta states that the area which would be served natural gas by the proposed expansion includes the communities of Antioch, Bethelem, Bivins, Domino, Gum Springs, Honey Grove, Huffinies, Lanark, Laws, Chapel, Love Chapel, Midway, Mt. Zion, New Colony, Oak Grove, Piney Grove, Red Hill, Shady Grove, Springdale, and Warren Springs, as well as the area adjacent to these communities.

It is stated that Marietta's proposed expansion of its distribution facilities would not require any transmission line or supply lateral. It would be affected by an additional physical line connection to the transmission line of Respondent at the point of its intersection with Marietta's distribution main, said point to be at or near Texas Highway No. 43 approximately 5 miles south of the city of Atlanta, Tex. The master metering, regulating and odoring facilities would be located at such point of connection.

Marietta states that it does not intend to exceed the daily allotment of gas already committed to it by contract with Respondent, which is 610 Mcf at 14.73 psia, during each of the first 3 years of operations. Estimated annual natural gas requirements for all customers, existing and proposed, for the first 3 years of operations with two delivery points are 156,000 Mcf, 164,000 Mcf, and 172,000 Mcf, respectively.

Marietta has asserted that the proposed physical connection would provide Marietta's proposed customers with a more economical and reliable fuel supply. The expansion of the gas distribution facilities is expected to cost approximately $1,658,000.00.

After due notice of the application by publication in the FEDERAL REGISTER on September 20, 1977 (42 FR 47253) the following petitions to intervene were received:

Illinois Power Co., October 12, 1977;
North Central Public Service Co., October 3, 1977;
Iowa-Illinois Gas and Electric Co., October 13, 1977;
Peoples Natural Gas Division of Northern Natural Gas Co., October 14, 1977;
Peoples Gas Light and Coke Co., October 14, 1977;
Central Illinois Light Co., October 14, 1977;
North Shore Gas Co., October 14, 1977;
Welch Butane and Air Conditioning Co., Inc., October 14, 1977; and
W. Alfred McCoy, Delbert Hanson and Cass County Butane Co., Inc. (Welch, et al.), October 14, 1977.

A late petition to intervene accompanied by motion, was filed by General Motors Corp. on October 17, 1977. The first four intervenors, supra, expressed no position whereas the remainder expressed opposition to the proposed service. Welch, et al., requested a formal hearing herein.

In its response, filed on October 14, 1977, Natural opposes the second physical connection for the attachment of new load. Natural has been in curtailment since 1970 and would oppose increases in peak day deliveries. Natural further states that marietta should not be permitted to file a simplified application under sections 156.3(d) and 250.6 of the Commission's regulations in that Marietta, it believes, is neither requesting "gas service" nor serving a "single community".

In view of the foregoing, it appears a full evidentiary hearing should be held. Respondent has raised a threshold issue and Marietta should establish how the instant application complies with sections 156.3(d) and 250.6 of the Commission's regulations under the Natural Gas Act. The same shall be proffered at the prehearing conference to be held herein and potentially certified to the Commission pursuant to section 1.27(b)(8) of the Commission's rules. Marietta shall have the burden of proof showing that the requested service is necessary and desirable in the public interest. Marietta shall, inter alia: (1) Document all efforts to obtain alternate sources of gas from intrastate suppliers or increased volumes of LPG; (2) present all communications between Marietta and the Texas Railroad Commission with respect to gas supply; (3) detail data from the books and records of Marietta supporting the estimated present and projected peak-day annual requirements, together with such specific information relating to number of meters and class of customer served, and to be served; (4) show the nearest intrastate gas and LPG supplies and indicate their distance from Marietta; (5) provide the history of Marietta's gas supply, including rate, volumes and source of gas received, and the measures taken to insure a continuing supply; (6) explain what the city of Marietta plans to do to insure a continuing gas supply should the subject application be denied; and (7) furnish estimates and backup data concerning the percentage by volume of attachments over former service in each curtailment priority.

It shall be incumbent upon Natural to furnish testimony relating to the gas supply available for the service in question and the effect that this service will have on its system from an operational standpoint if the request for service is granted. Natural shall also furnish facts and testimony as to its history of curtailments, with particular regard to the 467-B categories of priority, as well as specific information related to its distributor customers' load additions and/or scope of postponement of such load additions by class of retail customer during the last several years of gas supply shortage.

The Commission finds: (1) Sufficient cause exists for setting for formal hearing the issues involved in the aforementioned pleadings and for establishing the procedures for that hearing as hereinafter ordered.

(2) Participation by the above-mentioned petitioners to intervene may be in the public interest. The late petition to intervene will not delay the proceeding and may be in the public interest.

The Commission orders: (A) On or before January 27, 1978, Marietta, Respondent and all interested intervenors or Staff shall file with the Secre-

tary of this Commission and serve upon all parties to this proceeding, including the Commission Staff, their testimony and exhibits.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR Chapter 1), a prehearing conference will be held in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C., 20426 at 10 a.m. on March 3, 1978, to discuss procedural issues and the clarification of issues.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at a hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, and motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure.)

(D) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the Rules and Regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene and *Provided, however,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or order of the Commission entered in this proceeding.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-36306 Filed 12-20-77; 8:45 am]

[6740-02]

[Docket No. RP78-23]

MIDWESTERN GAS TRANSMISSION CO.

Filing of Proposed Changes in Rates

DECEMBER 14, 1977.

Take notice that on December 1, 1977, Midwestern Gas Transmission Co. (Midwestern) tendered for filing proposed changes in its FERC Gas Tariff to be effective on January 1, 1978, consisting of the following revised tariff sheets:

THIRD REVISED VOLUME NO. 1

Twenty-first Revised Sheet No. 5
Fourth Revised Sheet No. 5A
Fourth Revised Sheet No. 80
Substitute Second Revised Sheet No. 84
Substitute Third Revised Sheet No. 85
Substitute Second Revised Sheet No. 86

ORIGINAL VOLUME NO. 2

Second Revised Sheet No. 37

The proposed changes would increase revenues from jurisdictional sales by $504,339 for the Southern System and $1,962,806 for the Northern System, based on the test period consisting of the 12 months ended August 31, 1977, adjusted for known and measurable changes through May 31, 1978.

Midwestern states that the increased rates are required to reflect an overall rate of return of 11.70 percent, increases in cost of materials, supplies, wages and services, taxes, and other costs required to operate and maintain its pipeline systems.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules and Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 23, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-36308 Filed 12-20-77; 8:45 am]

[6740-02]

[Docket Nos. RP71-119, TC78-2]

PANHANDLE EASTERN PIPE LINE CO.

Order Granting Petition for Relief From Payback Order, Granting Interventions, and Redesignating Proceedings

DECEMBER 14, 1977.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate compenent of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) or (2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

PROCEDURAL HISTORY

On September 2, 1977, Quanex Corp., formerly known in this proceeding as Michigan Seamless Tube Co., filed a petition for relief from the Commission's order of August 31, 1976, dismissing an earlier petition by Quanex for extraordinary relief and ordering payback. Quanex now seeks reversal of the payback order.

Quanex uses natural gas in the manufacture of cold-drawn seamless steel tubing at its Michigan Seamless Tube Division. According to Quanex, policy guidelines issued by the Commission on March 2, 1973, in Commission Order 467-B, Docket No. R-469 (49 FPC 583) would have subjected Quanex to 100 percent curtailment of natural gas on or about October 31, 1973. In order to prevent this, Quanex filed with the Commission a petition for extraordinary relief on August 24, 1973, requesting permission to obtain a minimum of 1,061 Mcf per day of natural gas from Panhandle Eastern Pipe Line Co. (Panhandle) from October 1, 1973, to August 1, 1974, and 679 Mcf per day thereafter. In addition, Quanex filed a request for temporary emergency relief on December 28, 1973.

On January 14, 1974, the Commission granted Quanex's petition of December 28, 1973, for temporary emergency relief. This order granted the relief requested (1,061 Mcf per day until August 1, 1974, and 679 Mcf thereafter) on a temporary basis pending the Commission's determination of the merits of the petition for extraordinary relief.

On December 17, 1974, the administrative law judge issued his initial decision on Quanex's petition for extraordinary relief. The administrative law judge found that extradordinary circumstances existed and that an exemption should be granted from Panhandle's curtailment plan to provide

Quanex a sufficient supply of natural gas to enable it to keep its plant at South Lyons, Mich., in operation. Relief up to 679 Mcf per day was authorized until Quanex could replace its three gas-burning tube dryers with oil burning dryers. Thereafter relief was not to exceed 595 Mcf per day.

On February 27, 1976, the Commission issued Opinion No. 754 abolishing the use of the firm-interruptible distinction in assigning service priorities on the Panhandle system. Since the apparent foundation of Quanex's petition for extraordinary relief was the classification under Panhandle's 467-B plan of Quanex's gas requirements according to the interruptible nature of its supply contract, the Commission issued an order on August 31, 1976, dismissing the petition for extraordinary relief as moot. Furthermore, the Commission ordered Quanex to payback all gas received as temporary relief. To accomplish this, Panhandle was ordered to limit deliveries to Quanex to 595 Mcf per day until the payback obligation was discharged.

On January 5, 1977, the United States Court of Appeals for the Third Circuit issued its opinion in *Hercules, Inc.* v. *FPC*, 552 F. 2d 74 (3rd Cir. 1977), an action for judicial review of the Commission's refusal to relieve Hercules, Inc. of the payback obligation imposed upon it by Commission order of April 1, 1976, in this docket. The Court set aside the payback requirement because it was based upon the firm-interruptible distinction eliminated by the interim curtailment plan of Opinion No. 754. In so holding, the court said:

> Requiring payback obligations assumes that the party seeking relief is not entitled to the emergency volumes of gas. However, the system of entitlements can be no more valid than the curtailment plan. The power of the FPC to enforce payback obligations cannot extend beyond its power to impose the underlying curtailment plan which gives rise to the obligations. Enforcing such obligations after a finding that they were imposed as a result of an unlawful curtailment priority distinction is an abuse of discretion.[1]

Because the Commission had determined that the firm-interruptible distinction was improper, the Court said that Hercules should not be required to payback gas that it was entitled to but was not receiving because of an illegal feature of the 467 plan.

On March 8, 1977, the Commission issued an order granting a rehearing to Hercules, Inc. on its request for extraordinary relief which had been denied in an order of September 3, 1976. In granting a rehearing, the Commission said that as long as the holding in Hercules, Inc. remains the law "we will not include a payback provision for the petitioners in this proceeding who receive extraordinary relief from the 467-B plan."[2] Moreover, in another order on that date, the Commission refused to order payback for other parties who had received extraordinary relief from the 467-B plan.[3]

In its petition of September 2, 1977, in the instant proceeding, Quanex maintains that the court's holding in *Hercules, Inc.* v. *FPC*,[4] and the Commission's orders of March 8, 1977, should relieve it of its payback obligations. Accordingly, Quanex requests that the Commission: (a) order that its payback obligations be suspended and direct Panhandle to increase deliveries to Quanex in an amount sufficient to compensate for gas subjected to the improper payback order; (b) order that Quanex receive without reduction the amount of natural gas from Panhandle as is provided in Quanex's contract with Panhandle, subject to the provisions of the revised interim curtailment plan of Opinion No. 754; and (3) grant such other relief as the Commission deems appropriate.

Discussion

We believe that consistency with the court's decision in *Hercules* v. *FPC*,[5] and with our own orders of March 8, 1977,[6] requires us to grant Quanex the relief requested.

In a document filed October 11, 1977, with the caption "Reply of Panhandle Eastern Pipe Line Co.," Panhandle asks the Commission to deny the Quanex petition. Panhandle argues that no party sought rehearing of the August 31, 1976, payback order, that this order was final, and that proceedings in Docket No. RP71-119 were terminated by Commission order on July 6, 1977.

We are aware of the public interest in the finality of agency decisions. In this case, however, we think that interest is outweighed by the need for a just result. Our orders of March 8, 1977,[7] which were issued after the decision in *Hercules*, set aside payback requirements for Hercules and other Panhandle customers that received extraordinary relief from Panhandle's 467-B curtailment plan. To impose payback on Quanex only because its petition was disposed of earlier in the course of proceedings would be manifestly unfair.

Panhandle also argues that Quanex is seeking a retroactive application of the *Hercules* decision, even though the decision does not require gas already paid back to be returned. In support of this argument, Panhandle quotes the following part of the decision:

> [W]e do not mean to indicate that Hercules is entitled to restitution for all injuries suffered as a result of Panhandle's unlawful curtailment plan. Unlike rate overcharges prior allocations of gas under a plan now found to have been unreasonable cannot be easily refunded. Not all parties injured as a result of the necessity to react quickly to the natural gas crisis can be made whole.[8]

Furthermore, says Panhandle granting relief to Quanex will amount to a reallocation of gas for the period during which the 467-B plan was in effect. This, Panhandle argues, is precluded by the per curiam order of the Court of Appeals for the Third Circuit[9] affirming Opinion Nos. 754 and 754-A.

Our initial position was that equity required gas received as temporary relief from the 467-B plan to be paid back.[10] But the court overruled this position in Hercules. We do not read that decision as requiring all parties in Docket Nos. RP71-119 et al., to remain in the same position they were in at the moment Hercules was issued. On the contrary, equity requires that Quanex be put on an equal footing with those customers for whom payback orders were set aside.

Moreover, we do not agree with Panhandle's interpretation of the section of the Court's opinion quoted above as a reference to the kind of relief requested by Quanex. The Court's reference is to "injuries suffered as a result of Panhandle's unlawful *curtailment plan*." (Italics added.)[11] Quanex's petition, however, is directed against the Commission's payback order, not Panhandle's curtailment plan. Nor does Quanex seek a refund of gas allocated under the 467-B plan. Rather, it seeks restitution for gas that it received as temporary relief in addition to its allo-

[1] 552 F. 2d at 89.

[2] Panhandle Eastern Pipe Line Co. (Hercules, Inc. and Missouri Edison Co.), Order Granting Rehearing, Docket Nos. RP71-119 and RP74-31-22, March 8, 1977, at 2.

[3] *Panhandle Eastern Pipe Line Co.*, Order Affirming in Part and Modifying in Part Administrative Law Judge's Initial Decision, Docket No. RP71-119 et al., March 8, 1977, pp. 13-14.

[4] 552 F. 2d 74 (3rd Cir., 1977).

[5] Id.

[6] See p. 3, n. 2 and p. 4, n. 3, supra.

[7] See p. 4, note 6, supra.

[8] 552 F. 2d at 89.

[9] *Hercules, Inc.* v. *FPC*, No. 76-2140 (3d Cir., filed June 20, 1977).

[10] See *Panhandle Eastern Pipe Line Co.*, Order Affirming in Part and Modifying in Part Administrative Law Judge's Initial Decision, Docket No. RP71-119, March 8, 1977, at 13.

[11] 552 F. 2d at 89.

cation under the plan and that it was improperly required to pay back.

According to Panhandle, the total relief received by Quanex during 1974-76 was 165,872 Mcf of gas. Of this, Quanex is said of have repaid 143,189 Mcf as of August 1, 1977.[12] Assuming there is no dispute concerning these amounts, it would appear that because of the size of the Panhandle system, restoration of the gas to Quanex will not significantly affect Panhandle's other customers.[13] Nevertheless, we will require Panhandle to file with the Commission a statement of Quanex's account showing:

(1) How much gas Quanex received in the form of temporary extraordinary relief during each month it received such relief;

(2) How much gas Quanex paid back during each month it paid back gas received as temporary extraordinary relief;

(3) The extent, if any, that temporary extraordinary relief received by Quanex exceeded the amount of gas Quanex would have been entitled to receive if the interim curtailment plan prescribed in Opinion No. 754 had been in effect.

Concerning Item 3 of the statement to be filed, we note that the uses for which temporary relief was granted were Priority 3 uses under the 467-B plan and would have been Priority 2 under the plan of Opinion No. 754.[14] Consequently, we expect that Quanex did not receive temporary relief in excess of what it would have been entitled to under the plan in Opinion No. 754.

Panhandle is ordered to return to Quanex, over the course of one year beginning on the date of this order, an amount of gas equivalent to the amount Quanex paid back under the payback order of August 31, 1976. Since the *Hercules* decision applied only to payback obligations imposed because of the firm interruptible distinction, which was eliminated in Opinion No. 754, this order does not require that Quanex be compensated for any gas it may have received and paid back in excess of what it would have received under the plan in Opinion No. 754.

Furthermore, since the temporary emergency relief volumes granted to Quanex were to satisfy Priority 3 uses under the 467-B plan, which uses are now Priority 2 under Opinion No. 754, any gas returned to Quanex pursuant to this order shall be for Priority 2 uses only.

Redesignation of Proceedings

Quanex's petition of September 2, 1977, indicates that it was filed in Docket No. RP71-119. Those proceedings were terminated by order of the Commission on July 6, 1977,[15] and the time for applying for rehearing has expired.[16] Consequently, we are redesignating this proceeding Docket No. TC78-2. To avoid possible prejudice to parties who previously intervened in Docket No. RP71-119, or any of the proceedings consolidated with that docket,[17] we shall automatically permit any party permitted to intervene in those proceedings the right to intervene and have all the rights of a party in Docket No. TC78-2 instituted herein.

Interventions

After notice by publication in the Federal Register on October 3, 1977 (42 FR 53670), timely petitions to intervene were filed by General Motors Corp. and Indiana Gas Co. In addition, the city of Indianapolis, d.b.a. Citizens Gas & Coke Co. (Citizens) filed a protest to Quanex's petition. Citizens, which was granted intervention in Docket No. RP71-119 by Commission order of October 4, 1974, objects to Quanex's request for increased deliveries to compensate it for prior payback. Neither the petitioners to intervene nor Citizens requests a formal hearing in this proceeding. No other notice of intervention, protest, or petition to intervene has been filed.

The Commission finds: (1) It is in the public interest and consistent with the purposes of the Natural Gas Act to grant Quanex the relief requested, to the extent indicated in the text of this opinion, and as hereinafter ordered.

(2) Good cause exists to redesignate this proceeding.

(3) It is in the public interest to allow all persons permitted to intervene in Docket No. RP71-119 and the related proceedings set forth in the text of this order permission to intervene in the instant proceeding.

(4) Participation by the petitioners to intervene may be in the public interest.

The Commission orders: (A) The petition for relief filed by Quanex is granted to the extent indicated above.

(B) Panhandle shall file, within 60 days from the date of this order, a statement of Quanex's account as described above.

(C) The instant proceeding is hereby redesignated as Docket No. TC78-2.

(D) All parties previously granted intervention in the curtailment proceedings set forth in the text of this order shall be parties to the instant proceeding, and the petitioners to intervene are permitted to intervene subject to the rules and regulations of the Commission: *Provided, however,* That participation of all interveners permitted to intervene by this order shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and, *Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 77-36309 Filed 12-20-77; 8:45 am]

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[12] See Reply of Panhandle Eastern Pipeline Co., October 11, 1977, at 3 n. 1.

[13] Panhandle's most recent FPC Form 16, filed on September 30, 1977, projects daily deliveries of 1300 to 2100 MMcf over the course of the next year. Cf. *Panhandle Eastern Pipe Line Co. (Michigan Seamless Tube Co.)*, Initial Decision of Presiding Administrative Law Judge on Petition for Extraordinary Relief, FPC Docket No. RP71-119, December 17, 1974 at 17 (extraordinary relief requested by Michigan Seamless predicted to have very slight effect on other customers).

[14] See *Panhandle Eastern Pipe Line Co. (Michigan Seamless Tube Company)*, Order Dismissing Petition for Extraordinary Relief and Ordering Payback, FPC Docket No. RP71-119, August 31, 1976 at 5-6.

[15] Panhandle Eastern Pipe Line Co., Docket No. RP71-119, Order Completing Environmental Review of Curtailment Plan, July 6, 1977, at 8.

[16] See Commission Rules of Practice and Procedure, 18 CFR 1.34(a).

[17] By Commission order of December 12, 1973, proceedings in Docket No. RP71-119 were consolidated with proceedings in Docket Nos. RP74-31-1, RP74-31-3, RP74-31-4, RP74-31-5, RP74-31-7, RP74-31-10, RP74-31-11, and RP74-31-13. Commission order of January 4, 1974, consolidated proceedings in Docket No. RP71-119 with proceedings in Docket Nos. RP74-31-15, RP74-31-16, RP74-31-17. Proceedings in Docket No. RP71-119 were consolidated with proceedings in Docket Nos. RP74-31-20, RP74-31-21, RP74-31-22, RP74-31-24, and RP74-31-26 by Commission orders of April 2, 1974; August 29, 1974; October 31, 1974; January 24, 1975, and February 24, 1975, respectively.

[6740-02]

[Docket Nos. CP77-495, CP77-596, and CP77-598]

TRANSCONTINENTAL GAS PIPELINE CORP.

Order Consolidating Proceedings, Dismissing Petitions for Declaratory Order, and Staying Further Proceedings

December 14, 1977.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to

exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by sections 402(a)(1) or (2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Transcontinental Gas Pipeline Corp. (Transco) requests, as more fully described herein, temporary and permanent authority to transport synthetic gas for Delmarva Power & Light Co. (Delmarva), for Philadelphia Electric Co. (PECO), and for South Jersey Gas Co. (South Jersey), in Docket Nos. CP77-495, CP77-496, and CP77-598, respectively. Delmarva, PECO, and South Jersey propose to purchase this synthetic gas from Brooklyn Union Gas Co. (BUG).

On July 8, 1977, Transco filed in Docket No. CP77-495, an application, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the transportation on an interruptible basis of 500,000 decatherms (dt) equivalent of natural gas during a three-year term for Delmarva.[1] Transco proposes to transport the proposed volumes of gas to Delmarva, which volumes of synthetic gas Delmarva would purchase from BUG. Pursuant to an agreement among Transco, Delmarva, and BUG, dated May 24, 1977, BUG would make available to Delmarva up to 10,000 dt per day by reducing its takes from Transco, and Transco would then deliver equivalent quantities to Delmarva at existing delivery points. Delmarva would pay Transco an initial charge of 9.55 cents per dt transported and delivered. No additional facilities are required to render the proposed transportation service. In its application Transco states that Delmarva is experiencing substantial curtailment in deliveries of contract demand volumes due to the shortage of gas supplies on Transco's system, and that the additional gas which is the subject of the transportation proposal would help offset these curtailments.

On August 8, 1977, BUG timely filed a petition to intervene as a party in the proceeding and also filed by the same petition a request for a declaratory order, which order would disclaim jurisdiction over BUG's participation in the proposed transaction.[2] As to its request to intervene, BUG states, inter alia, that it is the owner and operator of a synthetic gas plant located in Brooklyn, N.Y., and that it had entered into a contract with Delmarva to sell 500,000 MMBtu of synthetic gas annually for a period of three years. BUG also indicates that it is this contract gas which Transco is petitioning the Commission for authority to transport in this proceeding.

On August 30, 1977, Transco filed in Docket No. CP77-596, an application, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the transportation on an interruptible basis for PECO each year during a limited term of five years beginning November 1, 1977, of 3,500,000 dt vaporous equivalent of synthetic gas, which PECO would purchase from BUG.[3] Under arrangements similar to these in Docket No. CP77-495, BUG would make available to PECO up to 35,000 dt per day by reducing its takes from Transco, and Transco would then deliver equivalent volumes to PECO at existing delivery points in accordance with an agreement among Transco, PECO and BUG dated July 11, 1977. PECO would pay to Transco an initial charge of 9.55 cents per dt transported and delivered. No additional facilities are required to render this service. Transco states that PECO is experiencing substantial curtailment in deliveries of contract demand volumes from Transco due to the shortage of gas supplies on Transco's system and that the additional gas to be transported would offset these curtailments.

On September 12, 1977, BUG timely filed a petition to intervene and requested the Commission issue a declaratory order which disclaimed jurisdiction over BUG for its participation in the above-described transaction.[4] This petition is in all substantive respects identical to the one BUG filed in Docket No. CP77-495.

On September 12, 1977, Transco filed in Docket No. CP77-598 an application, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation on an interruptible basis to South Jersey each year during a limited term of five years, beginning November 1, 1977, of 2,000,000 dt vaporous equivalent of synthetic gas, which South Jersey would purchase from BUG.[5]

BUG would make available to South Jersey up to 30,000 dt per day, and as in the two above-referenced dockets, would do so by reducing its takes from Transco; Transco would then deliver equivalent quantities to South Jersey at existing delivery points, in accordance with an agreement entered into by Transco, South Jersey and BUG dated July 11, 1977. South Jersey would pay an initial charge to Transco of 9.55 cents per dt transported and delivered. No additional facilities are required for this service. Transco alleges that South Jersey is experiencing substantial curtailment in deliveries of contract demand volumes due to the shortage of gas supplies on Transco's system, and that the gas subject to the transportation proposal would offset these curtailments.

On September 12, 1977, BUG filed a petition to intervene and to request that the Commission issue a declaratory order which would disclaim jurisdiction over BUG for its participation in this transaction.[6] As in the two above-referenced dockets, BUG outlines its participation in the proceeding and indicates that it does have a strong and immediate interest in the proceedings. On September 15, 1977, South Jersey filed with the Commission a petition to intervene. The petition states that South Jersey is a gas distribution company serving portions of the State of New Jersey, and that it has experienced substantial curtailment in deliveries of contract demand volumes from Transco. South Jersey states that the gas it would receive under the proposed transportation certificate would enable it to offset continuing curtailment of natural gas.

It is evident from a review of the applications that these three dockets involve common questions of law, and that, accordingly, it would be expeditious and in the public interest to consolidate them. The Commission also finds that BUG and South Jersey

[1] Notice of said application was published in the FEDERAL REGISTER on July 29, 1977.

[2] Notice of BUG's petition was published in the FEDERAL REGISTER on August 29, 1977.

[3] Notice of said application was published in the FEDERAL REGISTER on September 19, 1977.

[4] Notice of BUG's petition was published in the FEDERAL REGISTER on September 28, 1977.

[5] Notice of said application was published in the FEDERAL REGISTER on September 19, 1977.

[6] Notice of BUG's petition was published in the FEDERAL REGISTER on September 28, 1977.

have a real and substantial interest in these proceedings and should be allowed to intervene.

The common issue in the three dockets arises in BUG's petitions for declaratory order requesting the Commission to declare its participation in each of the three proposed transactions as non-jurisdictional. For the reasons stated herein, the Commission finds that BUG's request for a declaratory order should be dismissed as it views the participation of BUG in the proposed transaction to be subject to the Commission's jurisdiction.

In each of its three petitions, BUG states that it believes its participation in the proposed arrangements non-jurisdictional and cites, without comment, several Commission decisions it deems supportive of its belief. BUG cites three cases where the Commission has decided that the sale and/or transportation of synthetic gas, not commingled with natural gas, is not subject to the Commission's jurisdiction. *Algonquin SNG*, Op. No. 637, 48 FPC 1216 (1972); *El Paso Natural Gas Co.*, Op. No. 663, 50 FPC 651 (1973), Aff'd. *Henry* v. *FPC*, 513 F. 2d 395 (D.C. Cir. 1975); and *Columbia LNG Corp.*, Op. No. 669, 50 FPC 1252 (1973), Aff'd. *Public Service Commission of New York* v. *FPC*, 543 F. 2d 392 (D.C. Cir. 1976). None of the aforementioned cases are determinative of the jurisdictional issue posed by the proposed transactions.

Provisions 1.11 and 4.01 of each of the three sales contracts clearly indicate that BUG's obligation is to tender natural, not synthetic, gas:

> 1.11 The Term "tendered" shall mean that Brooklyn Union has made available or could have made available to buyer a quantity or quantities of SG within the terms of this contract for delivery to buyer by buyer's interstate pipeline transporter. Deliveries of SG tendered by Brooklyn Union shall be FOB for the tailgate of the SNG plant (the "delivery point"), provided that Brooklyn Union will assist the buyer to receive the SG by relinquishing thermally equivalent quantities of gas at appropriate New York delivery points of Transco (the "release point").
>
> 4.01 As between the parties hereto, the sale shall be deemed to have occurred at the tailgate of the Brooklyn Union's SNG plant (the delivery point); provided, however, that Brooklyn Union shall assist the buyer in receiving the SG by releasing thermally equivalent quantities of gas at the appropriate New York delivery points of Transco (the release point).

The contractual requirement of BUG to tender natural gas to Transco so that natural gas is delivered to the distributor involved renders BUG's preceding contractual obligations purely artifical. BUG is selling and Transco is transporting natural gas; the three Commission decisions pointed to by BUG are, thus, inapposite. Each of the three sales contracts appears to be a vehicle to avoid Commission jurisdiction, and as such, can be disregarded by the Commission to ascertain the true nature of the transaction.[7] The true nature of the transaction is a sale of natural gas for resale in interstate commerce.

BUG also cites *Transwestern Coal Gasification Co.*, Op. No. 728 (issued April 21, 1975). In that case, Transwestern Coal Gasification Co. (Trans Coal) proposed to sell to Cities Service Gas Co. (Cities) synthetic gas mixed with natural gas. The Administrative Law Judge had issued a certificate authorizing the sale by Transwestern Pipeline Co. (Transwestern) because Transwestern actually would transfer and deliver to Cities a quantity of natural gas equivalent in volumes to the mixture of gas contracted for. The Commission granted Cities' request to amend the Judge's certificate to authorize the sale of synthetic gas by Trans Coal directly to Cities. BUG cannot use this case as support, however, because the Commission explicitly noted that there was no legal difference between the natural gas delivered and the contracted mixture; both were subject to the Commission's jurisdiction and, thus this decision cannot form a bais for BUG's reasoning.

BUG also cites as support two other Commission decisions involving an exchange or transportation of natural gas.[8] These decisions also involve situations which are not similar to the one in this proceeding. However, there is a recent Commission decision which is in all substantive respects identical to this proceeding, *Washington Gas Light Co.*, Docket No. CP77-496 (issued September 7, 1977). In this case, Washington Gas Light Co. (Washington Gas) sold natural gas to Public Service Co. of North Carolina (Public Service) a distributor of natural gas in the State of North Carolina. Deliveries were made by Transco by Transco's reducing its deliveries to Washington Gas while contemporaneously increasing, by equivalent volumes, its deliveries to Public Service. The Commission granted the proposed sale and transportation of natural gas as both were within interstate commerce, and thus subject to the jurisdiction of the Commission.

In this proceeding, BUG is in a similar position as Washington Gas. BUG will be selling natural gas and in order to effectuate transportation of the gas, it will reduce its takes from a line serving both it and its contractual purchasers. The Commission can treat BUG no differently than it did Washington Gas Light Co. The Commission, therefore, must require BUG to file, pursuant to section 7 of the Natural Gas Act, an application for a certificate authorizing the contractual sales, should BUG want to participate in the transactions.

In response to the Commission notice of the petition by BUG for a declaratory order and to intervene, several Petitions to Intervene were filed.*

*See the following table:

Docket No. CP77-495:	*Date filed*
South Jersey	Sept. 12, 1977
Philadelphia Gas Works.	Do.
Public Service Electric & Gas Co. (Public Service).	Do.
Docket No. CP77-596:	
Office of Consumer Advocate of the Commonwealth of Pennsylvania (Pa. Advocate).	Oct. 14, 1977
Algonquin Gas Transmission Co. (Algonquin Gas).	Oct. 12, 1977
Peco	Oct. 11, 1977

Public Service, Philadelphia Gas Works and Algonquin Gas, state that they have a direct and vital interest in the proceedings, as they operate or plan to operate synthetic gas plants, may wish to sell synthetic gas in the future, and as this proceeding may result in the establishment of principles and precedents related to the sale and transportation of synthetic gas. PECO is a public utility company engaged, among other things, in the furnishing of gas service to the public in Pennsylvania. In its petition PECO indicates it has an interest in the proceeding as one of the contractual purchasers in the proposed synthetic gas sales by BUG. Pa. Consumer, authorized by the Pennsylvania Legislature to represent the interests of utility consumers before the Pennsylvania Public Utility Commission or the corresponding regulatory agency of the United States, states that it has an interest in the proceeding to protect the consumer interests of those serviced by PECO, as PECO is one of the proposed contractual purchasers of synthetic gas. The Commission finds that PECO, Philadelphia Gas Works, Algonquin Gas, and Pennsylvania Consumers, all have a real and substantial interest in these proceedings and should be allowed to intervene. In addition, the Commission notes that only Pa. Consumers filed an untimely petition to intervene but that its late intervention will not delay the proceedings in these dockets and should be permitted.

BUG states in its petitions for a declaratory order, and the Commission

[7] *Natural Gas Pipeline Co. of America*, Op. No. 480, 34 FPC 1258, 1261.

[8] *Transwestern Pipeline Co.*, Docket No. CP70-162, order granting rehearing (issued November 10, 1975); *United Gas Pipeline Co.*, Docket No. CP71-268, orders issued November 10, 1971, and December 8, 1975.

finds, that a formal hearing is unnecessary as there are no material facts at issue. The Commission will stay this consolidated proceeding for 30 days or until BUG files for a certificate, pursuant to section 7 of the Natural Gas Act, to carry out its participation in the three above-described transactions. If BUG believes that any Commission rule or regulation would be onerous if applied to BUG, in its application it may also request a waiver of the rule pursuant to section 1.7(b) of the Commission's rules of practice and procedure (18 CFR 1.7(b)). Should BUG not file within 30 days, subsequent to the issuance of this order, the three applications filed by Transco for the transportation of the gas will be dismissed.

On November 30, 1977, BUG filed with the Commission a request for oral argument. Since we have sufficient basis to make a determination without oral argument, we deny BUG's request without prejudice to its being renewed should BUG petition for rehearing.

The Commission finds: (1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceedings in Docket Nos. CP77-495, CP77-596, and CP77-598 be consolidated.

(2) The petitions for declaratory orders filed by Brooklyn Union Gas Co. in the aforementioned proceedings should be dismissed. The request for oral argument filed by Brooklyn Union Gas Co. on November 30, 1977 is hereby denied.

(3) The petitions to intervene filed by BUG, Public Service Electric & Gas Co., Philadelphia Gas Works, South Jersey, PECO, Algonquin Gas, and Pa. Consumers should be granted.

The Commission orders: (A) The applications filed by Transcontinental Gas Pipeline Corp. for authorization to transport natural gas pursuant to section 7(c) in Docket Nos. CP77-495, CP77-596, and CP77-598 are hereby consolidated.

(B) The petitions for declaratory order filed by Brooklyn Union Gas Co. are hereby denied. The request for oral argument filed by Brooklyn Union Gas Co. on November 30, 1977, is hereby denied.

(C) These consolidated proceedings are hereby stayed for thirty days from the date of issuance of this order to provide an opportunity for Brooklyn Union Gas Co. to file for authorization to sell its synthetic gas pursuant to section 7 of the Natural Gas Act. In the event that authorization is not sought within the aforementioned period, the consolidated applications filed by Transcontinental Gas Pipeline Corp. will be deemed dismissed upon expiration of the period.

(D) The petitions to intervene filed in this consolidated proceeding are hereby granted by the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their respective petitions to intervene; and, *provided, further,* That the admission of such Intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any Order of the Commission entered in these proceedings.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-36310 Filed 12-20-77; 8:45 am]

[1505-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 825-6; OPP-33000/527 and 528]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data to be Considered in Support of Applications

Correction

In FR Doc. 77-34933 appearing at page 61889 in the issue for Wednesday, December 7, 1977, make the following corrections:

(1) In the third column of page 61890, the 5th and 6th lines of the description for "EPA File Symbol 4581-GGL" should have read as follows: ". . . pyl-6-methyl-4-pyrimidinyl) phosphorothioate 23 per-. . . "

(2) In the first column of page 61891, in the description for "EPA File Symbol 39026-R" in the 4th line, "Hypochlorate" should have read "Hypochlorite".

[6560-01]

Science Advisory Board Executive Committee

[FRL 833-3]

SUBCOMMITTEE ON SCIENTIFIC CRITERIA FOR PHOTOCHEMICAL OXIDANTS

Open Meeting

Under Pub. L. 92-463, notice is hereby given that a two-day meeting of the Subcommittee on Scientific Criteria for Photochemical Oxidants of the Science Advisory Board will be held on January 23 and 24, 1978, in Conference Room A (room 1112), Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Va. The meeting will start at 9 a.m. on January 23, 1978.

The purpose of the meeting will be to provide advice and consultation on air quality criteria for photochemical oxidants and, specifically, to review and comment on a revised draft of a document entitled, "Air Quality Criteria for Photochemical Oxidants and Oxidant Precursors", prepared by the Agency's Office of Research and Development.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact the Secretariat, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460, by c.o.b. January 16, 1978. Please ask for Mrs. Ilene F. Stein, or Ms. Barabara Robinson.

The telephone number is 703-557-7720.

RICHARD M. DOWD,
Staff Director,
Science Advisory Board.

DECEMBER 16, 1977.

[FR Doc. 77-36390 Filed 12-20-77; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 77-814; Docket No. 21496]

INDIAN RIVER TELEVISION, INC. (WTVX-TV)

Order To Show Cause and Notice of Apparent Liability

Adopted: November 30, 1977.

Released: December 16, 1977.

1. The Commission has before it for consideration the outstanding license of the captioned licensee, Indian River Television, Inc., to operate Station WTVX-TV, Fort Pierce, Fla., and the Commission's field inquiry concerning the operation of that station.[1]

2. Information before the Commission raises the following questions:

(a) Whether, in light of all the facts and circumstances pertaining thereto, the licensee has violated section 73.1205 of the Commission's rules regarding fraudulent billing practices, the degree of knowledge or participation in those practices by principals of the licensee, and the degree of supervision over the operation of the station exercised by the licensee.

(b) Whether, in light of the information giving rise to the proceeding question, if found to be true, the licensee possess the requisite qualifications to remain a licensee of the Commission.

3. Information relating to the above questions has come to the attention of

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[1] The Commission also has under consideration an application for consent to the transfer of control of the above-captioned licensee corporation to WTWV, Inc. (BTC-8268). Action on this application will be held in abeyance pending the conclusion of the hearing ordered herein. *Jefferson Radio Company, Inc.* v. *FCC*, 340 F.2d 783 (D.C. Cir. 1964), *Walton Broadcasting Co.*, 28 FCC 2d 111 (1971) and *Bi-County Broadcasting Corporation*, 34 FCC 2d 1117 (1972).

the Commission since grant of the renewal of license for WTVX-TV. This information would, if substantiated, warrant a refusal to grant a license or permit or an original application, and raises serious questions, best resolved in a hearing, as to whether Indian River Television, Inc. has the qualifications to be a licensee of the Commission.

4. Accordingly, *It is ordered*, That pursuant to the provisions of Section 312(a)(2) and (4) of the Communications Act of 1934, as amended, Indian River Television, Inc., is directed to show cause why an Order revoking the license of WTVX-TV, Fort Pierce, Fla., should not be issued and to appear and give evidence as to the matters raised in paragraph two, at a hearing to be held at a time and location specified in a subsequent Order, that time to be no less than thirty (30) days from the receipt of this Order.

5. *It is further ordered*, That the Chief, Broadcast Bureau is directed to serve upon Indian River Television, Inc. a Bill of Particulars regarding the matters referred to in Question (a) set out in paragraph two, on or before January 16, 1978.

6. *It is further ordered*, That if it is determined that the hearing record does not warrant an order revoking the license of the captioned station WTVX-TV, it shall also be determined whether the licensee has repeatedly or willfully violated section 73.1205 of the Commission's Rules, or the terms of authorization for WTVX-TV[1] and, if so, whether an Order of Forfeiture pursuant to section 503(b) of the Communications Act of 1934, as amended, in the amount of $10,000 or some lesser amount should be issued for violations which occurred within 1 year of the issuance of the Bill of Particulars in this matter.

7. *It is further ordered*, That this document constitutes a Notice of Apparent Liability for forfeiture for violation of section 73.1205 of the Commission's Rules as set out in the preceeding paragraph and of the terms of the station's authorization. The Commission has determined that, in every case designated for hearing involving revocation or denial of renewal of license for alleged violations which also come within the purview of Section 503(b) of the Act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibiity of action. Since the procedure is thus a routine or standard one, we stress that inclusion of this Notice is not to be taken as in any way indiction what the intial or final disposition of the case should be; that judgment is, of course, to be made on the facts of each case.

[1]See Bill of Particulars for specific dates and details of each alleged violation.

8. *It is further ordered*, That pursuant to section 312(d) of the Communications Act of 1934, as amended, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the Broadcast Bureau.

9. *It is further ordered*, That to avail itself of the opportunity to be heard, the licensee, pursuant to section 1.91(c) of the Commission's Rules, in person or by attorney, shall file with the Commission within 30 days of the receipt of the Order to Show Cause a written appearance stating that he will appear at the hearing and present evidence on the matters specified in the Order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. See Section 1.92(a) of the Commission's Rules. Where a hearing is waived, a written statement in mitigation or justification may be submitted within 30 days of the receipt of the Order to Show Cause. See section 1.92(b) of the Commission's Rules. In the event the right to a hearing is waived, the presiding officer, or the Chief Administrative Law Judge if no presiding officer has been designated, will terminate the hearing proceeding and certify the case to the Commission in the regular course of business and an appropriate Order will be entered. See section 1.92(c) and (d) of the Commission's Rules.

10. *It is further ordered*, That the Secretary of the Commission send a copy of this Order to Show Cause by Certified Mail—Return Receipt Requested to Indian River Television, Inc., licensee of Station WTVX-TV, Ft. Pierce, Fla.

For the Federal Communications Commission.

WILLIAM J. TRICARICO,
Acting Secretary.

[FR Doc. 77-36359 Filed 12-20-77; 8:45 am]

[6712-01]

FM AND TV TRANSLATOR APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Adopted: December 15, 1977.

Released: December 16, 1977.

Notice is hereby given pursuant to sections 1.572(c) and 1.573(d) of the Commission's rules, that on January 20, 1978, the TV and FM translator applications listed in the attached appendix will be considered as ready and available for processing. Pursuant to section 1.227(b)(1) and section 1.519(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on January 19, 1978, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on January 19, 1978.

The attention of any party in interest desiring to file pleadings concerning any pending TV and FM translator application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to section 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

For the Federal Communications Commission.

WILLIAM J. TRICARICO,
Secretary.

UHF TV TRANSLATOR APPLICATIONS

Applications deleted from Public Notice released June 29, 1977 (Mimeo No. 85860, 42 FR 34916).

BPTT-3172 (new) (New file No. BPTT-3446), Key West, Fla., Board of County Commissioners, Monroe County. Req: Channel 28, 554-560 MHz, 100 watts. Primary: WPBT-TV, Miami, Fla.

BPTT-3173 (new) (New file No. BPTT-3448), Marathon, Fla., Board of County Commissioners, Monroe County. Req: Channel 30, 556-572 MHz, 100 watts. Primary: WPBT-TV, Miami, Fla.

BPTT-3174 (new) (New file No. BPTT-3447), Key West, Fla., Board of County Commissioners, Monroe County. Req: Channel 31, 572-578 MHz, 100 watts. Primary: WTVJ-TV, Miami, Fla.

BPTT-3175 (new) (New file No. BPTT-3449), Matecumbe, Fla., Board of County Commissioners, Monroe County. Req: Channel 32, 578-584 MHz, 100 watts. Primary: WPBT-TV, Miami, Fla.

BPTT-3176 (new) (New file No. BPTT-3450), Matecumbe, Fla., Board of County Commissioners, Monroe County. Req: Channel 35, 596-602 MHz, 100 watts. Primary: WTVJ-TV, Miami, Fla.

BPTT-3177 (new) (New file No. BPTT-3451), Big Pine, Fla., Board of County Commissioners, Monroe County. Req: Channel 36, 602-608 MHz, 100 watts. Primary: WPBT-TV, Miami, Fla.

BPTT-3178 (new) (New file No. BPTT-3452), Marathon, Fla., Board of County Commissioners, Monroe County. Req: Channel 38, 614-620 MHz, 100 watts. Primary: WTVJ-TV, Miami, Fla.

BPTT-3179 (new) (New file No. BPTT-3453), Matecumbe, Fla., Board of County Commissioners, Monroe County. Req: Channel 40, 626-632 MHz, 100 watts. Primary: WCIX-TV, Miami, Fla.

BPTT-3180 (new) (New file No. BPTT-3454), Matecumbe, Fla., Board of County Commissioners, Monroe County. Req: Channel 43, 644-650 MHz, 100 watts. Primary: WCKT-TV, Miami, Fla.

BPTT-3181 (new) (New file No. BPTT-3455), Key West, Fla., Board of County Commissioners, Monroe County. Req.: channel 44, 650-656 MHz, 100 watts. Primary: WCIX-TV, Miami, Fla.

BPTT-3182 (new) (New file No. BPTT-3456), Big Pine, Fla., Board of County Commissioners, Monroe County. Req.: Channel 47, 668-674 MHz, 100 watts. Primary: WTVJ-TV, Miami, Fla.

BRTT-3183 (new) (New file No. BPTT-3457), Key West, Fla., Board of County Commissioners, Monroe County. Req.: Channel 49, 680-686 MHz, 100 watts. Primary: WCKT-TV, Miami, Fla.

BPTT-3184 (new) (New file No. BPTT-3458), Big Pine, Fla., Board of County Commissioners, Monroe County. Req.: Channel 55, 716-722 MHz, 100 watts. Primary: WCIX-TV, Miami, Fla.

BPTT-3185 (new) (New file No. BPTT-3459), Rock Harbor, Fla., Board of County Commissioners, Monroe County. Req.: Channel 56, 722-728 MHz, 100 watts. Primary: WPBT-TV, Miami, Fla.

BPTT-3186 (new) (New file No. BPTT-3460), Big Pine, Fla., Board of County Commissioners, Monroe County. Req.: Channel 57, 728-734 MHz, 100 watts. Primary: WCKT-TV, Miami, Fla.

BPTT-3187 (new) (New file No. BPTT-3461), Matecumbe, Fla., Board of County Commissioners, Monroe County. Req.: channel 59, 740-746 MHz, 100 watts. Primary: WPLG-TV, Miami, Fla.

BPTT-3188 (new) (New file No. BPTT-3462), Big Pine, Fla., Board of County Commissioners, Monroe County. Req.: Channel 60, 746-752 MHz, 100 watts. Primary: WPLG-TV, Miami, Fla.

BPTT-3189 (new) (New file No. BPTT-3463), Rock Harbor, Fla., Board of County Commissioners, Monroe County. Req.: Channel 61, 752-758 MHz, 100 watts. Primary: WTVJ-TV, Miami, Fla.

BPTT-3190 (new) (New file No. BPTT-3464), Marathon, Fla., Board of County Commissioners, Monroe County. Req: Channel 63, 764-770 MHz, 100 watts. Primary: WCIX-TV, Miami, Fla.

BPTT-3191 (new) (New file No. BPTT-3465), Rock Harbor, Fla., Board of County Commissioners, Monroe County. Req: Channel 64, 770-776 MHz, 1100 watts. Primary: WCIX-TV, Miami Fla.

BPTT-3192 (new) (New file No. BPTT-3466), Marathon, Fla., Board of County Commissioners, Monroe County. Req: Channel 65, 776-782 MHz, 100 watts. Primary: WCKT-TV, Miami, Fla.

BPTT-3193 (new) (New file No. BPTT-3467), Key West, Fla., Board of County Commissioners, Monroe County. Req: Channel 66, 782-788 MHz, 100 watts. Primary: WPLG-TV, Key West, Fla.

BPTT-3194 (new) (New file No. BPTT-3468), Rock Harbor, Fla., Board of County Commissioners, Monroe County. Req: Channel 67, 788-794 MHz, 100 watts. Primary: WCKT-TV, Miami, Fla.

BPTT-3195 (new) (New file No. BPTT-3469), Marathon, Fla., Board of County Commissioners, Monroe County. Req: Channel 68, 794-800 MHz, 100 watts. Primary: WPLG-TV, Miami, Fla.

BPTT-3196 (new) (New file No. BPTT-3470), Rock Harbor, Fla., Board of County Commissioners, Monroe County. Req: Channel 69, 800-806 MHz, 100 watts. Primary: WPLG-TV, Miami, Fla.

FM Translator Applications

Application deleted from Public Notice released May 26, 1977, (Mimeo No. 82462, 42 FR 28576).

BPFT-411 (new), Rock Springs and Dry Lake, Wyo., Upper Bear River Television Service. Req: Channel 296, 107.1 MHz, 1 watt. Primary: KLUB-FM, Salt Lake City, Utah.

(Assigned new file number BPFT-474)

Application deleted from Public Notice released February 16, 1977, (Mimeo No. 78066, 42 FR 10890).

BPFT-386 (new), Deadwood, S. Dak., Sturgis Radio Co., Inc. Req: Channel 280, 103.9 MHz, 1 watt. Primary: KBHB-FM, Sturgis, S. Dak.

(Assigned new file number B-PFT-475)

UHF TV Translator Applications

BPTT -3429 (new), Alamogordo and Holloman AFB, N. Mex., New Mexico Broadcasting Co., NSL. Req: Channel 57, 728-734 MHz, 100 watts. Primary: KGGM-TV, Albuquerque, N. Mex.

BPTT-3433 (new), Lafayette, La., Rush Broadcasting Corp. Req: Channel 15, 476-482 MHz, 1 watt. Primary: KRBT-TV, Baton Rouge, La.

BPTT-3446 (new), Key West, Fla., Board of County Commissioners, Monroe County. Req: Channel 31, 572-578 MHz, 100 watts. Primary: WPBT-TV, Miami, Fla.

BPTT-3447 (new), Key West, Fla., Board of County Commissioners, Monroe County. Req: Channel 39, 620-626 MHz, 100 watts. Primary: WTVJ-TV, Miami, Fla.

BPTT-3448 (new), Marathon, Fla., Board of County Commissioners, Monroe County. Req: Channel 30, 566-572 MHz, 100 watts. Primary: WPBT-TV, Miami, Fla.

BPTT-3449 (new), Matecumbe, Fla., Board of County Commissioners, Monroe County. Req: Channel 32, 578-584 MHz, 100 watts. Primary: WPBT-TV, Miami, Fla.

BPTT-3450 (new), Big Pine, Fla, Board of County Commissioners, Monroe County. Req: Channel 35, 596-602 MHz, 100 watts. Primary: WTVJ-TV, Miami, Fla.

BPTT-3451 (new), Big Pine, Fla., Board of County Commissioners, Monroe County. Req: Channel 36, 602-608 MHz, 100 watts. Primary: WPBT-TV, Miami, Fla.

BPTT-3452 (new), Marathon, Fla., Board of County Commissioners, Monroe County. Req: Channel 38, 614-620 MHz, 100 watts. Primary: WTVJ-TV, Miami, Fla.

BPTT-3453 (new), Matecumbe, Fla., Board of County commissioners, Monroe County. Req: Channel 40, 626-632 MHz, 100 watts. Primary: WCIX-TV, Miami, Fla.

BPTT-3454 (new), Matecumbe, Fla., Board of County Commissioners, Monroe County. Req: Channel 43, 644-650 MHz, 100 watts. Primary: WCKT-TV, Miami, Fla.

BPTT-3455 (new), Key West, Fla., Board of County Commissioners, Monroe County. Req: Channel 44, 650-656 MHz, 100 watts. Primary: WCIX-TV, Miami, Fla.

BPTT-3456 (new), Big Pine, Fla., Board of County Commissioners, Monroe County. Req: Channel 47, 668-672 MHz, 100 watts. Primary: WTVJ-TV, Miami, Fla.

BPTT-3457 (new), Key West, Fla., Board of County Commissioners, Monroe County. Req: Channel 49, 680-686 MHz, 100 watts. Primary: WCKT-TV, Miami, Fla.

BPTT-3458 (new), Big Pine, Fla., Board of County Commissioners, Monroe County. Req: Channel 55, 716-722 MHz, 100 watts. Primary: WCIX-TV, Miami, Fla.

BPTT-3459 (new), Rock Harbor, Fla., Board of County Commissioners, Monroe County. Req: Channel 56, 722-728 MHz, 100 watts. Primary: WPBT-TV, Miami, Fla.

BPTT-3460 (new), Big Pine, Fla., Board of County Commissioners, Monroe County. Req: Channel 57, 728-734 MHz, 100 watts. Primary: WCKT-TV, Miami, Fla.

BPTT-3461 (new), Matecumbe, Fla., Board of County Commissioners, Monroe County. Req: Channel 59, 740-746 MHz, 100 watts. Primary: WPLG-TV, Miami, Fla.

BPTT-3462 (new), Big Pine, Fla., Board of County Commissioners, Monroe County. Req: Channel 60, 746-652 MHz, 100 watts. Primary: WPLG-TV, Miami, Fla.

BPTT-3463 (new), Rock Harbor, Fla., Board of County Commissioners, Monroe County. Req: Channel 61, 752-658 MHz, 100 watts. Primary: WTVJ-TV, Miami, Fla.

BPTT-3464 (new), Marathon, Fla., Board of County Commissioners, Monroe County. Req: Channel 63, 764-770-MHz, 100 Watts. Primary: WCIX-TV, Miami, Fla.

BPTT-3465 (new), Rock Harbor, Fla., Board of County Commissioners, Monroe County. Req: Channel 64, 770-776 MHz, 100 watts. Primary: WCIX-TV, Miami, Fla.

BPTT-3466 (new), Marthon, Fla., Board of County Commissioners, Monroe County. Req: Channel 65, 776-782 MHz, 100 watts. Primary : WCKT-TV, Miami, Fla.

BPTT-3467 (new), Key West, Fla., Board of County Commissioners, Monroe County. Req: Channel 66, 782-788 MHz, 100 watts. Primary: WPLG-YV, Miami, Fla.

BPTT-3468 (new), Rock Harbor, Fla., Board of County Commissioners, Monroe County. Req: Channel 67, 788-794 MHz, 100 watts. Primary: WCKT-TV, Miami, Fla.

BPTT-3469 (new), Marathon, Fla., Board of County Commissioners, Monroe County. Req: Channel 68, 794-800 MHz, 100 watts. Primary: WPLG-TV, Miami, Fla.

BPTT-3470 (new), Rock Harbor, Fla., Board of County Commissioners, Monroe County. Req: Channel 69, 800-806 MHz, 100 watts. Primary: WPLG-TV, Miami, Fla.

BPTT-3471 (new), Starbuck and All Of Pope County, Minn., Starbuck Area Development Corp., Req: Channel 64, 770-776 MHz, 100 watts. Primary: WCCO-TV, Minneapolis, Minn.

BPTT-3472 (new), Starbuck and All Of Pope County, Minn., Starbuck Area Development Corp. Req: Channel 66, 782-788 MHz, 100 watts. Primary: WTCN-TV, Minneapolis, Minn.

BPTT-3473 (new), Starbuck and All Of Pope County, Minn., Starbuck Area Development Corp. Req: Channel 68, 794-800 MHz, 100 watts. Primary: KMSP-TV, Minneapolis, Minn.

VHF TV Translator Applications

BPTTV-5961 (new), Superior, Wyo., Superior Community TV. Req: Channel 3, 60-66 MHz, 1 watt. Primary: KTVX-TV, Salt Lake City, Utah.

BPTTV-5962 (new), Superior, Wyo., Superior Community TV. Req: Channel 6, 82-88 MHz, 1 watt. Primary: KSL-TV, Salt Lake City, Utah.

BPTTV-5963 (new), Superior, Wyo., Superior Community TV. Req: Channel 7, 174-180 MHz, 1 watt. Primary: KUTV-TV, Salt Lake City, Utah.

BPTTV-5964 (new), Cuba and La Jara, N. Mex., New Mexico Broadcasting Co., Inc., NSL. Req: Channel 11, 198-204 MHz, 10 watts. Primary: KGGM-TV, Albuquerque, N. Mex.

BPTTV-5965 (new), Hudson and Rural Surrounding Area, Wyo., Riverton-Freemont TV Club, Inc. Req: Channel 11, 198-204 MHz, 1 watt. Primary: KDUH-TV, Hay Springs, Nebr.

BPTTV-5966 (new), Hudson and Rural Surrounding Area, Wyo., Riverton-Freemont TV Club, Inc. Req: Channel 13 210-216 MHz, 1 watt, Primary: KOA-TV, Denver, Colo.

BPTTV-5967 (new), Shelter Cove, Calif., Shelter Cove Pioneers, Inc. Req: Channel 10, 192-198 MHz, 1 watt. Primary: KVIQ-TV, Eureka, Calif.
BPTTV-5968 (new), Lordsburg, N. Mex., KOAT Television, Inc. Req: Channel 11, 198-204 MHz, 10 watts. Primary: KOAT-TV, Albuquerque, N. Mex.
BPTTV-5969 (new), Ryndon and Starr Valley, Nev., Elko Television District. Req: Channel 2, 54-60 MHz, 1 watt. Primary: KOLO-TV, Reno, Nev.
BPTTV-5970 (new), Starr Valley, Nev., Elko Television District. Req: Channel 4, 66-72 MHz, 1 watt. Primary: KTVB-TV, Boise, Idaho.

FM TRANSLATOR APPLICATIONS

BPFT-474 (new), Rock Springs and Dry Lake, Wyo., Upper Bear River Television Service. Req: Channel 292, 106.3 MHz, 1 watt. Primary: KLUB-FM, Salt Lake City, Utah.
BPFT-475 (new), Deadwood, S. Dak., Sturgis Radio Co., Inc. Req: Channel 249, 97.7 MHz, 1 watt. Primary: KBHB-FM, Sturgis, S. Dak.

[FR Doc. 77-36360 Filed 12-20-77; 8:45 am]

[6712-01]

[Docket Nos. 21132 File No. BPH-9728; 21133 File No. BPH-9852; FCC 77R-117]

JAMES C. SLIGER, ATHENS, TENN. AND CUMBERLAND BROADCASTING CORP. ATHENS, TENN.

Construction Permits

MEMORANDUM OPINION AND ORDER ENLARGING ISSUES [42 FR 21841]

Adopted December 6, 1977.
Released: December 15, 1977.

1. This proceeding involves the mutually exclusive applications of James C. Sliger and Cumberland Broadcasting Corp. (Cumberland) for an authorization to construct a new FM broadcast station in Athens, Tenn. The applications were designated for hearing by Memorandum Opinion and Order, Mimeo No. 81125, released April 26, 1977, under an ascertainment issue directed against Cumberland and a comparative issue. On May 16, 1977, Cumberland filed a motion to enlarge seeking the addition of issues to determine whether Sliger conspired with another individual to misrepresent facts in Sliger's ascertainment showing and to determine whether Sliger threatened to file a "strike application" against the pending renewal application of Station WLAR[1] in order to induce Cumberland to withdraw its FM application in this proceeding.[2] In a Memorandum Opinion and Order, FCC 77M-1298, released July 22, 1977, presiding Administrative Law Judge Walter C. Miller denied the motion to enlarge. Thereafter, the Judge issued a Summary Decision, FCC 77D-45, released September 7, 1977, in which he resolved the ascertainment issue in Cumberland's favor, but granted Sliger's application and denied Cumberland's application based on his evaluation of the applicants under the standard comparative issue.

2. The proceeding is now pending before the Review Board on exceptions filed by Cumberland.[3] That applicant does not except to the Judge's resolution of the ascertainment or comparative issues in the Summary Decision. Rather, Cumberland excepts solely to the Judge's denial of its request for a qualifying issue as to whether Sliger threatened to file a strike application. The Review Board has reviewed and Summary Decision in light of the exceptions and replies, the pleading filed in conjunction with Cumberland's motion to enlarge and its examination of the record.[4] For the reasons stated below, the Board does not agree with the Judge's denial of Cumberland's request for the addition of a qualifying issue. We shall therefore add the requested issue and remand the proceeding to the presiding Judge in order for him to hold further hearings and issue a Supplementary Initial Decision.

3. In support of its request for the additional issue, Cumberland first noted, in its May 16, 1977 motion to enlarge, that it had filed its application for renewal of Station WLAR's license on March 29, 1976. Petitioner further alleged that "a day or so prior to May 7, 1976," Robert Leonard, who was then a salesman at WLAR, advised Robert Hood, who was at that time the general manager of WLAR, that James Sliger[5] had told Leonard that Sliger was going to file "on top of" the WLAR renewal application if Cumberland did not withdraw its application for an FM station.[6] Subsequently, on May 13, 1976, according to Cumberland, James R. Pickel, Jr., Cumberland's president, and Hood met with Sliger at a restaurant in Athens, and during this meeting Sliger repeated the threat, saying that an application and a check were in his attorney's hands.[7] The threat was short-lived, petitioner concedes, since that evening Sliger advised Hood that he would not file an AM application, and counsel for Cumberland was also advised the following day that no application for the AM facilities would be filed. Cumberland supported its request for this issue with an affidavit from Pickel, who stated that the facts set forth in the petition were true "to the best of my knowledge and belief."

4. Cumberland's motion to enlarge was opposed by Sliger and the Broadcast Bureau. The Bureau urged that the motion did not contain specific allegations of fact which indicated that Sliger misused the Commission's processes. Absent an overt act which goes beyond threatening, the Bureau argued, there is no abuse of agency process.[8] Sliger, in his opposition, contended that Cumberland's request was procedurally defective and, on the merits, that it did not warrant addition of the requested issue. First, Sliger argued that the petition lacked adequate affidavits since it was supported only by unsworn statements of counsel, hearsay, and a "cover affidavit" from Pickel. With regard to the merits, Sliger submitted affidavits from himself and from Leonard which, Slinger contended, effectively rebutted petitioner's allegations. Leonard, in his affidavit, states that he happened to meet Sliger one day in the Spring of 1976, that Leonard initiated a conversation regarding Slinger's filing for an AM station, that he does not recall Sliger saying that he was going to file "on top of" the WLAR renewal application if Cumberland did not withdraw its FM application and that he "did not take" anything that Sliger said as a threat.

5. Sliger, in his affidavit, states that his local counsel, Larry D. Perry, first suggested to him that Sliger consider the possibility of filing an application for an AM station in competition with Cumberland, and that this suggestion was preceded by his learing that several of the contacts allegedly made by Cumberland in connection with its ascertainment showing were false. Sliger relates that he took various steps to complete the preparation of the application, that he discussed the application with Perry on April 28, 1976, and

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[1] Cumberland is the licensee of Station WLAR, a standard broadcast station in Athens.

[2] A "strike application" is an application filed solely or in part for the purpose of obstructing, preventing or delaying the grant of another application. See *Southland, Inc.*, 37 FCC 2d 125, 130, 25 RR 2d 186, 194 (Rev. Bd. 1972).

[3] Sliger and the Broadcast Bureau filed replies to Cumberland's exceptions.

[4] Although Cumberland requests oral argument on its exceptions, the Board is of the view that such argument is unnecessary and would serve no useful purpose of this case, particularly since the controversy here relates only to the merits of a motion to enlarge. This request is therefore denied.

[5] Sliger was employed as a contract engineer for Station WLAR from September 1972 until April 6, 1976, when he resigned.

[6] Cumberland notes that this matter was reported to the Commission by Cumberland's counsel in a May 12, 1976 letter to the Commission's Complaints and Compliance Division.

[7] Cumberland states that this meeting was also reported to the Commission in a letter dated May 14, 1976.

[8] In support, the Bureau cited *Post-Newsweek Stations, Florida, Inc.*, 52 FCC 2d 887, 33 RR 2d 997 (Rev. Bd. 1977), recon. denied FCC 75R-270, released July 17, 1975, and *Southern Broadcasting Co.*, 31 FCC 2d 790, 21 RR 2d 868 (Rev. Bd. 1971).

was told by Perry that Perry was going to Washington to discuss with Cumberland's counsel a possible settlement of the FM proceeding before the AM application was filed. He says that he inquired at that time whether such an approach was appropriate, but was assured by Perry that it was, since the FCC favored settlements. On May 1, 1976, according to Sliger, he met again with Perry to sign the application; he also gave Perry a check for $200 payable to the FCC at that time. About a week later, Sliger continues, he had another meeting with Perry who told him that he had met with Cumberland's counsel and that, at the request of Cumberland's counsel, the AM application had not been filed in order to afford Cumberland's counsel an opportunity to confer with his client to determine whether there were grounds for settlement. Sliger states that at that point he suggested that they speak with Washington counsel to determine whether they "were doing the right thing," and that on May 12, 1976, he and Perry conferred with Washington counsel, who told him that Cumberland might misconstrue the offer of settlement as a threat to file the AM application if Cumberland did no withdraw its FM application.*

6. The next day, Sliger states, he received a call from Pickel who asked him to meet with him and Hood at a restaurant in Athens. Sliger further states that prior to the meeting he informed Washington counsel about it, and counsel advised him to be a "good listener" and not to commit himself about a settlement. At the meeting, Sliger relates, Pickel said that he had heard that Sliger had prepared an AM application. Sliger says that he told them that he had prepared the application, but, in response to further questions, that he hadn't decided whether to file it, and that he wished to pursue the FM application, but also desired to avoid a legal confrontation. After the meeting, Sliger states, he conferred with Washington counsel who expressed concern that Cumberland might misconstrue Sliger's statement that he had not decided whether to file his application; counsel therefore advised him to tell Pickel that the AM application would not be filed, which he did that evening.[10]

7. Sliger also submits an affidavit from Perry. Perry states that when Sliger told him of falsified interviews in Cumberland's ascertainment for its FM application, he advised Sliger that if interviews had in fact been falsified, Sliger would be on firm ground in filing a competing AM application on WLAR's frequency. Sliger and he then took further steps toward such a filing and, by May 1, 1976, were competing an application. Perry states further that since he was going to Washington in the first week of May, he decided to visit Cumberland's counsel "to determine, prior to the filing of the AM Application, whether there were grounds for the amicable resolution of the FM and prospective AM litigations." Perry corroborates that Sliger asked him if such a discussion would be appropriate and that he assured Sliger it would be. It was understood that in the absence of a settlement, he would tender the AM application for filing. Perry then met with Gene Mallyck and William Bernton, counsel for Cumberland on May 4, 1976. Perry states that he first met with Mallyck for approximately 30 minutes and briefly discussed Sliger's intent to file an AM application and explained the problems they had uncovered with regard to Cumberland's ascertainment showing. In a later discussion with Bernton, Perry showed Bernton "one of the many" affidavits he had which could adversely affect Cumberland's qualifications, and also showed him a portion of Sliger's AM application, and the $200 filing fee check. Perry explained to Bernton that it was his hope that the FM conflict could be settled without resorting to expensive litigation, and that Bernton asked him not to tender the AM application until he had had an opportunity to discuss the matter with his client. Perry states that after the meeting with Bernton, he and Sliger discussed the matter with attorney James K. Edmundson, who thought Cumberland might misconstrue their intentions and accuse them of threatening to file a strike application.

8. In reply, Cumberland submitted affidavits from Hood, Pickel and Bernton.[11] Hood, in his affidavit, refers to a Memorandum of May 13, 1976, in which he describes the meeting at the restaurant with Pickel and Sliger. In his Memorandum, Hood states that at the restaurant meeting Sliger stated at least three times that if Cumberland would withdraw its FM application, Sliger would withdraw his AM application, and repeatedly referred to the large attorneys' fees that would be entailed by both parties if Cumberland did not withdraw. Pickel's version of the restaurant meeting is similar; he states that Sliger said that his attorney had instructions to file the AM application if Cumberland refused to withdraw its FM application, that Sliger stated several times that his AM application would not be filed if Cumberland agreed to withdraw its FM application, and that neither he nor Hood responded to Sliger's proposals. Bernton, in his affidavit, states with regard to the meeting with Perry that Perry told him that he had some adverse information regarding Cumberland, that an application for WLAR's frequency could be filed, and that the adverse information could affect Cumberland's character qualifications, but he was reluctant to raise it because he knew the parties involved. Bernton also states that later in the day Perry said that if Cumberland would not agree to dismiss its FM application, Perry was prepared to file the AM application and would raise the allegations relating to Cumberland's character qualifications. Bernton adds that he did not furnish information regarding his meeting with Perry in the motion to enlarge because he did not want to involve a member of the Bar in such serious charges; however, since Perry provided his version of the meeting in Sliger's opposition, he feels obligated to provide all of the relevant facts in his possession.

9. The presiding Judge, in denying Cumberland's request for the issue, concluded that it was unwarranted because Cumberland's allegations were "too weak," and, even assuming that they were not, were "outweighed" by Sliger's version of what transpired. In reaching this conclusion the Judge found that Sliger had prepared his AM application in good faith and could reasonably believe that he might prevail in light of the damaging information he had regarding Cumberland's ascertainment survey, that Sliger's conduct was circumspect since he consulted with local and Washington counsel regarding settlement procedures, and that Sliger's "more detailed and thorough analysis" of the conflicting aspects of the allegations should be credited. Even assuming that what transpired at the Perry-Bernton meeting could be interpreted as an implied threat, the Judge noted, it was short-lived and consequently harmless. Finally, the Judge found that Cumberland's allegations must be considered suspect, since Pickel met with Sliger on numerous occastions at Pickel's request to discuss a settlement, and did not indicate that he felt threatened. Similarly, the Judge pointed out, Bernton never indicated that Perry's May 5, 1976 visit was a threat until Cumberland filed its reply pleading.

10. As previously indicated, the Board is of the view that the proposed

*Sliger states that prior to this call he had received the same advice from another communications counsel.

[10]Sliger also states that further meetings were held with Pickel, at his request, in November of 1976 and May of 1977 to discuss possible settlement of the FM proceeding.

[11]The Bureau, in its reply to exceptions, points out that properly executed affidavits from Pickel and Hood were not filed until July 20 and July 25, 1977, respectively, although Cumberland's reply pleading was filed on July 15, 1977. While we know of no reason for this delay, we also fail to perceive its significance and no party has alleged that it has been prejudiced because of it.

issue should be added and adjudicated. First, with regard to the procedural aspects of the motion, we find some merit to Sliger's contention that Cumberland's initial motion did not meet the requirements for specificity and substantiation contained in Section 1.229 of the Commission's Rules.[9] However, Sliger did not rely only on the paucity of material in Cumberland's motion. Instead, he also furnished detailed affidavits describing his version of the relevant events. In a matter such as this, involving serious charges, we must take account of the material in the opposition to the motion to determine whether, taking the motion and opposition together, a case is made for a hearing. Also, since the Perry-Bernton meeting was mentioned by Sliger for the first time in his opposition pleading, we think it proper to consider Cumberland's reply affidavit describing Bernton's recollection of the meeting. The affidavits describing this meeting are in direct conflict in substantial respects and constitute an important element of the problem. The Commission and the Board have in the past added issues despite procedural deficiencie. See e.g., *Colorado West Broadcasting, Inc.*, FCC 74-58, 44 FCC 2d 933, and *Salem Broadcasting Co. (WJBD)*, FCC 62R-140, 24 RR 736. In light of the serious nature of the charges against Sliger, we will base our ruling upon all of the material in the original Cumberland motion.

11. Turning to the merits of the requested issue, we note, first, that if, in fact, petitioner's allegations are true, i.e., that Sliger did threaten Cumberland with the filing of an AM application unless Cumberland dismissed its FM application, Sliger's conduct would constitute a serious abuse of the Commission's processes. In *WIOO, Inc.*, FCC 73R-338, 28 RR 2d 685, 689, the Board held that any "attempt by a competing applicant to subvert or obstruct the prosecution of another application deprives the Commission of a real and meaningful choice between competing applicants, severely abuses the Commission's comparative hearing process and cannot be condoned."[10] While this statement was made in a somewhat different factual context, we perceive no reason why it would not apply with equal force to the circumstances alleged here. In this regard, we find no merit to the contention made by the Bureau in its opposition to the motion to enlarge that the request for the issue must be denied because there is no allegation that Sliger's conduct went "beyond threatening," and that an "overt act" must be alleged before specification of an issue is warranted. While allegations of mere intent to engage in misconduct are not sufficient to warrant the addition of issues, here it is alleged that Sliger and Perry actually threatened Cumberland's president and legal counsel. If these allegations are true, the threats constitute overt acts which could reflect adversely on Sliger's qualifications.[11] Nor do the allegations that Cumberland's representatives did not feel threatened and that the threat was short lived obviate the necessity for an evidentiary inquiry into this matter. The subjective reaction of the recipient of the threat is not relevant to the disposition of the request for an issue,[12] and, although the duration of the threat may have some bearing on the significance of the alleged misconduct, it is not an adequate justification for exoneration. If the threat was made, it could have succeeded in its objective immediately. Finally, although reliance on the advice of counsel may also serve to mitigate the seriousness of the alleged misconduct, the Commission and the Board have consistently held that such reliance on counsel does not absolve an applicant from responsibility for misconduct. See, e.g., *Ultravision Broadcasting Co., Inc.*, 11 FCC 2d 394, 406-407, 12 RR 2d 137, 151-152 (Rev. Bd. 1968), review denied FCC 68-1078, released October 30, 1968.[13]

12. As indicated above, we believe that Cumberland's motion contains allegations of serious misconduct. The material before us, taken as a whole, raises a substantial question of whether the alleged misconduct took place. The affidavits of the opposing parties contain conflicts which must be resolved in a hearing. For example, with regard to the restaurant meeting attended by Sliger, Hood and Pickel, Pickel states that Sliger said several times that the AM application would not be filed if Cumberland agreed to withdraw its FM application, whereas, according to Sliger, he merely stated that he hadn't decided whether to file the AM application. Similarly, with regard to the Perry-Bernton meeting, Bernton states that Perry said that he would file the AM application if Cumberland did not dismiss the FM application, whereas Perry avers that he merely expressed the hope that the FM conflict could be settled. The Board has frequently held that conflicts of this nature should be resolved through the hearing process.[14] Although, as Sliger points out, the Court of Appeals, in *Broadcast Enterprises, Inc. v. FCC*, 129 U.S. App. D.C. 68, 309 F.2d 483 (1968), held that contradictory allegations and affidavits which create some possible unresolved factual issue do not invariably necessitate an evidentiary hearing, acceptance of Sliger's version still leaves a serious question of whether a threat was made on Sliger's behalf that Cumberland would face competition for its AM renewal unless it withdrew its FM application. Nor do we agree with the Judge that the request for an issue can be denied because one of the parties has supplied a more thorough and detailed description or analysis of the disputed events, or because the information contained in the affidavits supplied by one of the parties "outweighs" the information supplied by its opponent. The factors are appropriate to consider in resolving an issue after a hearing has been held. They cannot, however, substitute for or obviate the need for a hearing if a substantial and material question of fact has been raised by the pleadings. We shall therefore designate an appropriate issue under which this matter can be resolved.[15]

13. Accordingly, it is ordered, That the Memorandum Opinion and Order,

[9] Section 1.229(d) requires that motions contain specific allegations of fact sufficient to support the action requested, and that such allegations be supported by affidavits of persons having personal knowledge thereof.

[10] Also see *Chronicle Broadcasting Co.*, 19 FCC 2d 240, 16 RR 2d 1014 (Rev. Bd. 1969), review denied 23 FCC 2d 162, 19 RR 2d 204 (1970), *Rocket Radio, Inc.*, 56 FCC 2d 238, 242, 35 RR 2d 399, 405 (Rev. Bd. 1975), and *Home Service Broadcasting Corp.*, 24 FCC 2d 192, 193, 19 RR 2d 347, 349-350 (Rev. Bd. 1970).

[11] The Bureau's reliance in *Post-Newsweek Stations, Florida, Inc., supra*, to support its contention is misplaced. That case involved a situation where a principal of a renewal applicant attempted to persuade two potential principals of a potential competing applicant not to participate as principals of that applicant. There were no allegations of attempts to threaten, harass, intimidate, or pressure those individuals, or to utilize the Commission's processes to persuade them.

[12] Cf. *Chronicle Broadcasting Co., supra*, 19 FCC 2d at 245, 16 RR 2d at 1020.

[13] In this regard, and specifically in connection with the Perry-Bernton meeting, we find it noteworthy that the Court of Appeals has indicated that an applicant must bear some responsibility for the conduct of its attorney even though it might not have been aware of that conduct. *WORZ, Inc., v. FCC*, 116 U.S. App. D.C. 316, 323 F.2d 618 (1963), cert. denied 376 U.S. 914 (1963).

[14] See, e.g., *Folkways Broadcasting Co., Inc.*, 27 FCC 2d 619, 21 RR 2d 163 (Rev. Bd. 1971), and *Sumiton Broadcasting Co., Inc.*, 15 FCC 2d 400, 14 RR 2d 1000 (Rev. Bd 1968).

[15] Bernton's affidavit contains allegations that Perry specifically threatened to raise allegations relating to Cumberland's character qualifications if Cumberland would not agree to dismiss its FM application, and we believe the issue added herein should be broad enough to encompass these allegations. See *Home Service Broadcasting Corp.*, supra. We have considered Sliger's procedural objections to the consideration of these specific allegations and, for the reasons set forth in paragraph 10, supra, do not believe that these objections are meritorious.

FCC 77M-1298, released July 22, 1977, is set aside; that the motion to add issues filed on May 16, 1977, by Cumberland Broadcasting Corporation is granted to the extent indicated below, and is denied in all other respects, and that the issues in this proceeding are enlarged to include the following issue:

To determine whether James C. Sliger or his agent used the threat of filing an application in conflict with the renewal application of Station WLAR and/or his possession of derogatory information concerning Station WLAR in an effort to induce Cumberland Broadcasting Corporation to dismiss its application in this proceeding; and, if so, to determine the effect of such conduct on Sliger's basic and/or comparative qualifications to be a Commission licensee.

14. It is further ordered, That the burden of proceeding with the introduction of the evidence and the burden of proof under the issue added herein shall be on Cumberland Broadcasting Corporation; and

15. It is further ordered, That the record in this proceeding is reopened and the proceeding is remanded to the presiding Administrative Law Judge for the adduction of evidence on the issue added herein and for the preparation of a Supplemental Initial Decision.

For the Federal Communications Commission,

WILLIAM J. TRICARICO,
Acting Secretary.

[FR Doc. 77-36361 Filed 12-20-77; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

AGREEMENTS FILED

The Federal Maritime Commission hereby gives notice 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 each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif.; and San Juan, P.R. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 10, 1978. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

AGREEMENT No. 17-38

Filing Party: Elkan Turk, Jr., Esq., Burlingham Underwood & Lord, One Battery Park Plaza, New York, N.Y. 10004.

Summary: Agreement No. 17-38 would amend the Far East Conference Agreement to set forth the terms and conditions of a new category of conference membership; i.e., associate membership. In order to be eligible for associate membership, the applicant line's carryings in the conference trade shall not have exceeded one percent of the total revenue tons carried by all conference members during the twelve months preceding the date of its application.

AGREEMENTS Nos. 150-66 AND 3103-66

Filing Party: Charles F. Warren, Esq., 1100 Connecticut Avenue, NW., Washington, D.C. 20036.

Summary: Agreement No. 150-66, filed on behalf of the Trans-Pacific Freight Conference of Japan/Korea, and Agreement No. 3103-66, filed on behalf of the Japan/Korea-Atlantic and Gulf Freight Conference, are identical in nature and provide for certain relatively minor changes in the procedures for the processing and disposition of malpractices complaints referred to, or discovered by, the Conferences' joint Neutral Body, Freight Conferences' Services, Inc.

AGREEMENTS Nos. 8210-39 AND 9214-24

Filing party: Howard A. Levy, Esq., Attorney at Law, Suite 727, 17 Battery Place, New York, N.Y. 10004.

Summary: Agreements Nos. 8210-39, filed on behalf of the Continental North Atlantic Westbound Freight Conference, and 9214-24, filed on behalf of the North Atlantic Continental Freight Conference, are identical in nature and amend the basic conference agreements to provide that full members of each of the two conferences shall be divided into two categories designated as Class A and Class AA; that Class A/AA status shall be determined on the basis of cellular/noncellular vessel configuration, utilization, service frequency, and space allocation; and that with respect to containerizable cargo, Class AA members may quote rates lower than those of Class A members by a fixed percentage, all as more fully set forth in the two agreement modifications.

AGREEMENT No. 10318

Filing party: Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, N.Y. 10004.

Summary: Agreement No. 10318, entitled the United States-European Trade Carriers Cooperative Study Arrangement, among American Export Lines, Inc., Atlantic Container Line, GIE, Baltic Shipping Co., Black Sea Shipping Co., CombiLine, Dart Containerline Co., Ltd., Euro-Pacific, Hapag-Lloyd AG, Johnson ScanStar, Lykes Bros. Steamship Co., Inc., Norwegian American Line, Sea-Land Service, Inc., Thos. & Jas. Harrison, Ltd., and United States Lines, Inc., allows the members to exchange information and cooperate in developing information relating to cargo movements, the seasonality and other fluctuations of traffic flows, related data bearing on the level, type and frequency of common carrier steamship services required by shippers; cost of service; practices in connection with the receipt and delivery of cargo; relations with trade and related shipper associations; relations with business community and shipping public; relations with liner shipping services; relevant legislative matters and inter-governmental activities; enhanced self-policing systems and their evolution; studies and reports concerning legal matters and the economics of the liner shipping industry, the conference system and the role of liner shipping in international trade and commerce. Minutes of all meetings will be furnished promptly to the Commission and initially the parties request approval for two years.

AGREEMENT No. 10319

Filing party: Howard A. Levy, Esq., Attorney at Law, Suite 727, 17 Battery Place, New York, N.Y. 10004.

Summary: Agreement No. 10319, between Baltic Shipping Co. (BSC) on the one hand and, on the other hand, the North Atlantic United Kingdom Freight Conference, the North Atlantic Continental Freight Conference, the North Atlantic French Atlantic Freight Conference, the North Atlantic Baltic Freight Conference, the North Atlantic Westbound Freight Association, the Continental North Atlantic Westbound Freight Conference, and the Scandinavia Baltic/U.S. North Atlantic Westbound Freight Conference (the Conferences), provides for the establishment of a cooperative working arrangement whereby BSC agrees to concurrently apply for membership in each of the Conferences and the Conferences agree to grant such membership, subject to the terms and conditions set forth in Agreement No. 10319.

AGREEMENT No. T-3007-4

Filing party: James J. Dickman, President, New York Shipping Association, Inc., 80 Broad Street, New York, N.Y. 10004.

Summary: Agreement No. T-3007-4, which is between the International Longshoremen's Association, AFL-CIO (ILA) and the New York Shipping Association, Inc., (NYSA), modifies the parties' basic agreement, as heretofore amended, which is intended to provide the funds for NYSA to meet its obligations for ILA guaranteed annual income, pension, welfare, holiday and other fringe benefits incurred under the October 1, 1974-September 30, 1977, NYSA-ILA collective bargaining agreement. The purpose of the modification provided for by Agreement No. T-3007-4 is to extend the termination date of the basic agreement, as amended, from December 31, 1977, until either: (a) March 31, 1978; or (b) until the Commission approves a new assessment agreement between the parties superseding Agreement No. T-3007, as amended, whichever first occurs.

AGREEMENT No. T-3549

Filing party: H. H. Wittren, Manager, Waterfront Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Wash. 98111.

Summary: Agreement No. T-3549, between the Port of Seattle (Port) and Crowley Environmental Services Corp. (Crowley), provides for the five-year lease to Crowley of certain premises at Terminal 106-3, Seattle, Wash., to be used for general offices, and for storage and equipment repair for environmental services. As compensation, Crowley shall pay the Port $3,564 per month.

AGREEMENT No. T-3550

Filing party: H. H. Wittren, Manager, Waterfront Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Wash. 98111.

Summary: Agreement No. T-3550, between Port of Seattle (Port) and Sea/Pro Sea/Freeze Co. (SPF), provides for the 30-year lease of a cold storage facility and options for additional ground areas located at Terminal 115. The premises will be used for the processing and storage of refrigerated and frozen commodities. The agreement provides for the construction of a dock to be used for offloading fishing boats. As compensation, SPF will pay $2,760 for the first two years and $5,520 for the next three years. After the first five years, rent will be renegotiated upon written notice by the Port. By Order of the Federal Maritime Commission.

Dated: December 14, 1977.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 77-36362 Filed 12-20-77; 8:45 am]

[6730-01]

[Independent Ocean Freight Forwarder License No. 702R]

ELJAY EXPORT SERVICE, INC.

Order of Revocation

The bond issued in favor of Eljay Export Service, Inc., 44 Beaver Street, New York, N.Y. 10004, FMC 702R, was canceled effective December 8, 1977.

By letter dated November 10, 1977, Eljay Export Service, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 702R would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before December 8, 1977.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Eljay Export Service, Inc. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) § 5.01(d) dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 702R issued to Eljay Export Service, Inc. be returned to the Commission for cancellation.

It is further ordered, that Independent Ocean Freight Forwarder License No. 702R be and is hereby revoked effective December 8, 1977.

It is further ordered, that a copy of this Order be published in the FEDERAL REGISTER and served upon Eljay Export Service, Inc.

LEROY F. FULLER,
Director Bureau of Certification and Licensing.

[FR Doc. 77-36363 Filed 12-20-77; 8:45 am]

[6730-01]

[Docket No. 77-61]

MITSUI & CO. (U.S.A.), INC. vs. SEA-LAND SERVICE, INC., AND NIPPON YUSEN KAISHA (NYK LINE)

Filing of Complaint

Notice is hereby given that a complaint filed by Mitsui & Co. (U.S.A.), Inc. against Sea-Land Service, Inc. and Nippon Yusen Kaisha was served December 15, 1977. The complaint alleges violation of section 18(b)(3) of the Shipping Act, 1916, due to incorrect application of ocean freight rates.

Hearing in this matter, if any is held, shall commence on or June 15, 1978. The hearing shall include oral testimony and cross examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 77-36364 Filed 12-20-77; 8:45 am]

[6325-01]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

OPEN COMMITTEE MEETINGS

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, January 5, 1978
Thursday, January 13, 1978
Thursday, January 19, 1978
Thursday, January 26, 1978

The meetings will convene at 10 a.m., and will be held in room 5A06A, Civil Service Commission Building, 1900 E Street NW., Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership on the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Civil Service Commission thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Chairman of the Civil Service Commission under the provisions of section

10(d) of the Federal Advisory Committee Act (Pub. L. 92-463). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Civil Service Commission, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Secretary, Federal Prevailing Rate Advisory Committee, room 1338, 1900 E Street NW., Washington, D.C. 20415, 202-632-9710.

JEROME H. ROSS,
Chairman, Federal Prevailing Rate Advisory Committee.

DECEMBER 16, 1977.

[FR Doc. 77-36479 Filed 12-20-77; 8:45 am]

[4110-02]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Closing Dates for Receipt of Applications for Determining Expected Family Contribution

Under the authority of section 411(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(1)), notice is hereby given that the United States Commissioner of Education has established for the Basic Educational Opportunity Grant Program the following cutoff dates for the receipt of applications for the determination of expected family contributions (student eligibility index) and for the submission of Student Eligibility Reports (SER). Under this program the calculation of an expected family contribution is a prerequisite to receiving a Basic Educational Opportunity Grant.

1. In order to receive a Basic Educational Opportunity Grant for the academic year ending June 30, 1978, applications for determining expected family contributions for the academic year 1977-78 must be received at BEOG, P.O. Box B, Iowa City, Iowa 52240, on or before March 15, 1978.

2. Applicants may request a recomputation of their expected family contribution (student eligibility index) under sections 190.39 and 190.48 of the Basic Educational Opportunity Grant Program Regulations (45 CFR 190.39 and 190.48) because of extraordinary circumstances affecting the expected family contribution determination. Requests for such a recomputation shall be made by submitting the Supplemental Form for the 1977-78 academic year together with a new regular application form to BEOG, P.O. Box E, Iowa City, Iowa 52240. In order to be processed, such application must be received at that address on or before March 15, 1978.

3. Applicants may request a recomputation of their expected family contribution (student eligibility index) under section 190.15 of the Basic Educational Opportunity Grant Program Regulations (45 CFR 190.15) because of clerical or arithmetic error. Such requests must be submitted to BEOG, P.O. Box 0, Iowa City, Iowa 52240 and must be received at that address on or before May 6, 1978, in order to be processed.

4. Applicants whose applications were submitted on a timely basis but were returned because of incomplete or inconsistent information must submit their corrected applications to BEOG, P.O. Box 0, Iowa City, Iowa 52240. Such corrected applications must be received at that address on or before May 6, 1978, in order to be processed.

5. In order to receive a Basic Grant for an academic year a student must apply for such a grant by submitting an original copy of the Student Eligibility Report to the institution in which that student is enrolled no later than May 31, 1978, or the end of the student's school year, whichever comes first. However, if the student enrolls after May 1, 1978, the Student Eligibility Report must be submitted to the institution in which that student is enrolled no later than June 30, 1978 (45 CFR 190.76). If the student does not have the original copy of the Student Eligibility Report, a duplicate Student Eligibility Report may be requested by that student by writing to BEOG, P.O. Box 0, Iowa City, Iowa 52240. The processing time for such requests is generally three to four weeks. In no event will a request for a duplicate copy of the Student Eligibility Report for the academic year 1977-78 be processed if it is received after June 15, 1978.

6. Applicants attending institutions that participate in the Basic Grant Program under the Alternate Disbursement System must submit to the institution a valid Student Eligibility Report while still enrolled in that institution no later than May 31, 1978, or the end of the student's school year, whichever comes first. If a student's program of study begins after May 1, 1978, the student has until June 30, 1978, to submit a valid Student Eligibility Report. The valid Student Eligibility Report and the OE Form 304 must be received no later than ten days after the applicable deadline at BEOG, P.O. Box F, Iowa City, Iowa 52240. The deadline for receipt of additional request for payment(s) and/or corrected OE Form 304-1 Student Reports by the Basic Grant processor at Iowa City is July 31, 1978. Photocopies of any documents are not acceptable for processing payments. Failure to meet the appropriate deadlines will result in loss of payment. Students who experience problems in completing OE Form 304 and OE Form 304-1 should notify BEOG, P.O. Box F, Iowa City, Iowa 52240, or should call the toll free ADS unit number 800-533-6350.

7. Information and application forms may be obtained at institutions of higher education, high schools, or from the Office of Education at the following address: BEOG, P.O. Box 84, Washington, D.C. 20044.

(20 U.S.C. 1070a.)

Dated: December 14, 1977.

(Catalog of Federal Domestic Assistance No. 13.539 Basic Educational Opportunity Grant Program.)

ERNEST L. BOYER,
Commissioner of Education.

[FR Doc. 77-36385 Filed 12-20-77; 8:45 am]

[4110-02]

SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT, COLLEGE WORK-STUDY, AND NATIONAL DIRECT STUDENT LOAN PROGRAMS

Closing Dates for Receipt of Applications and Establishment of Eligibility

1. Notice is hereby given that pursuant to the authority contained in sections 413D(b), 446, and 462(b) of the Higher Edcation Act of 1965 (20 U.S.C. 1070b-3(b), 42 U.S.C. 2756, and 20 U.S.C. 1087bb(b)), applications for fiscal year 1978 funds, for use in the award preiod 1978-79, will be accepted from institutions of higher education and those which are seeking eligibility status under the Supplemental Educational Opportunity Grant, College Work-Study, and National, Direct Student Loan Programs (Part A Subpart 2, Part C and Part E of Title IV of the Higher Education Act of 1965, respectively), and area vocational schools under the College Work Study Program. These programs are authorized to allocate funds to eligible insitutions for the purpose of assisting students who need financial aid to meet the cost of postsecondary education.

Closing date: January 23, 1978.

A. *Application forms and information:* Applications were filed in October at the Regional Office serving the area in which the institution is located. These were reviewed by Regional Panels in November.

The addresses of the Regional Offices are as follows:

Office of Education, Region I, John Fitzgerald Kennedy Federal Building, Boston, Mass. 02203.
Office of Education, Region II, 26 Federal Plaza, New York, N.Y. 10007.
Office of Education, Region III, P.O. Box 13716, 3535 Market Street, Philadelphia, Pa. 19101.
Office of Education, Region IV, 50 Seventh Street, NE., Room 555, Atlanta, Ga. 30323.
Office of Education, Region V, 300 South Wacker Drive, Chicago, Ill. 60606.
Office of Education, Region VI, 1200 Main Tower, Dallas, Tex. 75202.
Office of Education, Region VII, 601 East 12th Street, Kansas City, Mo. 64106.
Office of Education, Region VIII, 11037 Federal Office Building, 19th and Stout Streets, Denver, Colo. 80202.
Office of Education, Region IX, 50 United Nations Plaza, San Francisco, Calif. 94102.
Office of Education, Region X, Arcade Plaza Building, 1321 Second Avenue—M.S. 1511, Seattle, Wash. 98101.

(20 U.S.C. 1070b-3(b); (42 U.S.C. 2753); (20 U.S.C. 1087bb(b).)

B. *Eligibility deadline:* Applications have been accepted from institutions that have not qualified as eligible institutions of higher education under section 435(b) or 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1085(b), 1141(a)). Such applications have been processed and reviewed. However, in order for such institutions to receive an allocation of fiscal year 1978 funds, the Division of Eligibility and Agency Evaluation of the Bureau of Continuing and Higher Education of the Office of Education must have received by January 23, 1978 all materials and documents necessary to determine whether such an institution is an eligible institution of higher education. Similarly with regard to the College Work-Study Program, applications have been accepted from area vocational schools that have not had their eligibility to participate in the College Work-Study Program established; however, in order for such schools to receive an allocation of fiscal year 1978 funds, the Division of Eligibility and Agency Evaluation of the Bureau of Continuing and Higher Education of the Office of Education must have received by January 23, 1978 all materials and documents necessary to determine whether such a school is an eligible area vocational school.

C. *For further information contact:* Mr. Hubert S. Shaw, Acting Chief, Campus and State Grant Branch, Division of Policy and Program Development, Bureau of Student Financial Assistance, 400 Maryland Avenue SW., Washington, D.C. 20202, telephone No. 202-245-9717.

D. *Application regulations:* The regulations applicable to these programs are: The Office of Education General Provisions Regulations (45 CFR Parts 100-100a); the Supplemental Educational Opportunity Grant Program Regulations (45 CFR Part 176), and the National Direct Student Loan Program Regulations (45 CFR Part 144), both published in the FEDERAL REGISTER on November 24, 1976; and the College Work-Study Program Regulations (45 CFR Part 175) published in the FEDERAL REGISTER on September 1, 1976.

(20 U.S.C. 1070b-3; 42 U.S.C. 2756; 20 U.S.C. 1087aa-ff.)

Dated: December 14, 1977.

(Catalog of Federal Domestic Assistance No. 13.418, Supplemental Educational Opportunity Grant Program; 13.463, College Work-Study Program; and 13.471, National Direct Student Loan Program.)

ERNEST L. BOYER,
Commissioner of Education.

[FR Doc. 77-36384 Filed 12-20-77; 8:45 am]

[4110-85]

Office of the Assistant Secretary for Health

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Council meeting:

Name: National Professional Standards Review Council.
Date and Time: January 9, 1978 (10 a.m. to 5 p.m.), January 10, 1978 (9 a.m. to 1 p.m.).
Place: Auditorium (first floor), DHEW North Building, 330 Independence Avenue SW., Washington, D.C.

Purpose of Meeting. The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program.

Meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairman will allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to William D. Coughlan, staff director, National Professional Standards Review Council, Office of Health Practice Assessment, room 16A-09, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4990.

Dated: December 6, 1977.

WILLIAM B. MUNIER,
Executive Secretary, National Professional Standards Review Council.

[FR Doc. 77-36285 Filed 12-20-77; 8:45 am]

[4110-84]

Health Services Administration

PHS HOSPITAL AD HOC ADVISORY COMMITTEE

Notice of Establishment

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463 (5 U.S.C. Appendix I), the Health Services Administration announces the establishment by the Secretary, HEW, with concurrence by the General Services Administration, of the following advisory committee:

Designation: PHS Hospital Ad Hoc Advisory Committee.
Purpose: The PHS Hospital Ad Hoc Advisory Committee shall conduct an in-depth examination of each PHS hospital in relation to its principal beneficiaries and the community in which it is located; its health needs and delivery system; and the cost of operation and achievements. The Committee will assist the Health Services Administration in developing options and recommendations to the Secretary concerning the present and future role of the hospitals in the continuation and improvement of health care delivery.

Authority for this Committee will expire no later than June 30, 1978.

Dated: December 19, 1977.

WILLIAM H. ASPDEN, Jr.,
Associate Administrator for Management.

[FR Doc. 77-36586 Filed 12-20-77; 11:30 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

ORV Designations for Glamis/Imperial Sand Dunes (North) and Glamis/Imperial Sand Dunes (South)

On February 17, 1977 (42 FR 9725), notice was published in the FEDERAL REGISTER of the closure to vehicle use of two corridors through Area No. 66. This area lies within the Imperial Sand Dunes (also known as the Algodones Dunes) north of State Highway 78, and bounded on the west by Highline Canal and on the east by the Southern Pacific Railroad. As described in the California desert vehicle program (BLM's interim critical management program for vehicle use on the California desert) Area No. 66 had

previously been closed to vehicle use except for these two corridors; one along the north edge of California State Highway No. 78, and one for access to the Mammouth Wash Open Area No 65. The closure of these corridors was to remain in effect until the Bureau of Land Management, Riverside district office conducted on inventory of vegetation throughout the Imperial Sand dunes to determine their density, distribution, and environmental requirements of plants proposed for official listing under the Endangered Species Act. The Bureau of Land Management is mandated by the Endangered Species Act, Pub. L. 93-205, to insure that BLM's actions do not jeopardize the continued existence of a species or adversely modify its critical habitat. Other reasons for the closure included unauthorized "vehicular play" in the closed portion of the Area No. 66 and need for further protection of a registered National Natural Landmark and a designated Outstanding Natural Area.

The inventory of the vegetation was completed, and three public meetings were conducted throughout southern California during August 1977 (El Centro, August 18, 1977; San Diego, August 24, 1977; and Santa Ana, August 25, 1977).

Eleven possible alternatives for management of the entire Glamis/Imperial Sand Dunes and for protection of the seven plant species proposed for listing as rare, threatened or endangered were presented. The public comment period, originally scheduled to close on September 26, 1977, was extended until October 26, 1977, to provide ample time for written comments to be submitted and considered. Over 5,500 letters were received.

Based upon the resource data, public comments, and the enforcement capability of the Bureau of Land Management, Riverside district office, the following management decisions are hereby finalized for the Glamis/Imperial Sand Dunes until the comprehensive land use plan is completed for the California desert by 1980 as mandated by section 601 of the Federal Land Policy and Management Act of 1976 (Pub. L. 94-579), or until such time as additional data dictate further changes are necessary to prevent resource damage. Authority for this action is contained in Title 43, Code of Federal Regulations, Subchapter F—Outdoor Recreation and Wildlife Management, 6010.3, 6010.4, and is consistent with the National Environmental Policy Act, the Endangered Species Act, the Federal Land Policy and Management Act, regulations contained in 43 CFR Part 6200, and Executive Order No. 11644.

1. The two corridors in Area 66 shall remain closed to vehicular use. Closing the corridors will provide an area of continuous closure across the dunes, which is desirable for base line studies of biological resources. Area 66, though, remains open for public use by nonvehicular means, but, enforcement of the closure will prevent "vehicular play" in the area, thereby providing protection for the plant habitats, and adjacent woodland habitats, and insure protection of dune habitats for animals. The closure is consistent with the intent of the existing Outstanding Natural Area designation and the National Natural Landmark status.

2. The Bureau of Land Management hereby defers plans to extend the Gecko Campground Road southward toward Gordon's Well. The desirability of constructing this road will be considered in the comprehensive land use plan currently being prepared for the California desert and due for completion by September 30, 1980. Extension of access roads is further deferred pending the roadless area review mandated by section 603(c) of Pub. L. 94-579, which will also be covered as part of the California desert plan.

3. Construction of new camping/access areas in the northern part of Glamis/Imperial Sand Dunes (South) Open Area No. 68, is recommended at this time for consideration in the comprehensive land use plan. Construction will be held in abeyance, however, pending completion of the plan and a decision whether the additional camping areas are desirable.

4. A large area in the central area of the dunes, lying south of the Gecko Campground and north of Interstate Highway 8 is not closed at this time though it contains all of the sensitive plant species. It is distant from current recreational vehicle activity and not threatened at this time. It does not contain the woodland habitats which Area 66 has, nor does it have the access for educational, scientific research or quiet recreational pursuit. Further, the boundaries of any closure would be difficult to enforce. BLM will monitor the area for both use and vegetative trends. If deterioration begins to occur, its "open" status will be reconsidered. Its status will be considered as part of the California desert plan program, but if conditions would warrant, corrective action could be taken by BLM prior to completion of the desert plan in 1980.

This decision was specifically among those alternatives considered during the public review process between August and October 1977. Thus no further public review will be conducted at this time and this order, superseding the February 17, 1977 order, becomes final December 21, 1977.

GERALD E. HILLIER,
Riverside District Manager.

Approved:

ED HARTEY,
State Director, California.

[FR Doc. 77-36286 Filed 12-20-77; 8:45 am]

[4310-10]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS; PROPOSED

Annual Rules

CROSS REFERENCE: For a document concerning watches and watch movements, proposed annual rules, filed jointly by the Domestic and International Business Administration (Commerce), and the Office of the Secretary (Interior), see FR Doc. 77-36293 appearing under the Domestic and International Business Administration in the notices section of this issue. Refer to the Table of Contents at the front of this issue under "Domestic and International Business Administration" to find the correct page number.

[4410-01]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES v. ATLANTA NEWS AGENCY, INC.; AND FAMILY READING SERVICE, INC.

Proposed Consent Judgment As to Defendant Atlanta News Agency, Inc. and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. §§16 (b) through (h), that with respect to defendant Atlanta News Agency, Inc., a stipulation, proposed consent judgment, and a competitive impact statement as set out below have been filed with the United States District Court for the Northern District of Georgia (Atlanta Division) in Civil Action No. C76-435A, *United States of America v. Atlanta News Agency, Inc.; and Family Reading Service, Inc.*

Defendants Atlanta News Agency, Inc. ("ANA") and Family Reading Service, Inc. ("FRS") are ID wholesale distributors of periodicals and paperback books in the areas surrounding and including Atlanta and Albany, Ga., respectively. The complaint in this case alleges that beginning sometime after May 1, 1972, and continuing thereafter at least until December 1973, the exact dates being unknown to the plaintiff, ANA, FRS, and other co-conspirators combined and conspired to induce and coerce Town & Country News Co., Inc. ("Town &

Country"), and its owner, Kendell Morris, of Alley, Ga., to refrain from soliciting or doing business in the territories of the defendant companies. The complaint also alleges that in furtherance of said combination and conspiracy, defendants ANA and FRS entered into contracts with Town & Country, dated October 9, 1973, as to ANA and Town & Country, and October 19, 1973, as to FRS and Town & Country, wherein the parties to each contract sold to the other party all of their business and potential business in specified areas and agreed not to compete with or interfere with the business or potential business of the other party in specified areas.

The proposed judgment enjoins defendant ANA from unilaterally, or in combination, inducing or coercing any person, seeking to distribute or sell periodicals or paperback books to others for further distribution or resale, to refrain from soliciting or doing business with any person or in any territory. Additionally, ANA is enjoined from entering into or enforcing any agreements to limit or restrict territories or customers with any person seeking to distribute or sell periodicals or paperback books to others for direct sale to the public. A final judgment as to defendant FRS was entered by United States Circuit Judge James C. Hill, sitting by designation, on May 26, 1977.

Public comment is invited on or before February 9, 1978. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be addressed to Donald A. Kinkaid, Chief, Atlanta Field Office, Antitrust Division, U.S. Department of Justice, Suite 420, 1776 Peachtree Street, NW., Atlanta, Ga. 30309.

Dated: December 9, 1977.

WILLIAM E. SWOPE,
Director of Operations,
Antitrust Division.

U.S. DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA (ATLANTA DIVISION)

United States of America, Plaintiff, v. Atlanta News Agency, Inc.; and Family Reading Service, Inc., Defendants
Civil Action No. 76 C 435A.
Filed: December 7, 1977.

STIPULATION

It is stipulated by and between the undersigned parties that:

1. A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to either party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendant Atlanta News Agency, Inc., and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to plaintiff and defendant Atlanta News Agency, Inc. in this and any other proceeding.

For the Plaintiff:

John H. Shenefield, Assistant Attorney General; William E. Swope, Charles F. B. McAleer, Donald A. Kinkaid, Attorneys, Department of Justice; John R. Fitzpatrick, Carl W. Mullis, III, Stephen F. Sonnett, Attorneys, Department of Justice, Antitrust Division, 1776 Peachtree St. NW., room 420, Atlanta, Ga. 30309, 404-881-3828.

For the Defendant:

Atlanta News Agency, Inc.

By: LIONEL KESTENBAUM,
Bergson, Borkland, Margolis & Adler, 11 Dupont Circle NW., Washington, D.C. 20036.

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA (ATLANTA DIVISION)

United States of America, Plaintiff, v. Atlanta News Agency, Inc.; and Family Reading Service, Inc., Defendants
Civil No. C76-435A.
Filed: December 7, 1977.

FINAL JUDGMENT AS TO DEFENDANT ATLANTA NEWS AGENCY, INC.

Plaintiff, United States of America, having filed its complaint herein on March 8, 1976, and defendant, Atlanta News Agency, Inc. ("ANA"), having appeared by its attorneys, and the parties hereto, by their respective attorneys, having consented to the entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting evidence or admission by either party in respect to any issue of fact or law herein;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby,

Ordered, adjudged and decreed as follows:

I

This Court has jurisdiction over the subject matter herein and of the parties hereto. The complaint states a claim upon which relief may be granted against the defendant under Section 1 of the Sherman Act.

II

As used in this Final Judgment:

(A) "Paperback books" means mass media market paperback books;

(B) "Periodicals" means mass media market paper cover magazines; it excludes daily newspapers but includes tabloids and comic books;

(C) "Person" means any natural person, association, cooperative, partnership, corporation, or other form of legal or business entity;

(D) "ID wholesaler" means any person engaged in the business of purchasing periodicals and paperback books from the principal national distributors for resale at wholesale rates to retailers, and who, itself, delivers said merchandise, stocks its customers' display fixtures, bills its customers, credits and removes out-of-date merchandise and accounts for all sales and returns to its national distributor clients; and

(E) "Market" means that entire geographic area serviced by an ID wholesaler from a single warehouse.

III

The provisions of this Final Judgment applicable to defendant ANA shall also apply to each of its officers, directors, agents, employees, successors, and assigns, to each of its subsidiaries and affiliates, and in addition, to all other persons in active concert or participation with any of them who shall receive actual notice of this Final Judgment by personal service or otherwise.

IV

Defendant ANA is enjoined and restrained from:

(A) Entering into, continuing, maintaining or renewing any contract, combination, conspiracy, agreement, understanding or concert of action with any ID wholesaler or other person to induce or coerce, or attempt to induce or coerce, any other ID wholesaler or any other third person seeking to distribute or sell periodicals or paperback books to others for further distribution or resale, to refrain from soliciting or doing business with any person or in any territory;

(B) Adopting, continuing, maintaining or renewing any practice, plan, program, or device to coerce, or attempt to coerce, any ID wholesaler or any other third person seeking to distribute or sell periodicals or paperback books to others for further distribution or resale from soliciting or doing business with any person or in any territory;

(C) Entering into, continuing, maintaining or renewing any combination, conspiracy, agreement, understanding, concert of action, or contract with any ID wholesaler, or any other third person seeking to distribute or sell periodicals or paperback books to others for direct sale to the public, to limit or restrict the territory within which or the customers with which any of the parties thereto may do business, including the contract defendant ANA entered into with Town & Country News Co., Inc., dated October 9, 1973. Subject to the provisions of sections IV(A) and (B), nothing in this Section shall be deemed to prohibit defendant ANA from entering into a contract for the bona fide purchase or sale of an entire business of an ID wholesaler (or any person seeking to distribute or sell periodicals or paperback books to others for direct sale to the public) in a market, which contract contains an ancillary covenant not to compete on the part of the seller; provided, however, that said covenant not to compete must be confined geographically to an area no larger than that in which the business sold was then doing business and be not longer than two years in duration. Subject to sections IV(A) and IV(B), nothing in this section IV(C) shall apply to employment contracts between defendant ANA and its employees containing ancillary covenants not to compete.

V

Within sixty (60) days after the date of entry of this Final Judgment, defendant ANA is ordered and directed to furnish a copy thereof to each of its officers, directors, and employees, and to file with this Court and to serve upon the plaintiff an affidavit as to the fact and manner of its compliance with this Section V.

VI

(A) For the purpose of determining or securing compliance with this Final Judgment, any duly authorized representative of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendant ANA made to its principal office, be permitted, subject to any legally recognized privilege:

(1) Access during the office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such defendant relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, directors, agents, partners or employees of such defendant, who may have counsel present, regarding any such matters.

(B) Defendant ANA, upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, shall submit such reports in writing with respect to any of the matters contained in this Final Judgment as may from time to time be requested.

No information obtained by the means provided in this Section VI shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

If at any time information or documents are furnished by a defendant to plaintiff, such defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a Grand Jury proceeding) to which the defendant is not a party.

VII

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions thereof and for the enforcement of compliance therewith and the punishment of violations thereof.

VIII

Entry of this Final Judgment is in the public interest.

Dated:

HAROLD L. MURPHY
United States District Judge

U.S. DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA (ATLANTA DIVISION)

United States of America, Plaintiff v. *Atlanta News Agency, Inc.*; and *Family Reading Service, Inc.*, Defendants.

Civil No. C76-435A.
Filed: December 7, 1977.

PROPOSED CONSENT JUDGMENT AS TO DEFENDANT ATLANTA NEWS AGENCY, INC.: COMPETITIVE IMPACT STATEMENT

Pursuant to section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. §§16(b)-(h)), the United States of America hereby files this Competitive Impact Statement relating to the proposed consent judgment as to defendant Atlanta News Agency, Inc., submitted for entry in this civil antitrust proceeding.

I. NATURE AND PURPOSE OF THIS PROCEEDING

On March 8, 1976, the Department of Justice filed a civil action under section 4 of the Act of Congress of July 2, 1890, as amended (15 U.S.C. §4), commonly known as the Sherman Act, against defendants Atlanta News Agency, Inc. ("ANA"), and Family Reading Service, Inc. ("FRS"). The complaint alleges that beginning sometime after May 1, 1972, and continuing thereafter at least until December 1973, the defendants and other co-conspirators engaged in a combination and conspiracy in unreasonable restraint of interstate trade and commerce in violation of section 1 of the Sherman Act (15 U.S.C. §1).

On May 26, 1977, United States Circuit Judge James C. Hill, sitting by designation, entered a final judgment with respect to FRS in this case. Entry by the Court of the proposed consent judgment with respect to ANA will terminate this litigation. However, in connection with the proposed judgment, as with the FRS judgment, the Court will retain jurisdiction over the matter for possible further proceedings which may be required to interpret, modify, or enforce the judgment or to punish alleged violations of any of the provisions of the judgment.

II. DESCRIPTION OF THE PRACTICES INVOLVED IN THE ALLEGED VIOLATION

Defendant ANA is a Georgia corporation having its principal offices in Atlanta, Ga. ANA is engaged in the independent ("ID") wholesale distribution of periodicals and paperback books primarily in the area surrounding and including Atlanta, Ga. It purchases periodicals and paperback books for resale at wholesale rates to customers such as newsstands, variety stores, supermarkets, and convenience stores. ANA had total sales of periodicals and paperback books of approximately $9.2 million for a 53-week period ending on February 3, 1974, and sales of approximately $7.5 million for its fiscal year ending January 28, 1973.

Defendant FRS is a Georgia corporation, having its principal offices in Albany, Ga. FRS is engaged in the ID wholesale distribution of periodicals and paperback books primarily in the area surrounding and including Albany, Ga. FRS had total sales of periodicals and paperback books of approximately $800,000 for its fiscal year ending on September 30, 1973, and approximately $800,000 for the nine-month period from October 1973 through June 1974.

The complaint alleges that the defendants and other co-conspirators engaged in a combination and conspiracy, the substantial term of which was to induce and coerce a competitor, Town & Country News Co., Inc. ("Town & Country"), and its owner, Kendell Morris, of Ailey, Ga., to refrain from soliciting or doing business in the territories of the defendant companies. The United States would have contended at trial that in furtherance of the conspiracy, on several occasions ANA and FRS clandestinely dropped substantial quantities of free magazines at a large number of Town & Country's accounts in order to harass Town & Country by, among other things, causing it considerable financial loss. The United States also would have sought to show at trial that ANA and FRS agreed to, and did, solicit Town & Country's customers in order to either drive Town & Country out of business or to intimidate it into withdrawing from the Atlanta and Albany areas.

In furtherance of their combination and conspiracy, the complaint alleges, and the United States would have sought to show at the trial, that defendants ANA and FRS each entered into a contract with Town & Country wherein the parties to each contract sold to the other party all their business and potential business in specified areas and agreed not to compete with or interfere with the business or potential business of the other party in specified areas.

The complaint alleges that the effects of this combination and conspiracy have been, among other things, to: (a) allocate territories between ANA and Town & Country and between FRS and Town & Country; (b) to restrain and eliminate actual and potential competition between ANA and Town & Country and between FRS and Town & Country in the ID wholesale distribution of periodicals and paperback books in the areas surrounding and including Atlanta, Albany, and Ailey, Ga.; and (c) to deprive readers, retailers, national distributors, and publishers of the benefits of actual and potential competition in the ID wholesale distribution of periodicals and paperback books in the areas surrounding and including Atlanta, Albany, and Ailey, Ga.

The complaint requests the Court to find that the defendants and co-conspirators have entered into a combination and conspiracy in unreasonable restraint of interstate trade and commerce in the ID wholesale distribution of periodicals and paperback books in violation of section 1 of the Sherman Act (15 U.S.C. §1). The complaint also requests the Court to enjoin and restrain the defendants from engaging in this combination and conspiracy and to grant additional relief to prevent its recurrence. Lastly, the complaint requests the Court to enjoin and restrain the defendants from entering into, continuing, maintaining, or renewing any contract, combination, conspiracy, agreement, understanding, or concert of action (including the contracts with Town & Country) to limit or restrict the territory within which, or the customers to whom, any ID wholesaler, including the defendants, may sell periodicals and paperback books.

III. EXPLANATION OF THE PROPOSAL FOR A CONSENT JUDGMENT AND ITS ANTICIPATED EFFECTS ON COMPETITION

The United States and the defendant ANA have stipulated that the proposed consent judgment, in the form negotiated by and between the parties, may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The stipulation between the parties provides that there has been no admission by any party with respect to any issue of fact or law. Under the provisions of section 2(e) of the Antitrust Procedures and Penalties Act (15 U.S.C. §16(e)), entry of the proposed judgment is conditioned upon a determination by the Court that the proposed judgment is in the public interest.

The proposed consent judgment provides for all of the relief with respect to defendant ANA which the United States could have expected to receive if this case had been tried. Section IV(A) enjoins defendant ANA from entering into or maintaining with any other person any agreement to induce or coerce any third person seeking to distribute or sell periodicals or paperback books to others for further distribution or resale, to refrain from soliciting or doing business with any person or in any territory. Section IV(B) prohibits defendant ANA from unilaterally engaging in coercive conduct for such a purpose. Coercive conduct within the meaning of sections IV (A) and (B) would be any act or acts which resulted in, or were designed to result in, another person acting, or refraining from acting, against his will, taking into account the totality of the circumstances. Examples of coercive conduct would be the clandestine dropping of free magazines to harass a competitor or the joint solicitation of a mutual competitor's customers as described in section II of this Competitive Impact Statement, but these are not the only types of conduct which would be deemed coercive within the meaning of sections IV (A) and (B).

The anticipated effect of sections IV (A) and (B) is to free the marketplace from coercive activity by defendant ANA therby allowing the normal competitive forces to dictate its operation. The sections are drafted to prohibit coercive conduct not only as it may affect ID wholesalers and potential ID wholesalers but also any person whether or not an ID wholesaler who is seeking to distribute or sell periodicals or paperback books to others for further distribution or resale. Thus sections IV (A) and (B) prohibit coercive conduct as it may affect persons who are in a horizontal or vertical relationship (such as publishers or national distributors) to the defendant in the distribution chain. Furthermore, these sections prohibit conduct which, the Government would have contended at trial, led to the anti-competitive agreements alleged in this case to be in violation of law.

Section IV(C) prohibits defendant ANA from entering into or maintaining any agreement with any person seeking to distribute or sell periodicals or paperback books to others for direct sale to the public to limit or restrict the territory in which or the customers with whom any of the parties to the agreement may do business, including specifically the contract between ANA and Town & Country dated October 9, 1973. Section IV(C) applies not only to agreements with ID wholesalers but also to agreements with any other persons (including publishers and national distributors) seeking to distribute or sell periodicals or paperback books to others for direct sale to the public. However, section IV(C) does not prohibit defendant ANA from entering into contracts for the bona fide purchase or sale of the entire business of an ID wholesaler (or any person seeking to distribute or sell periodicals or paperback books to others for direct sale to the public) in a particular market, with an ancillary covenant not to compete, provided that such covenant is confined geographically to an area no larger than that in which the business sold was then doing business and further provided that it does not run longer than 2 years. Such a contract, however, cannot be the result of coercive action by defendant ANA, as enjoined in sections IV (A) and (B). Subject to the restrictions on coercive conduct contained in sections IV (A) and (B), section IV(C) expressly does not apply to employment contracts between defendant ANA and its employees containing ancillary covenants not to compete, and the validity of these contracts are to be tested under State and Federal law.

By enjoining any maintenance or enforcement of the contract between ANA and Town & Country, the proposed consent judgment attempts to again place ANA and Town & Country in the position of being actual, or potential, competitors of each other.

In order to insure continued compliance with the terms of the judgment, upon written request of the plaintiff, defendant ANA is required to allow attorneys for the plaintiff to inspect and copy its business records and to interview its officers or employees. Upon written request, defendant ANA is also required to submit written reports with respect to any matter contained in this judgment.

IV. ALTERNATIVE REMEDIES CONSIDERED BY THE GOVERNMENT

This judgment is substantially similar to the judgment entered against co-defendant FRS; however, the ANA judgment narrows the class of people protected and with whom ANA is enjoined from having agreements, to those persons more closely related to defendant ANA's line of commerce. Sections IV (A) and (B) prohibit FRS from coercive action with or against any person while ANA is only prohibited from such conduct with any ID wholesaler or any other third person seeking to distribute or sell periodicals or paperback books to others for further distribution or resale. Similarly, FRS is enjoined by section IV(C) of its Judgment from entering into any agreement that allocates or limits territories or customers while the ANA Judgment prohibits those agreements with any ID wholesaler or any other third person seeking to distribute or sell periodicals or paperback books to others for direct sale to the public. In addition, unlike the FRS Judgment, section IV(C) of the ANA Judgment provides that the injunction in section IV(C) shall not apply to employment contracts between defendant ANA and its employees.

V. REMEDIES AVAILABLE TO POTENTIAL PRIVATE LITIGANTS

Section 4 of the Clayton Act (15 U.S.C. § 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in Federal court to recover three times the damages such person has suffered, as well as costs and reasonable attorney fees. Entry of the proposed consent judgment in this proceeding will neither impair nor assist the bringing of any such private antitrust actions. Under the provisions of section 5(a) of the Clayton Act (15 U.S.C. § 16(a)), this consent judgment has no prima facie effect in any subsequent lawsuits which may be brought against defendant ANA.

VI. PROCEDURES AVAILABLE FOR THE MODIFICATION OF THIS PROPOSAL

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed consent judgment should be modified may, for a sixty-day period, submit written comments to Donald A. Kinkaid, Chief, Atlanta Field Office, United States Department of Justice, Antitrust Division, 1776 Peachtree Street NW., Suite 420, Atlanta, Ga. 30309, who will file with the Court and publish in the FEDERAL REGISTER such comments and the responses of the United States thereto. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed judgment at any time prior to its entry if it should determine that some modification of it is necessary. The proposed judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for such order as may be necessary or appropriate for its modification, interpretation or enforcement.

VII. ALTERNATIVES TO THE PROPOSED CONSENT JUDGMENT

The alternative to the proposed judgment considered by the Antitrust Division was a full trial of the issue on the merits and on relief. The Division considered the substantive language of the judgment to be of sufficient scope and effectiveness to make litigation of the issues unnecessary, as the judgment provides appropriate relief against the violations charged in the complaint.

VIII. MATERIALS OR DOCUMENTS WHICH WERE DETERMINATIVE IN FORMULATING THE PROPOSAL FOR A CONSENT JUDGMENT

Since there are no materials or documents which were determinative in formulating the proposal for a consent judgment, none are being filed by the plaintiff pursuant to section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16(b)).

Dated: December 7, 1977.

JOHN R. FITZPATRICK,
CARL W. MULLIS, III,
STEPHEN F. SONNETT,
Antitrust Division, U.S. Department of Justice, 1776 Peachtree Street NW., Suite 420, Atlanta, Ga. 30309, 404-881-3828.

[FR Doc. 77-36366 Filed 12-20-77; 8:45 am]

[4410-01]

Law Enforcement Assistance Administration

NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE ADVISORY COMMITTEE

Meeting

Notice is hereby given that the Advisory Committee of the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, will meet on January 12-13, 1978, from 9 a.m. to 5 p.m. at the Sheraton National, Columbia Pike and Washington Boulevard in Arlington, Va.

The major topics of discussion will include the Justice System Improvement Study of the President's Reorganization Project, an update and further refinement of selective NILECJ long-range research priorities and the future role of the Advisory Committee.

The meeting is open to the public.

For further information, please contact Blair G. Ewing, National Institute

of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue NW., Washington, D.C. 20531, 202-376-3606.

JAY BROZOST,
Attorney-Advisor,
Office of General Counsel.

[FR Doc. 77-36287 Filed 12-20-77; 8:45 am]

[6820-35]

LEGAL SERVICES CORPORATION

CENTRAL PENNSYLVANIA LEGAL SERVICES, INC., ET AL.

Grants and Contracts

DECEMBER 15, 1977.

The Legal Services Corp. was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 29960-29961. Section 1007(f) provides: "At least 30 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 applications submitted by:

1. Central Pennsylvania Legal Services in Lancaster, Pa., to serve Lebanon County, Pa.
2. Keystone Legal Services, Inc. in State College, Pa., to serve Huntington, Juaniata, Clearfield, and Mifflin Counties, Pa.
3. Northern Pennsylvania Legal Services, Inc. in Scranton, Pa., to serve Wayne and Wyoming Counties, Pa.
4. Legal Services, Inc. in Carlisle, Pa., to serve Franklin County, Pa.
5. Legal Services of Northeastern Pennsylvania, Inc. in Wilkes-Barre, Pa., to serve Schuylkill and Pike Counties, Pa.
6. Susquehanna Legal Services in Williamsport, Pa., to serve Columbia, Lycoming, Montour, Northumberland, Snyder, Union, and Tioga Counties, Pa.
7. Legal Services for Northwestern Pennsylvania in Erie, Pa., to serve Erie, Crawford, Mercer, Venango, Warren, Fores, Elk, Cameron, Potter, and McKean Counties, Pa.
8. Lehigh Valley Legal Services Inc. in Bethlehem, Pa., to serve Lehigh and Northampton Counties, Pa.
9. Blair County Legal Services Corp. in Altoona, Pa., to serve Blair County, Pa.
10. Legal Services of Montgomery County, Inc. in Penllyn, Pa., to serve Montgomery County, Pa.
11. Montgomery County Legal Aid Service in Norristown, Pa., to serve Montgomery County, Pa.
12. Legal Aid Society of Tioga County, Inc. in Wellsboro, Pa., to serve Tioga County, Pa.
13. Legal Aid Bureau, Inc. in Baltimore, Md., to serve Wicomico, Dorchester, Talbat, Allegeny, Garrett, Anne Arundel, and Harford Counties, Md.
14. Laurel Legal Services, Inc. in Greenburg, Pa., to serve Clarion, Jefferson, Indiana, and Westmoreland Counties, Pa.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the regional office of the legal services corporation at:

Legal Services Corp., Philadelphia Regional Office, 101 North 33d Street, Philadelphia, Pa. 19104.

THOMAS EHRLICH,
President.

[FR Doc. 77-36294 Filed 12-20-77; 8:45 am]

[7536-01]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DIVISION OF PUBLIC PROGRAMS PANEL (NEH)

Meeting

DECEMBER 13, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended,) notice is hereby given that a meeting of the Division of Public Programs Panel will be held at 806 15th Street NW., Washington, D.C., 20506, in room 500, from 9 a.m. to 5:30 p.m. on January 13, 1978.

The purpose of the meeting is to review State program applications submitted to the National Endowment for the Humanities for programs beginning after March 1, 1978.

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 August 2, 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 contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call 202-724-0368.

STEPHEN F. MCCLEARY,
Advisory Committee
Management Officer.

[FR Doc. 77-36316 Filed 12-20-77; 8:45 a.m.]

[7536-01]

RESEARCH GRANTS PANEL (NEH)

Meeting

DECEMBER 13, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is hereby given that a meeting of the Research Grants Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 807, from 9 a.m. to 5:30 p.m. on January 19 and 20, 1978.

The purpose of the meeting is to review scholarly manuscript applications in the field of Publications submitted to the National Endowment for the Humanities for projects beginning after February 1, 1978.

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 August 2, 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 contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee
Management Officer.

[FR Doc. 77-36318 Filed 12-20-77; 8:45 am]

[7536-01]

RESEARCH GRANTS PANEL (NEH)

Meeting

DECEMBER 13, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Research Grants Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 807, from 9 am. to 5:30 pm. on January 11 and 12, 1978.

The purpose of the meeting is to review scholarly manuscript applications in the field of Publications submitted to the National Endowment for the Humanities for projects beginning after February 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would consti-

tute 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 August 2, 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 contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee Management Officer.

[FR Doc. 77-36317 Filed 12-20-77; 8:45 am]

[7536-01]

NATIONAL ENDOWMENT ON THE ARTS; OPERA SECTION OF THE MUSIC PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Opera Section of the Music Panel will occur on January 10, 11, and 12, 1978, in Washington, D.C.; on January 10, 1978, the meeting will begin at 9:30 a.m., and will adjourn at 5:30 p.m. On January 11, 1978, the meeting will convene at 9 a.m., and will adjourn at 5:30 p.m. On January 12, 1978, the meeting will convene at 9 a.m., and adjourn at 4:30 p.m. The meeting will be in Columbia Plaza, Room 1422, 2401 E Street NW., Washington, D.C.

A portion of this meeting will be open to the public on January 10, 1978, from 1:30 p.m.-5:30 p.m., January 11, 1978, from 9 a.m.-5:30 p.m., and January 12, 1978, from 9 a.m. to 11 a.m. The discussions will focus on policy and guidelines.

The remaining sessions of this meeting on January 10, 1978, from 9:30 a.m. to 1:30 p.m., and January 12, 1978, from 11 a.m. to 4:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendtion on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER March 17, 1977, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6378.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc. 77-36284 Filed 12-20-77; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Meeting

In accordance with the purposes of sections 29 and 182b, of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on January 5-7, 1978, in room 1046, 1717 H Street NW., Washington, D.C.

The agenda for the subject meeting will be as follows:

Date: Thursday, January 5, 1978.

Time: 8:30 a.m. to 9:15 a.m.: Executive session (open).

The committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities. The Committee will hear and discuss the report of the ACRS Subcommittee and consultants who may be present on the Stone & Webster Engineering Corp. Standard Balance of Plant design for Babcock & Wilcox Standard Nuclear Steam System, B-SAR-205. Portions of this session will be closed if necessary to discuss Proprietary Information applicable to this type facility and provisions for physical protection of this type facility.

Time: 9:15 a.m. to 12 (noon): Stone & Webster Engineering Corp. Stantard Balance of Plant Design (SWESSAR-P1(open).

The committee will hear and discuss presentations by representatives of the NRC Staff and the Stone & Webster Engineering Corp. related to the request for preliminary design approval for this type facility as applied to the Babcock and Wilcox Co. Standard Nuclear Steam System, B-SAR-205. Portions of this session will be closed if necessary to discuss proprietary information applicable to this type facility and provisions for physical protection of this type facility.

Time: 1 p.m. to 1:30 p.m.: executive session (open).

The committee will hear and discuss the report of the ACRS subcommittee and consultants who may be present on the Yellow Creek Nuclear Plant. Portions of this session will be closed if required to discuss Proprietary Information related to this plant and provisions for physical protection of this facility.

Time: 1:30 p.m. to 4:30 p.m.: Yellow Creek Nuclear Plant (open).

The committee will hear and discuss presentations by representatives of the NRC Staff and the applicant related to the request for a construction permit for this plant. Portions of this session will be closed if required to discuss proprietary information related to this plant and provisions for physical protection of this facility.

Time: 4:30 p.m. to 6:30 p.m.: executive session (open): The committee will hear and discuss reports of subcommittees, working groups, and members on a number of project-related and generic matters related to reactor safety including implementation of ACRS recommendations on the Zion Nuclear Station Units 1 and 2; the NRC Siting Evaluation Study; Emergency Core Cooling Systems and Seismic Criteria.

Date: Friday, January 6, 1978.

Time: 8:30 a.m. to 9 a.m.: executive session (open).

The committee will hear and discuss the report of the ACRS subcommittee and consultants who may be present related to the request for a construction permit for the Pebble Springs Nuclear Plant. Portions of this session will be closed if required to discuss proprietary information related to this plant and provisions for physical protection of this facility.

Time: 9 a.m. to 10:30 a.m.: Pebble Springs Nuclear Plant (open).

The committee will hear presentations by and hold discussions with representatives of the NRC Staff and the applicant related to the request for a construction permit for this plant. Portions of this session will be closed if required to discuss proprietary information related to this plant and provisions for physical protection of this facility.

Time: 10:30 a.m. to 12 (noon): executive session (open).

The committee will hear and discuss the report of its subcommittee on regulatory activities and discuss proposed ACRS comments regarding matters such as the status of ACRS recommendations and requests and calculation of control room radiation levels following postulated accidents. The committee will also discuss its proposed report to NRC on SWESSAR-P1.

Time: 12 (noon) to 12:30 p.m.: executive session (closed).

The committee will discuss its proposed report to NRC on the Yellow Creek Nuclear Plant.

Time: 1:30 p.m. to 4:00 p.m.: meeting with NRC staff (open).

The committee will hear presentations from and hold discussions with members of the Nuclear Regulatory Commission staff regarding recent licensing actions and operating experience including review of the qualification testing of electrical connectors in several nuclear plants; investigation of seismic fault at Washington Public Power Supply System Nuclear Projects Units 3 and 5; seismic upgrading of San Onofre Nuclear Power Plant Unit 1; review of seismic design margins at North Anna Nuclear Power Plant Units 1 and 2; proposed NRC Systematic Evaluation Program; and rapid hydrogen recombination in gaseous radwaste systems in nuclear plants. The future schedule for ACRS activities will also be discussed.

Time: 4 p.m. to 6:30 p.m.: executive session (open/closed).

The committee will continue discussion of its report to NRC on SWESSAR-P1. This portion of the meeting will be open.

The committee will also discuss the proposed ACRS reports to the Nuclear Regulatory Commission on the Yellow Creek Nu-

clear Plant and the Pebble Springs Nuclear Plant. This portion of the meeting will be closed to discuss matters involved in adjudicatory proceedings.

The committee will hear a report by members of the committee regarding a visit to Japanese nuclear facilities with the NRC Staff. Portions of this session will be closed as necessary to protect material provided in confidence by a foreign government.

Date: Saturday, January 7, 1978.

Time: 8:30 a.m. to 12 (noon): executive session (open/closed).

The committee will continue preparation of its reports to the Nuclear Regulatory Commission on SWESSAR-P1, the Yellow Creek Nuclear Plant and the Pebble Springs Nuclear Plant. Portions of this session will be closed as necessary to discuss matters involved in adjudicatory proceedings.

The committee will complete in open session the preparation of comments and positions discussed during this meeting.

I have determined in accordance with subsection 10(d) of Pub. L. 92-463 that it is necessary to close portions of the meeting as noted above to protect proprietary information (5 U.S.C. 552b(c)(4)), to preserve the confidentiality of information related to safeguarding of special nuclear material and the physical protection of nuclear facilities (5 U.S.C. 552b(c) (1) and (4)), and to protect material provided in confidence by a foreign government (10 CFR Part 2, 2.790). The portions of the meeting during which ACRS comments on matters involved in adjudication are prepared will be held in closed session pursuant to exemption (10) of 5 U.S.C. 552b(c). Separation of factual information from information considered exempt from disclosure during closed portions of the meeting is not considered practical.

Procedures for the conduct of and participation in this meeting were outlined in the FEDERAL REGISTER on October 31, 1977, page 56972. In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the committee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS executive director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

Background information concerning items to be considered during this meeting can be found in documents on file and available for public inspection in the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the following Public Document Rooms:

Yellow Creek Nuclear Power Plant, Corinth Public Library, 1023 Fillmore Street, Corinth, Miss. 38834.

Pebble Springs Nuclear Plant, City Hall, P.O. Box 356, Arlington, Oreg. 97812.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS executive director, Mr. Raymond F. Fraley (telephone 202-634-1371), between 8:15 a.m. and 5 p.m. e.s.t.

Dated: December 19, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 77-36539 Filed 12-20-77; 8:45 am]

[7590-01]

[Docket Nos. 50-329, 50-330]

CONSUMERS POWER CO., (MIDLAND PLANT, UNITS 1 AND 2)

Order Re Time and Place for Prehearing Conference in Special Proceeding, Appearances of Attorneys, and Conference Agenda

The Atomic Safety and Licensing Board for Special Proceeding hereby calls a prehearing conference of the attorneys against whom charges were preferred by the presiding officer's order of November 4, 1977 and of the parties initiating the charges. Such conference is scheduled to be held at 10 a.m., Monday, January 9, 1978 in Courtroom 17, Sixth Floor, U.S. Court House, Constitution Avenue and John Marshall Place, NW., Washington, D.C.

The board requires that each attorney representing any attorney against whom the presiding officer had preferred charges and each attorney representing a party which initiated any of the charges enter their respective appearances in the special proceeding prior to the prehearing conference in the manner provided for at 10 CFR 2.713(a). Also, if any other party in the underlying proceeding being conducted pursuant to the remand by the U.S. Court of Appeals for the District of Columbia wishes to participate in the special proceeding, its attorney, too, should enter an appearance in the special proceeding prior to the prehearing conference in the manner provided for at 10 CFR 2.713(a) and at that time indicate the position of the party whom he or she represents with respect to the preferred charges.

The following subjects will be included on the agenda of the prehearing conference in addition to such other subjects as may later appear desirable:

1. *Charges preferred.* The board directs each attorney against whom charges have been preferred and each party which had previously initiated such charges to exchange with one another and to submit to the board a concise statement of the individual charges of professional misconduct which are encompassed by the presiding officer's order of November 4, 1977. The individual charges should be stated in terms of 10 CFR 2.713(c)(1)-(5) and the American Bar Association's Code of Professional Responsibility. The requested statement should also specifically describe the alleged professional misconduct upon which each charge rests. The above exchange and submission of the requested statement should be completed no later than Thursday, January 5, 1978.

2. *Hearing of the preferred charges.* A full evidentiary hearing on alleged professional misconduct of the individual attorneys against whom the presiding officers had preferred charges is contemplated, with all parties in the special proceeding having the right to present evidence and to conduct cross-examination. The burden of proof is on the party or parties which initiated the charges preferred in the presiding officer's order of November 4, 1977.

3. *Identification of the evidence which each party in the special proceeding proposes to submit at the hearing, including names of witnesses, description of documents to be produced, citations of transcript pages, etc.* Such evidence must directly concern the alleged professional misconduct of one or another of the individual attorneys against whom the presiding officer had preferred charges, or to the denial of same.

4. *Discovery.* If a party in the special proceeding contemplates discovery, he or it should identify precisely the discovery sought and the basis therefor. Similarly, a party objecting to any proposed discovery should state his or its objections with supporting reasons.

5. *Discipline.* The board requests that each party which initiated the charges giving rise to this special proceeding specify the exact discipline which it is now seeking this board to impose upon the attorney or attorneys against whom its charges were directed, and the authority for the board to impose such discipline.

6. *Preliminary Motions.* It is expected that the board will set a time schedule for the filing of preliminary motions in advance of the hearing date.

7. *Schedule for hearing.* The board anticipates that at the prehearing conference it will set a date for the beginning of the hearing.

Dated at Washington, D.C., this 19th day of December 1977.

VALENTINE B. DEALE,
Chairman, Atomic Safety and Licensing Board for Special Proceeding.

[FR Doc. 77-36569 Filed 12-20-77; 9:54 am]

[7590-01]

RISK ASSESSMENT REVIEW GROUP

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a 2-day open meeting of the Risk Assessment Review Group of the U.S. Nuclear Regulatory Commission (NRC), to be held at 8:30 a.m., on January 5 and 6, 1978, in room 2272 and room 2284, respectively, of the University Center, University of California, Santa Barbara, Calif. The purposes of this meeting are to continue the review of the final report of the Reactor Safety Study (WASH-1400) and the peer comments thereon, to obtain information on developments in the field of risk assessment methodology and to discuss subjects that might be included in the report of the Review Group.

The Risk Assessment Review Group is an independent group established by the NRC (42 FR 34955) for the purpose of providing advice and information to the Commission regarding the final report of the Reactor Safety Study, WASH-1400 (NUREG-75/014), and the peer comments on the Study, advice and recommendations on developments in the field of risk assessment methodology and courses of action which might be taken on future development and use of risk assessment methodology. This advice and information will assist the Commission in establishing policy regarding the use of risk assessment in the regulatory process. It will also clarify the achievements and limitations of the Reactor Safety Study. The review Group will submit a report to the Commission at the conclusion of their efforts.

In carrying out these assignments, it is anticipated that a number of working sessions will be scheduled at different locations with notification to the public well in advance of each meeting. With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 10 readily reproducible copies to the Review Group at the beginning of the meeting. Comments should be limited to areas within the Group's purview. Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than December 29, 1977, to Dr. John H. Austin, Office of Policy Evaluation, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting. Of course, comments not received in time for this meeting will be circulated to the members of the Review Group for consideration at a future meeting. Comments should pertain to the field of risk assessment methodology or should be based on the final report of the Reactor Safety Study, copies of which are available for public inspection at:

1. The NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

2. The NRC's five Regional Offices of Inspection and Enforcement:

REGION I

631 Park Avenue, King of Prussia, Pa. 19406.

REGION II

Suite 1217, 230 Peachtree St., Atlanta, Ga. 30303.

REGION III

799 Roosevelt Road, Glen Ellyn, Ill. 60137.

REGION IV

Suite 1000, 611 Ryan Plaza Drive, Arlington, Tex. 76012.

REGION V

Suite 202, 1990 North California Boulevard, Walnut Creek, Calif. 94596.

Copies of the Final Report may be obtained from:

U.S. Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Probabilistic Analysis Staff

Attn.: Melea S. Fogle (Telephone: 301/492-8377), 7735 Old Georgetown Road, Bethesda, Md. 20014.

(b) Persons desiring to make an oral statement at the meeting should make a request to do so prior to the meeting, identifying the topics and desired presentation time so that appropriate arrangement can be made. The time allotted for such statements will be at the discretion of the Chairman. The Review Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on January 3, 1978, to the Office of Policy Evaluation (telephone 202/254-5184, Attn.: John Austin) between 8:15 a.m. and 5 p.m., EDT.

(d) Questions may be asked only by members of the Review Group.

(e) Statements of views or expressions of opinion made by members of the Review Group at open meetings are not intended to represent final determinations or beliefs.

(f) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(g) A copy of the minutes of the meeting will be available for inspection on or after March 27, 1978, at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Copies may be obtained upon payment of appropriate charges.

Dated at Washington, D.C., this 19th day of December 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 77-36421 Filed 12-20-77; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

List of Requests

CLEARANCE OF REPORTS

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on December 14, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

U.S. INTERNATIONAL TRADE COMMISSION

Color Television Receivers (Importers' Annual Survey), annually, U.S. importers of color TV receivers, C. Louis Kincannon, 395-3211.

DEPARTMENT OF AGRICULTURE

Economic Research Service, Soil Erosion Survey—2 County Area—Nebraska, single-time, sample of owner-operators tenants and landlords, Ellett, C. A., Office of Federal Statistical Policy and Standard, 395-6132.

Food and Nutrition Service, WIC Program Profile Survey Questionnaires, single-time, WIC participants and clinics, Human Resources Division, Richard Eisinger, 395-3532.

DEPARTMENT OF COMMERCE

Departmental and Other Local Public Works Survey, single-time, local government officials supervising LPW funds,

Economics and General Government Division, C. Louis Kincannon, 395-3451.

NEW FORMS

Departmental and Other Contractors Survey, single-time, contractors employed under LPW program, Economics and General Government Division, C. Louis Kincannon, 395-3451.

REVISIONS

GENERAL SERVICES ADMINISTRATION

Custodial Contractor Work Report, RF RS-1326 1326A, other (see SF-83), custodial contractors, Marsha Traynham, 395-3773.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration, IOC/WMO IGOSS Marine Pollution Monitoring Pilot Project Log Form for Sampling/Reporting Particulate Petroleum Residues (Tar balls), NOAA 72-9, other (see SF-83), Government and Institutional Research Ships, Ellett, C. A., 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Offices, Boards, Division, Identical Bid Report—State and Local Governments, DJ-1510, on occasion, State and local purchase offices, Ellett, C. A., 395-6132.

Social Security Administration, Survey of Disabled Children Receiving Supplemental Security Insurance Benefits, SSA-3517, single-time, parents or representative payees of disabled children, Caywood, D. P., Office of Federal Statistical Policy and Standard, 395-34423.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Fores t Service, Outfitter-guide Application, 2700-21, annually, outfitters and guide, Ellett, C. A., 395-6132.

Statistical Reporting Service, Peanut Stocks and Processing Report, C.E.6-18A, monthly, peanut handlers, Ellett, C. A. Office of Federal Statistical Policy and Standard, 395-6132.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration:

IOC/WMO IGOSS Marine Pollution Monitoring Log Form for Observation and Reporting of Oil Slicks and Other Floating Pollutants, NOAA 72-8, on occasion, governmental and institutional research ships, Ellett, C. A., 395-6132.

IOC/WMO IGOSS Marine Pollution Monitoring Pilot Project, Data Documentation Form, NOAA 72-10, other (see SF-83), governmental and institutional research ships, Ellett, C. A., 395-6132.

IOC/WMO IGOSS Marine Pollution Monitoring Pilot Project Log Form for Sampling, Analysis and Reporting, Dissolved/Dispersed Hydro, NOAA 72-11, other (see SF-83), governmental and institutional research labs, Ellett, C. A., 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Report to United States Social Security Administration, SSA-7162, annually, persons residing outside U.S. who are entitled to benefits, Human Resources Division, Caywood, D. P., 395-3532.

Social and Rehabilitation Service, Statistical Report on Numbers of Recipients and Amounts of Assistance Under Public Assistance Programs, FS 2078, monthy, State Department of Public Assistance, Caywood, D. P., Office of Federal Statistical Policy and Standard, 395-3443.

PHILLIP D. LARSON,
Budget and Management Officer.

[FR Doc. 77-36475 Filed 12-20-77; 8:45 am]

[3110-01]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the office of management and budget on December 13, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

OFFICE OF MANAGEMENT AND BUDGET

Closeout Questionnaire, single-time, grantees of CSC, HEW, DOL, Budget Review Division, 395-4775.

DEPARTMENT OF COMMERCE

Bureau of Census, 1978 Census of Agriculture (test), A1(N)-T3; A1(S)-T3, single-time, national sample from 1974 census of agriculture, Ellett, C.A., Office of Federal Statistical Policy and Standard 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development, Client/Consumer Questionnaire, Part 1, and Part 11, single time, persons/service providers stratified by HEW regions, Richard Eisinger 395-3214.

NEW FORMS

DEPARTMENT OF LABOR

Employment and Training Administration, Survey of Mexican American Workers in the Southwest, MT-286, single time, households in the Houston and Anaheim-Santa Ana SMSAS, Strasser, A., Office of Federal Statistical Policy and Standard, 395-6132.

REVISIONS

DEPARTMENT OF AGRICULTURE

Forest Service, Forest Pest Detection Field Report, 5200-1, on occasion, State and industrial forestry personnel, Ellett, C.A., 395-6132.

DEPARTMENT OF LABOR

Employment and Training Administration, Longitudinal Manpower Survey Induction Questionnaire, LMS-20: 5, 102, 202, 302, quarterly, CETA prime sponsor office, Strasser, A. 395-6132.

EXTENSIONS

GENERAL SERVICES ADMINISTRATION

Forms for Use by Displaced Persons in Applying for Benefits Under the Uniform Relocation Assistance and Real Property Act, SF 260, on occasion, benefits under Pub. L. 91-646, Marsha Traynham, 395-3773.

Architect-Engineer and Related Services Questionnaire, 255, on occasion, architect-engineer (AE) firms from all over USA, Marsha Traynham, 395-3773.

Architect-Engineer and Related Services Questionnaire, 254, annually, architect-engineer (AE) firms from all over USA, Marsha Traynham, 395-3773.

DEPARTMENT OF LABOR

Bureau of International Labor Affairs, Standard Questionnaire for Manufacturing Firms, ILAB-81, on occasion, manufacturers, Strasser, A., Office of Federal Statistical Policy and Standard, 395-6132.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc. 77-36474 Filed 12-20-77; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Administrative Proceeding File No. 3-5338]

AMERICAN AIRLINES, INC.

Application and Opportunity for Hearing

DECEMBER 13, 1977.

Notice is hereby given that American Airlines, Inc. (the "Applicant"), has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939, as amended (the "Act"), for a finding by the Securities and Exchange Commission (the "Commission"), that the trusteeships of Bankers Trust Co. under a trust indenture and mortgage dated as of June 1, 1970, between Bankers Trust Co. and the Applicant qualified under the Act (as amended and supplemented, the "1970 Indenture"), and under an equipment trust agreement dated as of August 15, 1977 between Bankers Trust Co. and the Applicant not so qualified (the "New Indenture"), are

not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bankers Trust Co. from acting as trustee under the New Indenture.

Section 310(b) of the Act provides, in part, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such section provides, in effect (with certain exceptions), that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), such other indenture may be excluded from the operation of this provision, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as such under one of such indentures.

The Applicant alleges the following:

(1) The Applicant, a Delaware Corporation, intends to finance a part of the acquisition cost of five Boeing Model 727-223 aircraft (the "Aircraft"), through the placement with institutional investors of approximately $43,800,000 principal amount of equipment trust certificates, to be issued pursuant to the New Indenture. These certificates will include approximately $14,400,000 principal amount of Short Term Equipment Trust Certificates (5-year maturity), and approximately $29,400,000 principal amount of Long Term Equipment Trust Certificates (15-year maturity). Such certificates will be secured by the Aircraft and the Applicant's obligation to pay rent therefor, all as provided in the New Indenture. Copies of the equipment trust agreement and other documents (combined as a single document), setting forth the terms and provisions governing the certificates which may be issued under the New Indenture are annexed to the Applicant's application as exhibit A. The New Indenture was executed in August 1977 and it is anticipated that the initial issuance of equipment trust certificates thereunder will occur in the first calendar quarter of 1978.

(2) The Applicant has appointed Bankers Trust Co., a New York corporation, to act as trustee under the New Indenture.

(3) The 1970 Indenture relates to the financing of seven Boeing Model 747-123 Aircraft leased to the Applicant. Under the 1970 Indenture, Guaranteed Loan Certificates Series A, B, Interim C, Second Interim C, and C were issued and remain outstanding in the following respective principal amounts: $47,850,000 original principal amount of 11% Series A, due December 1, 1988, presently outstanding in the principal amount of $39,439,000; $31,800,000 original principal amount of 10¼% Series B, due December 1, 1988, presently outstanding in the principal amount of $26,147,000; $15,564,000 original principal amount of 9½% Interim Series C, due June 1, 1989, none of which is presently outstanding; $15,689,000 original principal amount of 9½% Second Interim Series C, due June 1, 1989, none of which is presently outstanding; and $32,000,000 original principal amount of 10% Series C, due June 1, 1989, presently outstanding in the principal amount of $26,633,000. Copies of the trust indenture and mortgage, lease and other documents, as amended and supplemented, setting forth the terms and provisions governing the certificates issued under the 1970 Indenture were filed as exhibits to the Applicant's Registration Statements under the Securities Act of 1933 (Nos. 2-37401, 2-38352, and 2-39380), and are incorporated herein by reference.

(4) The certificates issued under 1970 Indenture are, and the certificates to be issued under the New Indenture will be, secured by separate lots of identified aircraft, so that should the trustee have occasion to proceed against the security under one of these trusts, such action would not affect the security, or the use of any security, under the other. Thus, the existence of the other trusteeship should in no way inhibit or discourage the trustee's actions. The Commission has made similar findings with respect to the trusteeships of Bankers Trust Co. under other indentures of the Applicant not qualified under the Act and the 1970 Indenture in issuing the following Orders:

	Administrative proceeding file No.	Order date
Mar. 3, 1970	3-2388	May 20, 1970.
Nov. 12, 1971	3-3435	Jan. 21, 1972.
Mar. 25, 1975	3-4640	May 7, 1975.
Apr. 2, 1976	3-5005	May 26, 1976.
June 8, 1976	3-5041	July 28, 1976.
Mar. 2, 1977	3-5191	Apr. 29, 1977.
June 6, 1977	3-5240	Aug. 1, 1977.

(5) The Applicant is not in default under any of its equipment obligations or promissory notes.

The applicant has waived notice of hearing, hearing on the issues raised by its application and all rights to specify procedures under rule 8(b) of the Commission's rules of practice in connection with this matter.

For a further statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than January 3, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as to the Commission may seem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-36188 Filed 12-20-77; 8:45 am]

[8010-01]

[Rec. No. 14272; File No. SR-Amex-77-5]

AMERICAN STOCK EXCHANGE, INC.

ORDER APPROVING CERTAIN PROPOSED RULE CHANGES BY THE AMERICAN STOCK EXCHANGE, INC.

DECEMBER 14, 1977.

On March 29, 1977, the American Stock Exchange, Inc. (the "Amex"), 86 Trinity Place, New York, N.Y. 10006, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b), and Rule 19b-4 thereunder, 17 CFR 240.19b-4, proposed rule changes to amend its constitution, rules, and policies relating to membership and association with members. The Amex stated that the proposed rule changes were designed, in general, "to liberalize (its rules) in light of the 1975 Amendments * * * and "to eliminate certain regulatory constraints on the capital-raising efforts of member organizations." On April 29, 1977, the Amex filed an amendment to expand the description of the purpose and basis of the proposed rule changes and any burden on competition imposed by them. Notice of the proposed rule changes, as amended, together with the terms of substance, was given in Securities Exchange Act Release No.

13514 (May 6, 1977) and published in the FEDERAL REGISTER (42 FR 25550 (May 18, 1977)). Interested persons were invited to submit written data, views, and arguments by June 8, 1977. The Commission has not received any comments concerning the proposed rule changes.

The proposed rule changes respond, in part, to the Commission's notice to the Amex, under section 31(b) of the Securities Acts Amendments of 1975 (the "1975 Amendments"),[1] concerning rules which appeared not to be consistent with the provisions of the act, as amended. The Commission has determined, at this time, to approve certain of the proposed rule changes contained in SR-Amex-77-5 and to defer action on other proposed rule changes contained in the subject file pending further review of those changes pursuant to section 19(b)(2) of the act.

The changes in SR-Amex-77-5 which the Commission is today approving are: (1) elimination of the U.S. citizenship requirement and the minimum age requirement of 21 currently applicable to members and certain associated person applicants and, in place of these requirements, the imposition of a requirement that such applicants be of the minimum age responsible for contracts in the jurisdictions in which they do business (Amex Const. Art. IV, secs. 1(a)(2), 1(b)(2), and 1(d); Commentary .07 to rule 341); (2) removal of restrictions upon the interest which foreign entities and other investors may have in the ownership or profits of a member organization (Const. Art. IV, secs. 2(h), 2(k), and 2(n); rules 310(a) and 310(b), 319(a), and 319(c) and Commentary .10 and .20(1) and .20(2) to rule 319); (3) reduction of restraints upon the ability of persons to be associated with, or own an interest in, more than one member organization (Const. Art. IV, secs. 2(c) and 2(e)(4); rule 313 and Commentary .01 and .02 thereto); (4) removal of certain restrictions on capital-raising by member organizations, including restrictions based on whether the securities of a member corporation are freely transferable (Const. Art. I, sec. 3(h), Art. IV, secs. 2(j), 2(k), and 2(s); rule 311(b) and Commentary, 312(a), 312(c) (deletion only), 312(d), 312(e), 312(k), 312(m), and 312(n), and other conforming changes);[2] (5) removal of the general prohibition on the issuance of freely transferable securities by member organizations acting primarily as registered traders and floor brokers (Const. Art. IV, sec. 2(i)); (6) elimination of the requirement that members and certain associated persons own voting stock in their member corporations, and reduction of Amex regulation of member corporation stockholders solely on the basis of such stockholding (Const. Art. I, sec. 3(e), Art. IV, sec. 2(e)(1), and numerous conforming changes); (7) deletion of the requirement that member organization principals own a fixed interest in the business of their entire organizations (Const. Art. IV, sec. 2(v)); (8) reduction of, or the establishment of standards governing, the Amex's discretionary authority to require members or member organizations to sever business connection with associated persons, including the elimination of the authority to require the severance of relationships which may be detrimental to the Amex or which may result in the domination of a member by a non-member (Const. Art. IV, sec. 2(h), Art. V, secs. 7(a) and 7(b); rules 50(a), 312(f), 312(i), and 312(o)); (9) modification of certain customer protection provisions in order to delete references to, and regulation of, limited partners and certain other associates of member organizations (rules 150(a) and 150(b), 152(a) and 152(b), 153(b), 170(e), 175, 186, 190(a) and Commentary, 193(a), and 203); (10) modification to Amex guidelines regarding admission of members and approval of certain associated persons in order to track the changes in the age and citizenship requirements described above, to eliminate the requirement that such persons be sponsored by members or members' partners, and to vest the Amex staff with the primary responsibility of admitting applicants to membership (Amex Membership Guidelines);[3] (11) incorporation of the term "associated with a member", as that term is defined in section 3(a)(21) of the act, into the Amex rules (numerous changes in the Constitution and rules); and (12) other minor conforming changes.

As noted above, the Commission is deferring final action with regard to other rule changes contained in SR-Amex-77-5, in order to study these changes in greater depth. The rule changes with respect to which action is being deferred are: (1) revisions to the definitions of "allied member" and "approved person" (Amex Const. Art. I, Secs. 3(c) and (g)); (2) definition of the term "control" for purposes of the Amex Constitution and rules and incorporation of this term into certain other rule changes (Const. Art. I, Secs. 3(c) and (g), Art. IV, Sec. 1(c); Rule Definitions, paragraph 13); (3) definition and incorporation into the Amex rules of the term "engaged in a securities or kindred business" (Const. Art. I, Sec. 3(g); Rule Definitions, paragraph 16); Rules 310(e), 342 and Commentary); (4) establishment of a requirement that the principal purpose of every member organization be the transaction of business as a broker or dealer in securities (Const. Art. IV, Secs. 2(d) and 2(e)(7); Rules 311(a) and Commentary, and 314); (5) a requirement that every member organization be organized under the laws of, and have its principal place of business in, the United States or a state thereof, with a grandfather clause exempting existing Canadian member organizations (Const. Art. IV, Sec. 2(m)); (6) new requirements governing information which members and member organizations must furnish to the Amex (Rule 310(c) and new Rule 312(c)); (7) creation of new procedures for the approval of approved persons (Rule 310(e)); (8) restrictions regarding the issuance of debt instruments by member corporations (Rule 312(h)); (9) deletion of certain customer protection rules applicable to Canadian member organizations (Commentary .20(3)-(5) to Rule 319); (10) new provisions governing the association of members, member organizations, and their associated persons with other members, member organizations, or outside persons (Rule 342 and Commentary); and (11) new criteria regarding the interests which members, member organizations and outside persons may have in the profits or losses of a specialist or registered trader joint account (Rule 365 and Commentary).

With respect to Art. I, Secs. 3(e) and (h), Art. II, Secs. 1(a), 4(b), and 4(c), Art. III, Secs. 4 and 5, Art. IV, Secs. 1(a)(2), 1(b)(2), 1(d), 2(b), 2(c), 2(e)(1) and 2(e)(4), 2(h), 2(i), 2(j), 2(k), 2(l), 2(n)-(z), 3, 4, and 6, Art. V, Secs. 3, 4, 5, and 7, and Art. VII, Sec. 1 of the Amex Constitution; Guidelines to Admission of Members; Rule Definitions, Paragraphs 1, 3, and 15; and Rules 13, 50, Commentary to 111, 150, 152, 153, 170, Commentary to 171, 175, 186, 190 and Commentary, 193, 203, 310(a), 310(b), and 310(d), 311(b) and Commentary, 312(a), 312(c) (deletion only), 312(d)-(g), 312(i)-(o), 313 and Commentary, 319 and Commentary .10 and .20(1) and (2) thereto, Commentary to 340, Commentary to 341, 413, 420, 462, 471, 521, 560, and 724, the Commission finds that such proposed rule changes as set forth in File No. SR-Amex-77-5

[1] Pub. L. 94-29 (June 4, 1975). See Securities Exchange Act Release No. 13027 (December 1, 1976), 41 FR 53557 (December 7, 1976); Securities Exchange Act Release No. 12157 (March 2, 1976), 41 FR 10662 (March 12, 1976).

[2] In some instances, the Amex has substituted the term "publicly-held securities" for the term "freely transferable securities." Amex Const. Art. I, sec. 3(h), Art. IV, sec. 2(j); Rule Definitions, paragraph 1; rule 312(j).

[3] In approving the changes to the Amex Membership Guidelines, the Commission understands that the procedures set forth in these Guidelines are descriptive only and do not purport to establish substantive standards for the admission of any person to membership or approval of any person seeking to become associated with a member or member organization.

are consistent with the requirements of the Act and rules and regulations thereunder applicable to national securities exchanges.[4] Proposed rule changes in this filing that were originally submitted as part of File No. SR-Amex-75-15 have been previously approved.[5] Proposed rule changes in this filing that were originally submitted as part of SR-Amex-75-16 have been withdrawn by the Amex.[6]

With respect to proposed Amendments to Art. I, Secs. 3(c) and 3(g), Art. IV, Secs. 1(c), 2(d), 2(e)(7) and 2(m) of the Amex Constitution; Rule Definitions, paragraphs 13 and 16; and Rules 310(c) and 310(e), 311(a), 312(c)(new), 312(h), 314, Commentary .20(3)-(5) to Rule 319, 342 and Commentary, and 365 and Commentary, the Commission is taking no final action today.[7]

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, 15 U.S.C. 78s(b)(2), that the proposed amendments to the rules enumerated above, except those with respect to which the Commission has deferred action, be, and they hereby are, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-36397 Filed 12-20-77; 8:45 am]

[4] Many of the rules amended by SR-Amex-77-5 were, as noted above, identified by the Commission, under Section 31(b) of the 1975 Amendments, as rules which might not be consistent with the Act, as amended. See n. 1 supra. Approval by the Commission of changes proposed in the subject filing to any rule thus identified is not to be construed as a statement by the Commission that the rule, as amended, has been brought into full compliance with the Act; that rule, as amended, still remains subject to the Commission's review pursuant to section 31(b) of the 1975 Amendments.

[5] Securities Exchange Act Release No. 11987 (January 7, 1976), 41 FR 2291 (January 15, 1976); Securities Exchange Act Release No. 13593 (June 2, 1977), 42 FR 30455 (June 14, 1977).

[6] Letter from Barbara G. Gerwin, Secretary, Amex, to Theodore W. Urban, Division of Market Regulation, Securities and Exchange Commission (October 6, 1977). File No. SR-Amex-75-16.

[7] On December 13, 1977, the Amex consented to an extension of time until December 16, 1977 within which the Commission is required to act pursuant to section 19(b)(2) of the Act with respect to the above rule changes contained in File No. SR-Amex-77-5.

[8010-01]

[Rel. No. 14255; SR-Amex-77-24]

AMERICAN STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

DECEMBER 12, 1977.

On October 14, 1977, the American Stock Exchange, Inc. ("Amex") 86 Trinity Place, New York, N.Y. 10006, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change. The proposed rule change[1] amends the Amex Constitution and Rules to permit a regular member of the Amex to lease his seat to any qualified person approved by the Amex.[2] Generally, a lessee would be treated as a full member of the Amex and would possess the rights and assume the responsibilities applicable to a seatholder.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 14068 (October 19, 1977)) and by publication in the FEDERAL REGISTER (42 FR 56654 (October 27, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and, in particular, the requirements of section 6 and the rules and regulations thereunder. More specifically, the Commission finds the proposed rule change is consistent with sections 6(b)(2), 6(b)(5) and 6(b)(8) of the Act. Section 6(b)(2) requires, subject to the provisions of subsection (c) of that section, that the rules of an exchange provide that any registered broker or dealer or natural person associated with such broker or dealer, may become a member of such exchange. The Amex leasing plan will have the effect of broadening access to membership on the Amex in that broker-dealers, currently unable to purchase an equity interest in the Amex, will have the alternative of gaining access through a contractual arrangement. Thus, a broker-dealer seeking temporary membership may have an alternative to paying the full purchase price of a seat.

Section 6(b)(5) requires the rules of an exchange to be designed to remove impediments to and perfect the mechanism of a free and open market. This proposal seeks to remove those barriers to exchange membership imposed by both the cost of an equity interest on the Amex and the current availability of seats for purchase. Further, section 6(b)(8) states that the rules of an exchange may not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Amex proposal would remove a burden on competition in that broker-dealers who are unable to purchase a seat on the Amex may enter into a leasing agreement and thus enhance their ability to compete with other Amex broker-dealers.

It is therefore *Ordered*, pursuant to section 19(b)(2) of the Act, That the proposed rule change filed with the Commission on October 14, 1977, be, and it hereby is, approved.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-36398 Filed 12-20-77; 8:45 am]

[1] The text of the Amex rules affected by the instant proposed rule changes are set forth as Exhibit A to File No. SR-Amex-77-24 and incorporate language which is the subject of other rule proposals currently being considered by the Commission (SR-Amex-77-5, SR-Amex-77-23). This approval of the rule changes submitted as File No. SR-Amex-77-24 does not extend to any of the language which was submitted as File Nos. SR-Amex-77-5 or SR-Amex-77-23.

[2] While the Amex does not propose to pass upon the particular terms of a lease agreement, the Commission understands that the Amex will require filing with it of all lease agreements and will review them in performance of its general self-regulatory responsibilities in this area.

[8010-01]

[Rel. No. 14258; (SR-Amex-77-29)]

AMERICAN STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

DECEMBER 12, 1977.

On October 25, 1977, the American Stock Exchange, Inc., 86 Trinity Place, New York, N.Y. 10006. Filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act") as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to amend the Exchange's indemnification provision (Art. II, Sec. 5 of the Exchange Constitution) to add employee benefit plans to the list of entities covered.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 14113 (October 28, 1977)) and by publication in the FEDERAL REGISTER (42 FR 58457 (November 9, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities ex-

changes, and in particular, the requirements of section 6 and the rules and regulations thereunder.

It is therefore *Ordered*, pursuant to section 19(b)(2) of the Act, That the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-36399 Filed 12-20-77; 8:45 a.m.]

[8010-01]

[Rel. No. 10062 (812-4227)]

FIDELITY DAILY INCOME TRUST, ET AL.

Notice of Filing of Application

DECEMBER 14, 1977.

In the matter of Fidelity Daily Income Trust, Fidelity Thrift Trust, Fidelity Municipal Bond Fund, Inc., Fidelity Exchange Fund, Fidelity Limited Term Municipals, Fidelity Aggressive Income Fund, Fidelity High Yield Municipals, 82 Devonshire Street, Boston, Mass. 02109.

Notice is hereby given that Fidelity Daily Income Trust ("Daily Income"), Fidelity Thrift Trust ("Thrift"), Fidelity Municipal Bond Fund, Inc. ("Municipal Bond"), Fidelity Exchange Fund (a limited partnership) ("Exchange"), Fidelity Limited Term Municipals ("Municipals"), Fidelity Aggressive Income Fund ("Aggressive Income"), and Fidelity High Yield Municipals ("High Yield"), each an open-end investment company registered under the Investment Company Act of 1940 ("Act") (hereinafter collectively, "Applicants") filed an application on November 4, 1977, pursuant to section 6(c) of the Act for an order of the Commission declaring that Dwight L. Allison, Jr., a Trustee of Daily Income, Thrift, Municipals, Aggressive Income and High Yield; a Director of Municipal Bond; and a Managing General partner of Exchange, shall not be deemed to be an interested person of Applicants or their investment adviser or principal underwriter within the meaning of section 2(a)(19) of the Act solely by reason of his status as (1) President and chief executive officer of the Boston Co., Inc. ("Boston"); (2) Chairman of the Board of Directors of Boston Safe Deposit and Trust Co. ("Boston Safe"); and (3) Director of the Boston Co. Financial Strategies, Inc. ("Strategies"). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

On May 10, 1976, the Commission issued an order (Investment Company Act Release No. 9284) (Original Order) pursuant to section 6(c) of the act granting an exemption from the provisions of section 2(a)(19) of the act which declared, in pertinent part, that Dwight L. Allison, Jr., shall not be deemed to be an "interested person" of the Fidelity Funds (as defined in the Original Order), or their investment adviser or principal underwriter solely by reason of his status as a Director and Chairman of the Executive Committee of Boston and a Director of Boston Safe. Applicants represent that Mr. Allison was not a Trustee of either Daily Income or Thrift, on March 1, 1976, the date of the original application (File No. 812-3921) was filed. Applicants further state that none of the other funds named in this application (namely, Municipal Bond, Exchange, Municipals, Aggressive Income and High Yield) were in existence at the time the Original Application was filed. Applicants submit that the present application relates to substantially the same situation as did the Original Application.

Mr. Allison's principal occupation is President and chief executive officer of Boston, of which he also serves as a Director. He is Chairman of the Board of Directors of Boston and a Director of Strategies. Mr. Allison also serves as a Director and/or Trustee of the Fidelity Funds named in the Original Application.

Boston Safe is a long established trust company engaged primarily in investment management and other trust company, fiduciary and related banking services, 99 percent of whose stock is owned by Boston. Boston is a holding company whose subsidiaries are engaged in providing resources management services. Strategies, a wholly owned subsidiary of Boston, currently provides financial planning and asset management services for its clients and is registered under the Investment Advisers Act of 1940. Subsequent to the date of the Original Application, Strategies formed a subsidiary, TBCFS, Inc., which has registered with the Commission as a broker-dealer under the Securities Exchange Act of 1934 (the "1934 Act"). As contemplated by the Original Application, TBCFS, Inc.'s business relates primarily to the structuring and placement or sale of oil and gas programs and other investment programs and ventures.

Applicants represent that the Trustees, Directors and Managing General Partners of the Applicants do not want to increase the number of Trustees, Directors or Managing General Partners who are "interested persons" of the Applicants within the meaning of section 2(a)(19) of the act. Accordingly, the Applicants propose to make Mr. Allison's status as a Trustee, Director or Managing General Partner of each Applicant consistent with his status as a Trustee, or Director who is not an "interested person", of the Fidelity Funds, their investment adviser or principal underwriter, as was granted by the Original Order.

Section 2(a)(19)(A)(v) and (B)(v) of the Act define an "interested person" of an investment company, an investment adviser of an investment company, or a principal underwriter for an investment company to include any broker or dealer registered under the 1934 Act or any affiliated person of such broker or dealer. An "affiliated person" under section 2(a)(3) of the Act includes any person directly or indirectly controlling, controlled by or under common control with such other person. Section 2(a)(9) of the Act provides that "control" means the power to exercise a controlling influence over the management or policies of a company, unless the power is solely the result of an official position with such company.

The application states that while there is a statutory presumption in section 2(a)(9) of the Act that a natural person is not a control person, that presumption may be rebutted by evidence and a contrary determination made by a Commission order that a director of one subsidiary may be determined to be under common control with another subsidiary. The application further states that under such an interpretation, Mr. Allison would be deemed to be an interested person of Applicants and of their investment adviser and principal underwriter. The application also states that while the Applicants do not necessarily agree with such an interpretation, they have deemed it advisable to clarify the status of Mr. Allison by applying for exercise of the Commission's exemptive authority under section 6(c) of the Act.

The application further states that, because of the special nature of the type of investments which TBCFS, Inc. is involved with, the Applicants could not legally purchase or sell such investments from or through TBCFS, Inc. because of investment restrictions, and Applicants do not intend to make any such investments. Moreover, each Applicant has specifically undertaken in the application not to transact any business with TBCFS, Inc.

The Applicants believe that the relationship of Mr. Allison with Boston, Boston Safe, Strategies and TBCFS, Inc., will not impair his independence in acting on behalf of the Applicants or any other registered investment company. The Applicants point out that Mr. Allison is not a director or officer of TBCFS, Inc., and therefore has no direct authority or responsibility for management of the operations of TBCFS, Inc. The Applicants also state that the operations of TBCFS, Inc. do not create any conflicts of in-

terest for Mr. Allison, since even if he were actively involved with the management of its affairs, Applicants would not in the normal course and, as indicated above, have agreed not to in any event, purchase or sell securities through TBCFS, Inc.

Applicants assert that Mr. Allison is a person of recognized integrity, judgment, independence, and competence in the investment company industry. Applicants are also of the opinion that Mr. Allison is in fact a disinterested Trustee, Director and Managing General Partner and that it is in the best interests of Applicants that he be permitted to serve as such.

Section 6(c) of the Act, in pertinent part, authorizes the Commission upon application to conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act or of any rule or regulation promulgated thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 9, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons, who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 36400 Filed 12-20-77; 8:45 am]

[8010-011]

[Rel. No. 10061 (811-2381)]

LIFE INVESTORS INSURANCE CO. OF AMERICA SEPARATE ACCOUNT A

No tice of Filing of Application for Order

DECEMBER 13, 1977.

Notice is hereby given that Life Investors Insurance Co. of America Separate Account A ("Applicant"), 4333 Edgewood Road Northeast, Cedar Rapids, Iowa 52406, a separate account of Life Investors Insurance Co. of America, an Iowa stock life insurer, which is registered as an open-end management investment company under the Investment Company Act of 1940 ("Act"), filed an application on November 15, 1977, pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Applicant registered under the Act on May 21, 1973. On the same date, Applicant filed a Registration Statement under the Securities Act of 1933 pursuant to which Applicant proposed to make a public offering of $25,000,000 of individual variable annuity contracts. The Registration Statement was never declared effective and no public offering was ever made. On March 22, 1976, the Commission by Order consented to the withdrawal of the Registration Statement.

On February 27, 1976, the Board of Directors of Life Investors Insurance Co. of America, Applicant's Promoter and Investment Adviser, approved the immediate liquidation of the Applicant. On the same date, Applicant filed a final annual financial report with the Iowa Insurance Department under the laws of the State of Iowa and distributed all its assets, which consisted solely of cash, to the six individual shareholders who had purchased accumulation units of Applicant pursuant to a private placement of Applicant's securities. As of that date, the Applicant wound up its affairs and its existence under Iowa law was terminated.

Applicant presently has no assets, no liabilities, and no shareholders. No public offering of Applicant's securities is being made presently and no such public offering is proposed for the future.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 9, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following January 9, 1978, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-36401 Filed 12-20-77; 8:45 am]

[8010-01]

[Rel. No. 10058 (811-1706)]

NPG GROWTH FUND, INC.

Notice of Filing of Application for an Order Declaring That the Applicant Has Ceased To Be an Investment Company

DECEMBER 12, 1977.

Notice is hereby Given that NPG Growth Fund, Inc. ("applicant"), 1200 Stewart Avenue, Garden City, N.Y. 11530, registered under the Investment Company Act of 1940 ("Act") as an open-end, non-diversified management investment company, has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant was organized under the laws of the State of New York on July

31, 1968, and registered under the Act on August 2, 1968. Applicant states that on December 8, 1976, applicant's share-holders approved a proposal to transfer substantially all of the assets of applicant to Nassau Physicians' Fund, Inc. ("Nassau"), an open-end, non-diversified management company, in exchange for shares of Nassau at net asset value, and to distribute said shares to shareholders of applicant in liquidation thereof. Applicant represents that this transfer and dissolution has been completed except for the retained sum of $5,000 to cover accrued liabilities and expenses of dissolution. Any part of the retained sum not utilized to pay liabilities and expenses of applicant will be paid over to Nassau. Applicant's certificate of dissolution was accepted by the Secretary of State of New York on June 14, 1977.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 6, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-36403 Filed 12-20-77; 8:45 am]

[8010-01]

[Rel. No. 14256 (SR-NYSE-77-21)]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

DECEMBER 12, 1977.

On August 3, 1977, the New York Stock Exchange, Inc. (NYSE), Eleven Wall Street, New York, N.Y. 10005, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the act), as amended by the Securities Acts Amendments of 1975, and rule 19b-4 thereunder, copies of a proposed rule change. The proposed rule change would, among other things,[1] permit a regular member of the NYSE to lease his seat to any qualified person approved by the NYSE.[2] Generally, a lessee would be treated as a full member of the NYSE and would possess the rights and assume the responsibilities applicable to a seatholder.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission release (Securities Exchange Act Release No. 13822 (August 22, 1977)) and by publication in the FEDERAL REGISTER (42 FR 44052 (September 1, 1977)).

The Commission finds that the portions of the proposed rule change which would permit a regular member to lease his seat[3] are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and, in particular, the requirements of Section 6 and the rules and regulations thereunder. More specifically, the Commission finds the proposed rule change is consistent with sections 6(b)(2), 6(b)(5) and 6(b)(8) of the Act.

Section 6(b)(2) requires, subject to the provisions of subsection (c) of that section, that the rules of an exchange provide that any registered broker or dealer or natural person associated with such broker or dealer, may become a member of such exchange. The NYSE leasing proposal will have the effect of broadening access to membership on the NYSE in that broker-dealers, currently unable to purchase an equity interest in the NYSE will have the alternative of gaining access through a contractual arrangement. Thus a broker-dealer seeking temporary membership may have an alternative to paying the full purchase price of a seat.[4]

Section 6(b)(5) requires the rules of an exchange to be designed to remove impediments to and perfect the mechanism of a free and open market. This proposal seeks to remove those barriers to exchange membership imposed by both the cost of an equity interest on the NYSE and the current availability of seats for purchase. Further, section 6(b)(8) states that the rules of an exchange may not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The NYSE proposal would remove a burden on competition in that broker-dealers who are unable to purchase a seat on the NYSE may enter into a leasing agreement and thus enhance their ability to compete with other NYSE broker-dealers.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, That those portions of SR-NYSE-77-21 as described herein which would enable members to lease their seats to qualified persons be, and they hereby are, approved.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-36402 Filed 12-20-77; 8:45 am]

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[1] SR-NYSE-77-21 also proposed rule changes which would amend the NYSE's certificate of incorporation and constitution to create three classes of annual memberships providing, alternatively, for (1) physical presence on the floor and maintenance of floor facilities, (2) direct telephonic and electronic access to the floor, or (3) physical presence as a market maker on the proposed options floor. Those provisions within SR-NYSE-77-21 which pertain to annual membership as an options market maker are the subject of consolidated proceedings, pursuant to section 19(b)(2) of the act, to consider whether such rule changes should be disapproved. Securities Exchanges Act Release No. 14057 (October 17, 1977). In addition, this order has no applicability to those provisions of SR-NYSE-77-21 which pertain to annual "physical presence" or "electronic access memberships." The Commission will separately address those provisions in a subsequent order.

[2] While the NYSE does not propose to pass upon the particular terms of a lease agreement, the Commission understands that the NYSE will require filing with it of all lease agreements and will review them in performance of its general self-regulatory responsibilites in this area.

[3] Certain amendments to the following sections of the NYSE Constitution are designed to permit a regular member to lease his seat to qualified persons. A list of the Articles so amended, and the specific text of such conforming amendments are included in File No. SR-NYSE-77-21 (See letter dated October 25, 1977 from Agnes Gautier of the NYSE staff to Theodore W. Urban of the Commission's staff). Those articles of the NYSE constitution affected by such amendments include Article VII, Sections 8 and 11 (Elections); Article IX, Sections 2, 6(a)(3) and 6(b) (Membership); Article X, Sections 1(a, d), 5 and 7 (Dues); Article XI, Sections 1 and 2 (Transfers of Membership); Article XIV, Section 22 (Expulsion or Suspension from Membership); Article XIV, Section 1 (Gratuity Fund); and Article XX, Section 4 (Amendment of Constitution).

[8010-01]

[Rel. No. 10057(812-4228)]

PENN STATE TAX EXEMPT INVESTMENT TRUST, SERIES 1 (AND SUBSEQUENT SERIES)

Notice of Filing of Application

DECEMBER 12, 1977.

Notice is hereby given that Penn State Tax Exempt Investment Trust, Series 1 (and Subsequent Series) ("applicant") care of E. F. Hutton & Co., Inc., One Battery Park Plaza, New York, N.Y. 10004, a unit investment trust registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of exemption from the provisions of section 14(a) of the Act and Rules 19b-1 and 22c-1 under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

E. F. Hutton & Co., Inc., Janney Montgomery Scott, Inc., and Moore, Leonard & Lynch, Inc., will act as sponsors of the applicant ("sponsors"). The objective of each series offered by the applicant will be the receipt of income exempt from Federal income taxes and Pennsylvania income and personal property taxes for its unitholders through investment in municipal bonds. Each series of applicant will governed by a trust agreement ("agreement") under which the sponsors (or any succeeding sponsor or sponsors) will act as such, United States Trust Co. of New York will act as trustee ("trustee"), and Standard & Poor's Corp. will act as evaluator ("evaluator"). Each Agreement will contain standard terms and conditions of trust common to all series. Pursuant to each agreement, the sponsors will deposit with the trustee in excess of $2,000,000 principal amount of tax-free municipal bonds, including contracts and cash for the purchase of certain of such bonds ("bonds"). Thereafter, the trustee will deliver to the sponsors registered certificates representing the entire ownership of each series. The units will then be offered for sale to the public by the sponsors. All of the bonds deposited with the trustee will be interest-bearing obligations of the Commonwealth of Pennsylvania, its counties, municipalities, authorities, or political subdivisions thereof, or issued or guaranteed by certain United States territories or possessions or authorities or political subdivision thereof, the interest on which is exempt from Federal income taxation and from Pennsylvania state income and property taxes under existing law. Applicant represents that the bonds will not be pledged or be in any other way subjected to any debt by the applicant at any time after the bonds are deposited with the trustee.

Applicant has filed simultaneously herewith a registration statement on form S-6 under the Securities Act of 1933 ("Securities Act") for a maximum of 7,000 units of fractional undivided interest in series 1 of applicant. This registration statement has not yet become effective. Applicant has also filed simultaneously herewith a notification of registration on form N-8A and a registration statement on form N-8B-2 under the Act relating to all series of the applicant.

Each series of applicant will consist of bonds, such bonds as may continue to be held from time to time in exchange or substitution for any of the bonds upon certain refunds, and accrued and undistributed interest and undistributed cash. Certain of the bonds may from time to time be sold under the circumstances set forth in the agreement, or may be redeemed or may mature in accordance with their terms. The proceeds from such dispositions will be distributed to unitholders. There is no provision in the agreement for the sale and reinvestment of the bonds.

Each unit for a particular series will represent a fractional undivided interest in that series and will be redeemable. In the event that any unit shall be redeemed, the portion of the fractional undivided interest represented by each unit outstanding will be increased. Units will remain outstanding until redeemed or until the termination of the agreement. The agreement may be terminated by 100 percent agreement of the unitholders or, in the event that the value of the bonds shall fall below an amount specified for each series, upon the direction of the sponsors to the trustee, or by the trustee without such direction, respectively. There is no provision in the agreement for the issuance of any units after the initial offering of units and such activity will not take place (except to the extent that the secondary trading by the sponsors might be deemed the issuance of units under the Securities Act).

SECTION 14(a)

Section 14(a) of the Act, in substance, provides that no registered investment company and no principal underwriter for such a company shall make a public offering of securities of which such company is the issuer unless (1) the company has a net worth of $100,000; (2) at the time of a previous public offering it had a net worth of $100,000; or (3) provision is made that a net worth of $100,000 will be obtained from not more than twenty-five responsible persons within ninety days, or the entire proceeds received, including sales charge, will be refunded.

Applicant seeks an exemption from the provisions of section 14(a) in order that it may make a public offering of units of each series as described above. Applicant represents that in connection with the requested exemption from section 14(a), the sponsors have agreed as follows: (A) to refund, on demand and without deduction, all sales charges paid by purchasers of units in the initial public offering of a series if, within 90 days from the time that the registration statement relating to such series becomes effective, either (i) the net worth of such series shall be reduced to less than $100,000, or (ii) such trust shall have been terminated; (B) to instruct the trustee on the date of deposit of each series that in the event that redemption by the sponsors of units constituting a part of the unsold units shall result in that series having a net worth of less than $2,000,000, the trustee shall terminate the series in the manner provided in the agreement and distribute any municipal bonds or other assets deposited with the trustee pursuant to the agreement as provided therein.

RULE 19b-1

Rule 19b-1(a) under the Act provides, in substance, that no registered investment company which is a "registered investment company", as defined in section 851 of the Internal Revenue Code, shall make more than one distribution of capital gains in any one taxable year. Paragraph (b) of the rule contains a similar prohibition for a company not a "regulated investment company" but permits a unit investment trust to distribute capital gain distributions received from a "regulated investment company" within a reasonable time after receipt.

Applicant proposes to make monthly distributions of principal and interest to unitholders of a series. Applicant represents that distributions of principal constituting capital gains to unitholders may arise in two instances: (1) if an issuing authority calls or redeems an issue held in the portfolio, the sums received by applicant will be distributed to unitholders on the next distribution date; and (2) if bonds are sold in order to provide funds necessary to meet redemptions each unitholder will receive his pro rata portion of the proceeds from the bonds sold. In such instances, a unitholder may receive in his distribution funds which constitute capital gains since the value of the portfolio bonds redeemed or sold may have increased since the date of initial deposit.

As stated above, paragraph (b) of rule 19b-1 provides that a unit investment trust may distribute capital gains received from a "regulated investment company" within a reasonable time after receipt. Applicant states that the purpose behind such

provision is to avoid forcing unit investment trusts to accumulate capital gains distribution received throughout the year as the result of acts of their portfolio investment companies. Applicant states that it too should not have to hold until the end of its taxable year any involuntarily realized capital gains. Applicant contends that retention of such involuntarily realized capital gains by applicant until the end of its taxable year would clearly be to the detriment of the unitholders.

In support of the requested exemption, the applicant states that the dangers against which rule 19b-1 is intended to guard will not exist in connection with any series of applicant, since neither applicant nor the sponsors have control over the events which could trigger capital gains. Applicant seeks to make a combined distribution of principal, including capital gains, and interest each month, and states that any capital gains in such distribution will be clearly indicated as such in accompanying reports to unitholders. In addition, it is alleged that the amounts involved in a normal distribution of principal will be relatively small in comparison to the normal interest distribution.

RULE 22c-1

Applicant states that the sponsors, while not obligated to do so, intend to maintain a market for the units following the initial public offering period by continuously offering to purchase units at prices in excess of the redemption price. For purposes of the secondary market transactions, an evaluation will be made by the evaluator once each week. Evaluations will be made at the expense of the applicant. Applicant contends that additional evaluations would be so costly as to significantly impair the interests of unitholders.

Applicant also states that the Sponsors have undertaken to adopt a procedure whereby the evaluator, without a formal evaluation, will provide the sponsors with estimated evaluations on trading days. In the case of a repurchase, if the evaluator cannot state that the previous Friday's price is at least equal to the current bid price, the Sponsors will order, and the applicant will pay for, a full evaluation which shall determine the repurchase price. In case of resale by the sponsors, if the evaluator cannot state that the previous Friday's price is no more than $5 per $1,000 face amount of underlying bonds greater than the current offering price, a full evaluation will be ordered. Thus, applicant contends a unitholder wishing to sell his unit will not receive less from the sponsors than he might have received from the applicant upon redemption, and a purchaser of such units from the sponsors will not pay more for a unit than approximately the current net asset value per unit. Pursuant to the above procedure, a purchaser could never lose as much as $5 on the purchase of a unit representing $1,000 face amount of underlying bonds.

Rule 22c-1 provides, in part, that redeemable securities of registered investment companies may not be sold, redeemed, or repurchased except at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading not less frequently than once daily as of the time of the close of trading on such Exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicant states that the rule has two purposes: (1) to eliminate or to reduce any dilution of the value of outstanding redeemable securities of registered investment companies which might occur through the sale, redemption, or repurchase of such securities at prices other than their current net asset values: and (2) to minimize speculative trading practices in the securities of registered investment companies.

The secondary market activities of sponsors, who may buy units, and the method of acquisition by investors of new units, may be deemed to violate rule 22-1 because of the absence of daily pricing. Applicant argues, however, that the purposes of rule 22c-1 will not be offended by the sponsors' secondary market activities. Applicant asserts that the pricing of units by the sponsors in the secondary market will in no way dilute the assets of applicant, and that unitholders will benefit from the sponsors' pricing procedure in the secondary market, since they will normally receive a higher repurchase price for their units than they could by redeeming their units at the current net asset value and that this will be accomplished without the cost burden to the Applicant of daily evaluations of the unit redemption value. Applicant also contends that speculation in units of any series is unlikely because price changes are limited in respect to the kind of bonds which will be held by such series.

Section 6(c) of the act provides that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the act or of any rule or regulation under the act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than January 6, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-36404 Filed 12-20-77; 8:45 am]

[8010-01]

[Release No. 34-14277; File No. SR-CBOE-1977-28]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 8, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

OPTIONS CONTRACTS OPEN FOR TRADING

Rule 5.5. The Securities Committee shall, from time to time, open for trading series of options in respect of underlying securities which have been approved by the Board in accordance with Rule 5.3. Only option contracts of series of options currently open for trading may be purchased or written on the Exchange. The opening of a

new series of options shall not affect other series of options of the same class previously opened. [No transaction in option contracts of a particular series shall be made after 2 p.m. on the business day prior to the expiration date of that series of options.] On the business day prior to the expiration date of particular option series, the closing rotation for such series shall commence at 2 p.m.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The purpose of this proposed rule change is to provide for the orderly termination of trading in expiring series of options on the day before expiration. Use of a closing rotation which will commence at 2 p.m. (C.S.T. time) on the day prior to expiration will provide the Exchange Board Broker and the public with a more effective means of executing all market orders and limit orders at the market before the termination of trading in those expiring series.

The initiation of such a closing rotation at 2 p.m. is more beneficial to the public than either: (1) commencing the rotation prior to that time or (2) eliminating the rotation completely. If a closing rotation were begun sometime in advance of 2 p.m., in all probability almost all series would be closed prior to 2 p.m. This would result in precluding a significant portion of the public from participating in the marketplace prior to the termination of trading in expiring series. If the closing rotation were eliminated, experience has shown that the public would be adversely affected, for the public is most active with cancel-and-replace orders in the final minutes before the 2 p.m. termination. Consequently, it is possible that Board Brokers and Floor Brokers would receive large numbers of order instructions just prior to 2 p.m. which, depending upon the volume thereof, might be impossible to execute by 2 p.m. Consequently, in light of the above adverse effects of the two alternatives, the Exchange believes the interests of maintaining fair and orderly markets and the protection of the public dictate the proposed change to the Exchange's Rules.

The basis of the proposed rule is that provision of section 6(b)(5) of the Act which requires that the Exchange's rules protect investors and the public interest.

Comments were not solicited from members regarding this proposed rules change.

No burden will be imposed upon competition as a result of this proposed rules change.

On or before January 25, 1978 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or;

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by January 11, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 15, 1977.

[FR Doc. 77-36405 filed 12-20-77; 8:45 am]

[8010-01]

[Release No. 34-14266; File No. SR-MSE-77-38]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 27, 1977, the above-mentioned self-regulatory orgranization filed with the Securities and Exchange Commission a proposed rule change as follows:

MSE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Midwest Stock Exchange, Inc. ("MSE") hereby proposes to eliminate its policy related to Article XLVIII, Rule 6, whereby discretionary agreements must be renewed annually in writing for all discretionary accounts for which options are traded. This policy is presently stated in paragraph (4) of the Discussion following Rule 6 in the Exchange's publication "Doing Option Business With the Public," 12 (November, 1976). The Exchange proposes to treat this policy as a rule change under section 19(b) of the Securities Exchange Act of 1934, as amended by the Securities Acts Amendments of 1975.

MSE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change to MSE policy is intended to reduce the paperwork burdens of its members and to protect investors in those instances when they are unable to be reached and discretionary action would be desirable for them. Additionally, it is intended to make the MSE Rules uniform with those of other exchanges.

Due to the expansion of the options industry, the requirement of annual renewal of discretionary authority is causing a significant paperwork problem for members. In addition, as the rule presently stands, members would be required to discontinue exercising discretion in a customer's account unless they could obtain a timely renewal. In the event a timely renewal could not be obtained, for example, if the customer were traveling or unable to be located for some other reason, the member's inability to continue to exercise discretion could cause the investor losses and could result in unwanted member/public customer controversy.

Moreover, the public and the members will be protected because most discretionary authorization forms contain a provision that the authorizations are valid until terminated. Thus, a customer will be able to enjoy discretionary management of his account until he takes affirmative action to terminate that relationship.

Finally, the requirement that each discretionary order be approved and initialed by a Registered Options Principal (or in the case of a branch office, the branch manager subject to ROP confirmation) and the requirement that each discretionary account be reviewed by a Registered Options Principal on a basis more frequent than he would review other accounts will provide the requisite degree of supervisory control for the protection of investors and the members.

The rule change proposed herein is consistent with the requirements of section 6(b)(5) which, in pertinent part, require that the Rules of the Exchange be designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling and processing information with respect to and facilitating transactions in securities and in general to protect investors and the public interest.

The Midwest Stock Exchange, Inc. has neither solicited nor received any comments.

The Midwest Stock Exchange, Inc. believes that no burdens have been placed on competition.

On or before January 25, 1978 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or;

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by January 11, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 13, 1977.

[FR Doc. 77-36406 Filed 12-20-77; 8:45 am]

[8010-01]

[Release No. 34-14275; File No. SR-NASD-77-22]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), as amended by Pub. L. No. 94-29, Section 16 (June 4, 1975), notice is hereby given that on December 2, 1977, the National Association of Securities Dealers, Inc. ("NASD") rescinded a rule which had become effective upon filing (SR-NASD-77-16, filed October 6, 1977, published in 42 FR 59148 (November 15, 1977)) pursuant to Section 19(b)(3)(A) of the Act and which had reduced the variable portion of its annual membership assessment. It simultaneously submitted a new proposal (SR-NASD-77-22) identical in substance to the one submitted as SR-NASD-77-16. The proposal submitted as SR-NASD-77-22 became effective upon filing pursuant to Section 19(b)(3)(A) of the Act. Use of this section is authorized because the new proposal establishes or changes a due, fee, or other charge.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection in the SEC's Public Reference Room 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the NASD. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 5, 1978.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

DECEMBER 15, 1977.

[FR Doc. 77-36407 Filed 12-20-77; 8:45 am]

[8010-01]

[Release No. 34-14259; File No. SR-NYSE-77-31]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 17, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

TEXT OF PROPOSED RESCISSION

[Rule 357. Members and member organizations shall keep on file, for at least two weeks, all communications sent and received over private wires, for possible inspection by the Exchange.]

PURPOSE OF PROPOSED RULE CHANGE

The proposed change would rescind the requirement that a member or member organization keep all communications sent or received over private wires for at least two weeks since it is superfluous. SEC regulations require registered broker/dealers to retain for a period of not less than three years, originals of all communications received and copies of all communications sent including inter-office memoranda, relating to their business.

NYSE's STATED BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

The proposed rescission of Rule 357 is consistent with Section 17(a) of the Act as follows:

(i) Inapplicable.
(ii) Inapplicable.
(iii) Inapplicable.
(iv) Inapplicable.
(v) The proposed rescission fosters cooperation and coordination with other persons engaged in regulating the securities industry by deleting a record keeping requirement which is not consistent with Section 17(a) of the Act.
(vi) Inapplicable.
(vii) Inapplicable.
(viii) Inapplicable.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

No comments were solicited or received with respect to the proposed rule change.

BURDEN ON COMPETITION

There will be no burden on competition.

On or before January 24, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption

above and should be submitted on or before January 11, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 12, 1977.

[FR Doc. 77-36408 Filed 12-20-77; 8:45 am]

[8010-01]

[Release No. 34-14279; File No. SR-NYSE-77-33]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Changes

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 17, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes to section 3 Second of Article XI, sections 2 and 3 of Article XII, Rules 7, 14, 45, 132 through 143, 152, 165, 167, 176 through 211, 281 through 288, 293, 295, 376, 411 and 412. A summary of the substance of the proposed rule changes is attached hereto as Exhibit I.

STATEMENT OF BASIS AND PURPOSE

In a letter dated September 27, 1977, the Commission cited transaction completion rules of the self-regulatory organization that do not comply with the Act as amended by the Securities Acts Amendments of 1975. The Commission requested that the organization submit proposed rule changes to conform such rules to the Act as amended or to submit further arguments concerning why no changes to the cited rules are necessary or appropriate. The above-mentioned proposed rule changes were submitted in partial response to that letter. In addition to the proposed rule changes, the New York Stock Exchange, Inc. ("NYSE") submitted a letter dated November 11, 1977, further discussing the effect that the proposed rule changes will have on transaction completion activities.

PURPOSE OF PROPOSED RULE CHANGES

The purpose of proposed changes to section 2 of Article XII and Rule 45 is to apply Exchange rules only to members' transactions effected on the Exchange, except for certain contracts not made on the Exchange, e.g., contracts for the borrowing and loaning of securities and money.

The purpose of proposed changes to section 3 of Article XII and Rules 7, 14, 45, 132 through 143, 152, 165, 167, 176 through 211, 281 through 288, 293, 295, 376, 411 and 412 is to: (i) Eliminate the requirement that delivery and payment on every Exchange contract be made through National Securities Clearing Corp. unless it is otherwise agreed or stated in the bid or offer; (ii) eliminate references to the Stock Clearing Corp. and Stock Clearing Corp. Division of NSCC from the rules enumerated above; and (iii) provide that Exchange rules 140, 156, 175, 177 through 179, 182, 184 through 188, 191 through 193, 195, 197 through 199, 201 through 208, 210, 212 through 225, 255 through 259 and 265 through 275 shall not apply to transactions governed by the Rules of a Qualified Clearing Agency.

The purpose of the Amendments to Rule 132 is threefold.

(a) It clarifies the fact that Exchange members can compare and settle transactions through any Qualified Clearing Agency or by some other means, e.g., "over-the-window."

(b) It defines a "Qualified Clearing Agency" as an agency that:

(i) Is registered as a clearing agency with the Securities and Exchange Commission under the Securities Exchange Act of 1934;

(ii) Maintains facilities through which Exchange contracts may be compared and settled; and

(iii) Agrees that it will provide the Exchange with data that the Exchange reasonably requires for regulatory and surveillance purposes, e.g., to maintain control over the number of uncompared transactions a member may have and the ability to reconstruct markets.

(c) It requires that transactions effected on the Trading Floor be compared and settled in accordance with Exchange rules if the transactions are rejected by a Qualified Clearing Agency or the transactions are compared and settled by some other means, e.g., "over-the-window."

The purpose of the proposed change to section 3 Second of Article XI is to eliminate the Stock Clearing Corp. from the order of priorities in the disposition of the proceeds resulting from the transfer of a membership.

The proposed rule changes relate to section 6(b)(5) of the Securities Exchange Act of 1934, as amended, in that they would foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities.

The Exchange has not solicited comments regarding the proposed rule changes and has received none.

The Exchange does not believe that the proposed rule changes will impose any burden on competition.

On or before January 24, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 11, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

DECEMBER 15, 1977.

EXHIBIT I

SUMMARY OF PROPOSED AMENDMENTS TO "TRANSACTION COMPLETION" RULES

Section 3, Second Article XI

This Section of the Constitution places the Stock Clearing Corportation second in the order of priorities in the proceeds resulting from the transfer of a membership (the Exchange is first in order of priority). This provision is no longer considered necessary by the Exchange, and is proposed for rescission.

Section 2, Article XII

This Section of the Constitution subjects all Exchange contracts to the Constitution and rules of the Exchange and permits the Board to subject such contracts to the authority vested in the Board by the Constitution. This provision is no longer considered necessary by the Exchange and is proposed for rescission.

Section 3, Article XII

This Section of the Constitution requires that on every Exchange contract, (i.e., contracts not made between members pursuant to the rules of another exchange) delivery and payment shall be made through the National Securities Clearing Corporation unless it is otherwise agreed or stipulated in the bid or offer. Parties who elected to clear and settle a transaction through NSCC but are not members thereof, are required to have a member clear and settle the transaction for them. Since the Exchange is proposing that Exchange members be permit-

ted to compare and settle their transactions effected on the Floor through a Qualified Clearing Agency or by some other means, i.e., "over-the-window" (see Rules 45 and 132) this provision is proposed for rescission.

Rule 7.—Defines an "Exchange ticket" as prescribed in the rules of the Stock Clearing Division of NSCC—rescinded since the definition is no longer necessary.

Rule 14.—Defines terms relating to the "Stock Clearing Corporation" and the "National OTC Clearing Corporation" as meaning the SCC Division of National Securities Clearing Corporation, and NCC Division of National Securities Clearing Corporation, respectively. This Rule can be rescinded since these terms have been deleted from Exchange rules.

Rule 45.—This Rule applies Exchange rules 46 through 294 to contracts made on the Exchange as well as to certain contracts not made on the Exchange. The proposed amendments to this Rule would: i) apply Exchange rules 46 to 294 only to contracts made on the Exchange, except that Rules 151 to 160 and Rule 294 will apply to contracts made off the Exchange for the Borrowing and loaning of securities and money; and ii) Rules 140, 156, 175, 177 through 179, 182, 184 through 188, 191 through 193, 195, 197 through 199, 201 through 208, 210, 212 through 225, 255 through 259 and 265 through 275 shall not apply to transactions governed by the rules of a Qualified Clearing Agency (QCA).

Rule 132.—Generally sets forth requirements for comparison of transactions which *are* to be cleared through the Stock Clearing Corporation division (SCCD). Proposed amendments rescind present Rule 132 and provide that members and member organizations can compare, clear and settle transactions through any QCA that has the ability to process such transactions; or by some other means, e.g., "over-the-window." this rule also contains the definition of a QCA.

Rule 133.—Sets forth requirements for comparison of transactions which are *not* to be cleared through SCCD. Proposed amendments provide procedures for the comparison of transactions *not* to be cleared through a QCA in accordance with its rules.

Rule 134.—Sets forth procedures for the *on-Floor* resolution of uncompared transactions that were submitted to SCCD for comparison. The proposed amendments permit the rules of a QCA to be followed, or in the absence of such rules the provisions of Rule 134. In any event, uncompared transactions must be closed out within five business days after the trade date of a transaction, regardless of the rules of a QCA.

Rule 135.—Sets forth procedures for the on-Floor resolution of uncompared trades that *were not* submitted for comparison through SCCD. Proposed amendments make the provisions of the rule apply to the resolution of uncompared trades that *were not* compared through a QCA pursuant to its rules.

Rule 136.—Requires that transactions which were to be cleared through SCCD, but were omitted for some reason from a clearance to be compared in accordance with Rule 133. Proposed amendments apply comparison provisions of Rule 133 to a contract that was omitted from the comparison and clearance procedures of a QCA.

Rule 137.—Sets forth form and procedures to be followed in exchanging contracts on "sellers' option" contracts in stocks, "sellers' option" contracts in bonds for more than seven days, and all transactions made "when issued" and "when distributed" that are *not* cleared through SCCD. Proposed amendments apply the form and procedures of Rule 137 to contracts specified above to transactions *not* to be cleared pursuant to the rules of a QCA.

Rule 138.—Sets forth time schedules when a member "gives up" the name of another member or member organization in a transaction. Provides for transactions that are to be cleared through SCCD and transactions that are to be cleared by another means, i.e., "over-the-window." Proposed amendment eliminates SCCD and provides that "give-ups" between *members* or *member organizations* may be made through any QCA, pursuant to its rules.

Rule 141.—Permits a member to send a "fail to deliver" notice to a member who has failed to deliver securities that were *not* inclued in the CNS System of SCCD. Proposed amendment *excludes* contracts submitted to a QCA for comparison and settlement pursuant to its rules.

Rule 142.—Provides that an error made in the comparison, clearing and delivery process, or a failure to follow such process does not have the effect of creating or cancelling a contract. The proposed amendments made clear that the Rule also applies to transactions submitted to a QCA.

Rule 143.—Provides that orders or contracts reported or issued by SCCD to its members are binding on its members. The Rule is proposed for rescission, since a QCA should enforce a rule of this type directly.

Rule 152.—Provides that a loan of securities not returned on the due date shall become a "fail to deliver." Unless the contract was cleared through SCCD, the contract can be cancelled by mutual consent. The proposed rule change eliminates reference to SCCD and permits a loan contract to be cancelled by mutual consent unless submitted to a QCA for comparison and settlement pursuant to its rules.

Rule 165.—Permits a partially unsecured party to a contract to demand from the other party the difference between the contract price and the market price, unless included in the CNS System of SCCD. Payments may be made directly or through the SCCD. Proposed amendment will permit members to mark contracts to the market unless a QCA marks contracts to the market under its rules. Payment may be made directly or through a QCA, its rules permitting.

Rule 167.—Permits cash deposits made as a result of a contract being marked to the market to be payed through and held by the SCCD. This Rule is proposed for rescission, since 1) such a rule should be part of the rules of a QCA, and 2) the SCCD no longer provides this service.

Rules 176, 180, 181, 183, 189, 190, and 194.—These Rules describe what constitutes a "good delivery" on an Exchange Contract, i.e., delivery of securities either "over-the-window" or to or by Stock Clearing Corporation Division or by National Stock Clearing Corporation (SCCD) or NSCC. The amendments to such Rules will permit deliveries on an Exchange contract to be made either "over-the-window", or delivered pursuant to the rules of a QCA.

Rules 196, 200, 209, and 211.—These Rules describe the proper form of an assignment on a certificate necessary for "good delivery" so as to assure expeditious handling of such certificates and prompt transfer. The amendments to these Rules will essentially retain the same proscription with respect to the form of an assignment but such proscription will be confined only to "over-the-window" deliveries.

Rule 281.—Members having open contracts with insolvent members shall close out such contracts as soon as possible, except insofar as the rules of SCCD are applicable and provide the method of closing. The proposed amendment eliminates reference to SCCD and provides that contracts of insolvent members may be closed, except insofar as the rules of QCA are applicable and provide the method of closing.

Rule 282.—Provides the mandatory buy-in of "fail to deliver" contracts after 30 days have elapsed from the due date of the delivery of the contract, except contracts included in the CNS System of SCCD. Proposed amendment would eliminate reference to SCCD and exclude contracts governed by the rules of a QCA.

Rule 284.—Permits members to buy in "fail to deliver" contracts that are not included in the CNS System of SCCD on the same day that delivery is due. Proposed amendments would eliminate reference to SCCD and exclude contracts governed by the rules of QCA.

Rule 285.—Requires members who receive buy-in notices because they have failed to deliver securities on the due date to pass such notices along to successive failing parties. The proposed amendment would extend the pass-along requirement to members' contracts submitted to a QCA.

Rule 287.—When buy-in notices have been passed to successive failing parties, liability for loss, if any, shall be passed to each successive party in interest when the contract is closed. The proposed amendment will include contracts of succeeding parties in interest when contracts have been closed pursuant to the rules of a QCA.

Rule 288.—When a contract, including contracts contained in the CNS System of SCCD, is closed, notice of such closing shall be sent to each successive party in interest immediately. The proposed amendment eliminates reference to SCCD and substitutes a QCA.

Rule 293.—Permits a member to close a contract in unlisted securities or in securities suspended from dealings on the Exchange in the best available market. Proposed amendments eliminates the reference to unlisted securities, and excludes contracts governed by the rules of a QCA.

Rule 295.—Provides that when contracts included in the CNS System of SCCD are closed because the member (of the Exchange) has become insolvent, the close-out of such contracts may be made at members' rates. The rule is proposed for rescission, since members' rates are now fully negotiated.

Rule 376.—Permits Floor brokerage to be payed through SCCD. This Rule is proposed for rescission, since members should be free to make such payments through any QCA.

Rule 411.60.—Provides that when a customer has a transaction executed by a member organization other than the organization carrying his account, the executing member will clear such transaction [through SCCD]. The proposed rule change permits the member organizations to clear the transaction pursuant to the rules of a QCA, or the rules of the Exchange, as arranged between them.

Rule 412.—Provides that when a customer transfers his account from one member firm to another, the transfer shall be made through SCCD. The proposed amendment

will permit the transfer of accounts to be made through a QCA, or by some other means, i.e., "over-the-window."

[FR Doc. 77-36409 Filed 12-20-77; 8:45 am]

[8010-01]

[Release No. 34-14280; File No. SR-NYSE-77-34]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 17, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

In a letter dated September 27, 1977, the Commission cited transaction completion rules of the self-regulatory organization that do not comply with the Act as amended by the Securities Acts Amendments of 1975. The Commission requested that the organization submit proposed rule changes to conform such rules to the Act as amended or to submit arguments concerning why no changes to the cited rules are necessary or appropriate. The following proposed rule change was submitted in partial response to that letter. In addition to the proposed rule change, the NYSE submitted by letter dated November 11, 1977, data, views and arguments as to why it is not amending other provisions of Rule 496 which were cited by the Commission in its September 27, 1977 notice to the NYSE pursuant to Section 31(b) of the Securities Acts Amendments of 1975.

The following provisions are to be added to Rule 496 of the New York Stock Exchange, Inc. (the "Exchange"):

New Language Italicized

. . . Supplementary Material:

.10 Capital—In the case of a transfer agent which has capital, surplus (both capital and earned), undivided profits, and capital reserves aggregating at least $2,000,000 and maintains insurance covering losses resulting from any negligence, error or omission on its part which insurance provides such coverage in an amount not less than the difference between $10 million and the aggregate of such transfer agent's capital, surplus, undivided profits, and capital reserves, the Exchange will waive the $10 million requirement in paragraph (3) of Rule 496. The Exchange will also waive such requirement if provided with an unconditional guarantee by the parent or an affiliate of the transfer agent or by such other party as may be acceptable to the Exchange in form satisfactory to the Exchange guaranteeing the transfer agent's performance of the provisions of its agreement with the Exchange and indemnifying all persons who do business with such transfer agent.

.20 Insurance—In case of a transfer agent which maintains insurance coverage of at least $15 million to protect securities while in transit or in process and acts for less than 10 listed issues under the Rule, the Exchange will waive the $25 million requirement in paragraph (8) of Rule 496.

.22—Each transfer agent will be expected to review carefully a need for insurance coverage greater than that provided by the required minimums of this Rule. Where experience or the value of securities normally in transit or process warrants additional coverage, the Exchange expects the transfer agent to acquire it. Each transfer agent shall immediately advise the Exchange if its insurance is entirely or partially cancelled. Full details should be given in writing.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The existing "capital" provision of the Rule requires that a transfer agent have capital, surplus (both capital and earned), undivided profits and capital reserves aggregating at least $10 million. It is proposed that such requirement would be waived if a transfer agent could demonstrate having at least $2 million in capital, as defined, and possession of insurance coverage extending to losses resulting from any negligence, error or omission on its part in an amount not less than the difference between $10 million and the aggregate of such transfer agent's capital. The Exchange would also recognize an unconditional guarantee by the parent or an affiliate of the transfer agent or by such other party as may be acceptable to the Exchange guaranteeing the transfer agent's performance of the provisions of its agreement with the Exchange and indemnifying all persons who do business with such transfer agent.

These proposed amendments to the Rule are aimed at providing alternative measurements and additional flexibility for potential transfer agents desirious of qualification under the Rule.

The existing provision of the Rule, calling for transfer agents to maintain at least $25 million in insurance to protect securities while in transit or in process, is also proposed for amendment. Such amendment would permit a transfer agent to carry $15 million in such insurance provided that an agent acts for 10 issues or less under the Rule. It would be required, however, that transfer agents carefully review any need for insurance coverage greater than that provided by the proposed minimums set forth in Rule 496, as amended. The Exchange will expect a transfer agent to acquire additional coverage where experience or the value of securities normally in transit or process warrants such additional coverage. These suggested amendments have been proposed to render a measure of relief from the current standard to agents acting for a small number of listed issues while, at the same time, maintaining such minimum standards with respect to capital and insurance coverage necessary for the public interest, the protection of investors and the safeguarding of securities transactions.

The prompt and accurate clearance and settlement of securities transactions, including the transfer of record ownership and the safeguarding of securities and funds related thereto, is specifically stated in Section 17A(a)(1) of the Act as an objective thereof and the proposed rule change is designed to advance the attainment of this objective in a manner consistent with the public interest, the protection of investors and the safeguarding of securities transactions.

The amendments to Exchange Rule 496 are aimed at providing an increased level of competition among transfer agents while maintaining such minimum standards with respect to capital and insurance coverage believed necessary for the public interest, the protection of investors, and the safeguarding of securities transactions.

The Exchange will forward copies of the proposed rule change to the Stock Transfer Association, the various regional transfers associations throughout the United States and to all presently qualified transfer agents upon printing of the proposal in the FEDERAL REGISTER. In addition, notice will be placed in the "Weekly Bulletin" of the Exchange. By these means, transfer agents—both those presently qualified under Rule 496 and others—will have an opportunity to review and make known their comments to the Commission on the proposed rule change.

BURDEN ON COMPETITION

The New York Stock Exchange does not believe that the proposed rule change will impose any burden on competition that is either inappropriate or unnecessary in furtherance of the Act.

On or before January 24, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above mentioned

self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number reference in the caption above and should be submitted on or before January 11, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

DECEMBER 15, 1977.

[FR Doc. 77-36410 Filed 12-20-77; 8:45 am]

[8010-01]

[Release No. 34-14267; File No. SR-NYSE-77-29]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 14, 1977, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

TEXT OF PROPOSED RULE CHANGE

The text of the proposed rule amendments is attached as exhibit I-A.

NYSE'S STATEMENT OF PURPOSE OF PROPOSED RULE CHANGE

(a) The proposed amendments would conform the options margin requirement with the provision in Regulation T that requires convertible or exchangeable securities, other than warrants, be "immediately" convertible or exchangeable before they may be used to eliminate margin to make such conversion. The proposed amendments would also eliminate reference to six months and ten days as the general length of options contracts as this time period is obsolete and shorter than the period for which listed options are now issued.

(b) The proposed amendments would permit a member organization to establish a nonpurpose loan account and permit a member organization to extend credit to the fullest extent permitted by Regulation T, which permits unsecured or partly secured nonpurpose loans. Therefore, the account would be exempt from standard maintenance requirements provided that any margin deficiency between the margin deposited by the customer and the margin required by the other provisions of the rule are charged to the carrying firm's net capital. Unsecured loans would be charged to net capital in their entirety.

NYSE'S STATEMENT OF BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

The proposed amendments to Rule 431(c)(7) and (d)(2) are consistent with Sections 6(b)(5) and 6(b)(8) of the Act as follows:

(i) Inapplicable.
(ii) Inapplicable.
(iii) Inapplicable.
(iv) Inapplicable.
(v) The proposed rule amendments will foster cooperation and coordination with persons engaged in regulating the extension of credit with respect to securities transactions, thereby facilitating transactions in securities, and removing impediments to and perfecting the mechanism of a national market system.
(vi) Inapplicable.
(vii) Inapplicable.
(viii) Inapplicable.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

No comments were solicited or received with respect to the proposed rule change.

NYSE'S STATEMENT OF BURDEN ON COMPETITION

There will be no burden on competition.

On or before January 24, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection in the Public Reference Room, 1100 "L" Street, NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 11, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 13, 1977.

EXHIBIT I

New language *italicized* deletions [bracketed].

PROPOSED AMENDMENT TO RULE 431(C)(7)

Margin Requirements

Exceptions to rule

(c) The foregoing requirements of this Rule are subject to the following exceptions:

* * * * *

(7) NonPurpose Loan Accounts.—In a nonpurpose loan account, a member organization may extend and maintain credit to or for any customer without collateral or on any collateral whatever, provided:

(A) The account is recorded separately and confined to the transactions and relations specifically authorized by Regulation T of the Board of Governors of the Federal Reserve System;

(B) The account is not used in any way for the purpose of evading or circumventing any regulation of the Exchange or of the Board of Governors of the Federal Reserve System; and

(C) The amount of any deficiency between the margin deposited by the customer and the margin required by the other provisions of this Rule shall be considered as a debit item in the computation of the Net Capital of the member organization under the Exchange's Capital Requirements.

(The term "nonpurpose loan" has the meaning given it in sections 4(f)(8) and 7(c) of Regulation T.)

PROPOSED AMENDMENTS TO RULE 431(D)(2)

Margin Requirements

Puts, Calls And Other Options

* * * * *

(D) Each such put or call shall be margined separately and any difference between the market price of the underlying security and the exercise price of a put or call shall be considered to be of value only in providing the amount of margin required on that particular put or call. Substantial additional margin must be required on options issued, guaranteed or carried "short" with an unusually long period of time to expiration [(generally, more than six months and ten days)], or written on securities which are subject to unusually rapid or violent changes in value, or which do not have an active market, or where the securities subject to the option cannot be liquidated promptly.

* * * * *

(G)(i) Where a call is issued, guaranteed or carried "short" against an existing net "long" position in the security under option or in any security *immediately* exchangeable or convertible, *other than warrants*, [within a reasonable time] without restriction [other than] *including* the payment of money into the security under option, no margin need be required on the call, provided (*1*) [(i)] such net long position is adequately margined in accordance with this Rule and (*2*) [(ii)] the right to exchange or convert the net "long" position does not expire on or before the date of expiration of the "short" call. [except that where a call is issued, guaranteed or carried "short" against a net "long" position in an exchangeable or convertible security, as outlined above, margin shall be required on the call equal to any amount by which the conversion price of the "long" security exceeds the exercise price of the call.] Where a put is issued, guaranteed or carried "short" against an existing net "short" position in the security under option, no margin need be required on the put, provided such net "short" position is adequately margined in accordance with this Rule.

(ii) Where a call is issued, guaranteed or carried "short" against an existing net "long" position in a warrant convertible into the security under option, margin shall be required on the call equal to any amount by which the conversion price of the "long" warrant exceeds the exercise price of the call, provided (1) such net long position is adequately margined in accordance with this Rule and (2) the right to convert the net "long" position does not expire on or before the date of expiration of the "short" call. However, when a payment of money is required to convert the "long" warrant such warrant shall have no value for purposes of this Rule.

(iii) In determining net "long" and net "short" positions, *for purposes of (G) (i) and (ii) above*, offsetting "long" and "short" positions in exchangeable or convertible securities (*including warrants*) or in the same security, as discussed in Paragraphs (c)(1) and (c)(4) of this Rule, shall be deducted. In computing margin on such an existing net stock position carried against a put or call, the current market price to be used shall not be greater than the *exercise* [call] price in the case of a call or less than the [put] *current market* price in the case of a put and *the required margin shall be increased by any unrealized loss.* [when a payment of money is required to exchange or convert the net "long" security such security shall have no value for purposes of this Rule.]

[FR Doc. 77-36411 Filed 12-20-77; 8:45 am]

[8010-01]

[Release No. 34-14278; File No. SR-PSE-77-36]

PACIFIC STOCK EXCHANGE INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. 94-29, 16 (June 4, 1975), notice is hereby given that on December 12, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Pacific Stock Exchange Incorporated ("PSE") hereby requests to amend Rule VI, section 4(b) as follows (brackets indicate deletions and italics indicate additions):

RULE VI—EXCHANGE OPTIONS TRADING

Rules principally applicable to Trading of Option Contracts Series of Options Open for Trading.

Sec. 4.

(b) [No transaction in option contracts of a particular series of options shall be effected after 12:00 Noon on the business day prior to the expiration date of that series.] *At 12:00 Noon on the business day prior to the expiration date of a particular series of options, a closing rotation pursuant to PSE Rule VI, Sec. 36, shall commence in that series of options.*

Exchange's Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change, is to eliminate the requirement that trading be halted at 12:00 Noon in a particular series of options on the business day prior to the expiration date of that particular series. The PSE believes that a closing rotation in a particular series of options at 12:00 Noon on the business day prior to the expiration of that particular series would allow public market and/or limit orders in that particular series to be executed in a manner which would maintain a fair and orderly market place under any market condition.

The proposed rule change, by establishing a closing rotation at 12:00 Noon, on the business day prior to the expiration date of a particular series of options, enables the PSE to maintain a fair and orderly market place under any market conditions, which is in compliance with the Act and the rules and regulations thereunder.

Comments have neither been solicited nor received from members on the proposed rule change.

The proposed rule change imposes no burden upon competition.

On or before January 24, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 11, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

DECEMBER 15, 1977.

[FR Doc. 77-36412 Filed 12-20-77; 8:45am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1408]

NEBRASKA

Declaration of Disaster Loan Area

The listing below of the 24 counties and adjacent counties within the State of Nebraska constitute a disaster area as a result of natural disasters as indicated.

County	Natural disaster(s)	Date(s)
Adams	Hail, excessive rainfall, flood.	Sept. 11, 1977.
Box Butte	Hailstorm	Aug. 4, 18, 30, 1977.
Buffalo	do	Sept. 11, 1977.
Clay	do	Aug. 3, 1977, Sept. 11, 1977.
Custer	do	July 7, 1977.
Dawson	do	July 24, 1977.
Dixon	do	Aug. 20, 1977.
Dundy	do	May 24, June 13 and 18, Sept. 1, 1977.
	High winds	Sept. 8, 1977.
	Flooding	Sept. 1, 1977.
Frontier	Hailstorm	May 30, June 4, July 2, July 7, 1977.
	Tornado	June 30, 1977.
Hall	Hailstorm and windstorm.	Sept. 11, 1977.
Harlan	Hail and windstorms.	June 16, Aug. 8, 25, 1977.
Hayes	Hailstorms	July 7 and 12, 1977.
Hitchcock	do	May 20, July 31, Aug. 14, 1977.
Kimball	do	June 9, 11, 18, and 21, July 3, 1977.
Lincoln	Hailstorms and heavy rain.	May 20, July 11, Aug. 3, 1977.
	Tornado	July 9, 1977.
Morrill	Hailstorm	Aug. 24, 26, 1977.
Platte	Hailstorm and heavy rains.	Aug. 20, 1977.
Saunders	Wind and hailstorms.	July 16, 17, and 24, 1977.
	Tornado	Aug. 24, 1977.
Scotts Bluff	Hailstorms	Aug. 3 and 8, 1977.
Thayer	Hail and wind	June 12, 1977.
	Hail, wind, and heavy rain.	July 28, Aug. 3, 1977.
Thurston	Hail and tornado	June 30, 1977.
	Hail	July 6, Aug. 20, 1977.
	Hail and wind	Aug. 9, 1977.
Valley	Hailstorm	July 7, 1977.
Wayne	do	Aug. 20, 1977.
York	Hail and windstorm.	June 17, 1977.

Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on February 16, 1978 and for economic injury until the close of business on September 13, 1978, at:

Small Business Administration, District Office, Empire State Building, 19th and Farnam Street, Omaha, Nebr.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: December 13, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc. 77-36215 Filed 12-20-77; 8:45 am]

[4710-02]

DEPARTMENT OF STATE

Agency for International Development

BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a)(2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the 15th meeting of the Board for International Food and Agricultural Development on January 9, 1978.

The purpose of the meeting is to review the guidelines for formula funding and minority institution grants for strengthening title XII participatory capabilities of universities; to review the proposed revisions of A.I.D. procurement policies, provisions and procedures for title XII programs; to review the conceptual model for baseline studies; to continue discussions on the question of title XII activities in middle income countries; to study models for strengthening A.I.D. professional agricultural capacity; to further plan input for the annual report to Congress; to consider country program guidelines; to consider recommendations regarding criteria for inclusion of universities on the title XII Roster; and to receive the reports of the Joint Committee on Agricultural Development and the Joint Research Committee.

The meeting will begin at 9 a.m., adjourn at 4:30 p.m., and will be held in room 1107, State Department Building, 21st and C Streets NW., Washington, D.C. The meeting is open to the public. Any interested person may attend, may file written statements with the Board before or after the meeting, or may present oral statements in accordance with procedures established by the Board, and to the extent the time available for the meeting permits.

Dr. Erven J. Long, Associate Assistant Administrator, Development Support Bureau, A.I.D., is designated as A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at 703-235-2243.

Dated: December 14, 1977.

ERVEN J. LONG,
A.I.D. Advisory Committee Representative, Board for International Food and Agricultural Development.

[FR Doc. 77-36300 Filed 12-20-77; 8:45 am]

[4710-02]

JOINT COMMITTEE ON AGRICULTURAL DEVELOPMENT OF THE BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a)(2) Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the sixth meeting of the Joint Committee on Agricultural Development of the Board for International Food and Agricultural Development on January 10 and 11, 1978.

The purpose of this meeting is to receive a progress report on the development of criteria for university inclusion on the roster; to further consider the Committee guidelines; to receive a progress report on baseline studies; to review the status of title XII projects in Asia, Africa, Latin America, and the Near East; and to consider other business brought before the Committee.

The meeting will begin at 9 a.m. and will adjourn at 5 p.m. on January 10, 1978, and will reconvene at 8:30 a.m. and adjourn at Noon on Januray 11, 1978. The meeting on both days will be held in the Arlington Room of the Quality Inn, Pentagon City, 300 Army-Navy Drive, Arlington, Va. 22202. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Fletcher E. Riggs, Deputy to the Associate Assistant Administrator, Development Support Bureau, is designated A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at 703-235-9001.

Dated: December 14, 1977.

FLETCHER E. RIGGS,
A.I.D. Advisory Committee Representative, Joint Committee on Agricultural Development, Board for International Food and Agricultural Development.

[FR Doc. 77-36301 Filed 12-20-77; 8:45 am]

[4710-02]

JOINT RESEARCH COMMITTEE OF THE BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the seventh meeting of the Joint Research Committee of the Board for International Food and Agricultural Development on January 10 and 11, 1978.

The purpose of the meeting is to review progress on four Collaborative Research Support Program planning contracts; to consider a recommended research priorities agenda; and to discuss the role of the Joint Research Committee in centrally-funded and country-specific research.

The meeting will begin at 9 a.m. and will adjourn at 4:30 p.m. on January 10, 1978, and will reconvene at 9 a.m. and adjourn at noon on January 11, 1978. The meeting on both days will be held in the Arlington Room of the Quality Inn, Pentagon City, 300 Army-Navy Drive, Arlington, Va. 22202. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Charles E. French, Research Coordinator, Development Support Bureau, is designated as A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at 703-235-9054.

Dated: December 14, 1977.

CHARLES E. FRENCH,
A.I.D. Advisory Committee Representative, Joint Research Committee, Board for International Food and Agricultural Development.

[FR Doc. 77-36296 Filed 12-20-77; 8:45 am]

[4710-02]

HOUSING GUARANTY PROGRAM FOR THE REPUBLIC OF PANAMA

Information for Investors

The Agency for International Development (A.I.D.), has authorized a guaranty of a loan in an amount not to exceed $15,000,000 to finance housing projects in the Republic of Panama. The Banco Nacional de Panama (Borrower), desires to receive proposals from eligible investors, as defined below, describing the terms and conditions upon which the investors will be willing to make this loan to the Borrower. The full repayment of the loan will be guaranteed by A.I.D. The A.I.D. guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority in section 222 of the Foreign Assistance Act of 1961, as amended (the Act). The eligible investor and the terms of the loan must be acceptable to A.I.D. and disbursements of the loan will be subject to certain conditions required of the Borrower by A.I.D. This project is referred to as Project Number 525-HG-009 (San Miguelito).

Eligible investors are invited to consult promptly with the Borrower and submit proposals for an A.I.D.-guaranteed loan for the project. Those investors interested in extending a loan to the Borrower should communicate with the Borrower at the following address:

Luis Alberto Arias, Asst. General Manager, Banco Nacional de Panama, P.O. Box 5220, Panama 5, Republic of Panama, telephone 25-5400, cable address: "Banconal".

Investors eligible to receive an A.I.D. guaranty are those specified in section 238(c) of the Act. They are: (1) United States citizens; (2) domestic United States corporations, partnerships, or associations substantially beneficially owned by United States citizens; (3) foreign corporations whose share capital is at least 95 percent owned by United States citizens; and, (4) foreign partnerships or associations wholly owned by United States citizens.

To be eligible for guaranty, the loan must be repayable in full no later than the thirtieth anniversary of the first disbursement of the principal amount thereof and the interest rate may be no higher than the maximum rate established from time to time by A.I.D.

The Borrower projects a schedule of disbursements covering approximately twenty-four months from the date of the loan agreement and prospective investors should consider this in proposing a guaranteed loan to the Borrower. In addition, in the event the investor will engage in the reselling of the loan to other persons, the investor must provide for the servicing of his loan, i.e., recordation and disposition of loan payments received from the Borrower.

Information as to the eligibility of investors and other aspects of the A.I.D. Housing Guaranty Program can be obtained from:

Director, Office of Housing, Agency for International Development, Room 625, SA-12, Washington, D.C. 20523, telephone 202-632-9637.

This notice is not an offer by A.I.D. or by the Borrower. The Borrower and not A.I.D. will select an investor and negotiate the terms of the proposed loan.

Prospective investors are requested to submit offers to the Borrower by January 6, 1978.

Dated: December 16, 1977.

DAVID MCVOY,
Acting Deputy Director, Office of Housing

[FR Doc. 77-36295 Filed 12-20-77; 8:45 am]

[4710-01]

[Public Notice CM-7/145]

STUDY GROUP 5 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Group 5 of the U.S. National Committee for the International Radio Consultative Committee (CCIR), will meet on January 12, 1978, at 7 p.m. in Room 1105, Department of Commerce Boulder Laboratories, 325 South Broadway, Boulder, Colo.

Study Group 5 deals with propagation of radio waves (including radio noise), at the surface of the earth, through the nonionized regions of the earth's atmosphere, and in space where the effect of ionization is negligible. The purpose of the meeting is the identification of work requirements and the assignment of tasks in preparation for the CCIR's Special Preparatory Meeting for the 1979 World Administrative Radio Conference.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman.

GORDON L. HUFFCUTT,
Chairman, U.S. CCIR National Committee.

DECEMBER 12, 1977.

[FR Doc. 77-36289 Filed 12-20-77; 8:45 am]

[4710-01]

[Public Notice CM-7/144]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on standards of training and watchkeeping of the Subcommittee on Safety of Life at Sea (SOLAS), a part of the Shipping Coordinating Committee (SHC), will conduct two open meetings pertaining to matters in the Intergovernmental Maritime Consultative Organization (IMCO). The meetings will take place at 9:30 a.m. on Thursday, January 12, 1978, and at 1 p.m. on Wednesday, January 25, 1978, in room 8334 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The purpose of the meetings is to:

Further review the report of the subcommittee to the Maritime Safety Committee (STW X/7); and

Further discuss the United States' position for possible preparation and submission of notes to the diplomatic conference on the International Convention on Training and Certification of Seafarers to be held in London June 14 to July 7, 1978.

Requests for further information on the meetings should be directed to Capt. D. E. Hand, U.S. Coast Guard (G-MVP/82), Washington, D.C. 20590. He may be reached by telephone at 202-426-1500.

The Chairman will entertain comments from the public as time permits.

CARL TAYLOR, Jr.,
Acting Chairman,
Shipping Coordinating Committee.

DECEMBER 11, 1977.

[FR Doc. 77-36288 Filed 12-20-77; 8:45 am]

[4910-06]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

PETITIONS FOR WAIVER OR FREIGHT CAR SAFETY STANDARDS

As required by 45 U.S.C. 431(c) notice is hereby given that three railroads and three interested parties have submitted waiver petitions to the Federal Railroad Administration (FRA). Each petition requests that the railroad or interested party be granted a waiver of compliance with certain provisions of the Freight Car Safety Standards (49 CFR Part 215).

Each of the railroads or interested parties, which are identified below, are seeking a waiver of compliance with certain provisions of the standards. A brief description of the particular facts involved in each request as well as the particular regulatory provision is given below to the extent that such information has been furnished by the petitioners.

Interested persons are invited to participate in these proceedings by submitting written comments or views. The FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. However, the FRA will provide an opportunity for oral comment if requested to do so by any interested party. Such requests must be in writing and must be submitted to the FRA before January 6, 1978.

All communications concerning these proceedings should identify the appropriate docket number (e.g. Waiver Petition Docket No. RSFC-77-1) and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Nassif Building, 400 7th Street SW., Washington, D.C. 20590. Communications received before January 27, 1978, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination, both before and after the closing date for comments, during regular business hours in room 5101, Nassif Building, 400 7th Street SW., Washington, D.C. 20590.

CAMAS PRAIRIE RAILROAD CO.

FRA WAIVER PETITION DOCKET NO. RSFC-77-1

The Camas Prairie Railroad Co. (Camas) seeks a permanent waiver of compliance with § 215.25. This section requires that all freight cars be given a periodic inspection at 48 months intervals unless the equipment was recently constructed or reconditioned.

The Camas seeks a waiver of compliance with this inspection requirement for 568 log cars used exclusively by the Camas. These cars are only operated within a 50-mile radius of Orofino, Idaho, and at speeds which do not exceed 25 miles per hour. The cars are not equipped with any component whose use is restricted or prohibited under the regulation.

The Camas states that all of the cars are in good condition and urges that the cars are safe to operate if the waiver is granted. Camas seeks continued use of the log cars without periodic inspection.

KANSAS CITY TERMINAL RAILWAY CO.

FRA WAIVER PETITION DOCKET NO. RSFC-77-2

The Kansas City Terminal Railway Co. (KCT) seeks a permanent waiver of compliance with § 215.225 which describes prohibited equipment. This waiver is sought for four cars identified as Caboose 101, Caboose 103, Caboose 104 and Caboose 106. The cars are equipped with one or more Griffin three-riser cast steel wheels whose use is prohibited under the standards. These cars are also equipped with restricted components described as type "E" couplers with 5-inch by 7-inch shank and riveted type yokes.

The KCT states that these cars are used in transfer service as yard cabooses and carry train crews only. While speeds may vary according to the location where the cars are in service, they are generally confined to a maximum speed of 15 miles per hour. The cars are operated to and from various railroads but are not interchanged with other railroads. The KCT states that the cars have been inspected by qualified personnel.

LAKE SUPERIOR & ISHPEMING RAILROAD CO.

FRA WAIVER PETITION DOCKET NO. RSFC-77-3

The Lake Superior & Ishpeming Railroad Co. (LS&I) seeks a permanent waiver of compliance with § 215.97 which requires that a plain bearing journal box be repacked or reconditioned within the preceding 24 months. LS&I requests that the 24-month time period be extended to 48 months. The waiver is sought for 2,306 ore cars.

LS&I states that the preponderence of its cars are used for the movement of raw or pelletized iron ore between mines or pellet plants and ore docks for subsequent lake shipment. All car movements are made at low speeds over relatively short distances. LS&I's maximum speed limit is 25 miles per hour. The Chicago and North Western, the only other carrier using LS&I cars, has a speed restriction of 30 miles per hour for loaded cars and 40 miles per hour for empty cars.

The 2,306 cars for which this waiver is sought are divided into four groups and these groups are cycled through the LS&I shop once every 4 years for brake cleaning. This waiver would permit LS&I to perform the repacks at the same time the AB brakes are cleaned.

LS&I notes that the ore dock is operated seasonally, a maximum of 9 months a year, and consequently this equipment only operates for a limited time. LS&I further states that there have been no hot boxes in the past 10 years for this equipment.

LS&I urges that this petition be granted on the grounds that it is consistent with railroad safety, is in the public interest, and will permit LS&I to achieve a greater degree of efficiency and economy in car utilization and maintenance.

THE DIAMOND SHAMROCK CORP.

FRA WAIVER PETITION DOCKET NO. RSFC-77-5

The Diamond Shamrock Corp. (Diamond) seeks a temporary waiver of compliance with § 215.25 which requires that freight cars be given their initial periodic inspections no later than December 31, 1978, unless the cars were recently constructed or reconditioned. Diamond operates a fleet of approximately 2,800 cars for which this waiver is sought.

Diamond operates a fleet of cars to transport industrial chemicals and plastics. This fleet includes approximately 1,800 tank cars and 700 covered hopper cars that are leased, and some 300 tank cars that are privately owned by Diamond carrying DAX and SOGX reporting marks. Of the 2,800 cars in the fleet, 1,500 require their initial pe-

riodic inspections by December 31, 1978. Diamond states that it will be unable to complete the initial inspection of an unspecified number of its own cars as well as completing the inspections of its leased equipment without seriously impairing its ability to service its customers and maintain plant production rates.

Diamond seeks a waiver to the extent that it be allowed until December 31, 1980, to complete the initial inspection of its owned and leased cars. Diamond does not operate any freight cars that are used to transport hazardous commodities classified as "Poison A" or "Class A Explosives". Diamond states that those cars used to transport commodities classified as "Flammable Gas" will be either given their initial inspection no later than December 31, 1978, or released from Diamond's service.

CELTRAN, INC.

FRA WAIVER PETITION DOCKET NO. RSPC-77-6

Celtran, Inc. (Celtran) seeks a permanent waiver of compliance with a portion of § 215.25. That section requires periodic inspection of all freight cars within 48 month intervals unless the equipment was recently constructed or reconditioned.

Celtran operates a privately owned rail fleet of approximately 1,400 cars. Of this total, 933 cars are subject to the periodic inspection requirements of § 215.25.

Celtran states that it will subject all 933 cars to their initial periodic inspection by December 31, 1978. However, Celtran states that compliance with the subsequent periodic inspection due dates based on a specific month and year will be difficult, if not impossible, without severe disruption of car supply. Therefore, Celtran requests that instead of compliance with the existing timetable, it be given a waiver that would permit subsequent periodic inspections to be made any time during the calendar year in which that inspection becomes due.

In support of this petition, Celtran points to the fact that fluctuation in construction cycles causes large numbers of cars to be built within a period of months rather than evenly spread over a 12 month calendar year. Consequently, the effective date of § 215.25, requiring compliance by December 31, 1978, will cause an abnormal bulge in shop activity during the last months of 1978, which will continue to be felt at 48 month intervals. Celtran further states that the fluctuation of shipping requirements, due to seasonal product demands, is another factor which makes compliance with subsequent inspection due dates based on month and year difficult. For these reasons, Celtran is seeking this waiver to permit subsequent periodic inspection to be made at any time during the calendar year. Celtran notes that the present valve inspection requirements (49 CFR Part 179) currently permit such flexibility in the inspection interval.

STAUFFER CHEMICAL CO.

FRA WAIVER PETITION DOCKET NO. RSPC-77-7

The Stauffer Chemical Co. (Stauffer) seeks a temporary waiver of compliance with § 215.25. This section requires that freight cars be given their initial periodic inspection no later than December 31, 1978, unless the cars were recently constructed or reconditioned. Stauffer seeks to have this date extended until December 31, 1980, for its fleet of freight cars.

Stauffer owns and operates a fleet of 500 freight cars which bear reporting marks CCIX, SCHX, and STAX. Stauffer states that approximately 375 of its cars were built prior to 1970 and therefore require an initial periodic inspection before December 31, 1978. To date, 93 cars, or approximately 25 percent of the cars subject to this provision, have been given the required inspection. Stauffer does not believe that it will be able to complete the inspection of its own cars as well as the 2,700 leased cars operating in its service without seriously impairing its ability to maintain deliveries to its customers at current plant production rates.

Stauffer notes that it does not operate any freight cars that transport commodities which are classified as "Poison A" or "Class A Explosives". Furthermore, Stauffer intends to complete inspection of all tanks cars used to transport "Flammable Gas" prior to December 31, 1978.

(Sec. 202, Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by sec. 5(b), Federal Railroad Authorization Act of 1976, Pub. L. 94-348, 90 Stat. 817, July 8, 1976; § 1.49(n) of the regulations of the Office of the Secretary, 49 CFR 1.49(n))

Issued in Washington, D.C. on December 16, 1977.

ROBERT H. WRIGHT,
Acting Chairman,
Railroad Safety Board.

[FR Doc. 77-36320 Filed 12-20-77; 8:45 am]

[4910-06]

PETITIONS FOR WAIVER OF TRACK SAFETY STANDARDS

As required by 45 U.S.C. 431(c) notice is hereby given that three interested parties have submitted waiver petitions to the Federal Railroad Administration (FRA). Each petition requests that the interested party be granted a waiver of compliance with certain provisions of the Track Safety Standards (49 CFR Part 213).

Each of the interested parties, which are identified below, are seeking a waiver of compliance with certain provisions of the standards on a temporary basis. A brief description of the particular facts involved in each request as well as the particular regulatory provision is identified below to the extent that such information has been furnished by the petitioner.

Interested persons are invited to participate in these proceedings by submitting written comments or views. The FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. However, the FRA will provide an opportunity for oral comment if requested to do so by any interested party. Such requests must be in writing and must be submitted to the FRA before December 23, 1977.

All communications concerning these proceedings should identify the appropriate Docket Number (e.g. FRA Waiver Petition Docket Number RST-77-11) and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before January 20, 1978, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination, both before and after the closing date for comments, during regular business hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

WAIVER PETITION DOCKET RST-77-11

THE STATE OF RHODE ISLAND

The State of Rhode Island (Rhode Island) seeks a temporary waiver of compliance with the Track Safety Standards. The particular provisions for which this waiver is sought involves unspecified requirements for track structure and geometry contained in the Standards.

Rhode Island seeks this waiver of compliance for a one year period ending December 31, 1978. The waiver is sought for approximately 9 miles of track identified as Newport Secondary Track.

Rhode Island is in the process of upgrading this trackage to meet FRA Class 2 Standards. Rhode Island states that it has selected a contractor to complete the necessary work and is now awaiting FRA approval, as well as proper weather conditions, before commencing work.

WAIVER PETITION DOCKET RST-77-12

VIRGINIA & MARYLAND RAILROAD

The Virginia & Maryland Railroad (V&M) seeks a temporary waiver of

compliance with §§ 213.103 and 213.109. These sections prescribe minimum requirements for ballast and crossties.

V&M seeks this waiver for four segments of trackage located in the State of Virginia. The segments are identified as follows: (1) Main line, Nassauadox, which consists of approximately 17 miles of track; (2) Cape Charles Yard; (3) Little Creek Yard, which consists of the entire yard north of milepost 4.2 in Camden Heights; and (4) St. Julian which consist of approximately 1 mile of track.

The line is presently owned by the Penn Central Transportation Co. and leased to the Accomack-Northampton Transportation District Commission. The V&M, as the designated operator, is providing train service 5 days a week over the entire line. In its judgement relatively little hazardous traffic is being handled by V&M with the exception of combustile fuel oil, propane gas, acetone, and fertilizer processing acid.

V&M is currently involved in a track rehabilitation program designed to bring the above mentioned track into compliance with FRA Class 1 standards within a 6 month period ending June 30, 1978. V&M states that is has already installed 6,000 ties and plans to install another 5,000 ties before the end of the 1977 calendar year. This 6-month waiver should provide sufficient time for V&M to complete rehabilitation of the trackage.

WAIVER PETITION DOCKET No. RST-77-13

THE STATE OF OHIO

The State of Ohio, Rail Transportation Authority (Ohio) seeks a temporary waiver for a 6 month period terminating no later than July 1, 1978. The provisions for which this waiver is sought involve the minimum safety requirements for crossties as set forth in § 213.109.

Ohio seeks this waiver for approximately 39 miles of track. The trackage involved consists of four track segments identified as follows: (1) USRA line No. 525, running from Lebanon, Ohio to Hageman, Ohio, described as the Lebanon Branch; (2) USRA line Nos. 527 and 528, running from Hempstead, Ohio to Centerville, Ohio, described as Lytle Industrial Track; (3) USRA line Nos. 533, 534, 534a and 535, running from Van Wert, Ohio to Rockville, Ohio, described as the Northern Branch; and (4) USRA line Nos. 541, 531a and 532, running from Latty, Ohio to North Paulding, Ohio, also described as the Northern Branch.

Ohio is currently engaged in a restoration program to upgrade the track to class 1 standards. Ohio states that new ties have been installed and other track improvements have been made. Petitioner states that it has contracted for accelerated maintenance but that equipment shortages and other delays will postpone completion of the program until after January 1, 1978.

Sec. 202, Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by sec. 5(b) of the Federal Railroad Authorization Act of 1976, Pub. L. 94-348, 90 Stat. 817, July 8, 1976; § 1.49(n) of the regulations of the Office of the Secretary, 49 CFR 1.49(n).

Issued at Washington, D.C., on December 15, 1977.

ROBERT H. WRIGHT,
Acting Chairman,
Railroad Safety Board.

[FR Doc. 77-36321 Filed 12-20-77; 8:45 am]

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 139 (Rev. 3)]

KEY DISTRICT DIRECTORS AND ASSISTANT REGIONAL COMMISSIONERS

Delegation of Authority

AGENCY: Internal Revenue Service.

ACTION: Delegation of Authority.

SUMMARY: The authority of the Commissioner of Internal Revenue to extend correction periods and the allowable distribution period in matters described in Chapters 42 and 43 of the Internal Revenue Code is being revised to authorize Key District Directors and Assistant Regional Commissioners (Employee Plans and Exempt Organizations) to act for the Commissioner in matters involving excess business holdings under IRC 4943. The text of the delegation order appears below.

EFFECTIVE DATE: December 21, 1977.

FOR FURTHER INFORMATION CONTACT:

O. Carrasco, E:EO:O, 1111 Constitution Avenue NW., Room 2213, Washington, D.C. 20224, 202-566-3310 (Not Toll Free.).

MICHAEL G. STUMPH,
Acting Chief, Exempt
Organizations Operations Branch.

AUTHORITY TO EXTEND THE CORRECTION PERIOD AND THE ALLOWABLE DISTRIBUTION PERIOD RELATING TO PRIVATE FOUNDATION AND EMPLOYEE PLANS MATTERS

1. Pursuant to the provisions of 26 CFR 53.4941(e)-1(d), 26 CFR 53.4941(f)-1, 26 CFR 53.4942(a)-1(c), 26 CFR 53.4943-9(b)(2), 26 CFR 53.4943-11(b), 26 CFR 53.4944-5, 26 CFR 53.4945-1(e), IRC 4971(c)(3), IRC 4975(f)(6), and the authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150-37, dated March 17, 1955, there is hereby delegated to the District Director of Internal Revenue for each of the key districts and the Assistant Regional Commissioner (EP/EO) for each of the regions for Employee Plans and Exempt Organizations matters the authority to:

(a) Extend the correction period for acts of self-dealing under IRC 4941, failures to distribute income under IRC 4942, excess business holdings under IRC 4943, investments which jeopardize charitable purpose under IRC 4944, and taxable expenditures under IRC 4945;

(b) Extend the allowable distribution period for failures to distribute income under IRC 4942; and

(c) Extend the correction period for failures to meet minimum funding standards under IRC 4971, and correction of prohibited transactions under IRC 4975.

2. The authority delegated herein may be redelegated, but not lower than to Group Managers in Key District Offices and to Executive Assistants in Regional Offices.

3. This Order supersedes Delegation Order No. 139 (Rev. 2) issued June 23, 1976.

Date of issue and effective date: December 21, 1977.

JEROME KURTZ,
Commissioner.

DECEMBER 8, 1977.

[FR Doc. 77-36379 Filed 12-20-77; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

INCENTIVE PER DIEM ON HOURLY BASIS

In the matter of: Ex Parte No. 252 (Sub-No. 1), Incentive Per Diem Charges—1968; Ex Parte No. 252 (Sub-No. 1), Incentive Per Diem Charges—1968 (XF Cars); Ex Parte No. 252 (Sub-No. 2),[1] Incentive Per Diem Charges—Gondolas; No. 33145 Railroad Freight Car Per Diem Charges.

On November 2, 1977, the Association of American Railroads (AAR), filed a petition for leave to intervene in Ex Parte No. 252 (Sub-No. 1), Incentive Per Diem Charges—1968, in Ex Parte No. 252 (Sub-No. 1), Incentive Per Diem Charges—1968 (XF Cars), and in Ex Parte No. 252 (Sub-No. 2), for the limited purpose of seeking modification of the Commission's orders in the same three proceedings to the extent necessary to permit the implementation of incentive per diem on an hourly basis. On the same date,

[1] The Commission, Chairman O'Neal, in an order served October 28, 1977, postponed for a period of 30 days the effective date of November 1, 1977, of the incentive per diem regulations in Ex Parte No. 252 (Sub-No. 2), which are here sought to be modified. The order was issued in response to a petition to reopen the record in Ex Parte No. 252 (Sub-No. 2), for new evidence, which is now pending before the Commission.

In an order served November 29, 1977, the Commission, Chairman O'Neal postponed for an additional 62 days, until February 1, 1978, the effective date of those same regulations.

AAR also filed a petition to modify the Commission's orders in the same three proceedings to permit the implementation of incentive per diem on an hourly basis effective July 1, 1978. Also on the same date, various railroads filed a petition to change the effective date of the hourly basic car hire rates approved by the Commission in an order served September 19, 1977, in No. 33145 from January 1, 1978, to July 1, 1978.

No replies were filed to any of the petitions. The petitioners requested that the Commission consider the petitions concurrently.

AAR should be given leave to intervene as requested in its petition. It has a demonstrated interest in the proceedings, its intervention will not unduly broaden the issues, and no objection to its intervention has been raised.

The implementation of incentive per diem on an hourly basis, as requested by the petition, effective July 1, 1978, is warranted. The level of rates will generally remain the same. The benefits of the hourly basis for incentive car hire are similar to those for basic car hire which were found by the Commission to be sufficient to warrant the implementation of basic car hire on an hourly basis. Furthermore, the need for uniformity in the handling of car hire settlements suggests that incentive car hire should apply on the same basis as basic car hire, which the Commission has decided shall apply on an hourly basis.

The effective date of the hourly basic car hire rates approved by the Commission in an order served September 19, 1977, in No. 33145 should be changed from January 1, 1978, to July 1, 1978. The petitioning railroads state that the additional time is needed to complete the necessary data systems programing. No objection to the change has been raised, and it does not appear that anyone would be prejudiced by the change. The change will enable basic and incentive car hire rates to switch to an hourly basis on the same date.[1]

[1]With respect to Ex Parte No. 252 (Sub-No. 2), this order should be viewed as supplementing, and not vacating, Chairman O'Neal's order of November 29, 1977. Thus, we presently intend that our regulations on gondola cars will take effect on February 1, 1978, on a daily basis and will switch to a fractional basis on July 1, 1978.

It is ordered: (1) The petition of AAR for leave to intervene in Ex Parte No. 252 (Sub-No. 1), Incentive Per Diem Charges—1968; in Ex Parte No. 252 (Sub-No. 1), Incentive Per Diem Charges—1968 (XF Cars); and in Ex Parte No. 252 (Sub-No. 2), is granted.

(2) The petition of AAR to modify the Commission's orders in Ex Parte No. 252 (Sub-No. 1), Incentive Per Diem Charges—1968; in Ex Parte No. 252 (Sub-No. 1), Incentive Per Diem Charges—1968 (XF Cars); and in Ex Parte No. 252 (Sub-No. 2), to permit the implementation of incentive per diem on an hourly basis effective July 1, 1978, is granted. The hourly incentive car hire rates in the attached appendix shall become effective on July 1, 1978. The table in section 1036.2 of Subchapter A, Chapter X, Title 49 of the Code of Federal Regulations is amended to read as set forth in the attached appendix. A copy of this order shall be delivered to the Director, Office of the Federal Register, for publication therein.

(3) The petition of the various railroads to change the effective date of the hourly basic car hire rates approved by the Commission in an order served September 19, 1977, in No. 33145 is granted. The effective date is changed from January 1, 1978, to July 1, 1978.

Decided December 7, 1977.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

APPENDIX

[Hourly charge in cents]

Cost Bracket	Years						
	0-5	6-10	11-15	16-20	21-25	26-30	Over 30
$0-1,000	1	1	1	1	1	1	1
1,001-3,000	3	2	2	1	1	1	1
3,001-5,000	5	5	4	3	2	1	1
5,001-7,000	8	7	6	4	3	2	1
7,001-9,000	11	9	7	6	4	2	1
9,001-11,000	14	11	9	7	5	3	1
11,001-13,000	16	14	11	8	6	3	2
13,001-15,000	19	16	13	10	7	4	2
15,001-17,000	22	18	15	11	8	4	2
17,001-19,000	24	20	16	12	9	5	3
19,001-21,000	27	23	18	14	10	5	3
21,001-23,000	30	25	20	15	10	6	3
23,001-25,000	32	27	22	17	11	6	4
25,001-27,000	35	29	24	18	12	7	4
27,001-29,000	38	32	26	19	13	7	4
29,001-31,000	41	34	27	21	14	8	4
31,001-33,000	43	36	29	22	15	8	5
33,001-35,000	46	38	31	24	16	9	5
35,001-37,000	49	41	33	25	17	9	5
37,001-39,000	51	43	35	26	18	10	6
39,001-41,000	54	45	37	28	19	10	6

[FR Doc. 77-36250 Filed 12-20-77; 8:45 am]

[7035-01]

[Ex Parte No. 342]

PROCEDURES GOVERNING THE PROCESSING, INVESTIGATION, AND DISPOSITION OF OVERCHARGE, DUPLICATE PAYMENT, OR OVERCOLLECTION CLAIMS

DECEMBER 16, 1977.

Notice to the parties: The party listed below was inadvertently included in the service list in the above-entitled proceeding.

This party should be deleted from the service list and no further releases should be served on:

Mr. A. T. Shannon, British Columbia Railway, 970 Burrad Street, Vancouver, British Columbia, Canada.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 77-36372 Filed 12-20-77; 8:45 am]

[7035-01]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

DECEMBER 9, 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 Part 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 by January 3, 1978. A copy must also be served upon application 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. MC51146 (Sub-No. E24), filed January 8, 1976. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fiber shipping containers* from the plantsites and warehouse facilities of the Weyerhaeuser Co. at Delair and Barrington, N.J., and *paper and paper products* from the plantside and warehouse facilities of the Weyerhaeuser Co. at Miquon, Pa., and the Weyerhaeuser Co., Crocker Technical Papers, Inc., and James River-Fitchburg, Inc., at Fitchburg, Mass., to Mobile, Ala., and Memphis, Tenn., and points in Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Utah, Colorado, Arizona, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Mississippi, those points in Alabama on and north of U.S. Highway 78, and points in Florida on and west of Florida 85. Restriction: The authority above is restricted against the transportation of pulpboard products, and waste paper. (*Zanesville, Ohio and Nicholasville, Ky.)

(2) *Paper and paper products* (except commodities in bulk) from the plant and warehouse sites of the Personal Products Co. And Cel-Fibe, Inc., at or near Wilmington, Ill., to Mobile, Ala., and points in Florida, Georgia, South Carolina, North Carolina, and points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 33 to junction U.S. Highway 360, thence along U.S. Highway 360 to its termination on the Chesapeake Bay, those points in Alabama north and east of a line beginning at the Tennessee-Alabama State line and extending along U.S. Highway 231 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Georgia-Alabama State line, those points in Louisiana on and east of a line beginning at the Mississippi-State line and extending along U.S. Highway 90 to junction Louisiana Highway 23, thence along Louisiana Highway 23 to its termination on the Mississippi River, and those points in Texas on and south of a line beginning at international boundary of United States and Mexico and extending along U.S. Highway 277 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Texas Highway 44, thence along Texas Highway 44 to its termination on the Gulf of Mexico. (*Nicholasville, Ky.)

(3) *Paper and paper products* (except commodities in bulk) from Luke, Md., to Mobile, Ala., and Memphis, Tenn., and points in Washington, Oregon, California, Nevada, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, New Mexico, Texas, Oklahoma, Louisiana, Arkansas, Mississippi, and those points in North Dakota on and west of a line beginning at the International Boundary of United States and Canada and extending along U.S. Highway 281 to junction North Dakota Highway 3, thence along North Dakota Highway 3 to the South Dakota-North Dakota State line, those points in South Dakota on and west of U.S. Highway 83, those points in Nebraska on and west of a line beginning at the South Dakota-Nebraska State line and extending along U.S. Highway 83 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Nebraska-Kansas State line, those points in Kansas on, south, and west of a line beginning at the Nebraska-Kansas State line and extending along Kansas Highway 99 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Kansas-Missouri State line, those points in Missouri on and south of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 50 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction Missouri Highway 51, thence along Missouri Highway 51 to its termination on the Mississippi River, those points in Alabama on, north, and west of a line beginning at the Tennessee-Alabama State line and extending along U.S. highway 231 to junction U.S. Highway 72, thence along U.S. Highway 72 to U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Mississippi State line, and those points in Florida on, south, and west of a line beginning at the Alabama-Florida State line and extending along U.S. Highway 90 to junction Florida Highway 85, thence along Florida Highway 85 to its termination on the Gulf of Mexico. Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Madison, Ind., and Nicholasville, Ky.)

(4) *Paper and paper products* (except chemicals and commodities in bulk) from Covington, Va., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, and all points west thereof, and those points in Missouri on, south, and west of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 50 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Missouri Highway 5, thence along Missouri Highway 5 to the Missouri-Arkansas State line, those points in Arkansas on and west of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 63 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Louisiana State line, and those points in Louisiana on, north, and west of a line beginning at the Arkansas-Louisiana State line and extending along U.S. Highway 165 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Louisiana Highway 9, thence along Louisiana Highway 9 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Louisiana Highway 6, thence along Louisiana Highway 6 to junction U.S. Highway 171, thence along U.S. Highway 171 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Texas-Louisiana State line. Restriction: The authority above is restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Madison, Ind., and Nicholasville, Ky.)

(5)(a) *Paper and paper products* (except commodities in bulk) from the plant and warehouse sites of Hoerner Waldorf Corp. at Columbus, Ind., to Mobile, Ala., and points in Florida, Georgia, Louisiana, North Carolina, South Carolina, Virginia, Maryland, Delaware, the District of Columbia, Montana, Idaho, Washington, Oregon, California, Nevada, Utah, Wyoming,

Arizona, New Mexico, and those points in Colorado, on and west of a line beginning at the Nebraska-Colorado State line and extending along Colorado Highway 71 to junction U.S. Highway 350, thence along U.S. Highway 350 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line, those points in Texas on and south of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 66 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 183, thence along U.S. Highway 183 to the Texas-Oklahoma State line, those points in Arkansas on and south of a line beginning at the Arkansas-Oklahoma State line and extending along U.S. Highway 70 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Louisiana State line, and those points in Alabama on, east, and north of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 11 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line, and (5)(b) *materials and supplies* used in manufacture or distribution of paper and paper products (except commodities in bulk) from the destination territory described in (5)(a) above to the plant and warehouse sites of Hoerner Waldorf Corp. at Columbus, Ind. (*Nicholasville, Ky.)

(6) *Paper and paper products* (except commodities in bulk) from the plantsite and warehouse facilities of the Kendall Co. at or near Athens, Ga., to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Colorado, and those points in New Mexico on, north, and west of a line beginning at the Colorado-New Mexico State line and extending along U.S. Highway 285 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 60, thence along U.S. Highway 60 to the New Mexico-Arizona State line. (*Nicholasville, Ky.)

(7) *Paper and paper products* (except commodities in bulk) from Hamilton, Ohio, to Mobile, Ala., and Gulfport, Miss., and points in Washington, Oregon, California, Nevada, Arizona, Utah, Idaho, and points in Montana on and west of a line beginning at the international boundary of United States and Canada and extending along U.S. Highway 91 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Montana-Wyoming State line, those points in Colorado on, south, and west of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 50 to junction U.S. Highway 285, thence along U.S. Highway 285 to the Colorado-New Mexico State line, those points in New Mexico on, south, and west of a line beginning at the Colorado-New Mexico State line and extending along U.S. Highway 285 to junction U.S. Highway 380, thence along U.S. Highway 380 to the New Mexico-Texas State line, those points in Texas on and south of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 380 to junction Interstate Highway 30, then along Interstate Highway 30 to the Texas-Arkansas State line, those points in Louisiana on, south, and west of a line beginning at the Arkansas-Louisiana State line and extending along U.S. Highway 71 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Louisiana-Mississippi State line and those points on, south, and west of a line beginning at the Mississippi-Louisiana State line and extending along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Mississippi-Louisiana State line, those points in Florida on and south of a line beginning at the Alabama-Florida State line and extending along U.S. Highway 90 to the Florida-Georgia State line, and those points in Georgia on and south of a line beginning at the Georgia-Florida State line and extending along Georgia Highway 111 to junction Georgia Highway 37, thence along Georgia Highway 37 to junction U.S. Highway 84, thence along U.S. Highway 84 to its termination on the Atlantic Ocean. (*Muncie, Ind., and Nicholasville, Ky.)

(8)(a) *Paper and paper products* (except commodities in bulk) from Chicago, Ill., to Mobile, Ala., and points in Alabama on, north, and east of a line beginning at the Tennessee-Alabama State line and extending along Interstate Highway 65 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Georgia-Alabama State line, those points in Mississippi on and east of U.S. Highway 11, those points in Louisiana on and south and east of a line beginning at the Mississippi-Louisiana State line and extending along U.S. Highway 90 to junction Louisiana Highway 1, thence along Louisiana Highway 1 to its termination on the Gulf of Mexico, those points in Texas on and south of a line beginning at the international boundary of United States and Mexico and extending along U.S. Highway 57 to junction U.S. Highway 87, thence along U.S. Highway 87 to its termination on the Gulf of Mexico, those points in Virginia on and south of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 60 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Interstate Highway 64, thence along Interstate Highway 64 to its termination on the Chesapeake Bay, and points in Florida, Georgia, North Carolina, and South Carolina, and (8)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from the destination territory described in (8)(a) above to Chicago, Ill. Restriction: The authorities in (8)(a) and (8)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Chicago Heights, Ill., and Nicholasville, Ky.)

(9)(a) *Paper and paper products* (except commodities in bulk) from Marshall, Mich., to points in South Carolina, Georgia, New Mexico, Arizona, California, and those points in Nevada on and south of a line beginning at the California-Nevada State line and extending along U.S. Highway 395 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Nevada-Utah State line, those points in Texas on and south of U.S. Highway 66, those points in Oklahoma on and south of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 70 to junction U.S. Highway 271, thence along U.S. Highway 271 to junction Oklahoma Highway 9, thence along Oklahoma Highway 9 to the Arkansas-Oklahoma State line, and those points in Arkansas on and south of U.S. Highway 64, and (9)(b) *materials, equipment, and supplies* used in the manufacture of paper and paper products (except commodities in bulk) from the destination territory described in (9)(a) above to Marshall, Mich. Restriction: The authorities in (9)(a) and (9)(b) above are restricted to the transportation of traffic originating at and destined to the plant site and warehouse facilities of the St. Regis Paper Co. at Marshall, Mich. (*Nicholasville, Ky.)

(10) *Paper and paper products* (except commodities in bulk) from Plattsburgh, N.Y., to Memphis, Tenn., and Mobile, Ala., and points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, New Mexico, Colorado, Wyoming, Montana, Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Mississippi, and those points in North Dakota on and west of North Dakota Highway 1, those points in South Dakota on and west of South Dakota Highway 37, those points in Nebraska on, west, and south of a line beginning at the South Dakota-Nebraska State line and extending along U.S. Highway 81 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to the Iowa-Nebraska State line, those points in Georgia on and west of a line beginning at the South Carolina-Georgia State line and extending along Interstate Highway 85 to junction U.S. Highway 441, thence along U.S. Highway 441 to the Georgia-Florida State line, those points in Florida on and

west of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 441 to junction Florida Highway 100, thence along Florida Highway 100 to junction U.S. Highway 1, thence along U.S. Highway 1 to its termination on the Atlantic Ocean, and those points in Alabama on and north of U.S. Highway 78. Restriction: The authority above is restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Zanesville, Ohio and Nicholasville, Ky.)

Paper and paper products (except commodities in bulk) from Lyons Falls, N.Y. to Mobile, Ala. and Memphis, Tenn. and points in Oregon, Washington, California, Nevada, Idaho, Montana, Wyoming, Colorado, Utah, Arizona, New Mexico, Texas, Oklahoma, Kansas, Arkansas, Louisiana, Mississippi, Florida, and those points in Georgia on and west of a line beginning at the South Carolina-Georgia State line and extending along Interstate Highway 85 to junction Georgia Highway 17, thence along Georgia Highway 17 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Florida-Georgia State line, those points in North Dakota on and west of U.S. Highway 83, those points in South Dakota on and west of South Dakota Highway 73, those points in Nebraska on, west, and south of a line beginning at the Nebraska-South Dakota State line and extending along U.S. Highway 83 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to the Iowa-Nebraska State line, those points in Missouri on and south of U.S. Highway 36, those points in North Carolina on and west of U.S. Highway 25, and those 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 25 to junction Interstate Highway 85, thence along Interstate Highway 85 to the South Carolina-Georgia State line. Restriction: The authority above is restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Zanesville, Ohio and Nicholasville, Ky.)

(12) *Tissue and tissue products* (except commodities in bulk) from the facilities of the Georgia Pacific Corp. at Crossett, Ark. to points in Maine, New Hampshire, Vermont, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, the District of Columbia, and those points in Virginia on and north of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 460 to junction U.S. Highway 501, thence along U.S. Highway 501 to junction U.S. Highway 58, thence along U.S. Highway 58 to its termination on the Atlantic Ocean. Restriction: The authority above is restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*New Albany, Ind. and Nicholasville, Ky.)

(13)(a) *Paper and paper products* (except commodities in bulk) from the facilities of Potsdam Paper Corp. at or near Potsdam, N.Y. to Mobile, Ala. and Memphis, Tenn. and points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, New Mexico, Colorado, Wyoming, Montana, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Georgia, Florida, and those points in Alabama on and north of U.S. Highway 78, those points in North Carolina on and west of U.S. Highway 25, and those points in South Carolina on and west of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 25 to junction Interstate Highway 85, thence along Interstate Highway 85 to the Georgia-South Carolina State line, and (13)(b) *materials and supplies* (except commodities in bulk) used in the manufacture and distribution of paper and paper products from points in the destination territory named in (13)(a) above to the facilities of Potsdam Paper Corp. at or near Potsdam, N.Y. (*Nicholasville, Ky.)

(14) *Paper and paper products* (except commodities in bulk) from Escambia County, Fla. to points in Washington, Oregon, Idaho, Montana, North Dakota, New York, New Hampshire, New Jersey, Vermont, Maine, Massachusetts, Connecticut, Rhode Island, and the District of Columbia, and those points in South Dakota on and north of a line beginning at the Wyoming-South Dakota State line and extending along U.S. Highway 212 to junction U.S. Highway 81, thence along U.S. Highway 81 to the North Dakota-South Dakota State line, those points in Wyoming on and north of a line beginning at the Wyoming-Utah State line and extending along Interstate Highway 80 to juntion U.S. Highway 287, thence along U.S. Highway 287 to junction Wyoming Highway 220, thence along Wyoming Highway 220 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Wyoming-Nebraska State line, those points in Utah on and north of Interstate Highway 80, those points in Nevada on and north of U.S. Highway 50, those points in California on and north of a line beginning at the Pacific Ocean and extending along California Highway 20 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Nevada-California State line, and those points in Maryland on, north, and west of U.S. Highway 1. Restriction: The authority above is restricted to the transportation of traffic originating at Escambia County, Fla. (*Nicholasville, Ky.)

(15)(a) *Paper and paper products* (except commodities in bulk) from the plantsites and warehouse facilities of Howard Paper Mills, Inc. at Dayton and Urbana, Ohio; the Maxwell Paper Corp. at Franklin, Ohio; and the plantsites and warehouse facilities of Kimberly-Clark Corp. and Bergstrom Paper Co. at or near Dayton, Ohio to Mobile, Ala. and Memphis, Tenn. and points in South Carolina, Georgia, Florida, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, Washington, Oregon, California, and those points in Alabama on and north of U.S. Highway 78, those points in North Carolina on and south of a line beginning at the Tennessee-North Carolina State line and extending along U.S. Highway 25 to junction U.S. Highway 74, thence along U.S. Highway 74 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 70, thence along U.S. Highway 70 to its termination on the Atlantic Ocean, and (15)(b) *starch, titanium, clay, and wood pulp* which are used in the manufacture or distribution of paper and paper products (except commodities in bulk) from the destination territory described in (15)(a) above to the origins named in (15)(a) above. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at or destined to the named plantsites and facilities at Franklin, Dayton, and Urbana, Ohio. (*Nicholasville, Ky.)

(16) *Paper and paper products* (except commodities in bulk) from the plantsite of Kimberly-Clark Corp. at New Milford, Conn. to Mobile, Ala. and Memphis, Tenn. and points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, New Mexico, Colorado, Wyoming, Montana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Mississippi, and those points in Alabama on and north of U.S. Highway 78, those points in Georgia on and north of a line beginning at the Alabama-Georgia State line and extending along Georgia Highway 6 to junction Georgia Highway 1, thence along Georgia Highway 1 to junction Georgia Highway 53, thence along Georgia Highway 53 to junction Georgia Highway 5, thence along Georgia Highway 5 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction Georgia Highway 11, thence along Georgia Highway 11 to the Georgia-Tennessee State line, and those points in Florida on and west of U.S. Highway 231. (*Zanesville, Ohio, and Nicholasville, Ky.)

(17)(a) *Paper and paper products* (except commodities in bulk) from Muncie, Ind. to Memphis, Tenn. and Mobile, Ala. and points in Florida, Georgia, South Carolina, and those points in Alabama on and north of U.S. Highway 78, and (17)(b) *materials*

and supplies used in the manufacture and distribution of paper and paper products (except commodities in bulk) from the destination territory described in (17)(a) above to Muncie, Ind. (*Nicholasville, Ky.)

(18) *Fiberboard* from Elk Grove Village, Ill. and *fiberboard and pulpboard products* from Aurora and Chicago Heights, Ill. to Mobile, Ala. and points in Florida, Georgia, North Carolina, South Carolina, and those points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 60 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Interstate Highway 64, thence along Interstate Highway 64 to its termination on the Chesapeake Bay, and those points in Alabama on, north, and east of a line beginning at the Tennessee-Alabama State line and extending along U.S. Highway 231 to junction Alabama Highway 79, thence along Alabama Highway 79 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line. Restriction: The authority above is restricted to the transportation of traffic originating at the plant and warehouse sites of Georgia Pacific Corp. (*Indianapolis, Ind., and Nicholasville, Ky.)

(19) *Paper and paper products* (except commodities in bulk) from Glens Falls, N.Y. to Mobile Ala. and Memphis, Tenn. and points in Oregon, Washington, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, Texas, Louisiana, Mississippi, Arkansas, Oklahoma, Kansas, and those points in Nebraska on, south, and west of a line beginning at the South Dakota-Nebraska State line and extending along U.S. Highway 81 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to the Nebraska-Iowa State line, those points in South Dakota on and west of South Dakota Highway 37, those points in North Dakota on, north, and west of a line beginning at the North Dakota-South Dakota State line and extending along North Dakota Highway 18 to junction Interstate Highway 94, thence along Interstate Highway 94 to the North Dakota-Minnesota State line, those points in Florida on and west of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 129 to junction U.S. Highway 98, thence along U.S. Highway 98 to junction U.S. Highway 27, thence along U.S. Highway 27 to its termination on the Atlantic Ocean, those points in Georgia on and west of a line beginning at the North Carolina-Georgia State line and extending along Georgia Highway 75 to junction U.S. Highway 129, thence along U.S. Highway 129 to the Georgia-Florida State line, and those points in Alabama on and north of U.S. Highway 78. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the plantsite of Finch-Pruyn & Co., Inc. at Glens Falls, N.Y. (*Nicholasville, Ky.)

(20) *Paper and paper products* (except commodities in bulk) from the plant and warehouse sites of International Paper Co. at or near Ticonderoga and Corinth, N.Y. to points in Arizona, California, New Mexico, and Texas. Restriction: The authority above is restricted to the transportation of traffic originating at the plant and warehouse sites of International paper Co. (*Nicholasville, Ky.)

(21) *Paper and paper products* (except commodities in bulk) from the plant and warehouse sites of International Paper Co. at or near North Tonawanda, N.Y. to points in Arizona, California, Georgia, New Mexico, Texas, and those points in North Carolina on and west of U.S. Highway 25, and those points in South Carolina on and west of Interstate Highway 26. Restriction: The authority above is restricted to the transportation of traffic originating at the plant and warehouse sites of International Paper Co. (*Nicholasville, Ky.)

(22) *Paper and paper products* (except commodities in bulk) from the plant and warehouse sites of International Paper Co. at or near Jay and Livermore Falls, Maine to Evansville, Ind., Memphis, Tenn., East St. Louis, Ill. and points in Illinois on and south of U.S. Highway 460, and points in Missouri, Kansas, Oklahoma, Texas, New Mexico, Arizona, and California. Restriction: The authority above is restricted to the transportation of traffic originating at the plant and warehouse sites of International Paper Co. (*New Castle, Pa. and Nicholasville, Ky.)

(23) *Paper and paper products* (except commodities in bulk) from the plantsite and storage facilities of Union Camp Corp. in Isle of Wight County, Va. at or near Franklin, Va. to Evansville, Ind. and Memphis, Tenn. and points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, New Mexico, Colorado, Wyoming, Montana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Arkansas, and those points in Louisiana on, north, and west of a line beginning at the Texas-Louisiana State line and extending along U.S. Highway 90 to junction U.S. Highway 165, thence along U.S. Highway 165 to the Arkansas-Louisiana State line. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the above-named plantsite and storage facilities. (*Nicholasville, Ky.)

(24) *Paper and paper products* (except commodities in bulk) from the facilities of Union Camp Corp. at or near Savannah, Ga. to East St. Louis, Ill. and points in Arizona, California, Nevada, Oregon, Washington, Idaho, Utah, Montana, Wyoming, Colorado, Kansas, Nebraska, North Dakota, South Dakota, and those points in Illinois bounded by a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 460 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 3, thence along Illinois Highway 3 to the Missouri-Illinois State line, and thence along the Missouri-Illinois State line to the point of beginning, those points in Missouri on and north of Interstate Highway 44, those points in Oklahoma on and north of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 60 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Kansas-Oklahoma State line, those points in Texas on and north of U.S. Highway 60, and those points in New Mexico on and north of U.S. Highway 60. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the above-named facilities and further restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*London, Ky. and Nicholasville, Ky.)

(25) *Paper and paper products* (except commodities in bulk) from the facilities of St. Regis Paper Co. at Houston, Tex. (except points within the Commercial Zone thereof) to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Delaware, Maryland, the District of Columbia, and those points in Virginia on and north of U.S. Highway 58. Restriction: The authority above is restricted to the transportation of traffic originating at the above-named facilities and further restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*New Albany, Ind., and Nicholasville, Ky.)

(26) *Paper and paper products* (except commodities in bulk) from Hudson Falls, N.Y. to Mobile, Ala., and Memphis, Tenn. and points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, New Mexico, Colorado, Wyoming, Montana, North Dakota, South Dakota, Kansas, Nebraska, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, and those points in Alabama on and north of U.S. Highway 78, those points in Georgia on and west of a line beginning at the North Carolina-Georgia State line and extending along Georgia Highway 11 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction U.S. Highway 41, thence

along U.S. Highway 41 to the Georgia-Florida State line; and those points in Florida on and west of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 129 to junction U.S. Highway 98, thence along U.S. Highway 98 to Florida Highway 710, thence along Florida Highway 710 to its termination on the Atlantic Ocean. (*Nicholasville, Ky.)

(27)(a) *Paper and paper products* (except commodities in bulk) from the plantsite of Charmin Paper Products Co. near Neelys Landing, Mo. to points in New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Virginia, the District of Columbia, and those points in North Carolina on and east of U.S. Highway 25, those 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 25 to junction U.S. Highway 178, thence along U.S. Highway 178 to its termination on the Atlantic Ocean, and those points in Florida on and south of a line beginning at the origination of Florida Highway 867 on the Gulf of Mexico and extending along Florida Highway 867 to junction Florida Highway 80, thence along Florida Highway 80 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction Florida Highway 704, thence along Florida Highway 704 to its termination on the Atlantic Ocean, and (27)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from the destination territory described in (27)(a) above to the plantsite of Charmin Paper Products Co. near Neelys Landing, Mo. (*Nicholasville, Ky.)

(28)(a) *Paper and paper products* (except commodities in bulk) from points in Pennsylvania to Evansville, Ind., Memphis, Tenn., Mobile, Ala., East St. Louis, Ill. and points in Mississippi, Louisiana, Arkansas, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Washington, and Oregon, and those points in Illinois on and south of U.S. Highway 460, those points in Florida on and west of Florida Highway 85, those points in Alabama north and west of a line beginning at the Mississippi-Alabama State line and extending along U.S. Highway 78 to junction U.S. Highway 431, thence along U.S. Highway 431 to the Alabama-Tennessee State line; and those points in Missouri on and south of U.S. Highway 40, and (28)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from the destination territory described in (28)(a) above to points in Pennsylvania. (*Nicholasville, Ky.)

(29)(a) *Paper and paper products* (except commodities in bulk) from points in Pennsylvania on, north, and west of a line beginning at the Ohio-Pennsylvania State line and extending along Interstate Highway 80 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line to points in Florida, those points in Alabama on and north of U.S. Highway 78, and those points in Georgia on and west of a line beginning at the South Carolina-Georgia State line and extending along U.S. Highway 29 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Florida-Georgia State line, and (29)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from the destination territory described in (29)(a) above to the origin territory described in (29)(a) above. (*Nicholasville, Ky.)

(30)(a) *Paper and paper products* (except commodities in bulk) from points in Pennsylvania on, south, and west of a line beginning at the Ohio-Pennsylvania State line and extending along Interstate Highway 80 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Maryland-Pennsylvania State line to points in Kansas, those points in Alabama on and north of U.S. Highway 78, those points in Georgia on and west of a line beginning at the Tennessee-Georgia State line and extending along U.S. Highway 41 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Georgia Highway 93, thence along Georgia Highway 93 to the Florida-Georgia State line, those points in Florida on and west of U.S. Highway 319, those points in North Dakota on and west of U.S. Highway 85, those points in South Dakota on and west of a line beginning at the North Dakota-South Dakota State line and extending along U.S. Highway 85 to junction U.S. Highway 385, thence along U.S. Highway 385 to the South Dakota-Nebraska State line, those points in Nebraska on and west of a line beginning at the South Dakota-Nebraska State line and extending along U.S. Highway 385 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Kansas-Nebraska State line, and those points in Missouri on and south of a line beginning at the Nebraska-Missouri State line and extending along U.S. Highway 40 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Missouri-Illinois State line, and (30)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from the destination territory described in (30)(a) above to the origin territory named in (30)(a) above. (*Nicholasville, Ky.)

(31)(a) *Paper and paper products* (except commodities in bulk) from points in Pennsylvania on, north, and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 219 to junction Interstate Highway 80, thence along Interstate HIghway 80 to the New Jersey-Pennsylvania State line to points in Kansas, those points in Alabama on and north of U.S. Highway 78, those points in Florida on and west of a line beginning at the Gulf of Mexico and extending along U.S. Highway 231 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Florida-Georgia State line, those points in Georgia on and west of a line beginning at the Tennessee-Georgia State line and extending along U.S. Highway 411 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Georgia Highway 85, thence along Georgia Highway 85 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Georgia-Florida State line; those points in Missouri on and south of a line beginning at the Missouri-Kansas State line and extending along U.S. Highway 136 to junction Missouri Highway 149, thence along Missouri Highway 149 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Missouri Highway 140, thence along Missouri Highway 140 to the Mississippi River, those points in North Dakota on and west of U.S. Highway 85, those points in South Dakota on and west of a line beginning at the North Dakota-South Dakota State line and extending along U.S. Highway 85 to junction U.S. Highway 385, thence along U.S. Highway 385 to the South Dakota-Nebraska State line, and those points in Nebraska on and west of a line beginning at the South Dakota-Nebraska State line and extending along U.S. Highway 385 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 183, thence along U.S. Highway 183 to the Kansas-Nebraska State line, and (31)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from the destination territory described in (31)(a) above to the origin territory described in (31)(a) above. (*Nicholasville, Ky.)

(32)(a) *Paper and paper products* (except commodities in bulk) from Harrisburg, Pa. to East St. Louis, Ill. and points in North Dakota, South Dakota, Nebraska, Kansas, Missouri,

and those points in Alabama on and north of U.S. Highway 78, those points in Florida on and west of U.S. Highway 231, those points in Georgia on and west of a line beginning at the Tennessee-Georgia State line and extending along U.S. Highway 27 to the Georgia-Alabama State line near Columbus, Ga., and (32)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from the destination territory described in (32)(a) above to Harrisburg, Pa. (*Nicholasville, Ky.)

(33)(a) *Paper and paper products* (except commodities in bulk) from Chambersburg, Pa. to East St. Louis, Ill. and points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, those points in Alabama on and north of U.S. Highway 78, those points in Florida on and west of U.S. Highway 231, those points in Georgia on and west of U.S. Highway 27, and (33)(b) *equipment, materials and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from the destination territory described in (33)(a) above to Chambersburg, Pa. (*Nicholasville, Ky.)

(34)(a) *Paper and paper products* (except commodities in bulk) from Bedford, Pa. to East St. Louis, Ill. and points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, and those points in Alabama on and north of U.S. Highway 78, those points in Georgia on and west of a line beginning at the North Carolina-Georgia State line and extending along Georgia Highway 11 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Georgia-Florida State line, and those points in Florida on and west of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 129 to junction U.S. Highway 98, thence along U.S. Highway 98 to junction Florida Highway 710, thence along Florida Highway 710 to its termination on the Atlantic Ocean, and (34)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from the destination territory described in (34)(a) above to Bedford, Pa. (*Nicholasville, Ky.)

(35)(a) *Paper and paper products* (except commodities in bulk) from Sibley, Iowa to points in Georgia, North Carolina, South Carolina, the District of Columbia, and those points in Florida on and east of Florida Highway 85, those points in Virginia on and south of U.S. Highway 50, those points in Maryland on and south of U.S. Highway 50, those points in Delaware on and south of a line beginning at the Maryland-Delaware State line and extending along Delaware Highway 300 to junction Delaware Highway 6, thence along Delaware Highway 6 to the Delaware River, those points in New Jersey on and south of a line beginning at Delaware Bay near Bacons Neck and extending along unnumbered highway to junction New Jersey Highway 29 near Bridgeton, thence along New Jersey Highway 49 to junction secondary State Highway 552 near Milliville, thence along secondary State Highway 552 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Atlantic Ocean near Atlantic City, and those points in Alabama on, north, and east of a line beginning at the Alabama-Tennessee State line and extending along U.S. Highway 72 to junction Alabama Highway 79, thence along Alabama Highway 79 to junction U.S. Highway 431, thence along U.S. Highway 431 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Georgia-Alabama State line, and (35)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from the destination territory described in (35)(a) above to Sibley, Iowa. Restriction: The authorities in (35)(a) and (35)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Centralia, Ill., and Nicholasville, Ky.)

(36)(a) *paper and paper products* (except commodities in bulk) from points in Iowa to points in North Carolina, South Carolina, those points in Virginia on and south of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 33 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Virginia Highway 3, thence along Virginia Highway 3 to junction with Virginia Highway 204, thence along Virginia Highway 204 to the Potomac River, those points in Georgia on and east of U.S. Highway 27, and those points in Florida on, south, and east of a line beginning at the Gulf of Mexico near Panama City and extending along U.S. Highway 231 to junction Florida Highway 20, thence along Florida Highway 20 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Georgia-Florida State line, and (36)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from the destination territory described in (36)(a) above to points in Iowa. (*Nicholasville, Ky.)

(37)(a) *paper and paper products* (except commodities in bulk) from points in Iowa on, north, and east of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 69 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Iowa Highway 1, thence along Iowa Highway 1 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Iowa State line to points in Georgia, North Carolina, South Carolina, those points in Florida on and east of U.S. Highway 231, and those points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 33 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Virginia Highway 3, thence along Virginia Highway 3 to junction Virgina Highway 204, thence along Virginia Highway 204 to the Potomac River, and (37)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from the destination territory described in (37)(a) above to the origin territory described in (37)(a) above. (*Nicholasville, Ky.)

(38)(a) *paper and paper products* (except commodities in bulk) from points in Iowa on, north, and west of a line beginning at Nebraska-Iowa State line near Council Bluffs and extending along Interstate Highway 80 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Iowa-Minnesota State line to points in Georgia, North Carolina, South Carolina, Virginia, Maryland, Delaware, Connecticut, Rhode Island, the District of Columbia, and those points in Florida on and east of U.S. Highway 231, those points in New Jersey on and east of U.S. Highway 202, those points in Massachusetts on and east of a line beginning at the Rhode Island-Massachusetts State line and extending along Massachusetts Highway 126 to junction Interstate Highway 495, thence along Interstate Highway 495 to the New Hampshire-Massachusetts State line, those points in Maine on and east of a line beginning at the New Hampshire-Maine State line and extending along U.S. Highway 202 to junction Interstate Highway 95, thence along Interstate Highway 95 to U.S. Highway 1, thence along U.S. Highway 1 to the International Boundary of United States and Canada, and those points in New York on and south of Interstate Highway 287, and (38)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from the destination territory described in (38)(a) above to the origin territory described in (38)(a) above. (*Nicholasville, Ky.)

(39)(a) *Paper and paper products* (except commodities in bulk) from Clinton, Iowa to points in Florida on and east of a line beginning at the Gulf of Mexico near Pensacola and extending along U.S. Highway 90 to junction Florida Highway 85, thence along Florida Highway 85 to the Alabama-Florida State line, those points

in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 33 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Virginia Highway 3, thence along Virginia Highway 3 to junction Virginia Highway 204, thence along Virginia Highway 204 to the Potomac River, those points in Alabama bounded by a line beginning at the Georgia-Alabama State line and extending along U.S. Highway 11 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line, thence along the Alabama-Georgia State line to the point of beginning, and points in Georgia, North Carolina, and South Carolina, and (39)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from the destination territory described in (39)(a) above to Clinton, Iowa. (*Nicholasville, Ky.)

(40)(a) *Paper and paper products* (except commodities in bulk) from points in Iowa on, south, and west of a line beginning at the Nebraska-Iowa State line near Council Bluffs and extending along Interstate Highway 80 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Missouri State line to points in Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, Maine, Rhode Island, Connecticut, the District of Columbia, and those points in Florida on and west of U.S. Highway 231, those points in New York on and east of a line beginning at the Pennsylvania-New York State line near Port Jervis and extending along U.S. Highway 209 to junction New York Highway 23, thence along New York Highway 23 to the New York-Massachusetts State line, those points in Massachusetts on and east of a line beginning at the Connecticut-Massachusetts State line and extending along U.S. Highway 202 to junction Massachusetts Highway 9, thence along Massachusetts Highway 9 to junction Massachusetts Highway 12, thence along Massachusetts Highway 12 to junction Massachusetts Highway 31, thence along Massachusetts Highway 31 to the Massachusetts-New Hampshire State line, and those points in New Hampshire on and east of U.S. Highway 202, and (40)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from the destination territory described in (40)(a) above to the origin territory described in (40)(a) above. (*Nicholasville, Ky.)

(41)(a) *Paper and paper products* (except commodities in bulk) from Oskaloosa, Iowa to points in Georgia, North Carolina, South Carolina, Virginia, Maryland, Delaware, Connecticut, Rhode Island, Maine, the District of Columbia, and those points in Florida on and east of U.S. Highway 231, those points in New Jersey on and west of U.S. Highway 202, those points in New York on, east, and south of a line beginning at the New Jersey-New York State line and extending along Interstate Highway 87 to junction New York Highway 23, thence along New York Highway 23 to the Massachusetts-New York State line, those points in Massachusetts on and east of U.S. Highway 202, and those points in New Hampshire on and east of a line beginning at the New Hampshire-Massachusetts State line and extending along New Hampshire Highway 13 to junction New Hampshire Highway 28, thence along New Hampshire Highway 28 to junction U.S. Highway 202, thence along U.S. Highway 202 to the Maine-New Hampshire State line, and (41)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from the destination territory named in (41)(a) above to Oskaloosa, Iowa. (*Nicholasville, Ky.)

(42)(a) *Paper and paper products* (except commodities in bulk) from Cedar Rapids, Iowa to points in Georgia, North Carolina, South Carolina, Virginia, Rhode Island, the District of Columbia, and those points in Florida on and east of a line beginning at the Gulf of Mexico near Pensacola and extending along U.S. Highway 90 to junction Florida Highway 85, thence along Florida Highway 85 to the Alabama-Florida State line, those points in Maryland on and south of a line beginning at the Potomac River near Washington, D. C., and extending along U.S. Highway 50 to junction Maryland Highway 404, thence along Maryland Highway 404 to the Maryland-Delaware State line, those points in Delaware on and south of Delaware Highway 8, those points in Connecticut on and south of a line beginning at the New York-Connecticut State line and extending along Interstate Highway 84 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Rhode Island-Connecticut State line, and those points in Massachusetts on and east of a line beginning at the Rhode Island-Massachusetts State line and extending along U.S. Highway 1 to the Massachusetts Bay near Boston, and (42)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from the destination territory described in (42)(a) above to Cedar Rapids, Iowa. (*Nicholasville, Ky.)

(43)(a) *Paper and paper products* (except commodities in bulk) from Bettendorf, Iowa to points in Georgia, North Carolina, South Carolina, Virginia, Rhode Island, the District of Columbia, and those points in Florida on and east of a line beginning at the Gulf of Mexico near Pensacola and extending along U.S. Highway 90 to junction Florida Highway 85, thence along Florida Highway 85 to the Alabama-Florida State line, those points in Maryland on and south of a line beginning at the Potomac River near Washington, D.C., and extending along U.S. Highway 50 to junction Maryland Highway 404, thence along Maryland Highway 404 to the Maryland-Delaware State line, those points in Delaware on and south of Delaware Highway 8, those points in Connecticut on and south of a line beginning at the New York-Connecticut State line and extending along Interstate Highway 84 to junction U.S. Highway 6, thence along U.S. Highway 6, thence along U.S. Highway 6 to the Rhode Island-Connecticut State line, and those points in Massachusetts on and east of a line beginning at the Rhode Island-Massachusetts State line and extending along U.S. Highway 1 to the Massachusetts Bay near Boston, and (43)(b) *equipment, materials, and supplies* used in the manufacture or distribution of *paper and paper products* (except commodities in bulk) from the destination territory described in (43)(a) above to Bettendorf, Iowa. (*Nicholasville, Ky.)

(44)(a) *Paper and paper products* (except commodities in bulk) from Knoxville, Iowa to points in Georgia, North Carolina, South Carolina, Virginia, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Maine, the District of Columbia, and those points in Florida on and east of U.S. Highway 231, those points in New York on, east, and south of a line beginning at the Pennsylvania-New York State line near Port Jervis and extending along U.S. Highway 209 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 23, thence along New York Highway 23 to the New York-Massachusetts State line, those points in Massachusetts on and east of U.S. Highway 202, and those points in New Hampshire on and east of U.S. Highway 3, and (44)(b) *equipment, materials, and supplies* used in the manufacture of distribution of paper and paper products (except commodities in bulk) from the destination territory described in (44)(a) above to Knoxville, Iowa. (*Nicholasville, Ky.)

(45)(a) *Paper and paper products* (except commodities in bulk) from points in Minnesota to points in Florida, Georgia, North Carolina, South Carolina, Virginia, the District of Columbia, and those points in Maryland on and south of a line beginning at the Potomac River near Washington, D.C., and extending along U.S. Highway 50 to junction Maryland Highway 404,

thence along Maryland Highway 404 to the Maryland-Delaware State line, those points in Alabama on, north, and east of a line beginning at the Alabama-Tennessee State line and extending along Interstate Highway 65 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line, and those points in Maine on and east of a line beginning at the International Boundary of United States and Canada and extending along U.S. Highway 1 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Alternate U.S. Highway 1, thence along Alternate U.S. Highway 1 to junction Maine Highway 3, thence along Maine Highway 3 to the Atlantic Ocean, and (45)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (45)(a) above to points in Minnesota. Restriction: the authorities in (45)(a) and (45)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(46)(a) *Paper and paper products* (except commodities in bulk) from points in Minnesota on and east of a line beginning at the International Boundary of United States and Canada and extending along U.S. Highway 71 to junction U.S. Highway 10, thence along U.S. Highway 10 to the Wisconsin-Minnesota State line to Mobile, Ala. and points in Florida, Georgia, North Carolina, South Carolina, Virginia, Maine, Connecticut, Rhode Island, Maryland, Delaware, the District of Columbia, and those points in New Jersey on and east of U.S. Highway 202, those points in New York on and south of U.S. Highway 202, those points in Massachusetts on and east of a line beginning at the Connecticut-Massachusetts State line and extending along Massachusetts Highway 12 to junction Massachusetts Highway 31, thence along Massachusetts Highway 31 to the Massachusetts-New Hampshire State line, and those points in Alabama on, north, and east of a line beginning at the Alabama-Tennessee State line and extending along U.S. Highway 43 to junction Alabama Highway 253, thence along Alabama Highway 253 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line, and (46)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (46)(a) above to points in the origin territory described in (46)(a) above. Restriction: The authorities in (46)(a) and (46)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(47)(a) *Paper and paper products* (except commodities in bulk) from points in West Virginia to Memphis, Tenn., Evansville, Ind., East St. Louis, Ill. and points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, Louisiana, Texas, Arkansas, Oklahoma, Kansas, and those points in North Dakota on and west of a line beginning at the International Boundary of Canada and United States and extending along U.S. Highway 281 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction North Dakota Highway 3, thence along North Dakota Highway 3 to the North Dakota-South Dakota State line, those points in South Dakota on and west of U.S. Highway 83, those points in Nebraska on, west, and south of a line beginning at the South Dakota-Nebraska State line and extending along U.S. Highway 83 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to the Nebraska-Iowa State line, those points in Missouri on, west, and south of a line beginning at the Kansas-Missouri State line near St. Joseph and extending along U.S. Highway 36 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Missouri-Illinois State line near St. Louis, those points in Illinois on and south of U.S. Highway 460, and those points in Mississippi on and west of a line beginning at the Tennessee-Mississippi State line and extending along U.S. Highway 45 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Mississippi-Louisiana State line, and (47)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from the destination territory described in (47)(a) above to points in West Virginia. (*Nicholasville, Ky.)

(48)(a) *Paper and paper products* (except commodities in bulk) from those points in West Virginia on and north of U.S. Highway 60 to Mobile, Ala. and points in Arkansas, Louisiana, and Mississippi and those points in Alabama on, north, and west of a line beginning at the Mississippi-Alabama State line and extending along U.S. Highway 78 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction Alabama Highway 24, thence along Alabama Highway 24 to junction Alabama Highway 20, thence along Alabama Highway 20 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-Tennessee State line, and (48)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (48)(a) above to points in the origin territory described in (48)(a) above. (*Nicholasville, Ky.)

(49)(a) *Paper and paper products* (except commodities in bulk) from those points in West Virginia on and north of a line beginning at the Ohio-West Virginia State line near Parkersburg and extending along U.S. Highway 50 to junction U.S. Highway 19, thence along U.S. Highway 19 to the Pennsylvania-West Virginia State line to Mobile, Ala., points in Mississippi, and those points in Alabama on and north of U.S. Highway 78, those points in Georgia on and west of a line beginning at the North Carolina-Georgia State line and extending along Georgia Highway 11 to junction Georgia Highway 212, thence along Georgia Highway 212 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction U.S. Highway 129, thence along U.S. Highway 129 to the Georgia-Florida State line, and those points in Florida on, south, and west of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 41 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction Florida Highway 40, thence along Florida Highway 40 to junction U.S. Highway 1, thence along U.S. Highway 1 to its termination on the Atlantic Ocean, and (49)(b) *equipment, materials and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (49)(a) above to points in the origin territory described in (49)(a) above. (*Nicholasville, Ky.)

(50)(a) *Paper and paper products* (except commodities in bulk) from those points in Alabama south of U.S. Highway 78 (except Mobile and points in its Commercial Zone as defined by the Commission) to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Washington, Oregon, and those points in New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line near Phillipsburg and extending along Interstate Highway 78 to junction Interstate Highway 287, thence along Interstate Highway 287 to junction U.S. Highway 9, thence along U.S. Highway 9 to the Raritan Bay near Perth Amboy, those points in North Dakota on and north of U.S. Highway 10, those points in Montana on and north of a line beginning at the Montana-Idaho State line and extending along U.S. Highway 10 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 12, thence along U.S.

Highway 12 to the Montana-North Dakota State line, those points in Idaho on, north, and west of a line beginning at the Oregon-Idaho State line and extending along Interstate Highway 80N to junction U.S. Highway 93, thence along U.S. Highway 93 to the Idaho-Montana State line, and those points in California on and north of a line beginning at the Pacific Ocean near Eureka and extending along California Highway 299 to junction U.S. Highway 395, thence along U.S. Highway 395 to the California-Oregon State line, and (50)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (50)(a) above to points in the origin territory described in (50)(a) above. (*Nicholasville, Ky.)

(51)(a) *Paper and paper products* (except commodities in bulk) from points in Alabama on, south, and east of a line beginning at the Florida-Alabama State line and extending along U.S. Highway 331 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Georgia-Alabama State line to points in Washington, Oregon, Idaho, Montana, Wyoming, North Dakota, South Dakota, and those points in Nebraska on and north of a line beginning at the Wyoming-Nebraska State line and extending along Interstate Highway 80 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to junction Nebraska Highway 22, thence along Nebraska highway 22 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Nebraska-Iowa State line, those points in Colorado on and north of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 6 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Colorado-Kansas State line, those points in Utah on and north of a line beginning at the Utah-Nevada State line and extending along U.S. Highway 6 to junction Utah Highway 26, thence along Utah Highway 26 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Utah-Colorado State line, those points in Nevada on and north of U.S. Highway 6, and those points in California on and north of a line beginning at the Pacific Ocean near San Francisco and extending along Interstate Highway 80 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Nevada-California State line, and (51)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk), from points in the destination territory described in (51)(a) above to points in the origin territory described in (51)(a) above. (*Nicholasville, Ky.)

(52)(a) *Paper and paper products* (except commodities in bulk) from points in Alabama on, south, and west of a line beginning at the Mississippi-Alabama State line and extending along U.S. Highway 80 to junction U.S. Highway 331, thence along U.S. Highway 331 to the Alabama-Florida State line (except Mobile and points in its Commercial Zone as defined by the Commission) to points in Maine, Vermont, New Hampshire, New York, Massachusetts, Connecticut, Rhode Island, Washington, Oregon, North Dakota, and those points in New Jersey on and north of U.S. Highway 322, those points in Maryland on and west of a line beginning at the West Virginia-Maryland State line and extending along U.S. Highway 340 to junction Maryland Highway 194, thence along Maryland Highway 194 to the Maryland-Pennsylvania State line, those points in Montana on, west, and north of a line beginning at the Wyoming-Montana State line and extending along U.S. Highway 191 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Montana-North Dakota State line, those points in Idaho on, west, and north of a line beginning at the Nevada-Idaho State line and extending along U.S. Highway 93 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Wyoming-Idaho State line, and those points in California on and north of a line beginning at the Pacific Ocean near Eureka and extending along California Highway 299 to junction U.S. Highway 395, thence along Highway 395 to the California-Oregon State line, and (52)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (52)(a) above to points in the origin territory described in (52)(a) above. (*Nicholasville, Ky.)

(53)(a) *Paper and paper products* (except commodities in bulk) from Mahrt, Ala. to points in Washington, Oregon, Idaho, Montana, Wyoming, North Dakota, South Dakota, Nebraska, Utah, those points in Nevada on and north of U.S. Highway 91, those points in Colorado on and north of a line beginning at the New Mexico-Colorado State line and extending along U.S. Highway 160 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction Colorado Highway 96, thence along Colorado Highway 96 to the Colorado-Kansas State line, those points in Kansas on and north of a line beginning at the Colorado-Kansas State line and extending along Kanasas Highway 96 to junction Kansas Highway 27, thence along Kansas Highway 27 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Kansas-Missouri State line near Kansas City, and Sylmar, Calif. and points in California on and north of a line beginning at the Pacific Ocean near Ventura and extending along California Highway 126 to junction California Highway 14, thence along California Highway 14 to junction California Highway 58, thence along California Highway 58 to junction Interstate Highway 15, thence along Interstate 15 to the California-Nevada State line, and (53)(b) *equipment, materials, and supplies* used in the manufactuer or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (53)(a) above to Mahrt, Ala. (*Nicholasville, Ky.)

(54)(a) *Paper and paper products* (except commodities in bulk) from points in Ohio to Memphis, Tenn. and Mobile, Ala. and points in California, Arizona, New Mexico, Texas, Louisiana, Mississippi, Florida, and those points in Georgia on and west of a line beginning at the North Carolina-Georgia State line and extending along Georgia Highway 11 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction U.S. Highway 341, thence along U.S. Highway 341 to the Atlantic Ocean near Brunswick, those points in Alabama on and north of U.S. Highway 78, those points in Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line and extending along U.S. Highway 70 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Arkansas Highway 25, thence along Arkansas Highway 25 to the Arkansas-Missouri State line, those points in Oklahoma on, south, and west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 83 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Oklahoma-Arkansas State line, those points in Colorado on and south of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 50 to junction U.S. Highway 350, thence along U.S. Highway 350 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line, those points in Utah on and south of a line beginning at the Nevada-Utah State line and extending along U.S. Highway 6 to junction Utah Highway 26, thence along Utah Highway 26 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Utah-Colorado State line, those

points in Nevada on, west, and south of a line beginning at the Oregon-Nevada State line and extending along U.S. Highway 95 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Nevada-Utah State line, those points in Oregon on and west of a line beginning at the Washington-Oregon State line and extending along Oregon Highway 11 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Oregon-Idaho State line, and those points in Washington on and west of a line beginning at the International Boundary of United States and Canada and extending along Washington Highway 21 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 395, thence along U.S. Highway 395 to the Washington-Oregon State line, and (54)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (54)(a) above to points in Ohio. Restriction: The authorities in (54)(a) above and (54)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper; and further restricted against the transportation of paper and paper products originating at Lockland, Hamilton, Cincinnati, Middletown, and Cleveland, Ohio and points in their Commercial Zones as defined by the Commission. (*Nicholasville, Ky.)

(55)(a) *Paper and paper products* (except commodities in bulk) from points in Ohio on, north, and east of a line beginning at Lake Erie near Lorain and extending along Ohio Highway 57 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Ohio-Pennsylvania State line to Memphis, Tenn. and Mobile, Ala. and points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Colorado, New Mexico, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Georgia, Florida, those points in Alabama on and north of U.S. Highway 78, those points in North Carolina on and west of U.S. Highway 25, those points in South Carolina on and west of U.S. Highway 221, those points in Missouri on and south of a line beginning at the Kansas-Missouri State line near Kansas City and extending along U.S. Highway 40 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 72, thence along Missouri Highway 51, thence along Missouri Highway 51 to the Missouri-Illinois State line, those points in Kansas on and south of U.S. Highway 24, those points in Wyoming on, west, and south of a line beginning at the Wyoming-Montana State line and extending along U.S. Highway 310 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Wyoming-Nebraska State line, and those points in Montana on and east of a line beginning at the International Boundary of United States and Canada and extending along Interstate Highway 15 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Wyoming-Montana State line, and (55)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (55)(a) above to points in the origin territory described in (55)(a) above. Restriction: The authorities in (55)(a) above and (55)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper; and further restricted against the transportation of paper and paper products originating at Cleveland, Ohio. (*Nicholasville, Ky.)

(56)(a) *Paper and paper products* (except commodities in bulk) from points in Ohio bounded by a line beginning at the Michigan-Ohio State line and extending along Interstate Highway 75 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 57, thence along Ohio Highway 57 to its termination on Lake Erie to points in Florida, Georgia, California, Washington, Oregon, Nevada, New Mexico, Arizona, Utah, Texas, Oklahoma, Louisiana, Arkansas, those points in Montana on and west of U.S. Highway 93, those points in Idaho on and west of U.S. Highway 91, those points in Colorado on and south of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 40 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Colorado-Kansas State line, those points in Kansas on and south of a line beginning at the Colorado-Kansas State line and extending along Interstate Highway 70 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line, those points in Missouri on and south of a line beginning at the Arkansas-Missouri State line and extending along Missouri Highway 5 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Missouri-Illinois State line, those points in North Carolina on and west of U.S. Highway 25, and those points in South Carolina on and west of U.S. Highway 176, and (56)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (56)(a) above to points in the origin territory described in (56)(a) above. Restriction: The authorities in (56)(a) above and (56)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(57)(a) *Paper and paper products* (except commodities in bulk) from points in Ohio on, north, and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 25, thence along U.S. Highway 25 to the Michigan-Ohio State line to points in Florida, Georgia, those points in North Carolina on and south of a line beginning at the Tennessee-North Carolina State line and extending along U.S. Highway 25 to junction U.S. Highway 74, thence along U.S. Highway 74 to junction U.S. Highway 52, thence along U.S. Highway 52 to the North Carolina-South Carolina State line, and those 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 52 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction U.S. Highway 501, thence along U.S. Highway 501 to the Atlantic Ocean near Myrtle Beach, and (57)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (57)(a) above to points in the origin territory described in (57)(a) above. Restriction: The authorities in (57)(a) above and (57)(b) above are restricted against the transportation of pulpboard, pulpboard products and waste paper. (*Nicholasville, Ky.)

(58)(a) *Paper and paper products* (except commodities in bulk) from points in Ohio bounded by a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Ohio Highway 31, thence along Ohio Highway 31 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line, thence along the Ohio-Indiana State line to point of beginning to points in Florida, Georgia, New Mexico, Arizona, California, Nevada, Washington, Oregon, and those points in North Carolina on and south of a line beginning at the Tennessee-North Carolina State line and extending along U.S. Highway 25 to junction U.S. Highway 74, thence

along U.S. Highway 74 to junction North Carolina Highway 51, thence along North Carolina Highway 51 to junction U.S. Highway 521, thence along U.S. Highway 521 to the North Carolina-South Carolina State line, those 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 52 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction U.S. Highway 501, thence along U.S. Highway 501 to the Atlantic Ocean near Myrtle Beach, those points in Idaho on and west of a line beginning at the Oregon-Idaho State line and extending along Interstate Highway 80N to junction U.S. Highway 93, thence along U.S. Highway 93 to the Idaho-Nevada State line, those points in Utah on and south of U.S. Highway 6, and those points in Colorado on, south, and west of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 50 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line, and (58)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (58)(a) above to points in the origin territory described in (58)(a) above. Restriction: The authorities in (58)(a) above and (58)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(59)(a) *Paper and paper products* (except commodities in bulk) from points in Ohio bounded by a line beginning at the junction of U.S. Highways 224 and 68 at Findlay and extending along U.S. Highway 68 to junction Ohio Highway 31, thence along Ohio Highway 31 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 224, thence along U.S. Highway 224 to point of beginning to points in Georgia, Florida, Louisiana, Arkansas, Oklahoma, Texas, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, California, Nevada, and those points in Montana on and west of a line beginning at the international boundary of the United States and Canada and extending along U.S. Highway 91 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Montana-Wyoming State line, those points in Wyoming on and west of a line beginning at the Montana-Wyoming State line and extending along Wyoming Highway 120 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to the Wyoming-Colorado State line, those points in Colorado on and south of a line beginning at the Wyoming-Colorado State line and extending along Colorado Highway 789 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Colorado-Kansas State line, those points in Kansas on and south of a line beginning at the Kansas-Colorado State line and extending along U.S. Highway 40 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line, those points in Missouri on and south of a line beginning at the Missouri-Arkansas State line and extending along Missouri Highway 5 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Missouri-Illinois State line, those points in North Carolina on and west of U.S. Highway 25, and those points in South Carolina on and west of U.S. Highway 25, and (59)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (59)(a) above to points in the origin territory described in (59)(a) above. Restriction: The authorities in (59)(a) above and (59)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(60)(a) *Paper and paper products* (except commodities in bulk) from points in Ohio bounded by a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 224 to junction Interstate Highway 77, thence along Interstate Highway 77, to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Pennsylvania State line, thence along the Ohio-Pennsylvania State line to point of beginning to points in Georgia, Florida, Louisiana, Arkansas, Texas, Oklahoma, Kansas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, Washington, Oregon, California, and those points in South Carolina on and west of U.S. Highway 25, those points in Missouri on and south of a line beginning at the Kansas-Missouri State line near Kansas City and extending along U.S. Highway 40 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Missouri-Illinois State line, and those points in Nebraska on, south, and west of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 26 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Nebraska-Kansas State line, and (60)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (60)(a) above to points in the origin territory described in (60)(a) above. Restriction: The authorities in (60)(a) above and (60)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper, (*Nicholasville, Ky.)

(61)(a) *Paper and paper products* (except commodities in bulk) from points in Ohio bounded by a line beginning at the West Virginia-Ohio State line and extending along U.S. Highway 40 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line, thence along the Ohio-West Virginia State line to the point of beginning to points in Louisiana, Arkansas, Oklahoma, Texas, those points in Missouri on and south of a line beginning at the Kansas-Missouri State line near Kansas City and extending along U.S. Highway 50 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction Missouri Highway 51, thence along Missouri Highway 51 to the Missouri-Illinois State line, those points in Kansas on, south, and west of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 77 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Kansas-Missouri State line, those points in Nebraska on and west of a line beginning at the South Dakota-Nebraska State line and extending along U.S. Highway 83 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Kansas-Nebraska State line, those points in South Dakota on and west of U.S. Highway 83, and those points in North Dakota on, north, and west of a line beginning at the South Dakota-North Dakota State line and extending along U.S. Highway 281 to U.S. Highway 2, thence along U.S. Highway 2 to the North Dakota-Minnesota State line, and (61)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (61)(a) above to points in the origin territory described in (61)(a) above. Restriction: The authorities in (61)(a) above and (61)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(62)(a) *Paper and paper products* (except commodities in bulk) from

those points in Ohio bounded by a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 68 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line, thence along the Ohio-West Virginia/Kentucky State line to the point of beginning to points in Florida, Georgia, Louisiana, Arkansas, Texas, Oklahoma, those points in Kansas on, west, and south of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 83 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Missouri-Kansas State line, those points in Nebraska on and west of U.S. Highway 83, those points in South Dakota on and west of U.S. Highway 83, those points in North Dakota on, west, and north of a line beginning at the South Dakota-North Dakota State line and extending along North Dakota Highway 3 to junction U.S. Highway 2, thence along U.S. Highway 2 to the North Dakota-Minnesota State line, those points in Missouri on and west of a line beginning at the Kansas-Missouri State line near Kansas City and extending along U.S. Highway 71 to the Missouri-Arkansas State line and also those points on and south of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 65 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Missouri-Illinois State line, and those points in South Carolina on and southwest of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 123 to junction U.S. Highway 178, thence along U.S. Highway 178 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Atlantic Ocean near Charleston, and (62)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (62)(a) above to points in the origin territory described in (62)(a) above. Restriction: The authorities in (62)(a) above and (62)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(63)(a) *Paper and paper products* (except commodities in bulk) from those points in Ohio bounded by a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 35, thence along U.S. Highway 35 to the Ohio-Indiana State line, thence along the Ohio-Indiana State line to the point of beginning to points in Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Utah, Arizona, New Mexico, Texas, Louisiana, Florida, Georgia, South Carolina, and those points in Colorado on, south, and west of a line beginning at the Nebraska-Colorado State line and extending along Colorado Highway 71 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Colorado-Kansas State line, those points in Kansas on, south, and west of a line beginning at the Colorado-Kansas State line and extending along Kansas Highway 96 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Kansas-Oklahoma State line, those points in Oklahoma on, south, and west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 281 to junction Interstate Highway Highway 40, thence along Interstate Highway 40 to the Oklahoma-Arkansas State line, those points in Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line and extending along U.S. Highway 64 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Arkansas-Missouri State line, and those points in North Carolina on and south of a line beginning at the Tennessee-North Carolina State line and extending along U.S. Highway 70 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Atlantic Ocean, and (63)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (63)(a) above to points in the origin territory described in (63)(a) above. Restriction: The authorities in (63)(a) above and (63)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(64)(a) *Paper and paper products* (except commodities in bulk) from those points in Ohio bounded by a line beginning at the junction of U.S. Highways 35 and 27, thence along U.S. Highway 35 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction Ohio Highway 129, thence along Ohio Highway 129 to junction U.S. Highway 27, thence along U.S. Highway 27 to the point of beginning to points in Montana, Wyoming, New Mexico, Texas, Louisiana, Florida, Georgia, South Carolina, those points in Colorado on, south, and west of a line beginning at the Nebraska-Colorado State line and extending along Colorado Highway 71 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Colorado-Kansas State line, those points in Oklahoma on, south, and west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 281 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Oklahoma-Arkansas State line, those points in Kansas on, south, and west of a line beginning at the Colorado-Kansas State line and extending along Kansas Highway 96 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Kansas-Oklahoma State line, those points in Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line and extending along U.S. Highway 64 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Arkansas-Missouri State line, those points in North Carolina on, south, 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 29, thence along U.S. Highway 29 to the North Carolina-Virginia State line, and those points in Virginia on and south of line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 29 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 258, thence along U.S. Highway 258 to Chesapeake Bay near Norfolk, and (64)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (64)(a) above to points in the origin territory described in (64)(a) above. Restriction: The authorities in (64)(a) above and (64)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper; and further restricted against the transportation of traffic originating at Hamilton and Middletown, Ohio, and points in their commercial zones as defined by the Commission. (*Nicholasville, Ky.)

(65)(a) *Paper and paper products* (except commodities in bulk) from those points in Ohio bounded by a line beginning at the Kentucky-Ohio State line and extending along U.S. Highway 25 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 68, thence along U.S. Highway 68 to the Ohio-Kentucky State line, thence along the Ohio-Kentucky State line to point of beginning to points in South Carolina, Georgia, Florida, Louisiana, Arkansas, Texas, Oklahoma, and those points in Kansas on, south, and west of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 83 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Kansas-Oklahoma State line, those points in

Nebraska on and west of U.S. Highway 83, those points in South Dakoka on and west of U.S. Highway 83, those points in North Dakota on, west, and north of a line beginning at the South Dakota-North Dakota line and extending along U.S. Highway 281 to junction U.S. Highway 2, thence along U.S. Highway 2 to the North Dakota-Minnesota State line, those points in North Carolina on and south of a line beginning at the Tennessee-North Carolina State line and extending along U.S. Highway 421 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction U.S. Highway 158, thence along U.S. Highway 158 to the Atlantic Ocean, and those points in Missouri on and south of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 65 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Missouri-Illinois State line, and (65)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (65)(a) above to points in the origin territory described in (65)(a) above. Restriction: The authorities in (65)(a) above and (65)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper; and further restricted against the transportation of traffic originating at Cincinnati and Lockland, Ohio, and points in their commerical zones as defined by the Commission. (*Nicholasville, Ky.)

(66)(a) *Paper and paper products* (except commodities in bulk) from those points in Ohio on, west, and south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 35 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction Ohio Highway 129, thence along Ohio Highway 129 to junction U.S. Highway 25, thence along U.S. Highway 25 to the Ohio-Kentucky State line to points in Montana, Wyoming, New Mexico, Texas, Louisiana, Florida, Georgia, South Carolina, North Carolina, and those points in Colorado on, south, and west of a line beginning at the Nebraska-Colorado State line and extending along Colorado Highway 71 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Colorado-Kansas State line, those points in Kansas on, south, and west of a line beginning at the Colorado-Kansas State line and extending along Kansas Highway 96 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Kansas-Oklahoma State line, those points in Oklahoma on, south, and west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 281 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Oklahoma-Arkansas State line, those points in Arkansas on, south, and west of a line beginning at the Arkansas-Oklahoma State line and extending along U.S. Highway 64 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Arkansas-Missouri State line, and those points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 460 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction Virginia Highway 33, thence along Virginia Highway 33 to its termination on the Chesapeake Bay, and (66)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (66)(a) above to points in the origin territory described in (66)(a) above. Restriction: The authorities in (66)(a) above and (66)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper; and further restricted against the transportation of traffic originating at Lockland, Cincinnati, and Hamilton, Ohio, and points in their commercial zones as defined by the Commission. (*Nicholasville, Ky.)

(67)(a) *Paper and paper products* (except commodities in bulk) from Chillicothe, Ohio, to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Florida, Georgia, and those points in Missouri on, south, and west of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 65 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction U.S. Highway 63, thence along U.S. Highway 63 to Missouri Highway 22, thence along Missouri Highway 22 to junction U.S. Highway 54, thence along U.S. Highway 54 to its termination on the Mississippi River, those points in Alabama on and north of U.S. Highway 78, those points in North Carolina on and west of U.S. Highway 25, those 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 176 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Atlantic Ocean near Charleston, and (67)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (67)(a) above to Chillicothe, Ohio. Restriction: The authorities in (67)(a) above and (67)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(68)(a) *Paper and paper products* (except commodities in bulk) from Steubenville, Ohio to Mobile, Ala. and points in Alabama on and north of U.S. Highway 78, those points in South Caroina on and west of U.S. Highway 25, and points in Florida and Georgia, and (68)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory named in (68)(a) above to Steubenville, Ohio. Restriction: The authorities in (68)(a) above and (68)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(69)(a) *Paper and paper products* (except commodities in bulk) from Franklin, Ohio to points in Florida, Georgia, South Carolina, North Carolina, and those points in Virginia on and south of U.S. Highway 60, and (69)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (69)(a) above to Franklin, Ohio. Restriction: The authorities in (69)(a) above and (69)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(70)(a) *Paper and paper products* (except commodities in bulk) from Sandusky, Ohio to points in Florida, Georgia, Louisiana, Arkansas, Oklahoma, Texas, New Mexico, Arizona, Utah, Idaho, Nevada, Oregon, California, Washington, those points in Montana on and west of a line beginning at the International Boundary of United States and Canada and extending along U.S. Highway 91 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Montana-Wyoming State line, those points in Wyoming on and west of a line beginning at the Montana-Wyoming State line and extending along Wyoming Highway 120 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Wyoming-Colorado State line, those points in Colorado on, west, and south of a line beginning at the Colorado-Wyoming State line and extending along U.S. Highway 287 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Colorado-Kansas State

line, those points in Kansas on and south of U.S. Highway 24, those points in missouri on and south of a line beginning at the Kansas-Missouri State line near Kansas City and extending along U.S. Highway 50 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Missouri Highway 34, thence along Missouri Highway 34 to junction Missouri Highway 51, thence along Missouri Highway 51 to the Missouri-Illinois State line, those 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 601 to junction South Carolina Highway 9, thence along South Carolina Highway 9 to the Atlantic Ocean, and those points in North Carolina on and south of a line beginning at the Tennessee-North Carolina State line and extending along Interstate Highway 40 to junction U.S. Highway 74, thence along U.S. Highway 74 to junction U.S. Highway 601, thence along U.S. Highway 601 to the North Carolina-South Carolina State line, and (70)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (70)(a) above to Sandusky, Ohio. Restriction: The authorities in (70)(a) above and (70)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nichoiasville, Ky.)

(71)(a) *Paper and paper products* (except commodities in bulk) from Toledo, Ohio to points in Washington, Oregon, California, Nevada, Utah, Arizona, New Mexico, Oklahoma, Texas, Louisiana, Arkansas, Mississippi, Florida, Georgia, South Carolina, and those points in Montana on and west of U.S. Highway 93, those points in Idaho on and west of U.S. Highway 91, those points in Colorado on and south of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 40 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Colorado-Kansas State line, those points in Kansas on and south of a line beginning at the Colorado-Kansas State line and extending along Interstate Highway 70 to juntion U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouris State line, those points in Missouri on and south of a line beginning at the Missouri-Arkansas State line and extending along Missouri Highway 5 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Missouri-Illinois State line, those points in Alabama on and north of U.S. Highway 78, and those points in North Carolina on and south of a line beginning at the North Carolina-Tennessee State line and extending along U.S. Highway 70 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Atlantic Ocean, and (71)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (71)(a) above to Toledo, Ohio. Restriction: The authorities in (71)(a) above and (71)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(72)(a) *Paper and paper products* (except commodities in bulk) from points in Indiana (except points in the Evansville Commercial Zone as defined by the Commission) to points in South Carolina, those points in North Carolina on and east of North Carolina Highway 28, those points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 52 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line, those points in Georgia on and east of a line beginning at the North Carolina-Georgia State line and extending along U.S. Highway 23 to junction Georgia Highway 17, thence along Georgia Highway 17 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 129, thence along U.S. Highway 129 to the Georgia-Florida State line, those points in Florida on and south of a line beginning at the origination of Florida Secondary Highway 14 on the Gulf of Mexico and extending along Florida Secondary Highway 14 to junction U.S. Highway 98, thence along U.S. Highway 98 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Florida Highway 247, thence along Florida Highway 247 to junction U.S. Highway 441, thence along U.S. Highway 441 to the Florida-Georgia State line, and those points in California on, west, and south of a line beginning at the Pacific Ocean near Morro Bay and extending along California Highway 1 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction California Highway 86, thence along California Highway 86 to junction Interstate Highway 8, thence along Interstate Highway 8 to the California-Arizona State line, and (72)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (72)(a) above to points in Indiana (except points in the Evansville Commercial Zone as defined by the Commission). Restriction: The authorities in (72)(a) above and (72)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(73)(a) *Paper and paper products* (except commodities in bulk) from those points in Indiana on, north, and west of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to junction Indiana Highway 25, thence along Indiana Highway 25 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Indiana-Michigan State line to Mobile, Ala. and points in North Carolina, South Carolina, Florida, Georgia, and those points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 39 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Chesapeake Bay near Norfolk, those points in California on, west, and south of a line beginning at the Pacific Ocean near Morror Bay and extending along California Highway 1 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction California Highway 86, thence along California Highway 86 to junction Interstate Highway 8, thence along Interstate Highway 8 to the California-Arizona State line, those points in Texas on and south of U.S. Highway 90, those points in Louisiana on and south of a line beginning at the Texas-Louisiana State line and extending along Interstate Highway 10 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Louisiana-Mississippi State line, and those points in Alabama on, east, and north of a line beginning at the Tennessee-Alabama State line and extending along U.S. Highway 231 to junction Alabama Highway 79, thence along Alabama Highway 79 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line, and

(73)(b) *Equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (73)(a) above to points in the origin territory described in (73)(a) above. Restriction: The authorities in (73)(a) above and (73)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(74(a) *Paper and paper products* (except commodities in bulk) from points in Indiana on, north, and east of a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 31 to junction Indiana Highway 25, thence along Indiana Highway 25 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Indiana-Ohio State line to Mobile, Ala. and points in Florida, Georgia, North Carolina, South Carolina, Louisiana, and those points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 16 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Interstate Highway 95, thence along Interstate Highway 95 to the Virginia-North Carolina State line, those points in Mississippi on and south of a line beginning at the Mississippi-Arkansas State line and extending along U.S. Highway 82 to junction Mississippi Highway 15, thence along Mississippi Highway 15 to junction Mississippi Highway 30, thence along Mississippi Highway 30 to the Mississippi-Alabama State line, those points in Arkansas on and south of U.S. Highway 82, those points in Texas on and south of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 380 to junction Interstate Highway 30, thence along Interstate Highway 30 to the Texas-Arkansas State line, those points in New Mexico on and south of a line beginning at the Arizona-New Mexico State line and extending along U.S. Highway 66 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 380, thence along U.S. Highway 380 to the New Mexico-Texas State line, those points in Arizona on and south of a line beginning at the Nevada-Arizona State line and extending along U.S. Highway 93 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Arizona-New Mexico State line, those points in California on, West, and south of a line beginning at the Pacific Ocean near San Francisco and extending along Interstate Highway 280 to junction California Highway 92, thence along California Highway 92 to junction Interstate Highway 580, thence along Interstate Highway 580 to junction Interstate Highway 205, thence along Interstate Highway 205 to junction California Highway 99, thence along California Highway 99 to junction California Highway 58, thence along California Highway 58 to junction Interstate Highway 15, thence along Interstate Highway 15 to the California-Nevada State line, and those points in Nevada on and south of a line beginning at the California-Nevada State line and extending along Interstate Highway 15 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Nevada-Arizona State line, and (74)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (74)(a) above to points in the origin territory described in (74)(a) above. Restriction: The authorities in (74)(a) above and (74)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(75)(a) *Paper and paper products* (except commodities in bulk) from those points in Indiana bounded by a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 24 to junction Indiana Highway 29, thence along Indiana Highway 29 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Ohio State line, thence along the Indiana-Ohio State line to point of beginning to Mobile, Ala. and points in California, Florida, Georgia, South Caroline, North Caroline, Louisiana, and those points in Alabama on, north, and east of a line beginning at the Tennessee-Alabama State line and extending along U.S. Highway 72 to junction Alabama Highway 79, thence along Alabama Highway 79 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line, those points in Virginia on and south of a line beginning at the West Virginia-Virginia State Line and extending along Virginia Highway 16 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 360, thence along U.S. Highway 360 to its termination on the Chesapeake Bay, those points in Mississippi on and south of U.S. Highway 82, those points in Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line and extending along U.S. Highway 70 to junction Arkansas Highway 4, thence along Arkansas Highway 4 to the Arkansas-Mississippi State line, those points in Texas on and south of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 380 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Texas-Oklahoma State line, those points in New Mexico on and south of a line beginning at the Arizona-New Mexico State line and extending along U.S. Highway 66 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 380, thence along U.S. Highway 380 to the New Mexico-Texas State line, those points in Arizona on, south, and west of a line beginning at the Utah-Arizona State line and extending along U.S. Highway 89 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Arizona-New Mexico State line, those points in Nevada on, west, and south of a line beginning at the California-Nevada State line and extending along U.S. Highway 40 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Nevada-Arizona State line, those points in Oregon on and west of U.S. Highway 395, those points in Washington on and west of a line beginning at the International Boundary of United States and Canada and extending along U.S. Highway 97 to junction Washington Highway 17, thence along Washington Highway 17 to junction U.S. Highway 395, thence along U.S. Highway 395 to the Washington-Oregon State line, and (75)(b) *equipment, materials, and supplies* used in the manufacture of distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (75)(a) above to points in the origin territory described in (75)(a) above. Restriction: The authorities in (75)(a) above and (75)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.) 000

(76)(a) *Paper and paper products* (except commodities in bulk) from those points in Indiana bounded by a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to junction Indiana Highway 29, thence along Indiana Highway 29 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Illinois State line, thence along the Indiana-Illinois State line to point of beginning to points in North Carolina, South Carolina, Georgia, those points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 250 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Virginia Highway 3, thence along Virginia Highway 3 to junction Virginia Highway 218, thence along Virginia Highway 218 to its termination on the Potomac River, those points in Florida on and west of U.S. Highway 29, those points in Texas on and south of U.S. Highway 285, those points in California on and south of a line beginning at the Pacific Ocean near Santa Cruz and extending along California Highway 1 to junction California Highway 183, thence along California Highway 183 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction California Highway 46, thence along California Highway 46 to junction California

Highway 99, thence along California Highway 99 to junction California Highway 58, thence along California Highway 58 to junction U.S. Highway 66, thence along U.S. Highway 66 to the California-Arizona State line, and (76)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (76)(a) above to points in the origin territory described in (76)(a) above. Restriction: The authorities in (76)(a) above and (76)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(77)(a) *Paper and paper products* (except commodities in bulk) from those points in Indiana bounded by a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 40 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Indiana-Kentucky State line, thence along the Indiana-Kentucky State line to junction Indiana-Ohio State line, thence along the Indiana-Ohio State line to point of beginning to Mobile, Ala. and points in Florida, Georgia, North Carolina, South Carolina, Louisiana, Arizona, California, Nevada, Oregon, and Washington, and those points in Alabama on, east, and north of a line beginning at the Georgia-Alabama State line and extending along U.S. Highway 11 to junction Alabama Highway 77, thence along Alabama Highway 77 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line, those points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 60 to junction U.S. Highway 360, thence along U.S. Highway 360 to its termination on the Chesapeake Bay, those points in Mississippi on and south of a line beginning at the Arkansas-Mississippi State line and extending along U.S. Highway 82 to junction Mississippi Highway 35, thence along Mississippi Highway 35 to junction Mississippi Highway 19, thence along Mississippi Highway 19 to the Mississippi-Alabama State line, and those points in Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line and extending along U.S. Highway 70 to junction Arkansas Highway 4, thence along Arkansas Highway 4 to the Arkansas-Mississippi State line, those points in Texas on and south of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 380 to junction Interstate Highway 30, thence along Interstate Highway 30 to the Texas-Arkansas State line, those points in New Mexico on, west, and south of a line beginning at the Colorado-New Mexico State line and extending along U.S. Highway 550 to junction New Mexico Highway 44, thence along New Mexico Highway 44 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 380, thence along U.S. Highway 380 to the New Mexico-Texas State line, those points in Utah on and west of a line beginning at the Idaho-Utah State line and extending along U.S. Highway 91 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 163, thence along U.S. Highway 163 to junction U.S. Highway 666, thence along U.S. Highway 666 to the Utah-Colorado State line, those points in Idaho on and west of U.S. Highway 191, those points in Montana on and west of a line beginning at the International Boundary of United States and Canada and extending along Montana Secondary Highway 233 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Montana-Wyoming State line, and (77)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (77)(a) above to points in the origin territory described in (77)(a) above. Restriction: The authorities in (77)(a) above and (77)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(78)(a) *Paper and paper products* (except commodities in bulk) from those points in Indiana bounded by a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 40 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Indiana-Kentucky State line, thence along the Indiana-Kentucky State line to junction Indiana-Illinois State line, thence along the Indiana-Illinois State line to point of beginning to points in Maine, New Hampshire, Rhode Island, North Carolina, South Carolina, California, Washington, and those points in Massachusetts on and east of Interstate Highway 91, those points in Connecticut on and east of Interstate Highway 91, those points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 33 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction Virginia Highway 218, thence along Virginia Highway 218 to its termination on the Potomac River, those points in Georgia on and east of a line beginning at the North Carolina-Georgia State line and extending along Georgia Highway 17 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 129, thence along U.S. Highway 129 to the Georgia-Florida State line, those points in Florida on and east of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 441 to junction Florida Highway 247, thence along Florida Highway 247 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 98, thence along U.S. Highway 98 to junction Florida Secondary Highway 14, thence along Florida Secondary Highway 14 to the Gulf of Mexico, those points in Oregon on and west of a line beginning at the California-Oregon State line and extending along U.S. Highway 395 to junction Oregon Highway 11, thence along Oregon Highway 11 to the Oregon-Washington State line, those points in Idaho on and north of U.S. Highway 12, those points in Montana on and west of a line beginning at the International Boundary of United States and Canada and extending along U.S. Highway 93 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Montana-Idaho State line, and those points in Nevada on and west of a line beginning at the California-Nevada State line and extending along U.S. Highway 40 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction Interstate Highway 15, thence along Interstate Highway 15 to the California-Nevada State line, and (78)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (78)(a) above to points in the origin territory described in (78)(a) above. Restriction: The authorities in (78)(a) and (78)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(79)(a) *Paper and paper products* (except commodities in bulk) from Fort Wayne, Ind. to Memphis, Tenn. and Mobile, Ala. and points in Washington, Oregon, California, Nevada, Arizona, New Mexico, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and those points in Idaho on and west of U.S. Highway 93, those points in Utah on and south of a line beginning at the Nevada-Utah State line and extending along Interstate Highway 80 to junction Utah Highway 36, thence along Utah Highway 36 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Utah-Colorado State line, those points in Colorado on, south, and west of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 6 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 85, thence along U.S. Highway 85 to

the Colorado-New Mexico State line, those points in Texas on and west of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 87 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Texas Highway 283, thence along Texas Highway 283 to the Texas-Oklahoma State line, those points in Oklahoma on and south of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 75 to junction U.S. Highway 270, thence along U.S. Highway 270 to the Oklahoma-Arkansas State line, those points in Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line and extending along Arkansas Highway 28 to junction Arkansas Highway 60, thence along Arkansas Highway 60 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Arkansas Highway 25, thence along Arkansas Highway 25 to the Arkansas-Missouri State line, those points in Alabama on and north of U.S. Highway 78, and those points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 460 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay, and (79)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (79)(a) above to Fort Wayne, Ind. Restriction: The authorities in (79)(a) above and (79)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(80)(a) *Paper and paper products* (except commodities in bulk) from Crawfordsville, Ind. to points in Washington, California, Florida, Georgia, North Carolina, South Carolina, Maine, and Rhode Island, and those points in Oregon on and west of U.S. Highway 395, those points in Nevada on and west of a line beginning at the California-Nevada State line and extending along Nevada Highway 34 to junction U.S. Highway 50, thence along U.S. Highway 50 to Nevada Highway 20, thence along Nevada Highway 20 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Nevada Highway 25, thence along Nevada Highway 25 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Nevada-Arizona State line, those points in Arizona on and south of a line beginning at the Nevada-Arizona State line and extending along U.S. Highway 93 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 180, thence along U.S. Highway 180 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Arizona-New Mexico State line, those points in New Mexico on and south of a line beginning at the Arizona-New Mexico State line and extending along U.S. Highway 60 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 285, thence along U.S. Highway 285 to the New Mexico-Texas State line, and those points in Texas on and south of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 285 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Texas-Louisiana State line, those points in Louisiana on and south of a line beginning at the Louisiana-Texas State line and extending along U.S. Highway 190 to junction Louisiana Highway 10, thence along Louisiana Highway 10 to the Louisiana-Mississippi State line, those points in Mississippi on and south of a line beginning at the Louisiana-Mississippi State line and extending along Mississippi Highway 26 to junction U.S. Highway 98, thence along U.S. Highway 98 to the Mississippi-Alabama State line, those points in Alabama on, east, and north of a line beginning at the Georgia-Alabama State line and extending along Interstate Highway 59 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line, those points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 33 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 211, thence along U.S. Highway 211 to junction Virginia Highway 234, thence along Virginia Highway 234 to the Potomac River, those points in Maryland on and south of a line beginning at the Virginia-Maryland State line and extending along U.S. Highway 301 to junction Maryland Highway 300, thence along Maryland Highway 300 to the Maryland-Delaware State line, those points in Delaware on and south of Delaware Highway 8, those points in Connecticut on and east of Interstate Highway 91, those points in Massachusetts on and east of a line beginning at the Connecticut-Massachusetts State line and extending along Massachusetts Highway 32 to junction Massachusetts Highway 62, thence along Massachusetts Highway 62 to junction Massachusetts Highway 31, thence along Massachusetts Highway 31 to the Massachusetts-New Hampshire State line, those points in New Hampshire on and east of a line beginning at the Massachusetts-New Hampshire State line and extending along U.S. Highway 3 to junction New Hampshire Highway 113, thence along New Hampshire Highway 113 to junction New Hampshire Highway 16, thence along New Hampshire Highway 16 to the New Hampshire-Maine State line, and (80)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (80)(a) above to Crawfordsville, Ind. Restriction: The authorities in (80)(a) above and (80)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.) The asterisk (*) references indicate the gateway or gateways to be eliminated in connection with each proposal.

No. MC 51146 (Sub-No. E25), filed January 8, 1976. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *paper and paper products* (except commodities in bulk) from Elkhart, Ind. to Memphis, Tenn. and Mobile, Ala. and points in North Carolina, South Carolina, Georgia, Florida, Mississippi, Louisiana, and points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 39 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Virginia Highway 33, thence along Virginia Highway 33 to the Rappahannock River, those points in Alabama on and north of U.S. Highway 78, those points in Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line and extending along Arkansas Highway 88 to junction Arkansas Highway 27, thence along Arkansas Highway 27 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Arkansas-Tennessee State line, those points in Oklahoma on and south of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 75 to junction Oklahoma Highway 1, thence along Oklahoma Highway 1 to the Oklahoma-Arkansas State line, those points in Texas on and south of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 84 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Texas-Oklahoma State line, those points in New Mexico

on and south of a line beginning at the Arizona-New Mexico State line and extending along U.S. Highway 66 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 60, thence along U.S. Highway 60 to the New Mexico-Texas State line, those points in Arizona on and south of a line beginning at the Nevada-Arizona State line and extending along U.S. Highway 93 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Arizona-New Mexico State line, those points in California on, west, and south of a line beginning at the Oregon-California State line and extending along Interstate Highway 5 to junction U.S. Highway 99, thence along U.S. Highway 99 to junction California Highway 120, thence along California Highway 120 to the California-Nevada State line, those points in Oregon on and west of a line beginning at the Pacific Ocean near Astoria and extending along U.S. Highway 101 to junction Oregon Highway 22, thence along Oregon Highway 22 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Oregon Highway 58, thence along Oregon Highway 58 to junction U.S. Highway 97, thence along U.S. Highway 97 to the Oregon-California State line, and those points in Nevada on and west of a line beginning at the California-Nevada State line and extending along Nevada Highway 58 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 93, thence along U.S. Highway 93, to the Nevada-Arizona State line, and (1)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (1)(a) above to Elkhart, Ind. Restriction: The authorities in (1)(a) above and (1)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(2)(a) *Paper and paper products* (except commodities in bulk) from Brownstown, Ind. to Mobile, Ala. and points in New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, Delaware, Virginia, North Carolina, South Carolina, Georgia, Florida, Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Utah, Arizona, New Mexico, Colorado, Louisiana, and those points in North Dakota on and west of a line beginning at the South Dakota-North Dakota State line and extending along U.S. Highway 83 to junction North Dakota Highway 14, thence along North Dakota Highway 14 to junction North Dakota Highway 200, thence along North Dakota Highway 200 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction North Dakota Highway 17, thence along North Dakota Highway 17 to the North Dakota-Minnesota State line, those points in South Dakota on and west of U.S. Highway 83, those points in Nebraska on and west of a line beginning at the South Dakota-Nebraska State line and extending along U.S. Highway 83 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction Nebraska Highway 61, thence along Nebraska Highway 61 to the Nebraska-Kansas State line, those points in Oklahoma on and west of Oklahoma Highway 136, those points in Texas on, west, and south of a line beginning at the Oklahoma-Texas State line and extending along Texas Highway 136 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Texas Highway 283, thence along Texas Highway 283 to the Texas-Oklahoma State line, those points in Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line and extending along U.S. Highway 70 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Arkansas Highway 4, thence along Arkansas Highway 4 to its termination at Arkansas City near the Mississippi River, those points in Mississippi on and south of Mississippi Highway 8, and those points in Alabama on, east, and north of a line beginning at the Tennessee-Alabama State line and extending along U.S. Highway 72 to junction Alabama Highway 79, thence along Alabama Highway 79 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line, and (2)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (2)(a) above to Brownstown, Ind. Restriction: The authorities in (2)(a) above and (2)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper, (*Nicholasville, Ky.)

(3)(a) *Paper and paper products* (except commodities in bulk) from Hartford City, Ind. to Memphis, Tenn. and Mobile, Ala. and points in Washington, Oregon, Nevada, California, Utah, Arizona, New Mexico, Louisiana, Mississippi, Florida, Georgia, North Carolina, South Carolina, and those points in Idaho on and west of a line beginning at the Montana-Idaho State line and extending along U.S. Highway 91 to junction U.S. Highway 30N, thence along U.S. Highway 30N to the Idaho-Wyoming State line, those points in Montana on and west of U.S. Highway 91, those points in Colorado on, south, and west of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 40 to junction Colorado Highway 13, thence along Colorado Highway 13 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 385, thence along U.S. Highway 385 to the Colorado-Oklahoma State line, those points in Texas on, west, and south of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 287 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Texas-Oklahoma State line, those points in Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line and extending along U.S. Highway 70 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction Arkansas Highway 14, thence along Arkansas Highway 14 to the Arkansas-Tennessee State line, those points in Alabama on and north of U.S. Highway 78, and those points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 39 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 360, thence along U.S. Highway 360 to its termination on the Chesapeake Bay, and (3)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (3)(a) above to Hartford City, Ind. Restriction: The authorities in (3)(a) above and (3)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(4)(a) *Paper and paper products* (except commodities in bulk) from Indianapolis, Ind. to Mobile, Ala. and points in Maine, New Hampshire, Rhode Island, North Carolina, South Carolina, Georgia, Florida, Louisiana, Arizona, California, Nevada, Washington, Oregon, and those points in Massachusetts on and east of Interstate Highway 91, those points in Delaware on and south of Delaware Highway 8, those points in Maryland on and south of U.S. Highway 301, those points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 33 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 211, thence along U.S. Highway 211 to junction Virginia Highway 234, thence along Virginia Highway 234 to the Potomac River, those points in Alabama bounded by a line beginning at the Tennessee-Alabama State line and extending along Alabama Highway 79 to junction Alabama Highway 69, thence along Alabama Highway 69 to junction U.S.

Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line, thence along the Alabama-Georgia State line to junction Alabama-Tennessee State line, thence along the Alabama-Tennessee State line to point of beginning, those points in Mississippi on and south of Mississippi Highway 8, those points in Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line and extending along Arkansas Highway 24 to junction Arkansas Highway 4, thence along Arkansas Highway 4 to its termination at Arkansas City near the Mississippi River, those points in Texas on and south of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 380 to junction Interstate Highway 30, thence along Interstate Highway 30 to the Texas-Arkansas State line, those points in New Mexico on and west of a line beginning at the Colorado-New Mexico State line and extending along U.S. Highway 550 to junction New Mexico Highway 44, thence along New Mexico Highway 44 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 380, thence along U.S. Highway 380 to the New Mexico-Texas State line, those points in Utah on and west of a line beginning at the Idaho-Utah State line and extending along U.S. Highway 191 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 163, thence along U.S. Highway 163 to junction U.S. Highway 666, thence along U.S. Highway 666 to the Utah-Colorado State line, those points in Idaho on and west of U.S. Highway 191, those points in Montana on and west of a line beginning at the International Boundary of United States and Canada and extending along Montana Highway 233 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Montana-Wyoming State line, and those points in Connecticut on and east of Interstate Highway 91, and (4)(b) *equipment, materials, and supplies* used in manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (4)(a) above to Indianapolis, Ind. Restriction: The authorities in (4)(a) above and (4)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(5)(a) *Paper and paper products* (except commodities in bulk) from points in the Upper Peninsula of Michigan to Mobile, Ala. and points in Florida, Georgia, North Carolina, South Carolina, those points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 39 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Virginia Highway 56, thence along Virginia Highway 56 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Virginia Highway 6, thence along Virginia Highway 6 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 460, thence along U.S. Highway 460 to its termination on the Chesapeake Bay near Virginia Beach, those points in Alabama on and north of U.S. Highway 78, those points in Mississippi on, south, and east of a line beginning at the Louisiana-Mississippi State line and extending along U.S. Highway 80 to junction Mississippi Highway 22, thence along Mississippi Highway 22 to junction Mississippi Highway 16, thence along Mississippi Highway 16 to junction Mississippi Highway 25, thence along Mississippi Highway 25 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Alternate U.S. Highway 45, thence along Alternate U.S. Highway 45 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Mississippi-Alabama State line, those points in Louisiana on and south of a line beginning at the Texas-Louisiana State line and extending along Louisiana Highway 8 to junction Louisiana Highway 28, thence along Louisiana Highway 28 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Louisiana-Mississippi State line, and those points in Texas on and south of a line beginning at the Gulf of Mexico near Corpus Christi and extending along Texas Highway 35 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Texas-Louisiana State line, and (5)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (5)(a) above to points in the Upper Peninsula of Michigan. (*Nicholasville, Ky.)

(6)(a) *Paper and paper products* (except commodities in bulk) from points in the Lower Peninsula of Michigan to Mobile, Ala. and points in Florida, Georgia, South Carolina, and those points in Alabama on and north of U.S. Highway 78, those points in North Carolina on and south of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 21 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 264, thence along U.S. Highway 264 to the Atlantic Ocean, those points in Mississippi on and south of a line beginning at the Louisiana-Mississippi State line and extending along U.S. Highway 80 to junction Mississippi Highway 35, thence along Mississippi Highway 35 to junction Mississippi Highway 12, thence along Mississippi Highway 12 to junction Alternate U.S. Highway 45, thence along Alternate U.S. Highway 45 to junction U.S. Highway 278, thence along U.S. Highway 278 to the Mississippi-Alabama State line, those points in Louisiana on and south of U.S. Highway 80, those points in Texas on and south of a line beginning at the International Boundary of United States and Mexico near El Paso and extending along U.S. Highway 80 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Texas-Louisiana State line, those points in Arizona on, south, and west of a line beginning at the California-Arizona State line and extending along Interstate Highway 40 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Interstate Highway 10, thence along Interstate Highway 10 junction U.S. Highway 80, thence along U.S. Highway 80 to the International Boundary of United States and Mexico, and those points in California on, south, and west of a line beginning at the Pacific Ocean near Watsonville and extending along U.S. Highway 152 to junction California Highway 99, thence along California Highway 99 to junction California Highway 58, thence along California Highway 58 to junction U.S. Highway 66, thence along U.S. Highway 66 to the California-Arizona State line, and (6)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (6)(a) above to points in the Lower Peninsula of Michigan. Restriction: The authorities in (6)(a) above and (6)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper from or to points in that part of Michigan on and south of Michigan Highway 21. (*Nicholasville, Ky.)

(7)(a) *Paper and paper products* (except commodities in bulk) from points in the Lower Peninsula of Michigan on and north of a line beginning at Lake Michigan near Ludington and extending along U.S. Highway 10 to Saginaw Bay near Bay City to Memphis, Tenn., and Mobile, Ala., and points in Florida, Georgia, South Carolina, Mississippi, Louisiana, and those points in Alabama on and north of U.S. Highway 78, those points in North Carolina on and south of a line beginning at the Virginia-North Carolina State line and extending along North Carolina Highway 87 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Atlantic Ocean, those points in Virginia on and west of a line beginning at the West Virginia-Virgin-

ia State line and extending along U.S. Highway 52 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line, those points in Arkansas on and south of a line beginning at the Texas-Arkansas State line and extending along U.S. Highway 70 to junction Arkansas Highway 27, thence along Arkansas Highway 27 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Arkansas-Tennessee State line, those points in Texas on and south of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 70 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Texas Highway 199, thence along Texas Highway 199 to junction U.S. Highway 380, thence along U.S. Highway 380 to the Texas-Oklahoma State line, those points in New Mexico on and south of a line beginning at the Arizona-New Mexico State line and extending along U.S. Highway 66 to junction U.S. Highway 84, thence along U.S. Highway 84 to the New Mexico-Texas State line, those points in Arizona on and south of a line beginning at the Nevada-Arizona State line and extending along U.S. Highway 93 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Arizona-New Mexico State line, those points in Nevada on and south of a line beginning at the California-Nevada State line and extending along Interstate Highway 15 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Nevada-Arizona State line, and those points in California on, west, and south of a line beginning at the Pacific Ocean near Eureka and extending along U.S. Highway 101 to junction Interstate Highway 580, thence along Interstate Highway 580 to junction U.S. Highway 99, thence along U.S. Highway 99 to junction Interstate Highway 15, thence along Interstate Highway 15 to the California-Nevada State line, and (7)(b) *equipment, materials, and supplies* used in the manufacture or distibution of paper products (except commodities in bulk) from points in the destination territory described in (7)(a) above to points in the origin territory described in (7)(a) above. (*Nicholasville, Ky.)

(8)(a) *Paper and paper products* (except commodities in bulk) from points in the Lower Peninsula of Michigan on and west of Interstate Highway 75 to Mobile, Ala., and points in Florida, Georgia, South Carolina, and those points in Alabama on and north of U.S. Highway 78, those points in North Carolina on and west of a line beginning at the Virginia-North Carolina State line and extending along Interstate Highway 95 to junction North Carolina Highway 125, thence along North Carolina Highway 125 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Atlantic Ocean, those points in Virginia on and west of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 52 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Virginia-North Carolina State line, those points in Mississippi on and south of a line beginning at the Louisiana-Mississippi State line and extending along U.S. Highway 80 to junction Mississippi Highway 35, thence along Mississippi Highway 35 to junction Mississippi Highway 12, thence along Mississippi Highway 12 to junction Alternate U.S. Highway 45, thence along Alternate U.S. Highway 45 to junction U.S. Highway 278, thence along U.S. Highway 278 to the Mississippi-Alabama State line, those points in Louisiana on and south of U.S. Highway 80, those points in Texas on and south of a line beginning at the international boundary of United States and Mexico and extending along U.S. Highway 80 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Texas-Louisiana State line, those points in Arizona on, south, and west of a line beginning at the California-Arizona State line and extending along Interstate Highway 40 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction U.S. Highway 80, thence along U.S. Highway 80 to the International Boundary of United States and Mexico, and those points in California on, south, and west of a line beginning at the Pacific Ocean near Watsonville and extending along California Highway 152 to junction California Highway 99, thence along California Highway 99 to junction California Highway 58, thence along California Highway 58 to junction U.S. Highway 66, thence along U.S. Highway 66 to the California-Nevada State line, and (8)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (8)(a) above to points in the origin territory described in (8)(a) above. Restriction: The authorities in (8)(a) above and (8)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper from and to points in Michigan on and south of Michigan Highway 21. (*Nicholasville, Ky.)

(9)(a) *Paper and paper products* (except commodities in bulk) from points in the Lower Peninsula of Michigan on and east of Interstate Highway 75 to Memphis, Tenn., and Mobile, Ala., and points in Florida, Georgia, South Carolina, Mississippi, Louisiana, Arizona, and those points in Alabama on and north of U.S. Highway 78, those points in North Carolina on and south of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 21 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 264, thence along U.S. Highway 264 to the Atlantic Ocean, those points in Virginia on and west of a line beginning at the Kentucky-Virginia State line and extending along U.S. Highway 23 to junction Alternate U.S. Highway 58, thence along Alternate U.S. Highway 58 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 91, thence along Virginia Highway 91 to the Virginia-Tennessee State line, those points in Arkansas on, south, and east of a line beginning at the Oklahoma-Arkansas State line and extending along U.S. Highway 70 to junction Arkansas Highway 27, thence along Arkansas Highway 27 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Arkansas-Missouri State line, those points in Oklahoma on and south of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 62 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Oklahoma-Arkansas State line, those points in Texas on and south of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 66 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Texas-Oklahoma State line, those points in New Mexico on and west of a line beginning at the Colorado-New Mexico State line and extending along U.S. Highway 84 to junction U.S. Highway 66, thence along U.S. Highway 66 to the New Mexico-Texas State line, those points in California on and west of a line beginning at the Pacific Ocean near Eureka and extending along California Highway 101 to junction Interstate Highway 580, thence along Interstate Highway 580 to junction California Highway 99, thence along California Highway 99 to junction California Highway 58, thence along California Highway 58 to junction Interstate Highway 15, thence along Interstate Highway 15 to the California-Nevada State line, and those points in Nevada on and south of Interstate Highway 15, and (9)(b) *equipment, materials, and supplies* used in the manufacture or distribu-

tion of paper and paper products (except commodities in bulk) from points in the destination territory described in (9)(a) above to points in the origin territory described in (9)(a) above. Restriction: The authorities in (9)(a) above and (9)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper from and to points in that part of Michigan on and south of Michigan Highway 21. (*Nicholasville, Ky.)

(10)(a) *Paper and paper products* (except commodities in bulk) from Battle Creek, Mich., to Memphis, Tenn., and Mobile, Ala., and points in Florida, Georgia, South Carolina, Mississippi, Louisiana, Arizona, California, and those points in Alabama on and north of U.S. Highway 78, those points in North Carolina on and west of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 301 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Atlantic Ocean, those points in Virginia on, south, and west of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 460 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction U.S. Highway 501, thence along U.S. Highway 501 to the Virginia-North Carolina State line, those points in Arkansas on, south, and east of a line beginning at the Oklahoma-Arkansas State line and extending along U.S. Highway 270 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Arkansas Highway 28, thence along Arkansas Highway 28 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Arkansas-Missouri State line, those points in Oklahoma on and south of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 62 to junction Oklahoma Highway 7, thence along Oklahoma Highway 7 to junction U.S. Highway 271, thence along U.S. Highway 271 to junction U.S. Highway 270, thence along U.S. Highway 270 to the Oklahoma-Arkansas State line, those points in Texas on and south of U.S. Highway 66, those points in New Mexico on and west of U.S. Highway 87, those points in Utah on and south of a line beginning at the Nevada-Utah State line and extending along Utah Highway 56 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction Utah Highway 4, thence along Utah Highway 4 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Utah Highway 24, thence along Utah Highway 24 to junction Utah Highway 95, thence along Utah Highway 95 to junction U.S. Highway 163, thence along U.S. Highway 163 to junction U.S. Highway 666, thence along U.S. Highway 666 to the Utah-Colorado State line, those points in Nevada on and south of a line beginning at Lake Tahoe near Carson City and extending along U.S. Highway 50 to junction Nevada Highway 20, thence along Nevada Highway 20 to junction U.S. Highway 6, thence along U.S. Highway 6 to Nevada Highway 38, thence along Nevada Highway 38 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Nevada Highway 25, thence along Nevada Highway 25 to the Nevada-Arizona State line, those points in Oregon on and west of U.S. Highway 395, and those points in Washington on and west of a line beginning at Puget Sound near Tacoma and extending along Interstate Highway 5 to the Washington-Oregon State line, and (10)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (10)(a) above to Battle Creek, Mich. Restriction: The authorities in (10)(a) above and (10)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(11)(a) *Paper and paper products* (except commodities in bulk) from Alpena, Mich., to Evansville, Ind., Memphis, Tenn., and Mobile, Ala., and points in Florida, Georgia, South Carolina, Mississippi, Texas, Arkansas, Louisiana, Oklahoma New Mexico, Arizona, California, and those points in Alabama on and north of U.S. Highway 78, those points in North Carolina on, west, and south of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 301 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Atlantic Ocean, those points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 311 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 46, thence along Virginia 46 to the Virginia-North Carolina State line, those points in Illinois on and south of a line beginning at the Mississippi River near Chester and extending along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 13, thence along Illinois Highway 13 to the Illinois-Indiana State line, those points in Missouri on and south of a line beginning at the Kansas-Missouri State line and extending along Interstate Highway 44 to junction Missouri Highway 37, thence along Missouri Highway 37 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Missouri Highway 14, thence along Missouri Highway 14 to junction Missouri Highway 76, thence along Missouri Highway 76 to junction Missouri Highway 137, thence along Missouri Highway 137 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction Missouri Highway 51, thence along Missouri Highway 51 to the Missouri-Illinois State line, those points in Kansas on and south of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 40 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction Kansas Highway 47, thence along Kansas Highway 47 to junction Kansas Highway 57, thence along Kansas Highway 57 to the Kansas-Missouri State line, those points in Colorado on and south of a line beginning at the Utah-Colorado State line and extending along Colorado Highway 64 to junction Colorado Highway 13, thence along Colorado Highway 13 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Colorado Highway 82, thence along Colorado Highway 82 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Colorado-Kansas State line, those points in Utah on and south of a line beginning at the Nevada-Utah State line and extending along U.S. Highway 6 to junction Utah Highway 33, thence along Utah Highway 33 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Utah-Colorado State line, those points in Nevada on, west, and south of a line beginning at the Oregon-Nevada State line and extending along U.S. Highway 95 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Utah-Nevada State line, and (11)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (11)(a) above to Alpena, Mich. (*Nicholasville, Ky.)

(12)(a) *Paper and paper products* (except commodities in bulk) from Niles, Mich., to Mobile, Ala., and points in Florida, Georgia, North Carolina, South Carolina, Louisiana, and those points in Alabama on and north of U.S. Highway 78, those points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 39 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Virginia Highway 33,

thence along Virginia Highway 33 to its termination on the Chesapeake Bay, those points in Mississippi on and south of a line beginning at the Mississippi River and extending along Mississippi Highway 8 to junction Mississippi Highway 341, thence along Mississippi Highway 341 to junction Mississippi Highway 9, thence along Mississippi Highway 9 to junction Mississippi Highway 348, thence along Mississippi Highway 348 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Mississippi-Tennessee State line, those points in Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line and extending along U.S. Highway 70 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 49, thence along U.S. Highway 49 to the Arkansas-Mississippi State line, those points in Texas on and south of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 380 to junction Interstate Highway 30, thence along Interstate Highway 30 to junction U.S. Highway 271, thence along U.S. Highway 271 to the Texas-Oklahoma State line, those points in New Mexico on and south of a line beginning at the Arizona-New Mexico State line and extending along Interstate Highway 40 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 380, thence along U.S. Highway 380 to the New Mexico-Texas State line, those points in Arizona on and south of a line beginning at the Nevada-Arizona State line and extending along U.S. Highway 93 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Arizona-New Mexico State line, those points in Nevada on and south of a line beginning at the California-Nevada State line and extending along Interstate Highway 15 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Nevada-Arizona State line, those points in California on and west of a line beginning at the Oregon-California State line and extending along Interstate Highway 5 to junction California Highway 99, thence along California Highway 99 to junction California Highway 58, thence along California Highway 58 to junction Interstate Highway 15, thence along Interstate Highway 15 to the California-Nevada State line, and those points in Oregon on, south, and west of a line beginning at the origination of Oregon Highway 18 on the Pacific Ocean and extending along Oregon Highway 18 to junction Oregon Highway 22, thence along Oregon Highway 22 to junction Interstate Highway 5, thence along Interstate Highway 5 to the Oregon-Washington State line, and (12)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (12)(a) above to Niles, Mich. Restriction: The authorities in (12)(a) above and (12)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(13)(a) *Paper and paper products* (except commodities in bulk) from Sodus, Mich., to Mobile, Ala., and points in Florida, Georgia, North Carolina, South Carolina, Louisiana, and those points in Alabama on and north of U.S. Highway 78, those points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 39, thence along Virginia Highway 39 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Virginia Highway 33, thence along Virginia Highway 33 to the Chesapeake Bay, those points in Mississippi on, south, and east of a line beginning at the Mississippi River and extending along Mississippi Highway 1 to junction Mississippi Highway 322, thence along Mississippi Highway 322 to junction Mississippi Highway 6, thence along Mississippi Highway 6 to junction Mississippi Highway 30, thence along Mississippi Highway 30 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Mississippi-Tennessee State line, those points In Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line and extending along U.S. Highway 70 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Arkansas Highway, 4, thence along Arkansas Highway 4 to its termination near Arkansas City on the Mississippi River, those points in Texas on and south of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 380 to junction Interstate Highway 30, thence along Interstate Highway 30 to the Texas-Arkansas State line, those points in New Mexico on and south of a line beginning at the Arizona-New Mexico State line and extending along U.S. Highway 60 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 82 thence along U.S. Highway 82 to the New Mexico-Texas State line, those points in Arizona on and south of a line beginning at the Nevada-Arizona State line and extending along U.S. Highway 93 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 180, thence along U.S. Highway 180 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Arizona-New Mexico State line, those points in Nevada on and south of a line beginning at the California-Nevada State line and extending along Interstate Highway 15 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Arizona-Nevada State line, and those points in California on and south of a line beginning at Half Moon Bay and extending along California Highway 92 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction California Highway 46, thence along California Highway 46 to junction California Highway 99, thence along California Highway 99 to junction California Highway 58, thence along California Highway 58 to junction Interstate Highway 15, thence along Interstate Highway 15 to the California-Nevada State line and (13)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (13)(a) above to Sodus, Mich. Restriction: The authorities in (13)(a) above and (13)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(14)(a) *Paper and paper products* (except commodities in bulk) from Watervliet, Mich., to Mobile, Ala., and points in Florida, Georgia, South Carolina, North Carolina, Louisiana, and those points in Alabama on and north of U.S. Highway 78, those points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 39 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction Virginia Highway 33, thence along Virginia Highway 33 to the Chesapeake Bay, and those points in Mississippi on, south, and east of a line beginning at the Mississippi River and extending along Mississippi Highway 8 to junction Mississippi Highway 341, thence along Mississippi Highway 341 to junction Mississipppi Highway 9, thence along Mississippi Highway 9 to junction Mississippi Highway 348, thence along Mississippi Highway 348 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Mississippi-Tennessee State line, those points in Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line and extending along U.S. Highway 70 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Arkansas Highway 4, thence along Arkansas Highway 4 to its termination near Arkansas City on the Mississippi River, those points in Texas on and south of a line beginning at the New Mexico-

Texas State line and extending along U.S. Highway 380 to junction Interstate Highway 30, thence along Interstate Highway 30 to the Texas-Arkansas State line, those points in New Mexico on and south of a line beginning at the Arizona-New Mexico State line and extending along U.S. Highway 60 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 82, thence along U.S. Highway 82 to the New Mexico-Texas State line, those points in Arizona on and south of a line beginning at the Nevada-Arizona State line and extending along U.S. Highway 93 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 180, thence along U.S. Highway 180 to junction U.S. Highway 60, thence along U.S. Highway 60 to the New Mexico-Arizona State line, those points in Nevada on and south of a line beginning at the California-Nevada State line and extending along Interstate Highway 15 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Nevada-Arizona State line, those points in California on and west of a line beginning at the Oregon-California State line and extending along U.S. Highway 101 to junction California Highway 198, thence along California Highway 198 to junction California Highway 99, thence along California Highway 99 to junction California Highway 58, thence along California Highway 58 to junction Interstate Highway 15, thence along Interstate Highway 15 to the California-Nevada State line, and those points in Oregon on and west of a line beginning at the Pacific Ocean near Newport and extending along U.S. Highway 101 to the Oregon-California State line, and (14)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (14)(a) above to Watervliet, Mich. Restriction: The authorities in (14)(a) above and (14)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(15)(a) *Paper and paper products* (except commodities in bulk) from Muskegon, Mich., to Memphis, Tenn., and Mobile, Ala., and points in Florida, Georgia, South Carolina, Mississippi, Louisiana, and those points in Alabama on and north of U.S. Highway 78, those points in North Carolina on and south of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 258 to junction U.S. Highway 158, thence along U.S. Highway 158 to the Atlantic Ocean, those points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 39 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 46, thence along Virginia Highway 46 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 258, thence along U.S. Highway 258 to the Virginia-North Carolina State line, those points in Arkansas on and south of U.S. Highway 70, those points in Texas on and south of a line beginning at the New Mexico-Texas State line and extending along Texas Highway 116 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction Texas Highway 24, thence along Texas Highway 24, to junction U.S. Highway 271, thence along U.S. Highway 271 to the Texas-Oklahoma State line, those points in New Mexico on, west, and south of a line beginning at the Colorado-New Mexico State line and extending along New Mexico Highway 17 to junction New Mexico Highway 44, thence along New Mexico Highway 44 to junction New Mexico Highway 14, thence along New Mexico Highway 14 to junction U.S. Highway 60, thence along U.S. Highway 60 to New Mexico Highway 88, thence along New Mexico Highway 88 to the New Mexico-Texas State line, those points in Arizona on and south of a line beginning at the California-Arizona State line and extending along U.S. Highway 66 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 160, thence along U.S. Highway 160 to the Arizona-New Mexico State line, those points in Nevada on and south of a line beginning at the California-Nevada State line and extending along Interstate Highway 15 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Nevada-Arizona State line, and those points in California on and west of U.S. Highway 395, those points in Oregon on and west of a line beginning at the Washington-Oregon State line and extending along Interstate Highway 5 to junction Oregon Highway 22, thence along Oregon Highway 22 to junction Oregon Highway 126, thence along Oregon Highway 126 to junction U.S. Highway 97, thence along U.S. Highway 97 to the Oregon-California State line, and (15)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (15)(a) above to Muskegon, Mich. (*Nicholasville, Ky.)

(16)(a) *Paper and paper products* (except commodities in bulk) from Kalamazoo, Mich., to Memphis, Tenn., and Mobile, Ala., and points in Florida, Georgia, North Carolina, South Carolina, Mississippi, Louisiana, Arizona, and those points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 60 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 35, thence along Virginia Highway 35 to the Virginia-North Carolina State line, those points in Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line and extending along Arkansas Highway 8 to junction Arkansas Highway 27, thence along Arkansas Highway 27 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Arkansas-Tennessee State line, those points in Oklahoma on and south of U.S. Highway 70, those points in New Mexico on, south, and west of a line beginning at the Colorado-New Mexico State line and extending along U.S. Highway 550 to junction New Mexico Highway 44, thence along New Mexico Highway 44 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 84, thence along U.S. Highway 84 to the New Mexico-Texas State line, those points in Nevada on and south of a line beginning at the California-Nevada State line and extending along U.S. Highway 91 to junction Interstate Highway 15, thence along Interstate Highway 15 to the Nevada-Arizona State line, those points in California on and west of U.S. Highway 395, those points in Oregon on and west of a line beginning at the Washington-Oregon State line and extending along Interstate Highway 5 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction Oregon Highway 31, thence along Oregon Highway 31 to junction U.S. Highway 395, thence along U.S. Highway 395 to the Oregon-Washington State line, and (16)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (16)(a) above to Kalamazoo, Mich. Restriction: The authorities in (16)(a) above and (16)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(17)(a) *Paper and paper products* (except commodities in bulk) from Plainwell, Mich. to Memphis, Tenn. and Mobile, Ala. and points in Florida, Georgia, North Carolina, South Carolina, Mississippi, Louisiana, Arizona,

California, and those points in Alabama on and north of U.S. Highway 78, those points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 60 to junction U.S. Highway 501, thence along U.S. Highway 501 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 46, thence along Virginia Highway 46 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 258, thence along U.S. Highway 258 to the North Carolina-Virginia State line, those points in Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line and extending along U.S. Highway 270 to junction Arkansas Highway 27, thence along Arkansas Highway 27 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Arkansas Highway 25, thence along Arkansas Highway 25 to junction Arkansas Highway 14, thence along Arkansas Highway 14 to the Arkansas-Tennessee State line, those points in Oklahoma on and south of a line beginning at the Texas-Oklahoma State line and extending along Oklahoma Highway 79 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 271, thence along U.S. Highway 271 to junction Oklahoma Highway 63, thence along Oklahoma Highway 63 to the Oklahoma-Arkansas State line, those points in Texas on south of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 84 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Texas Highway 79, thence along Texas Highway 79 to the Texas-Oklahoma State line, those points in New Mexico on, south, and west of a line beginning at the Colorado-New Mexico State line and extending along U.S. Highway 84 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 60, thence along U.S. Highway 60 to the New Mexico-Texas State line, those points in Utah on and south of a line beginning at the Nevada-Utah State line and extending along Utah Highway 56 to junction Utah Highway 14, thence along Utah Highway 14 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Utah-Arizona State line, those points in Nevada on and south of a line beginning at Lake Tahoe near Carson City and extending along U.S. Highway 50 to junction Alternate U.S. Highway 95, thence along Alternate U.S. Highway 95 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Nevada Highway 25, thence along Nevada Highway 25 to the Nevada-Utah State line, and those points in Oregon on and west of a line beginning at the Washington-Oregon State line and extending along U.S. Highway 97 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 395, thence along U.S. Highway 395 to the Oregon-California State line, and (17)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (17)(a) above to Plainwell, Mich. Restriction: The authorities in (17)(a) above and (17)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(18)(a) *Paper and paper products* (except commodities in bulk) from Otsego, Mich. to Memphis, Tenn., and Mobile, Ala., and points in Florida, Georgia, South Carolina, Mississippi, Louisiana, Arizona, and those points in Alabama on and north of U.S. Highway 78, those points in North Carolina on and west of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 258 to junction U.S. Highway 158, thence along U.S. Highway 158 to the Atlantic Ocean, those points in Virginia on, west, and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 60, to junction U.S. Highway 501, thence along U.S. Highway 501 to junction U.S. 460, thence along U.S. Highway 460 to junction Virginia Highway 46, thence along Virginia Highway 46 to the Virginia-North Carolina State line, those points in Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line and extending along U.S. Highway 270 to junction Arkansas Highway 27, thence along Arkansas Highway 27 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Arkansas Highway 25, thence along Arkansas Highway 25 to junction Arkansas Highway 14, thence along Arkansas Highway 14 to the Arkansas-Tennessee State line, those points in Oklahoma on and south of a line beginning at the Texas-Oklahoma State line and extending along Oklahoma Highway 79 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 271, thence along U.S. Highway 271 to junction Oklahoma Highway 63, thence along Oklahoma Highway 63 to the Oklahoma-Arkansas State line, those points in Texas on and south, of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 84 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Texas Highway 79, thence along Texas Highway 79 to the Texas-Oklahoma State line, those points in New Mexico on, south, and west of a line beginning at the Colorado-New Mexico State line and extending along U.S. Highway 84 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 60, thence along U.S. Highway 60 to the New Mexico-Texas State line, those points in California on and west of U.S. Highway 395, those points in Oregon on and west of a line beginning at the Washington-Oregon State line and extending along U.S. Highway 97 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 395, thence along U.S. 395 to the Oregon-California State line, and those points in Nevada on and south of a line beginning at the California-Nevada State line and extending along Nevada Highway 31 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction Interstate Highway 15, thence along Interstate Highway 15 to the Nevada-Arizona State line, and (18)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (18)(a) above to Otsego, Mich. Restriction: The authorities in (18)(a) above and (18)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(19)(a) *Paper and paper products* (except commodities in bulk) from Cheboygan, Mich. to Memphis, Tenn. and Mobile, Ala. and points in Florida, Georgia, North Carolina, South Carolina, Mississippi, Louisiana, Texas, New Mexico, Arizona, and those points in Alabama on and north of U.S. Highway 78, those points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 60 to junction U.S. Highway 501, thence along U.S. Highway 501 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 35, thence along Virginia Highway 35 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 258, thence along U.S. Highway 258 to the Virginia-North Carolina State line, those points in Illinois on and south of Illinois Highway 146, those points in Missouri on and south of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 65 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Missouri Highway 34, thence along Missouri Highway 34 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Mississippi River near Cape Girardeau, those points in Arkansas on and south

of a line beginning at the Oklahoma-Arkansas State line and extending along U.S. Highway 62 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Missouri State line, those points in Oklahoma on, west, and south of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 177 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to junction Oklahoma Highway 16, thence along Oklahoma Highway 16 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Oklahoma-Arkansas State line, those points in Kansas on and south of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 270 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 77, thence along U.S. Highway 177 to the Kansas-Oklahoma State line, those points in Colorado on and south of a line beginning at the Utah-Colorado State line and extending along Colorado Highway 90 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Kansas State line, those points in Utah on and south of a line beginning at the Nevada-Utah State line and extending along Utah Highway 21 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction Utah Highway 4, thence along Utah Highway 4 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 163, thence along U.S. Highway 163 to junction Utah Highway 46, thence along Utah Highway 46 to the Utah-Colorado State line, those points in Nevada on and south of U.S. Highway 50, and those points in California on and south of a line beginning at the Pacific Ocean near Eureka and extending along California Highway 299 to junction California Highway 89, thence along California Highway 89 to junction U.S. Highway 50, thence along U.S. Highway 50 to the California-Nevada State line, and (19)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (19)(a) above to Cheboygan, Mich. (*Nicholasville, Ky.)

(20)(a) *Paper and paper products* (except commodities in bulk) from Monroe, Mich. to Memphis, Tenn. and Mobile, Ala. and points in Florida, Georgia, South Carolina, Mississippi, Louisiana, Arkansas, Oklahoma, Texas, New Mexico, Utah, Arizona, Nevada, California, Washington, Oregon, and those points in Alabama on and north of U.S. Highway 78, those points in North Carolina on, west, and south of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 52 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 264, thence along U.S. Highway 264 to the Atlantic Ocean, those points in Virginia on and south of a line beginning at the Kentucky-Virginia State line and extending along U.S. Highway 23 to junction Alternate U.S. Highway 58, thence along Alternate U.S. Highway 58 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 21, thence along U.S. Highway 21 to the Virginia-North Carolina State line, those points in Illinois on and south of Illinois Highway 146, those points in Missouri on and south of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 54 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Mississippi River, those points in Kansas on and south of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 24 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line, those points in Colorado on, south, and west of a line beginning at the Wyoming-Colorado State line and extending along Colorado Highway 125 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Colorado-Kansas State line, those points in Idaho on and west of a line beginning at the Montana-Idaho State line and extending along U.S. Highway 91 to junction U.S. Highway 30N, thence along U.S. Highway 30N to the Idaho-Wyoming State line, those points in Montana on and west of a line beginning at the International Boundary of United States and Canada and extending along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Idaho-Montana State line, those points in Wyoming on and south of a line beginning at the Idaho-Wyoming State line and extending along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Wyoming Highway 430, thence along Wyoming Highway 430 to the Wyoming-Colorado State line, and (20)(b) *Equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (20)(a) above to Monroe, Mich. Restriction: The authorities in (20)(a) above and (20)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(21)(a) *Paper and paper products* (except commodities in bulk) from Detroit, Mich. to Evansville, Ind., Memphis, Tenn., and Mobile, Ala. and points in Florida, Georgia, South Carolina, Arkansas, Mississippi, Louisiana, Texas, Oklahoma, Utah, Arizona, New Mexico, Nevada, Oregon, California, Washington, and those points in Alabama on and north of U.S. Highway 78, those points in North Carolina on, west, and south of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 52 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Atlantic Ocean, those points in Virginia on and west of Virginia Highway 16, those points in Illinois on and south of a line beginning at the Mississippi River near Chester and extending along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction U.S. Highway 13, thence along U.S. Highway 13 to the Illinois-Indiana State line, those points in Missouri on and south of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 160 to junction Missouri Highway 39, thence along Missouri Highway 39 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Missouri Highway 14, thence along Missouri Highway 14 to junction U.S. Highway 5, thence along U.S. Highway 5 to junction Missouri Highway 32, thence along Missouri Highway 32 to the Missiouri-Illinois State line, those points in Kansas on and south of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 24 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Kansas-Missouri State line, those points in Colorado on and south of a line beginning at the Wyoming-Colorado State line and extending along Colorado Highway 13 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Colorado-Kansas State line, those points in Idaho on and west of a line beginning at the Montana-Idaho State line and extending along U.S. Highway 93 to junction Alternate U.S. Highway 93, thence along Alternate U.S. Highway 93 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Idaho-Utah State

line, and those points in Montana on and west of U.S. Highway 93, and (21)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (21)(a) above to Detroit, Mich. restriction: The authorities in (21)(a) above and (21)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(22)(a) *Paper and paper products* (except commodities in bulk) from Port Huron, Mich. to Evansville, Ind., Memphis, Tenn., and Mobile, Ala. and points in Florida, Georgia, South Carolina, Arkansas, Mississippi, Louisiana, Texas, Oklahoma, New Mexico, Arizona, Utah, Nevada, Oregon, California, Washington, and those points in Alabama on and north of U.S. Highway 78, those points in North Carolina on, south, and west of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 401 to junction North Carolina Highway 58, thence along North Carolina Highway 58 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Atlantic Ocean, those points in Virginia on and west of Virginia Highway 16, those points in Illinois on and south of a line beginning at the Mississippi River near Chester and extending along Illinois Highway 150 to junction Illinois Highway 154, thence along Illinois Highway 154 to junction Illinois Highway 183, thence along Illinois Highway 183 to junction Illinois Highway 14, thence along Illinois Highway 14 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Illinois-Indiana State line, those points in Missouri on and south of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 54 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Missouri Highway 38, thence along Missouri Highway 38 to junction Missouri Highway 17, thence along Missouri Highway 17 to junction Missouri Highway 32, thence along Missouri Highway 32 to the Missouri-Illinois State line, those points in Kansas on and south of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 24 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Kansas Highway 68, thence along Kansas Highway 68 to the Kansas-Missouri State line, those points in Colorado on and south of a line beginning at the Colorado-Wyoming State line and extending along Colorado Highway 13 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Colorado-Kansas State line, those points in Idaho on and west of a line beginning at the Montana-Idaho State line and extending along U.S. Highway 91 to junction U.S. Highway 30N, thence along U.S. Highway 30N to the Idaho-Wyoming State line, and (22)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (22)(a) above to Port Huron, Mich. Restriction: The authorities in (22)(a) above and (22)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(23)(a) *Paper and paper products* (except commodities in bulk) from points in Wisconsin to points in North Carolina, South Carolina, Georgia, those points in Florida on and east of a line beginning at the Gulf of Mexico near Pensacola and extending along U.S. Highway 90 to junction Florida Highway 189, thence along Florida Highway 189 to the Florida-Georgia State line, and those 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 11, thence along U.S. Highway 11 to junction U.S. Highway 250, thence along U.S. Highway 250 to juction U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay, and (23)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (23)(a) above to points in Wisconsin. (*Nicholasville, Ky.)

(24)(a) *Paper and paper products* (except commodities in bulk) from those points in Wisconsin on and east of U.S. Highway 41 to Mobile, Ala. and points in Florida, Georgia, South Carolina, those points in Alabama on and north of U.S. Highway 78, those points in Texas on and south of U.S. Highway 90, those points in Louisiana on and south of U.S. Highway 90, and those points in Mississippi on and east of U.S. Highway 11, and (24)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (24)(a) above to points in the origin territory described in (24)(a) above. (*Nicholasville, Ky.)

(25)(a) *Paper and paper products* (except commodities in bulk) from those points in Wisconsin on and east of U.S. Highway 51 to Mobile, Ala. and points in Florida, Georgia, South Carolina, and those points in alabama on, east, and north of a line beginning at the Tennessee-Alabama State line and extending along Interstate Highway 65 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line, and (25)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (25)(a) above to points in the origin territory described in (25)(a) above. (*Nicholasville, Ky.)

(26)(a) *Paper and paper products* (except commodities in bulk) from those points in Wisconsin on and north of a line beginning at the Mississippi River near La Crosse and extending along Wisconsin Highway 33 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Lake Michigan near Sheboygan to Mobile, Ala., and points in Florida, Georgia, South Carolina, North Carolina, those points in Alabama on, north, and east of a line beginning at the Tennessee-Alabama State line and extending along U.S. Highway 31 to junction Alabama Highway 69, thence along Alabama Highway 69 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line, and those points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 33 to junction Virginia Highway 20, thence along Virginia Highway 20 to junction Virginia Highway 3, thence along Virginia Highway 3 to the Potomac River, and (26)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (26)(a) above to points in the origin territory described in (26)(a) above. (*Nicholasville, Ky.)

(27)(a) *Paper and paper products* (except commodities in bulk) from those points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 641 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Tennessee Highway 22, thence along Tennessee Highway 22 to the Tennessee-Mississippi State line (except Memphis and points in its Commercial Zone) to points in New York, New Hampshire, Vermont, Maine, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, the District of Columbia, and those points in Virginia on and north of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 311 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 501, thence along U.S. Highway 501 to junction U.S. Highway 58, thence along U.S. Highway 58 to the Chesapeake Bay near Virginia Beach, and those points in Washington on, north, and west of a line beginning at the Columbia River near Kelso and extending along Interstate Highway 5 to junction U.S. Highway 12, thence

along U.S. Highway 12 to junction U.S. Highway 97, thence along U.S. Highway 97 to the International Boundary of United States and Canada, and (27)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (27)(a) above to points in the origin territory described in (27)(a) above. (*Nicholasville, Ky.)

(28)(a) *Paper and paper products* (except commodities in bulk) from those points in Tennessee bounded by a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 641 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Tennessee Highway 22, thence along Tennessee Highway 22 to the Tennessee-Mississippi State line, thence along the Tennessee-Mississippi State line to junction Tennessee-Alabama State line, thence along the Tennessee-Alabama State line to junction Tennessee-Georgia State line, thence along U.S. Highway 41 to junction Tennessee-Kentucky State line, thence along the Tennessee-Kentucky State line to point of beginning to points in New York, Vermont, New Hampshire, Maine, Rhode Island, Connecticut, Washington, Oregon, and those points in New Jersey on and north of U.S. Highway 30, those points in California on and north of Interstate Highway 80, those points in Nevada on and north of a line beginning at the California-Nevada State line and extending along U.S. Highway 40 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Nevada-Idaho State line, those points in Idaho on, west, and north of a line beginning at the Nevada-Idaho State line and extending along U.S. Highway 93 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Idaho-Montana State line, those points in Montana on and north of a line beginning at the Wyoming-Montana State line and extending along U.S. Highway 191 to junction U.S. Highway 10, thence along U.S. Highway 10 to the Montana-North Dakota State line, and those points in North Dakota on and north of a line beginning at the Montana-North Dakota State line and extending along U.S. Highway 10 to junction North Dakota Highway 3, thence along North Dakota Highway 3 to junction U.S. Highway 2, thence along U.S. Highway 2 to the North Dakota-Minnesota State line, and (28)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (28)(a) above to points in the origin territory described in (28)(a) above. (*Nicholasville, Ky.)

(29)(a) *Paper and paper products* (except commodities in bulk) from Wellsburg, W. Va. to Mobile, Ala. and points in Florida, Georgia, those points in Alabama on and north of U.S. Highway 78, and those 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 25 to junction South Carolina Highway 19, thence along South Carolina Highway 19 to junction U.S. Highway 278, thence along U.S. Highway 278 to its termination on the Atlantic Ocean, and (29)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (29)(a) above to Wellsburg, W. Va. (*Nicholasville, Ky.)

(30)(a) *Paper and paper products* (except commodities in bulk) from those points in Tennessee bounded by a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 41 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Tennessee-Kentucky State line, thence along the Tennssee-Kentucky State line to point of beginning to points in Maine, New Hampshire, Vermont, New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Washington, Oregon, California, Nevada, Idaho, Montana, North Dakota, Utah, and those points in South Dakota on and north of a line beginning at the Wyoming-South Dakota State line and extending along U.S. Highway 18 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction U.S. Highway 77, thence along U.S. Highway 77 to its termination on Big Stone Lake, those points in Wyoming on and north of a line beginning at the Utah-Wyoming State line and extending along Interstate Highway 80 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Wyoming Highway 220, thence along Wyoming Highway 220 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Wyoming-South Dakota State line, and those points in Arizona bounded by a line beginning at the Nevada-Arizona State line and extending along U.S. Highway 93 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Arizona-California State line, thence along the Arizona-California State line to junction Arizona-Nevada State line, thence along the Arizona-Nevada State line to point of beginning, and (30(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (30)(a) above to points in the origin territory described in (30)(a) above. (*Nicholasville, Ky.)

(31)(a) *Paper and paper products* (except commodities in bulk) from those points in Tennessee bounded by a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 127 to junction the Tennessee-Georgia State line, thence along the Tennessee-Georgia State line to junction the Tennessee-North Carolina State line, thence along the Tennessee North Carolina State line to junction U.S. Highway 129, thence along U.S. Highway 129 to junction Tennessee Highway 33, thence along Tennessee Highway 33 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Tennessee-Kentucky State line, thence along the Tennessee-Kentucky State line to point of beginning to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Oregon, Washington, California, Nevada, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, Nebraska, North Dakota, South Dakota, and those points in Connecticut on and north of a line beginning at the New York-Connecticut State line and extending along U.S. Highway 202 to junction Connecticut Highway 58, thence along Connecticut Highway 58 to Long Island Sound near Bridgeport, those points in New York on and north of U.S. Highway 202, those points in Kansas on and north of a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 56 to junction Interstate Highway 35W, thence along Interstate Highway 35W to junction U.S. Highway 40, thence along U.S. Highway 40 to the Kansas-Missouri State line, and those points in New Mexico on, north, and west of a line beginning at the Arizona-New Mexico State line and extending along Interstate Highway 40 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 285 thence along U.S. Highway 285 to the Colorado-New Mexico State line, and (31)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (31)(a) above to points in the origin territory described in (31)(a) above. (*Nicholasville, Ky.)

(32)(a) *Paper and paper products* (except commodities in bulk) from those points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 25E, to junction Tennessee Highway 33, thence along Tennessee Highway 33 to junction U.S. Highway 129, thence along U.S.

Highway 129 to the Tennessee-North Carolina State line to points in Washington, Oregon, California, Nevada, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, those points in Oklahoma on, north, and west of a line beginning at the Texas-Oklahoma State line and extending along Oklahoma Highway 51 to junction U.S. Highway 177, thence along U.S. Highway 177 to the Oklahoma-Kansas State line, and those points in Texas on, north, and west of a line beginning at the International Boundary of United States and Mexico and extending along U.S. Highway 80 to junction Texas Highway 349, thence along Texas Highway 349 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Texas-Oklahoma State line, and (32)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (32)(a) above to points in the origin territory described in (32)(a) above. (*Nicholasville, Ky.)

(33)(a) *Paper and paper products* (except commodities in bulk) from Kingsport, Tenn. to Evansville, East St. Louis, Ill. and points in Missouri, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, California, Oregon, Washington, Idaho, and those points in Illinois on and south of U.S. Highway 460, those points in Arkansas on and west of a line beginning at the Missouri-Arkansas State line and extending along Arkansas Highway 25 to junction Arkansas Highway 1, thence along Arkansas Highway 1 to junction U.S. Highway 49, thence along U.S. Highway 49 to the Arkansas-Mississippi State line, those points in Louisiana on, north, and west of a line beginning at the Texas-Louisiana State line and extending along U.S. Highway 90 to junction U.S. Highway 165, thence along U.S. Highway 165 to the Louisiana-Arkansas State line, and (33)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (33)(a) above to Kingsport, Tenn. (*Nicholasville, Ky.)

(34)(a) *Paper and paper products* (except commodities in bulk) from Lock Haven, Pa. to Mobile, Ala. and points in Alabama on and north of U.S. Highway 78, those points in Georgia on and west of a line beginning at the North Carolina-Georgia State line and extending along U.S. Highway 129 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Georgia-Florida State line, and those points in Florida on and west of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 41 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction U.S. Highway 192, thence along U.S. Highway 192 to its termination on the Atlantic Ocean, and (34)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (34)(a) above to Lock Haven, Pa. (*Nicholasville, Ky.)

(35)(a)*Paper and paper products* (except commodities in bulk) from Terre Haute, Ind. to Mobile, Ala. and points in Florida, Georgia, North Carolina, South Carolina, Virginia, New Jersey, Delaware, Rhode Island, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, California, Washington, the District of Columbia, and those points in Alabama on, east, and north of a line beginning at the Georgia-Alabama State line and extending along Alabama Highway 68 to junction Alabama Highway 9, thence along Alabama Highway 9 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line, those points in Maryland on and east of U.S. Highway 552, those points in New York on and east of a line beginning at the International Boundary of the United States and Canada near Ogdensburg and extending along New York Highway 68 to junction New York Highway 56, thence along New York Highway 56 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 42, thence along New York Highway 42 to the New York-New Jersey State line, those points in Oregon on and west of U.S. Highway 395, those points in Idaho on and north of U.S. Highway 12, and those points in Montana on and west of a line beginning at the Idaho-Montana State line and extending along U.S. Highway 12 to junction U.S. Highway 93, thence along U.S. Highway 93 to the International Boundary of United States and Canada, and (35)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (35)(a) above to Terre Haute, Ind. Restriction: The authorities in (35)(a) above and (35)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(36)(a) *Paper and paper products* (except commodities in bulk) from points in Washington to Mobile, Ala. and points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Florida, Georgia, the District of Columbia, and those points in Alabama on, east, and north of a line beginning at the Tennessee-Alabama State line and extending along Alabama Highway 17 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line, and (36)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (36)(a) above to points in Washington. (*The plantsite and storage facilities of Diana Manufacturing Co. at Green Bay, Wis., and Nicholasville, Ky.)

(37)(a) *Paper and paper products* (except commodities in bulk) from those points in Washington on and west of Interstate Highway 5 to Mobile, Ala. and points in Florida, Georgia, North Carolina, South Carolina, Virginia, Maryland, Delaware, New York, New Jersey, Rhode Island, Connecticut, Massachusetts, New Hampshire, Vermont, Maine, the District of Columbia, those points in Alabama on and north of U.S. Highway 78, and those points in Mississippi on and east of a line beginning at the Tennessee-Mississippi State line and extending along U.S. Highway 45 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Mississippi-Alabama State line, and (37)(b) *materials and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (37)(a) above to points in the origin territory described in (37)(a) above. (*The plantsite and storage facilities of Diana Manufacturing Co. at Green Bay, Wis., and Nicholasville, Ky.)

(38)(a) *Paper and paper products* (except commodities in bulk) from points in Oregon to points in Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Connecticut, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, the District of Columbia, and those points in New York on and east of a line beginning at the International Boundary of United States and Canada and extending along New York Highway 30 to junction New York Highway 7, thence along New York Highway 7 to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line, those points in Georgia on,

north, and east of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 82 to junction U.S. Highway 19, thence along U.S. Highway 19 to the Georgia-Florida State line, and those points in Florida on and east of U.S. Highway 319, and (38)(b) *materials and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (38)(a) above to points in Oregon. (*The plantsite and storage facilities of Diana Manufacturing Co. at Green Bay, Wis., and Nicholasville, Ky.)

(39)(a) *Paper and paper products* (except commodities in bulk) from points in Idaho to the District of Columbia and those points in Delaware on and south of Delaware Highway 8, those points in Maryland on and south of a line beginning at the Potomac River and extending along U.S. Highway 50 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction Maryland Highway 300, thence along Maryland Highway 300 to the Maryland-Delaware State line, those points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 33 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 211, thence along U.S. Highway 211 to the Potomac River near Washington, D.C., those points in North Carolina on and east of U.S. Highway 25, points in South Carolina, those points in Georgia on and east of a line beginning at the South Carolina-Georgia State line and extending along U.S. Highway 1 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Georgia-Florida State line, those points in Florida on and east of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 129 to junction Florida Highway 345, thence along Florida Highway 345 to the Gulf of Mexico, and (39)(b) *materials and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (39)(a) above to points in Idaho. (*The plantsite and storage facilities of Diana Manufacturing Co. at Green Bay, Wis., and Nicholasville, Ky.)

(40)(a) *Paper and paper products* (except commodities in bulk) from Lewiston, Idaho to Evansville, Ind. and Mobile, Ala. and points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Florida, Georgia, the District of Columbia, and those points in Alabama on and north of U.S. Highway 78, those points in Mississippi on and east of a line beginning at the Tennessee-Mississippi State line and extending along U.S. Highway 45 to junction U.S. Highway 11, thence along U.S. Highway 11 to the Mississippi-Louisiana State line, and those points in Louisiana on and east of a line beginning at the Mississippi-Louisiana State line and extending along U.S. Highway 90 to junction Louisiana Highway 23, thence along Louisiana Highway 23 to the Gulf of Mexico, and (40)(b) *materials and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (40)(a) above to Lewiston, Idaho. (*The plantsite and storage facilities of Diana Manufacturing Co. at Green Bay Wis., and Nicholasville, Ky.)

(41)(a) *Paper and paper products* (except commodities in bulk) from Boise, Idaho to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, the District of Columbia, and those points in New York on and east of a line beginning at Lake Ontario near Rochester and extending along U.S. Highway 15 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 36, thence along New York Highway 36 to the New York-Pennsylvania State line, those points in Florida on and east of U.S. Highway 231, those points in Alabama on, east, and north of a line beginning at the Georgia-Alabama State line and extending along U.S. Highway 11 to junction U.S. Highway 431, thence along U.S. Highway 431 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line, and (41)(b) *materials and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (41)(a) above to Boise, Idaho. (*The plantsite and storage facilities of Diana Manufacturing Co. Green Bay, Wis., and Nicholasville, Ky.)

(42)(a) *Paper and paper products* (except commodities in bulk) from points in Montana to points in Maine, New Hampshire, New Jersey, Delaware, Virginia, North Carolina, South Carolina, Georgia, the District of Columbia, and those points in Vermont on and north of Interstate Highway 89, those points in Massachusetts on and east of Interstate Highway 91, those points in New York on and south of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 209 to junction New York Highway 199, thence along New York Highway 199 to the New York-Massachusetts State line, those points in Maryland on and east of U.S. Highway 220, those points in Florida on and east of Florida Highway 85, and those points in Alabama on, east, and north of a line beginning at the Tennessee-Alabama State line and extending along Alabama Highway 79 to junction U.S. Highway 431, thence along U.S. Highway 431 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line, and (42)(b) *materials and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (42)(a) above to points in Montana. (*The plantsite and storage facilities of Diana Manufacturing Co. at Green Bay, Wis., and Nicholasville, Ky.)

(43)(a) *Paper and paper products* (except commodities in bulk) from points in Wyoming to points in North Carolina, South Carolina, and those points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 33 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Virginia Highway 3, thence along Virginia Highway 3 to junction Virginia Highway 218, thence along Virginia Highway 218 to the Potomac River, those points in Georgia on and east of a line beginning at the North Carolina-Georgia State line and extending along Georgia Highway 23 to junction Georgia Highway 17, thence along Georgia Highway 17 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 441, thence along U.S. Highway 441 to the Georgia-Florida State line, and those points in Florida on and east of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 441 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Florida Highway 24, thence along Florida Highway 24 to the Gulf of Mexico, and (43)(b) *materials and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (43)(a) above to points in Wyoming . (*The plantsite and storage facilities of Diana Manufacturing Co. at Green Bay, Wis., and Nicholasville, Ky.)

(44)(a) *Paper and paper products* (except commodities in bulk) from Salt Lake City, Utah to points in New Jersey, Maryland, Delaware, Virginia, North Carolina, South Carolina, the District of Columbia, and those points

in Maine on and east of a line beginning at the International Boundary of United States and Canada and extending along U.S. Highway 1 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction Interstate Highway 95, thence along Interstate Highway 95 to the Maine-New Hampshire State line, those points in New Hampshire on and east of Interstate Highway 95, those points in Massachusetts on and east of a line beginning at the New Hampshire-Massachusetts State line and extending along Interstate Highway 93 to junction Massachusetts Highway 110, thence along Massachusetts Highway 110 to junction Massachusetts Highway 12, thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line, those points in Connecticut on, south, and east of a line beginning at the Massachusetts-Connecticut State line and extending along Interstate Highway 91 to junction U.S. Highway 44, thence along U.S. Highway 44 to junction Connecticut Highway 25, thence along Connecticut Highway 25 to junction Connecticut Highway 8, thence along Connecticut Highway 8 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Connecticut-New York State line, those points in New York on and south of Interstate Highway 287, those points in Georgia on and east of a line beginning at the Tennessee-Georgia State line and extending along Georgia Highway 11 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Georgia Highway 33, thence along Georgia Highway 33 to the Georgia-Florida State line, and those points in Florida on and east of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 221 to junction Florida Highway 361, thence along Florida Highway 361 to the Gulf of Mexico near Keatons Beach, and (44)(b) *materials and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (44)(a) above to Salt Lake City, Utah. (*The plantsite and storage facilities of Diana Manufacturing Co. at Green Bay, Wis., and Nicholasville, Ky.)

(45)(a) *Paper and paper products* (except commodities in bulk) from points in Arizona to points in Maine, Rhode Island, and those points in New Hampshire on and east of a line beginning at the Maine-New Hampshire State line and extending along New Hampshire Highway 16 to junction New Hampshire Highway 25, thence along New Hampshire Highway 25 to junction Interstate Highway 93, thence along Interstate Highway 93 to junction U.S. Highway 202, thence along U.S. Highway 202 to the New Hampshire-Massachusetts State line, those points in Massachusetts on and east of a line beginning at the New Hampshire-Massachusetts State line and extending along U.S. Highway 202 to junction U.S. Highway 5, thence along U.S. Highway 5 to the Massachusetts-Connecticut State line, and those points in Connecticut on and east of a line beginning at the Massachusetts-Connecticut State line and extending along Connecticut Highway 32 to junction Connecticut Highway 2, thence along Connecticut Highway 2 to the Connecticut-Rhode Island State line, and (45)(b) *materials and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (45)(a) above to points in Arizona. (*The plant site and storage facilities of Diana Manufacturing Co. at Green Bay, Wis., and Nicholasville, Ky.)

(46)(a) *Paper and paper products* (except commodities in bulk) from points in Nevada to points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, the District of Columbia, and those points in Vermont on and east of a line beginning at the International Boundary of United States and Canada and extending along U.S. Highway 5 to junction Vermont Highway 11, thence along Vermont Highway 11 to junction U.S. Highway 7, thence along U.S. Highway 7 to junction Vermont Highway 9, thence along Vermont Highway 9 to the Vermont-New York State line, those points in New York on, south and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 209 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 7, thence along New York Highway 7 to the New York-Vermont State line, those points in Maryland on and south of Interstate Highway 95, and those points in Virginia bounded by a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 460 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 35, thence along Virginia Highway 35 to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to the Virginia State border on the Chesapeake, thence along the Virginia State border to Washington, D.C., thence along U.S. Highway 211 to junction U.S. Highway 340, thence along U.S. Highway 340 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Virginia-West Virginia State line, thence along the Virginia-West Virginia State line to point of beginning, and those points in North Carolina on, north, and east of North Carolina Highway 37, and (46)(b) *materials and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (46)(a) above to points in Nevada. (*The plant site and storage facilities of Diana Manufacturing Co. at Green Bay, Wis., and Nicholasville, Ky.)

(47)(a) *Paper and paper products* (except commodities in bulk) from those points in California on and north of Interstate Highway 80 to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, the District of Columbia, and those points in New York on and east of a line beginning at the International Boundary of United States and Canada and extending along U.S. Highway 15 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 36, thence along New York Highway 36 to the New York-Pennsylvania State line, those points in Georgia on and east of a line beginning at the Tennessee-Georiga State line and extending along Interstate Highway 75 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 341, thence along U.S. Highway 341 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Georgia-Florida State line, and those points in Florida on and east of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 17 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Florida Highway 70, thence along Florida Highway 70 to junction Florida Highway 78, thence along Florida Highway 78 to the Gulf of Mexico near Fort Myers, and (47)(b) *materials and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (47)(a) above to points in the origin territory described in (47)(a) above. (*The plantsite and storage facilities of Diana Manufacturing Co. at Green Bay, Wisc., and Nicholasville, Ky.)

(48)(a) *Paper and paper products* (except commodities in bulk) from those points in California south of Mono, Inyo, Kern, and San Luis Obispo Counties to those points in Maine on and east of a line beginning at the International Boundary of United States and Canada and extending along U.S. Highway 1 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction Maine Highway 26, thence along Maine Highway 26 to

the Atlantic Ocean near Portland, and (48)(b) *materials and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (48)(a) above to points in the origin territory described in (48)(a) above. (*The plant site and storage facilities of Diana Manufacturing Co. at Green Bay, Wisc., and Nicholasville, Ky.)

(49)(a) *Paper and paper products* (except commodities in bulk) from those points in California bounded by Interstate Highway 80 on the north and by Mono, Inyo, Kern, and San Luis Obispo Counties on the south, including points in said counties, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, the District of Columbia, and those points in New York on and south of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 28, thence long New York Highway 28 to junction U.S. Highway 9W, thence along U.S. Highway 9W to junction New York Highway 23, thence along New York Highway 23 to the New York-Massachusetts State line, those points in Maryland on and east of U.S. Highway 11, those points in Virginia on, east, and north of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 52 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Virginia-North Carolina State line, and those points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 501 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 258, thence along U.S. Highway 258 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to Onslow Bay near Swansboro, and (49)(b) *materials and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (49)(a) above to points in the origin territory described in (49)(a) above. (*The plant site and storage facilities of Diana Manufacturing Co. at Green Bay, Wisc., and Nicholasville, Ky.)

(50)(a) *Paper and paper products* (except commodities in bulk) from points in New York (except Lyons Falls, Plattsburgh, Utica, and Guilderland Center) to those points in California on, south, and west of a line beginning at the Pacific Ocean near Watsonville and extending along California Highway 152 to junction California Highway 99, thence along California Highway 99 to junction California Highway 58, thence along California Highway 58 to junction Interstate Highway 40, thence along Interstate Highway 40 to the California-Arizona State line, those points in Arizona on and south of a line beginning at the California-Arizona State line and extending along U.S. Highway 66 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Arizona-New Mexico State line, and those points in New Mexico on and south of a line beginning at the Arizona-New Mexico State line and extending along U.S. Highway 70 to junction New Mexico Highway 11, thence along New Mexico Highway 11 to the International Boundary of United States and Mexico, and (50)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (50)(a) above to points in the origin territory described in (50)(a) above. Restriction: The authorities in (50)(a) above and (50)(b) above are restricted against the transportation of traffic originating at the excluded points in New York. (*Paxinos, Pa., and Nicholasville, Ky.)

(51)(a) *paper and paper products* (except commodities in bulk) from those points in New York on and west of a line beginning at the St. Lawrence Seaway near Clayton and extending along New York Highway 12 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 17, thence along New York Highway 17 to the New York-Pennsylvania State line (except points west of a line beginning at Buffalo, thence along U.S. Highway 219 to the New York-Pennsylvania State line) to points in California and those points in Washington on, south, and west of a line beginning at the Pacific Ocean near Aberdeen and extending along U.S. Highway 12 to junction Interstate Highway 5, thence along Interstate Highway 5 to the Washington-Oregon State line, those points in Oregon on and west of a line beginning at the Columbia River near Portland and extending along U.S. Highway 26 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 395, thence along U.S. Highway 395 to the Oregon-California State line, those points in Nevada on and west of a line beginning at the Oregon-Nevada State line and extending along Nevada Highway 34 to junction Alternate U.S. Highway 95, thence along Alternate U.S. Highway 95 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Nevada Highway 25, thence along Nevada Highway 25 to the Nevada-Utah State line, those points in Utah on, south, and west of a line beginning at the Nevada-Utah State line and extending along Utah Highway 56 to junction Utah Highway 18, thence along Utah Highway 18 to the Utah-Arizona State line, those points in Arizona on, west, and south of a line beginning at the Utah-Arizona State line and extending along U.S. Highway 89 to junction U.S. Highway 180, thence along U.S. Highway 180 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Arizona-New Mexico State line, those points in New Mexico on and south of a line beginning at the Arizona-New Mexico State line and extending along U.S. Highway 60 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 82, thence along U.S. Highway 82 to the New Mexico-Texas State line, those points in Texas on and south of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 180 to junction U.S. Highway 175, thence along U.S. Highway 175 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Texas-Louisiana State line, and those points in Louisiana on and south of a line beginning at the Texas-Louisiana State line and extending along U.S. Highway 190 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction Louisiana Highway 56, thence along Louisiana Highway 56 to the Gulf of Mexico, and (51)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (51)(a) above to points in the origin territory described in (51)(a) above. Restriction: The authorities in (51)(a) above and (51)(b) above are restricted against the transportation of traffic originating at Lyons Falls and Utica, N.Y. (*Paxinos, Pa. and Nicholasville, Ky.)

(52)(a) *Paper and paper products* (except commodities in bulk) from those points in New York on and east of a line beginning at Lake Ontario near Owsego and extending along New York Highway 57 to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line (except points south of Interstate Highway 84) to Mobile, Ala. and Memphis, Tenn. and points in Washington, Oregon, California,

Nevada, Idaho, Utah, Arizona, New Mexico, Texas, Oklahoma, Arkansas, Louisiana, Mississippi, and those points in Montana on and west of a line beginning at the International Boundary of United States and Canada and extending along Interstate Highway 15 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Wyoming-Montana State line, those points in Wyoming on, south, and west of a line beginning at the Idaho-Wyoming State line and extending along U.S. Highway 30N to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Wyoming-Colorado State line, those points in Colorado on, south, and west of a line beginning at the Wyoming-Colorado State line and extending along U.S. Highway 287 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Colorado-Kansas State line, those points in Kansas on and south of a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 36 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line, those points in Missouri on and south of a line beginning at the Oklahoma-Missouri State line and extending along U.S. Highway 60 to junction Missouri Highway 39, thence along Missouri Highway 39 to junction Missouri Highway 76, thence along Missouri Highway 76 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Missouri-Illinois State line, those points in Alabama on and north of U.S. Highway 78, those points in Florida on and west of Florida Highway 71, and those points in Georgia on and west of U.S. Highway 27, and (52)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (52)(a) above to points in the origin territory described in (52)(a) above. Restriction: The authorities in (52)(a) above and (52)(b) above are restricted against the transportation of traffic originating at Lyons Falls, Plattsburg, Utica, and Guilderland, N.Y. (*Paxinos, Pa. and Nicholasville, Ky.)

(53)(a) *Paper and paper products* (except commodities in bulk) from those points in New York on and south of Interstate Highway 84 to Mobile, Ala., Memphis, Tenn., Evansville, Ind., East St. Louis, Ill., and points in Mississippi, Louisiana, Arkansas, Missouri, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon, and Washington, and those points in Illinois on and south U.S. Highway 460, those points in Alabama on and north of U.S. Highway 78, those points in Florida on and west of Florida Highway 77, and those points in Georgia on and west of U.S. Highway 27, and (53)(b) *equipment materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (53)(a) above to points in the origin territory described in (53)(a) above. (*Paxinos, Pa. and Nicholasville, Ky.)

(54)(a) *Paper and paper products* (except commodities in bulk) from Rochester, N.Y. to Memphis, Tenn. and Mobile, Ala. and points in Mississippi, Louisiana, Texas, New Mexico, Arizona, California, Nevada, Oregon, and Washington, and those points in Alabama on and north of U.S. Highway 78, those points in Georgia on and west of a line beginning at the Tennessee-Georgia State line and extending along U.S. Highway 41 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Georgia Highway 133, thence along Georgia Highway 33 to the Georgia-Florida State line, those points in Florida on and west of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 221 to junction Alternate U.S. Highway 27, thence along Alternate U.S. Highway 27 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Gulf of Mexico near Fort Myers, and those points in Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line and extending along U.S. Highway 270 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Arkansas Highway 23, thence along Arkansas Highway 23 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Arkansas Highway 18, thence along Arkansas Highway 18 to the Arkansas-Tennessee State line, those points in Oklahoma on and south of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 270 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Oklahoma Highway 19, thence along Oklahoma Highway 19 to junction U.S. Highway 270, thence along U.S. Highway 270 to the Oklahoma-Arkansas State line, those points in Colorado on and south of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 24 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Colorado-Kansas State line, those points in Utah on and south of a line beginning at the Nevada-Utah State line and extending along Interstate Highway 80 to junction Utah Highway 36, thence along Utah Highway 36 to junction Utah Highway 73, thence along Utah Highway 73 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Utah-Colorado State line, and those points in Idaho on and west of U.S. Highway 93, and (54)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (54)(a) above to Rochester, N.Y. (*Paxinos, Pa. and Nicholasville, Ky.)

(55)(a) *Paper and paper products* (except commodities in bulk) from Oswego, N.Y. to Memphis, Tenn. and Mobile, Ala. and points in Mississippi, Louisiana, Arkansas, Oklahoma, Texas, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, Nevada, California, and those points in Alabama on and north of U.S. Highway 78, those points in Georgia on and west of a line beginning at the North Carolina-Georgia State line and extending along U.S. Highway 129 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Georgia-Florida State line, those points in Florida on and west of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 41 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Atlantic Ocean near Miami, those points in Missouri on and south of a line beginning at the Oklahoma-Missouri State line and extending along U.S. Highway 60 to junction Missouri Highway 39, thence along Missouri Highway 39 to junction Missouri Highway 76, thence along Missouri Highway 76 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Missouri-Illinois State line, those points in Kansas on and south of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 36 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line, those points in Colorado on, south, and west of a line beginning at the Wyoming-Colorado State line and extending along U.S. Highway 287 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Colorado-Kansas State line, those points in Montana on and west of a line beginning at the International Boundary of United States and

Canada and extending along Interstate Highway 15 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Wyoming-Montana State line, those points in Wyoming on, south, and west of a line beginning at the Idaho-Wyoming State line and extending along Wyoming Highway 22 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Wyoming-Colorado State line, and (55)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (55)(a) above to Oswego, N.Y. (*Paxinos, Pa., and Nicholasville, Ky.)

(56)(a) *Paper and paper products* (except commodities in bulk) from Pulaski, N.Y. to Evansville, Ind., Memphis, Tenn., and Mobile, Ala. and points in Mississippi, Louisiana, Arkansas, Oklahoma, New Mexico, Texas, Colorado, Utah, Arizona, Nevada, California, Oregon, Idaho, Washington, and those points in Alabama on and north of U.S. Highway 78, those points in Georgia on and west of a line beginning at the Tennessee-Georgia State line and extending along U.S. Highway 41 to junction Georgia Highway 20, thence along Georgia Highway 20 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction U.S. Highway 129, thence along U.S. Highway 129 to the Georgia-Florida State line, those points in Florida on, west, and south of a line beginning at the Georgia-Florida State line and extending along Interstate Highway 75 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Florida Highway 60, thence along Florida Highway 60 to the Atlantic Ocean, those points in Illinois on and south of a line beginning at the Mississippi River near Chester and extending along Illinois Highway 150 to junction Illinois Highway 154, thence along Illinois Highway 154 to junction Illinois Highway 148, thence along Illinois Highway 148 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Illinois-Indiana State line, those points in Missouri on and south of a line beginning at the Kansas-Missouri State line and extending along Missouri Highway 45 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 68, thence along Missouri Highway 68 to junction Missouri Highway 32, thence along Missouri Highway 32 to the Missouri-Illionois State line, those points in Kansas on and south of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 183 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Kansas Highway 99, thence along Kansas Highway 99 to junction Kansas Highway 16, thence along Kansas Highway 16 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Missouri River near Atchison, those points in Montana on and west of a line beginning at the International Boundary of United States and Canada and extending along Montana Highway 247 to junction Montana Highway 24, thence along Montana Highway 24 to junction Montana Highway 200, thence along Montana Highway 200 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Wyoming-Montana State line, and those points in Wyoming on and west of a line beginning at the Montana-Wyoming State line and extending along U.S. Highway 87 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Wyoming-Nebraska State line, and (56)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (56)(a) above to Pulaski, N.Y. (*Paxinos, Pa., and Nicholasville, Ky.)

(57)(a) *Paper and paper products* (except commodities in bulk) from Deferiet, N.Y. to Evansville, Ind., Memphis, Tenn., and Mobile, Ala. and points in Mississippi, Louisiana, Arkansas, Texas, Oklahoma, New Mexico, Arizona, Utah, Nevada, California, Oregon, Washington, Idaho, and those points in Alabama on and north of U.S. Highway 78, those points in Georgia on and west of a line beginning at the North Carolina-Georgia State line and extending along Georgia Highway 11 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Georgia Highway 33, thence along Georgia Highway 33 to the Georgia-Florida State line, those points on Florida on and west of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 19 to junction Florida Highway 64, thence along Florida Highway 64 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Atlantic Ocean near Miami, those points in Illinois on and south of a line beginning at the Mississippi River near Chester and extending along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 13, thence along Illinois Highway 13 to the Illinois-Indiana State line, those points in Missouri on and south of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 50 to junction Missouri Highway 5, thence along Missouri Highway 5 to junction Missouri Highway 32, thence along Missouri Highway 32 to the Missouri-Illinois State line, those points in Kansas on, west, and south of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 183 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Kansas-Missouri State line, those points in Colorado, on, south,8 and west of a line beginning at the Wyoming-Colorado State line and extending along U.S. Highway 85 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Colorado-Nebraska State line, those points in Montana on and west of a line beginning at the International Boundary of United States and Canada and extending along Montana Highway 242 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 212, thence along U.S. Highway 212 to the Montana-Wyoming State line, those points in Wyoming on and west of a line beginning at the Montana-Wyoming State line and extending along Wyoming Highway 120 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 85, thence along U.S. Highway 85 to the Wyoming-Colorado State line, and (57)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (57)(a) above to Deferiet, N.Y. (*Paxinos, Pa. and Nicholasville, Ky.)

(58)(a) *Paper and paper products* (except commodities in bulk) from points in Rhode Island to Evansville, Ind., Memphis, Tenn., East St. Louis, Ill., and Mobile, Ala. and points in Mississippi, Arkansas, Missouri, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, California, Nevada, Oregon, Washington, Louisiana, and those points in Illinois on and south of U.S. Highway 460, those points in Florida on and west of U.S. Highway 231, those points in Alabama on and north of U.S. Highway 78, and those points in Georgia on, north, and west of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 76 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Georgia Highway 53, thence along Georgia Highway 53 to junction U.S.

Highway 27, thence along U.S. Highway 27 to the Georgia-Alabama State line, and (58)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (58)(a) above to points in Rhode Island. (*Paxinos, Pa. and Nicholasville, Ky.)

(59)(a) *Paper and paper products* (except commodities in bulk) from points in Delaware to Evansville, Ind., Memphis, Tenn., and East St. Louis, Ill., and points in Arkansas, Montana, Idaho, Washington, Oregon, California, Nevada, Arizona, Utah, Wyoming, Colorado, New Mexico, Texas, Oklahoma, Kansas, and those points in Illinois on and south of U.S. Highway 460, those points in Mississippi on, north, and west of a line beginning at the Tennessee-Mississippi State line and extending along Mississippi Highway 7 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Mississippi-Arkansas State line, those points in Louisiana on and west of a line beginning at the Arkansas-Louisiana State line and extending along U.S. Highway 165 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction Louisiana Highway 82, thence along Louisiana Highway 82 to junction Louisiana Highway 333, thence along Louisiana Highway 333 to the Gulf of Mexico, those points in Missouri on and south of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 71 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Missouri-Illinois State line, those points in Nebraska on, south, and west of a line beginning at the South Dakota-Nebraska State line and extending along U.S. Highway 183 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Nebraska-Iowa State line, those points in South Dakota on and west of a line beginning at the North Dakota-South Dakota State line and extending along U.S. Highway 281 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to the South Dakota-Nebraska State line, and those points in North Dakota on, north, and west of a line beginning at the Minnesota-North Dakota State line and extending along U.S. Highway 2 to junction North Dakota Highway 1, thence along North Dakota Highway 1 to the North Dakota-South Dakota State line, and (59)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (59)(a) above to points in Delaware. (*Paxinos, Pa., and Nicholasville, Ky.)

(60)(a) *Paper and paper products* (except commodities in bulk) from points in Illinois (except East St. Louis and points in its Commercial Zone, except Chicago and points in its Commercial Zone, and except those points on and south of U.S. Highway 460) to points in South Carolina, those points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 60 to junction U.S. Highway 11, thence along U.S. Highway 11 to juntion U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 33, thence along U.S. Highway 33 to Chesapeake Bay, those points in North Carolina on and east of U.S. Highway 25, those points in Georgia on and east of a line beginning at the South Carolina-Georgia State line and extending along U.S. Highway 25 to junction Georgia Highway 25, thence along Georgia Highway 25 to the Georgia-Florida State line, and those points in Florida on, south, and east of a line beginning at the Gulf of Mexico near Keatons Beach and extending along Florida Highway 361 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Florida Highway 247, thence along Florida Highway 247 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Florida-Georgia State line, and (60)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (60)(a) above to points in the origin territory described in (60)(a) above. Restriction: The authorities in (60)(a) above and (60)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(61)(a) *Paper and paper products* (except commodities in bulk) from those points in Illinois on, north, and west of Illinois Highway 2 to points in South Carolina, Georgia, those points in Florida on and east of a line beginning at the Alabama-Florida State line and extending along Florida Highway 189 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Gulf of Mexico near Pensacola, and those points in Alabama bounded by a line beginning at the Georgia-Alabama State line and extending along Interstate Highway 59 to junction U.S. Highway 431, thence along U.S. Highway 431 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line, thence along the Alabama-Georgia State line to point of beginning, and (61)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (61)(a) above to points in the origin territory described in (61)(a) above. Restriction: The authorities in (61)(a) above and (61)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(62)(a) *Paper and paper products* (except commodities in bulk) from those points in Illinois on and north of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 34 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction U.S. Highway 24, thence along U.S. Highway 24 to Illinois-Indiana State line (except Chicago and points in its Commercial Zone) to points in South Carolina, Georgia, those points in Florida on and east of Florida Highway 85, and those points in Alabama bounded by a line beginning at the Georgia-Alabama State line and extending along Interstate Highway 59 to junction U.S. Highway 431, thence along U.S. Highway 431 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line, thence along the Alabama-Georgia State line to point of beginning, and (62)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (62)(a) above to points in the origin territory described in (62)(a) above. Restriction: The authorities in (62)(a) above and (62)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(63)(a) *Paper and paper products* (except commodities in bulk) from those points in Illinois bounded by a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 24 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Illinois-Indiana State line, thence along the Illinois-Indiana State line to point of beginning to points in South Carolina, those points in Georgia on and east of a line beginning at the North Carolina-Georgia State line and extending along U.S. Highway 129 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Georgia Highway 257, thence along Georgia Highway 257 to junction U.S.

Highway 19, thence along U.S. Highway 19 to the Georgia-Florida State line, and those points in Florida on and east of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 319 to junction Florida Highway 365, thence along Florida Highway 365 to the Gulf of Mexico, and (63)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (63)(a) above to points in the origin territory described in (63)(a) above. Restriction: The authorities in (63)(a) above and (63)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(64)(a) *Paper and paper products* (except commodities in bulk) from those points in Illinois bounded by a line beginning at the Iowa-Illinois State line and extending along Illinois Highway 116 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Illinois-Missouri State line, thence along the Missouri-Illinois State line to junction Iowa-Illinois State line, thence along the Iowa-Illinois State line to point of beginning to points in North Carolina, South Carolina, Virginia, Delaware, Connecticut, Rhode Island, Maine, the District of Columbia, and those points in Florida on and east of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 221 to junction Florida Highway 361, thence along Florida Highway 361 to the Gulf of Mexico near Keatons Beach, those points in Georgia on and east of a line beginning at the North Carolina-Georgia State line and extending along U.S. Highway 441 to junction U.S. Highway 319, thence along U.S. Highway 319 to junction Georgia Highway 133, thence along Georgia Highway 133 to the Georgia-Florida State line, those points in Maryland on and south of a line beginning at the West Virginia-Maryland State line and extending along U.S. Highway 340 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Maryland-Delaware State line, those points in New Jersey on, south, and east of a line beginning at the Pennsylvania-New Jersey State line and extending along Interstate Highway 78 to junction U.S. Highway 202, thence along U.S. Highway 202 to the New Jersey-New York State line, those points in New York on and east of a line beginning at the New Jersey-New York State line and extending along U.S. Highway 202 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction U.S. Highway 44, thence along U.S. Highway 44 to the New York-Connecticut State line, those points in Massachusetts on, south, and east of a line beginning at the Connecticut-Massachusetts State line and extending along U.S. Highway 202 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Massachusetts Highway 12, thence along Massachusetts Highway 12 to junction Massachusetts Highway 13, thence along Massachusetts Highway 13 to the Massachusetts-New Hampshire State line, and those points in New Hampshire on and east of a line beginning at the Massachusetts-New Hampshire State line and extending along U.S. Highway 3 to junction New Hampshire Highway 28, thence along New Hampshire Highway 28 to junction New Hampshire Highway 25, thence along New Hampshire Highway 25 to the New Hampshire-Maine State line, and (64)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (64)(a) above to points in the origin territory described in (64)(a) above. Restriction: The authorities in (64)(a) above and (64)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(65)(a) *Paper and paper products* (except commodities in bulk) from those points in Illinois bounded by a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 460 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Illinois-Indiana State line, thence along the Illinois-Indiana State line to point of beginning (except points in the East St. Louis, Ill.-St. Louis, Mo. Commercial Zone as defined by the Commission which lie in Illinois and except points on U.S. Highway 460) to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, the District of Columbia, and those points in New York on and east of a line beginning at the International Boundary of United States and Canada and extending along U.S. Highway 9 to junction New York Highway 50, thence along New York Highway 50 to junction New York Highway 7, thence along New York Highway 7 to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line, those points in Maryland on and southeast of U.S. Highway 1, and those points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 33 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 211, thence along U.S. Highway 211 to the Potomac River near Washington, D.C., and (65)(b) *equipment, materials and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (65)(a) above to points in the origin territory described in (65)(a) above. Restriction: The authorities in (65)(a) above and (65)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(66)(a) *Paper and paper products* (except commodities in bulk) from points in the Chicago, Ill. Commercial Zone as defined by the Commission to Mobile, Ala. and points in Florida, Georgia, North Carolina, South Carolina, and those points in Alabama on, north, and east of a line beginning at the Tennessee-Alabama State line and extending along Interstate Highway 65 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line, those points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 33 to junction U.S. Highway 60, thence along U.S. Highway 60 to Chesapeake Bay near Norfolk, those points in Mississippi on, east, and south of a line beginning at the Louisiana-Mississippi State line and extending along Mississippi Highway 26 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Mississippi-Alabama State line, those points in Louisiana on and east of a line beginning at the origination of Louisiana Highway 1 on the Gulf of Mexico and extending along Louisiana Highway 1 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 21, thence along Louisiana Highway 21 to junction Louisiana Highway 10, thence along Louisiana Highway 10 to the Louisiana-Mississippi State line, and those points in Texas on and south of a line beginning at the International Boundary of United States and Mexico and extending along U.S. Highway 90 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Gulf of Mexico near Port Lavaca, and (66)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (66)(a) above to points in the origin territory described in (66)(a) above. Restriction: The authorities in (66)(a) above and (66)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Chicago Heights, Ill., and Nicholasville, Ky.)

(67)(a) *Paper and paper products* (except commodities in bulk) from Salem, Ill. to points in Maine, New Hampshire, Vermont, Massachusetts, New York, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, the District of Columbia, and those points in Georgia on and east of a line beginning at the Tennessee-Georgia State line and extending along Georgia Highway 60 to junction Georgia Highway 52, thence along Georgia Highway 52 to junction Georgia Highway 15, thence along Georgia Highway 15 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction Georgia Highway 112, thence along Georgia Highway 112 to junction Georgia Highway 97, thence along Georgia Highway 97 to the Georgia-Florida State line, and those points in Florida on and east of a line beginning at the Georgia-Florida State line and extending along Florida Highway 65 to junction Florida Highway 67, thence along Florida Highway 67 to the Gulf of Mexico near Carrabelle, and (67)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (67)(a) above to Salem, Ill. Restriction: The authorities in (67)(a) above and (67)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(68)(a) *Paper and paper products* (except commodities in bulk) from Rockford, Ill. to Mobile, Ala. and points in Florida, Georgia, North Carolina, South Carolina, and those points in Alabama on, east, and north of a line beginning at the Tennessee-Alabama State line and extending along U.S. Highway 231 to junction Alternate U.S. Highway 72, thence along Alternate U.S. Highway 72 to junction Alabama Highway 24, thence along Alabama Highway 24 to junction Alabama Highway 33, thence along Alabama Highway 33 to junction Alabama Highway 195, thence along Alabama Highway 195 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line, those points in Mississippi on and south of U.S. Highway 90, and those points in Louisiana on and east of a line beginning at the origination of Louisiana Highway 315 on the Gulf of Mexico and extending along Louisiana Highway 315 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Louisiana-Mississippi State line, and (68)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (68)(a) above to Rockford, Ill. Restriction: The authorities in (68)(a) above and (68)(b) above are restricted against the transportation of pulpboard, pulpboard products and waste paper. (*Nicholasville, Ky.)

(69)(a) *Paper and paper products* (except commodities in bulk) from Alton, Ill. to points in New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, the District of Columbia, those points in Georgia on and east of a line beginning at the Tennessee-Georgia State line and extending along Georgia Highway 60 to junction Georgia Highway 11, thence along Georgia Highway 11 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 319, thence along U.S. Highway 319 to the Georgia-Florida State line, and those points in Florida on and east of U.S. Highway 319, and (69)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (69)(a) above to Alton, Ill. Restriction: The authorities in (69)(a) above and (69)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(70)(a) *Paper and paper products* (except commodities in bulk) from Quincy, Ill. to points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, the District of Columbia, those points in New York on and east of New York Highway 14, those points in Georgia on and east of a line beginning at the Tennessee-Georgia State line and extending along Georgia Highway 5 to junction Georgia Highway 8, thence along Georgia Highway 8 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Georgia-Florida State line, and those points in Florida on and east of Florida Highway 65, and (70)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (70)(a) above to Quincy, Ill. Restriction: The authorities in (70)(a) above and (70)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(71)(A) *Paper and paper products* (except commodities in bulk) from Peoria, Ill. to points in Virginia, North Carolina, South Carolina, Georgia, those points in Florida on and east of U.S. Highway 29, and those points in Alabama on, east, and north of a line beginning at the Georgia-Alabama State line and extending along Alabama Highway 9 to junction Alabama Highway 21, thence along Alabama Highway 21 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line, and (71)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (71)(a) above to Peoria, Ill. Restriction: The authorities in (71)(a) above and (71)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(72)(a) *Paper and paper products* (except commodities in bulk) from Springfield, Ill. to points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, Massachusetts, New Jersey, Delaware, Maryland, Virginia, North Caroline, South Carolina, the District of Columbia, and those points in New York on and east of a line beginning at the International Boundary of United States and Canada and extending along New York Highway 58 to junction New York Highway 3, thence along New York Highway 3 to junction New York Highway 26, thence along New York Highway 26 to the New York-Pennsylvania State line, those points in Georgia on, south, and east of a line beginning at the Alabama-Georgia State line and extending along Georgia Highway 6 to junction Georgia Highway 61, thence along Georgia Highway 61 to junction U.S. Highway 411, thence along U.S. Highway 411 to the Georgia-Tennessee State line, and those points in Florida on and east of U.S. Highway 231, and (72)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (72)(a) above to Springfield, Ill. Restriction: The authorities in (72)(a) above and (72)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(73)(a) *Paper and paper products* (except commodities in bulk) from Effingham, Ill. to points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, Massachusetts, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, the District of Columbia, and those points in New York on and east of U.S. Highway 15, those points in Georgia on and east of a line beginning at the Tennessee-Georgia State line and extending along U.S. Highway 411 to junction Georgia Highway 61, thence along Georgia Highway 61 to junction Georgia Highway 166, thence along Georgia Highway 166 to the Georgia-Alabama State line, and those points in Florida on and east of U.S. Highway 331, and (73)(b) *equipment, materials,*

and supplies used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (73)(a) above to Effingham, Ill. Restriction: The authorities in (73)(a) above and (73)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper, (*Nicholasville, Ky.)

(74)(a) *Paper and paper products* (except commodities in bulk) from Shelbyville, Ill. to points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, Massachusetts, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, the District of Columbia, and those points in New York on and east of New York Highway 14, those points in Georgia on, east, and south of a line beginning at the Tennessee-Georgia State line and extending along U.S. Highway 411 to junction Georgia Highway 61, thence along Georgia Highway 61 to junction Georgia Highway 6, thence along Georgia Highway 6 to the Georgia-Alabama State line, and those points in Florida on and east of Florida Highway 85, and (74)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (74)(a) above to Shelbyville, Ill. Restriction: The authorities in (74)(a) above and (74)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper, (*Nicholasville, Ky.)

(75)(a) *Paper and paper products* (except commodities in bulk) from Bradley, Ill. to Mobile, Ala. and points in Rhode Island, North Carolina, South Carolina, Florida, Georgia, the District of Columbia, and those points in California on and west of a line beginning at the Pacific Ocean near Monterey and extending along California Highway 1 to junction California Highway 46, thence along California Highway 46 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction California Highway 86, thence along California Highway 86 to the International Boundary of United States and Mexico, those points in Maine on and east of Interstate Highway 95, those points in Massachusetts on and east of a line beginning at the New Hampshire-Massachusetts State line and extending along U.S. Highway 1 to junction Massachusetts Highway 16, thence along Massachusetts Highway 16 to the Massachusetts-Connecticut State line, those points in Connecticut on and east of Connecticut Highway 52, those points in Delaware on and south of Delaware Highway 299, those points in Maryland on and south of line beginning at the Potomac River near Washington, D.C., and extending along U.S. Highway 50 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Maryland-Delaware State line, those points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 33 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 211, thence along U.S. Highway 211 to the Potomac River near Washington, D.C., those points in Louisiana on and east of a line beginning at the origination of Louisiana Highway 315 on the Gulf of Mexico and extending along Louisiana Highway 315 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Louisiana-Mississippi State line, those points in Mississippi on and south of a line beginning at the Louisiana-Mississippi State line and extending along Mississippi Highway 26 to junction U.S. Highway 98, thence along U.S. Highway 98 to the Mississippi-Alabama State line, those points in Alabama on, east, and north of a line beginning at the Tennessee-Alabama State line and extending along Alabama Highway 65 to junction U.S. Highway 72, thence along U.S. Highway 72 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Alabama Highway 69, thence along Alabama Highway 69 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line, and (75)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (75)(a) above to Bradley, Ill. Restriction: The authorities in (75)(a) above and (75)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(76)(a) *Paper and paper products* (except commodities in bulk) from Morris, Ill. to Mobile, Ala. and points in Florida, Georgia, North Carolina, South Carolina, the District of Columbia, and those points in Alabama on, east, and north of a line beginning at the Tennessee-Alabama State line and extending along Alabama Highway 79 to junction Alabama Highway 69, thence along Alabama Highway 69 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line, those points in Louisiana on and east of a line beginning at the origination of Louisiana Highway 315 on the Gulf of Mexico and extending along Louisiana Highway 315 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Louisiana-Mississippi State line, those points in Mississippi on and south of U.S. Highway 90, those points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 33 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 211, thence along U.S. Highway 211 to the Potomac River near Washington, D.C., those points in Maryland on and south of a line beginning at the Potomac River near Washington, D.C., and extending along U.S. Highway 350 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Maryland-Delaware State line, those points in Delaware on and south of Delaware Highway 299, and (76)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (76)(a) above to Morris, Ill. Restriction: The authorities in (76)(a) above and (76)(b) above are restricted against the transportation of pulpboard, pulpboard products, and waste paper. (*Nicholasville, Ky.)

(77)(a) *Paper and paper products* (except commodities in bulk) from points in Maine to Evansville, Ind., Memphis, Tenn., Mobile, Ala., East St. Louis, Ill., and points in Mississippi, Louisiana, Arkansas, Missouri, Texas, Oklahoma, Kansas, Nebraska, South Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Nevada, Oregon, California, Washington, and those points in Illinois on and south of U.S. Highway 460, those points in Alabama on and north of U.S. Highway 78, those points in Florida on and west of U.S. Highway 319, those points in Georgia on and west of a line beginning at the North Carolina-Georgia State line and extending along U.S. Highway 129 to junction Georgia Highway 53, thence along Georgia Highway 53 to junction U.S. Highway 19, thence along U.S. Highway 19 to the Georgia-Florida State line, those points in North Dakota on, west, and south of a line beginning at the International Boundary of United States and Canada and extending along North Dakota Highway 1 to junction U.S. Highway 2, thence along U.S. Highway 2 to the North Dakota-Minnesota State line, and (77)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (77)(a) above to points in Maine. Restriction: The authorities in (77)(a) above and (77)(b) above are restricted against the transportation of traffic originating at Lincoln, Millinocket, East Millinocket, Rumford, Westbrook, and Woodland, Maine. (*Paxinos, Pa. and Nicholasville, Ky.)

(78)(a) *Paper and paper products* (except commodities in bulk) from those points in Maine on and north of U.S. Highway 2 to Evansville, Ind.,

Memphis, Tenn., East St. Louis, Ill., and Mobile, Ala. and points in Mississippi, Louisiana, Arkansas, Missouri, Oklahoma, Texas, Kansas, Nebraska, South Dakota, Montana, Wyoming, Colorado, Arizona, New Mexico, Utah, Idaho, Nevada, California, Oregon, and Washington, and those points in Illinois on and south of U.S. Highway 460, those points in Alabama on and north of U.S. Highway 78, those points in Georgia on and west of a line beginning at the North Carolina-Georgia State line and extending along Georgia Highway 11 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Georgia-Florida State line, those points in Florida on and west of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 221 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Gulf of Mexico near Fort Myers, those points in North Dakota on, west, and south of a line beginning at the International Boundary of United States and Canada and extending along North Dakota Highway 1 to junction U.S. Highway 2, thence along U.S. Highway 2 to the North Dakota-Minnesota State line, and (78)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (78)(a) above to points in the origin territory described in (78)(a) above. Restriction: The authorities in (78)(a) above and (78)(b) above are restricted against the transportation of traffic originating at Lincoln, Millinocket, East Millinocket, and Rumford, Maine. (*Paxinos, Pa. and Nicholasville, Ky.)

(79)(a) *Paper and paper products* (except commodities in bulk) from Bucksport, Maine to Memphis, Tenn. and Mobile, Ala. and points in Alabama on and north of U.S. Highway 78, those points in Georgia on and west of a line beginning at the North Carolina-Georgia State line and extending along Georgia Highway 11 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Georgia-Florida State line, and those points in Florida on and west of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 129 to junction Florida Highway 345, thence along Florida Highway 345 to the Gulf of Mexico, and those points in Florida on and west of a line beginning at Tampa Bay near St. Petersburg and extending along U.S. Highway 19 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Gulf of Mexico near Fort Myers, and (79)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (79)(a) above to Bucksport, Maine. (*Paxinos, Pa. and Nicholasville, Ky.)

(80)(a) *Paper and paper products* (except commodities in bulk) from Augusta and Winslow, Maine to Memphis, Tenn. and Mobile, Ala. and those points in Alabama on and north of U.S. Highway 78, those points in Georgia on and west of a line beginning at the North Carolina-Georgia State line and extending along Georgia Highway 11 to junction U.S. Highway 41 thence along U.S. Highway 41 to junction Georgia Highway 33, thence along Georgia Highway 33 to junction Georgia Highway 133, thence along Georgia Highway 133 to the Georgia-Florida State line, and those points in Florida on and west of a line beginning at the Georgia-Florida State line and extending along Florida Highway 145 to junction Florida Highway 14, thence along Florida Highway 14 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction Florida Highway 361, thence along Florida Highway 361 to the Gulf of Mexico near Keatons Beach, and (80)(b) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk) from points in the destination territory described in (80)(a) above to Augusta and Winslow, Maine. (*Paxinos, Pa. and Nicholasville, Ky.) The asterisk (*) references indicate the gateway or gateways to be eliminated in connection with each proposal.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 77-36373 Filed 12-20-77; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6320-01]

1

CIVIL AERONAUTICS BOARD.

[M-87, amdt 2; 12-14-77]

NOTICE OF CHANGE OF STATUS FROM CLOSED TO OPEN ON ITEM 20

TIME AND DATE: 12:30 p.m., December 15, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 20. Docket 31763, Application of Travellers Air Services, Inc., and Trans World Airlines, Inc., for an emergency exemption and *United States Tour Operators Association, et al.* v. *Trans World Airlines, Inc. et al.*, U.S. District Court of the Southern District of New York, Case No. 77 Civ. 911 (C.E.S.) (BOR, BOE).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Central to the Board's determination to close its discussion of Item 20 was the fact that negotiations intended to achieve a settlement in this matter were underway.

On Wednesday, December 14, 1977, the Board was informed that all parties had agreed on a consent judgment of injunction to be submitted to the United States District Court for the Southern District of New York as soon as all parties have signed the document. Accordingly, the following Members have voted that agency business requires that the status of Item 20 be changed from closed to open and that no earlier announcement of the change was possible:

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Lee R. West
Member Elizabeth E. Bailey

[S-2115-77 Filed 12-19-77; 9:22 am]

[6355-01]

2

CONSUMER PRODUCT SAFETY COMMISSION.

DATE AND TIME: January 4, 1978, 2 p.m.

LOCATION: Third Floor Hearing Room, 1111 18th Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Decorated Glassware

The staff will brief the Commission on possible interagency actions on hazards which may be associated with lead in decorations used in certain drinking glasses.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, suite 300, 1111 18th Street NW., Washington, D.C. 20207, 202-634-7700.

[S-2121-77 Filed 12-19-77; 12:19 pm]

[6355-01]

3

CONSUMER PRODUCT SAFETY COMMISSION.

DATE AND TIME: January 5, 1978, 9:30 a.m.

LOCATION: Third Floor Hearing Room, 1111 18th St., NW., Washington, D.C.

STATUS: Partly Open (4 items); Partly Closed (1 item).

MATTERS TO BE CONSIDERED:

A. Open to the Public:

1. *Petition on Particleboard Containing Formaldehyde, HP 77-5.* Mark Berson, an attorney, has petitioned the Commission to ban particleboard containing formaldehyde, or, alternatively, to require cautionary labeling on such particleboard, because of alleged toxicity hazards. At this meeting, the Commission will consider whether to grant this petition.

2. *Request for Waiver from Compliance with Matchbook Standard.* The Universal Match division of UMC Industries, Inc. has requested a waiver from compliance with CPSC's Safety Standard for Matchbooks. The company asks that it be permitted to assemble matchbooks with a front friction for a period of ten months from the May 4, 1978, effective date of the standard. The Commission will consider whether to grant this request.

3. *Recommendation to Accept Corrective Action Plan: Doerr Products Corp. submersible sump pumps, ID 77-68.* The staff has recommended that the Commission accept the corrective action plan which Doerr Products Corp. has implemented to deal with possible shock hazards associated with certain models of sump pumps which it manufactures.

4. *Recommendation to Accept Corrective Action Plan: Black & Decker Manufacturing Co. nylon line weed trimmer, ID 77-70.* The staff has recommended that the Commission accept the corrective action plan which Black & Decker has implemented to deal with possible shock hazards associated with certain weed and grass trimmers it manufactures.

B. Closed to the Public:

5. *Request for Authorization to Seek Consent Agreement (OS No. 463).* The staff has asked the Commission for authority to seek a consent agreement in this Flammable Fabrics Act case involving sweatshirts.

CONTACT PERSON FOR ADDITION INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th Street NW., Washington, D.C. 20207. Telephone 202-634-7700.

[S-2122-77 Filed 12-19-77; 12:19 pm]

[6355-01]

4

CONSUMER PRODUCT SAFETY COMMISSION.

DATE AND TIME ORIGINALLY SCHEDULED: December 15, 1977, 9:30 a.m.

DATE PUBLISHED IN THE "FEDERAL REGISTER": December 16, 1977 (42 FR 63514).

CHANGES IN THE AGENDA: By votes on December 14 and December 15, 1977, the Commission removed two items from the December 15 Agenda:

1. Recommendation to Accept Corrective Action Plan: King Athletic Goods Corp. alu-

minum baseball bats, ID 77-34 (removed by vote on December 14); and
2. Policy on Granting Exemptions from Commission Regulations (removed by vote on December 15).

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th Street NW., Washington, D.C. 20207, 202-634-7700.

[S-2124-77 Filed 12-19-77; 1:51 pm]

[6740-02]

5

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (Pub. 12/13/77, 42 FR 63280).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: December 20, 1977, 10 a.m.

CHANGE IN THE MEETING: The following item has been added:

Item No.: RP-11.
Docket No. and Company: RP76-135, Cities Service Gas Co.

KENNETH F. PLUMB,
Secretary.

[S-2123-77 Filed 12-19-77; 12:19 pm]

[6740-02]

6

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (Pub. 12/13/77, 42 FR 63280).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: December 20, 1977, 10 a.m.

CHANGE IN THE MEETING: The following item has been added:

Item No.: M-4.
Docket No. and Company: Proposed Procedural Regulation Governing the Issuance of Remedial Orders by the Economic Regulatory Administration (ERA).

KENNETH F. PLUMB,
Secretary.

[S-2126-77 Filed 12-19-77; 3:27 pm]

[6720-01]

7

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 42, No. 239, page 62598, December 13, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: December 15, 1977; 10 a.m.

PLACE: 320 First Street, NW., Room 630, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall (202-376-3012).

CHANGES IN THE MEETING: The following items have been withdrawn from the agenda for the open portion of the meeting:

Consideration of 90 and 95 percent Loan Limits.
Consideration of Implementation of the Housing and Community Development Act of 1977 (Farm Loans and Line of Credit Loans).
Consideration of Proposed 1978 Budget of the Office of Neighborhood Reinvestment.

No. 115, December 15, 1977.

[S-2117-77 Filed 12-19-77; 10:22 am]

[6720-02]

8

FEDERAL HOME LOAN MORTGAGE CORPORATION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 42, No. 241, page 63281, December 15, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: December 16, 1977; 4 p.m.

PLACE: 320 First Street NW., Room 630, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Henry Judy (202-624-7107).

CHANGES IN THE MEETING: The following item has been withdrawn from the agenda for the open portion of the meeting:

Consideration of Republication of Corporation FOIA Information and Rules.

No. 114, December 14, 1977.

RONALD A. SNIDER,
Assistant Secretary.

[S-2125-77 Filed 12-19-77; 3:30 pm]

[7030-01]

9

INDIAN CLAIMS COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 63282, December 15, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE: 10:15 a.m., December 21, 1977.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the Public.

CHANGE IN THE MEETING: The following item has been added:

Portion of the meeting closed to the public: Personnel.

FOR MORE INFORMATION:
David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006. Telephone: 202-653-6184.

[S2119-77 Filed 12-19-77; 12:19 pm]

[7030-01]

10

INDIAN CLAIMS COMMISSION.

TIME AND DATE: 10:15 a.m., December 29, 1977.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the Public.

Dockets 74 and 332-C, *Sioux.*
Dockets 335 and 338, *Shawnee.*

FOR MORE INFORMATION:
David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006. Telephone 202-653-6174.

[S-2120-77 Filed 12-19-77; 12:19 pm]

[7020-02]

11

[USITC SE-77-76]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, December 27, 1977.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Quarterly East-West Trade Report.
5. Petitions and complaints (if necessary): (a) Stainless steel table flatware; (b) GSP.
6. Fiscal Year 1977 Annual Report (if necessary).
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-2116-77 Filed 12-19-77; 9:22 am]

[7590-01]

12

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Thursday, December 22 (additional items).

PLACE: Commissioners' conference room, 1717 H Street, NW., Washington, D.C.

STATUE: Open.

MATTERS TO BE CONSIDERED:

8:30 a.m. Discussion of draft order on XSNM-1026, including intervention petitions (approx. 1 hr.). (NOTE: Item is tentative).

9:30 a.m. UCS Petition (as previously announced).

11:30 a.m. (approx.) Affirmation of draft order regarding public participation on LEU applications to EURATOM (approx. 5 min.).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

Dated: December 15, 1977.

WALTER MAGEE,
Office of the Secretary.

[S-2118-77 Filed 12-19-77; 12:19 pm]

federal register

WEDNESDAY, DECEMBER 21, 1977

PART II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

NATIONAL FLOOD INSURANCE PROGRAM

[4210-01]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No: 3794]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL FLOOD HAZARD AREAS

Notice of Communities With Minimal Hazard Areas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the Special Flood Hazard areas, that it is appropriate at this time to convert the communities listed below to the Regular Program of the National Flood Insurance Program without determining base flood elevations.

EFFECTIVE DATE: Date of this notice.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, room 5270, 451 Seventh St. SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: In these areas, there is no reason not to make full limits of coverage available. The available limits of coverage for flood insurance in these communities is increased to $185,000 for 1-4 family residential structures, $250,000 for other residential and commercial structures, $60,000 for contents of residential structures, and $300,000 for contents of commercial structures. Flood insurance is available at Zone C rates throughout the entire community.

Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Association servicing company for the state.

The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the FEDERAL REGISTER.

The entry reads as follows:

§ 1915.7 List of communities with minimal hazard areas.

State, county, and community name: California, San Mateo, town of Atherton; Kansas, Doniphan, city of Wathena; Maryland, Cecil, town of Cecilton; Maryland, Caroline, town of Preston; New Jersey, Union, borough of Fanwood; New Jersey, Bergen, borough of Fort Lee; New Mexico, Grant, town of Hurley; New York, Rockland, village of Upper Nyack; North Carolina, Halifax, town of Scotland Neck; Oregon, Umatilla, city of Hermiston; Pennsylvania, Lebanon, borough of Richland; Pennsylvania, Montgomery, borough of Rockledge; Pennsylvania, Allegheny, borough of Whitehall; Tennessee, Lake, town of Ridgely; Texas, Hardin, city of Sour Lake; Texas, Freestone, city of Teague.

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 77-36032 Filed 12-20-77;8:45 am]

[4210-01]

[Docket No. FI-2975]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Village of Portville, Cattaraugus County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Portville, Cattaraugus County, N.Y.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Portville, Cattaraugus County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Portville, Cattaraugus County, N.Y., are available for review at the Municipal Building, Main and Temple Streets, Portville, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-55581 or toll-free line 800-424-8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Portville, Cattaraugus County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Dodge Creek	Route 305	1,439
	Penn Central RR	1,437
	Route 417	1,436
Allegheny River	Upstream corporate limit.	1,437
	Dodge Creek confluence.	1,435
	Downstream corporate limit.	1,434

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

Issued: November 7, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35981 Filed 12-20-77;8:45 am]

[4210-01]

[Docket No. FI-2927]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Village of Craig Beach, Mahoning County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Craig Beach, Mahoning County, Ohio.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Craig Beach, Mahoning County, Ohio.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Craig Beach, Mahoning County, Ohio, are available for review at Craig Beach Mayor's Office, 2154 Grandview Road, Craig Beach, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll-free line 800–424–8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Craig Beach, Mahoning County, Ohio.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Lake Milton	Glendale Road extended.	953
	Edgewater Rd.	953
	Jersey St.	953
	Grandview Rd.	953

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

Issued: November 7, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35982 Filed 12-20-77;8:45 am]

[4210-01]

[Docket No. FI-2995]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Borough of Carnegie, Allegheny County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the borough of Carnegie, Allegheny County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the borough of Carnegie, Allegheny County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the borough of Carnegie, Allegheny County, Pa., are available for review at the lobby of the Carnegie Borough Building, 1 Glass St., Carnegie, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll-free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the borough of Carnegie, Allegheny County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Chartiers Creek	Penn Lincoln Parkway.	765
	Chestnut St.	766
	Jane St.	769
	Main St.	771
	Third St.	774
	Hammond St.	775
Campbells Run	Glass St.	768
	Railroad St.	770
	Morrow St.	782

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

Issued: November 7, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35983 Filed 12-20-77;8:45 am]

[4210-01]

[Docket No. FI-2926]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Township of Hampton, Allegheny County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Hampton, Allegheny County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Hampton, Allegheny County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Hampton, Allegheny County, Pa., are available for review at the Hampton Township Municipal Building, 3101 McCully Rd., Allison Park, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll-free line 800–424–8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the township of Hampton, Allegheny County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the pro-

posed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Pine Creek	Downstream corporate limit.	838
	Pennsylvania Route 8.	844
	Duncan Ave.	851
	Royal Blvd.	855
	B&O RR.	860
	Royal View Dr. (extended).	887
	Sample Rd.	888
Gourdhead Run	Naylor Ave.	847
	Duncan Ave.	852
	Old Route 8.	861
	Pennsylvania Route 8.	867
	Clearview Rd.	873
	Confluence with McCaslin Run.	890
	1,200 ft downstream from Lee Dr.	900
	Lee Dr.	920
Harts Run	Confluence with Gourdhead Run.	920
	950 ft upstream from mouth.	935
	1,500 ft upstream from mouth.	944
Crouse Run	Royal View Dr.	891
	Sample Rd.	892
	Pioneer Rd.	1,011
	Florence Dr. (extended).	1,017
	West Bardoner Rd. (extended).	1,020
	Pioneer Rd.	1,039
Crouse Run Tributary	Confluence with Crouse Run.	1,013
	Pennsylvania Route 8.	1,025
	Hickory Dr.	1,027

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

Issued: November 7, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35984 Filed 12-20-77;8:45 am]

[4210-01]

[Docket No. FI-2920]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Township of Juniata, Perry County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Juniata, Perry County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Juniata, Perry County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Juniata, Perry County, Pa., are available for review at the Juniata Township Election House, Route 849, Newport, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll-free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the township of Juniata, Perry County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Buffalo Creek	Downstream corporate limits.	421
	Route 849 (downstream crossing).	441
	Old Mill Dam.	442
	Route 849 (downstream of Walnut Grove).	512
	Route 849 (at Walnut Grove).	524
	Route 849 (upstream of Walnut Grove).	531
	Upstream corporate limits.	534

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

Issued: November 7, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35985 Filed 12-20-77;8:45 am]

[4210-01]

[Docket No. FI-2991]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Borough of Kulpmont, Northumberland County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the borough of Kulpmont, Northumberland County, Pa.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the borough of Kulpmont, Northumberland County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the borough of Kulpmont, Northumberland County, Pennsylvania, are available for review at the Borough Hall, 8 North 8th Street, Kulpmont, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll-free line 800–424–8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the borough of Kulpmont, Northumberland County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the

community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Quaker Run	Downstream corporate limits.	1,066
	Upstream side of Fir Street Bridge.	1,074
	Upstream side of 6th St.	1,080
	Upstream side of Route 61.	1,091

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

Issued: November 7, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35986 Filed 12-20-77;8:45 am]

[4210-01]

[Docket No. FI-3078]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Borough of Lansdale, Montgomery County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the borough of Lansdale, Montgomery County, Pa.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the borough of Lansdale, Montgomery County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the borough of Lansdale, Montgomery County, Pa., are available for review at the Borough Office, 421 West Main Street, Lansdale.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll-free line 800–424–8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the borough of Lansdale, Montgomery County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Branch of Neshaminy Creek.	Downstream corporate limits.	301
	Downstream end of railroad embankment and sewage treatment plant levee.	302
	Con Rail tracks downstream.	311
	Con Rail tracks upstream.	312
	West 8th St	314
	Franconia Ave	321
	West 5th Ave	322
Wissahickon Creek.	Downstream corporate limits.	348
	Hancock St	353
	East Main St. downstream.	367
	East Main St. upstream.	369
	1st dam upstream of East Main St.	370
	2d dam upstream of East Main St.	373
	100 ft downstream of Knapp Rd.	379

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

Issued: November 7, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35987 Filed 12-20-77; 8:45 am]

[4210-01]

[Docket No. FI-738]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Township of Tredyffrin, Chester County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Tredyffrin, Chester County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Tredyffrin, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Tredyffrin, are available for review at 973 Old Lancaster Rd., Berwyn, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll-free line 800–424–8872, room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the township of Tredyffrin, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Trent Creek	Gulph Rd.[1]	112
	Richards Rd.[1]	114
	Glenhardie Rd.[1]	115
	Pennsylvania Turnpike.[2]	124
	Pennsylvania Turnpike.[1]	126
	Thomas Rd.[1]	133
	Walker Rd.[1]	152
	U.S. Route 202[1]	187
	Coldstream Dr.[1]	195
	Contention Lane[2]	223
Tributary No. 1	Pennsylvania Turnpike.[2]	119
	Pennsylvania Turnpike.[1]	122
Tributary No. 2	U.S. Route 202[1]	174
Little Valley Creek	Mill Rd.[1]	149
	West Swedesford Rd.[2]	160
	North Valley Rd.[1]	191
	U.S. Route 202.[2]	206
	U.S. Route 202.[1]	210
	Reading R.R.[1]	222
	Cedar Hollow Rd.	225
	Matthews Rd.[2]	235
Valley Creek	Yellow Springs Rd.[1]	107
	Wilson Rd.[1]	115
	Pennsylvania Turnpike.[2]	120
	Pennsylvania Turnpike.[1]	125
	Mill Rd.[1]	139
	Le Boutillier Rd.[1]	151
	North Valley Rd.[1]	160
	Reading R.R.[1]	194
	Church Rd.[1]	198

[1] Upstream.
[2] Downstream.

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

Issued: November 7, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35988 Filed 12-20-77;8:45 am]

[4210-01]

[Docket No. FI-2924]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for city of Uniontown, Fayette County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Uniontown, Fayette County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Uniontown, Fayette County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Uniontown, Fayette County, Pa., are available for review at the Municipal Building, 75 West South St., Uniontown, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll-free line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Uniontown, Fayette County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Redstone Creek	Confluence with Coal Lick Run.	906
	North Beeson Ave.	969
	East Main St.	976
	East Fayette St.	980
	Grant St.	990
Coal Lick Run	Pittsburgh St.	967
	West Main St.	975
	Berkley Ave.	979
	Upstream corporate limits.	989

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

Issued: November 7, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35989 Filed 12-20-77;8:45 am]

[4210-01]

[Docket No. FI-3069]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for city of La Vernia, Wilson County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of La Vernia, Wilson County, Tex. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of La Vernia, Wilson County, Tex.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of La Vernia, Wilson County, Tex., are available for review at the City Hall, Box 225, La Vernia, Tex.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll-free line 800–424–8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of La Vernia, Wilson County, Tex.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Cibolo Creek	Confluence with Dry Hollow Creek.	477
	Downstream corporate limits.	470
Dry Hollow Creek	Upstream corporate limits.	481
	Dry Hollow Rd.	480
South Creek	Upstream corporate limits.	480
	U.S. Highway 87	477
	Downstream corporate limits.	475

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

Issued: November 7, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35990 Filed 12-20-77;8:45 am]

[4210-01]

[Docket No. FI-2917]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Silsbee, Hardin County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Silsbee, Hardin County, Tex.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Silsbee, Hardin County, Tex.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Silsbee, Hardin County, Tex., are available for review at the City Hall, 250 Ernest Avenue, Silsbee, Tex.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll-free line 800–424–8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Silsbee, Hardin County, Tex.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Silsbee Creek	U.S. Highway 96 bypass.	40
	Knuppie Rd.	49
	State Highway 327	58
	GC & SF RR.	70
Village Creek tributary.	Norvell St.	41
	State Highway 327	57
Mill Creek tributary.	Lee Miller Rd.	57
	McPherson Dr.	65
	Old Kountze Rd.	70

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

Issued: November 7, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35991 Filed 12-20-77;8:45 am]

[4210-01]

[Docket No. FI-3135]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Town of Wilmington, Windham County, Vt.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Wilmington, Windham County, Vt.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Wilmington, Windham County, Vt.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Wilmington, are available for review at Town Manager's Office, Town Office Building, Corner of Route 100 and Route 9, Wilmington, Vt. 05063.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Grimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll-free line 800–424–8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Wilmington, Windham County, Vt.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Deerfield River	At Harriman Reservoir.	1,497
	Downstream of Town Road 31 Bridge.	1,510
	1,520 ft upstream of Town Road 31.	1,524
North Branch, Deerfield River.	At Harriman Reservoir.	1,497
	3,500 ft downstream of State Route 9.	1,499
	Downstream of State Route 9 Bridge.	1,512
	At State Route 100	1,535
	Higley Hill Rd.	1,557
	East Dover Rd.	1,575
	2,500 ft upstream from East Dover Road Bridge.	1,590
Binney Brook	At State Route 9	1,498
	1,000 ft upstream from State Route 9 Bridge.	1,505
	At Breached Binney Brook Dam.	1,537
	50 ft downstream of East Brook Rd.	1,566
	At East Brook Rd.	1,578
	1,350 ft upstream from East Brook Rd.	1,600

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Beaver Brook	At Town Highway 33.	1,511
	1st crossing of State Route 9.	1,514
	At White Rd.	1,533
	2d crossing of State Route 9 east of State Route 8.	1,568
	450 ft downstream from 3d State Route 9 crossing.	1,624
	35 ft. downstream from road culvert west of Lake Rapondа Rd.	1,767
	60 ft downstream from Lake Rapondа Rd.	1,778
	5th crossing of State Route 9.	1,832
Cold Brook	80 ft upstream from State Route 100.	1,557
	At Wellham Rd.	1,643
	50 ft downstream from Brook Pasture Rd.	1,672
	1,060 upstream from Brook Pasture Rd. at gravel pit.	1,681
	At Handle Rd.	1,740
	75 ft downstream from Haystack Mountain Rd.	1,763
Hill Brook	330 ft upstream from North Branch Deerfield River.	1,567
	Downstream of Town Highway 16 Bridge.	1,600
	Upstream of Town Highway 16 Bridge.	1,609
	Downstream of Higley Hill Rd.	1,641
Ellis Brook	At North Branch Deerfield River.	1,579
	At corporate limit.	1,599

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

Issued: November 7, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35992 Filed 12-20-77;8:45 am]

[4210-01]

[Docket No. FI-3209]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Florence County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Florence County, Wis.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Florence County, Wis.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Florence County, are available for review at Florence County Building, 501 Lake Street, Florence, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll-free line 800–424–8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Florence County, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Menominee River	County trunk highway.	1,048
	Chicago & Northwestern R.R.	1,070
	U.S. Highway 2	1,076
	Old Twin Falls Rd.	1,113
Brule River	Gruels Rd.	1,208
Fisher Creek	State Trunk highway.	1,279
	Woodward Ave.	1,283
	Quinnesec St.	1,280
	Plank Bridge	1,293

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

Issued: November 7, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35993 Filed 12-20-77;8:45 am]

[4210-01]

[Docket No. FI-3318]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Village of Waunakee, Dane County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevatioss are listed below for selected locations in the village of Waunakee, Dane County, Wis.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Waunakee, Wis.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Waunakee, are available for review at Village Hall, 204 West 3rd Street, Waunakee, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll-free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Waunakee, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Six Mile Creek	State trunk highway 113.	915
	Madison St	911
	State trunk highway 19 and State trunk highway 113.	907
	Divison Creek	897

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

Issued: November 7, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 77-35994 Filed 12-20-77;8:45 am]

[4210-01]

[Docket No. FI-3758]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Suspension of Community Eligibility

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The date listed in the fourth column.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll-free line 800–424–8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, requires the purchase of flood insurance as a condition of Federal financial assistance if such assistance is: (1) for acquisition and construction purposes, and (2) for property located in a special flood hazard area identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and insurance is purchased. Accordingly, for communities listed under this Part such restriction exists as of the effective date of suspension because insurance, which is required, cannot be purchased.

Section 1315 of the National Flood Insunarce Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities suspended in this notice no longer meet that statutory requirement for compliance with program regulations (24 CFR Part 1909 et seq.). Accordingly, the communities are suspended on the effective date in the list below.

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

In each entry, a complete chronology of effective dates appears for each listed community.

Section 1914.6 is amended by adding in alphabetical sequence new entries to the table.

§ 1914.6 List of suspended communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
*	*	*	*	*	*
Arizona	Maricopa	Wickenburg, town of	Jan. 16, 1974, emergency; Jan. 5, 1978, regular; Jan. 5, 1978, suspended.	Feb. 1, 1974 Oct. 10, 1975	040056-A
California	Marin	Fairfax, town of	Oct. 9, 1973, emergency; Jan. 5, 1978, regular; Jan. 5, 1978, suspended.	Jan. 5, 1978	060175
Connecticut	Litchfield	Woodbury, town of	Feb. 18, 1972, emergency; Jan. 5, 1978, regular; Jan. 5, 1978, suspended.	Apr. 12, 1974	090133
Georgia	Cobb	Smyrna, city of	Dec. 17, 1973, emergency; Dec. 15, 1977, regular; Jan. 5, 1978, suspended.	June 7, 1974 Jan. 30, 1976	130057
Illinois	Madison	Venice, city of	Feb. 11, 1974, emergency; Jan. 5, 1978, regular; Jan. 5, 1978, suspended.	Feb. 15, 1974	170450-A
Iowa	Muscatine	Muscatine, city of	Jan. 15, 1974, emergency; Jan. 5, 1978, regular; Jan. 5, 1978, suspended.	Feb. 1, 1974	190213
Maryland	Montgomery	Rockville, city of	Dec. 1, 1972, emergency; Jan. 5, 1978, regular; Jan. 5, 1978, suspended.	Apr. 5, 1974 Feb. 13, 1976	240051
New Jersey	Bergen	Upper Saddle River, borough of	Apr. 12, 1974, emergency; Sept. 15, 1977, regular; Jan. 5, 1978, suspended.	Jan. 16, 1974	340077
New York	Chautauqua	Falconer, village of	July 7, 1975, emergency; Jan. 5, 1978, regular; Jan. 5, 1978, suspended.	Feb. 22, 1974	360138-A
Do	Ontario	Gorham, town of	Aug. 1, 1973, emergency; Jan. 5, 1978, regular; Jan. 5, 1978, suspended.	Aug. 2, 1974 Feb. 13, 1976	360601-A
Do	Chautauqua	Mayville, village of	June 12, 1975, emergency; Jan. 5, 1978, regular; Jan. 5, 1978, suspended.	Aug. 23, 1974 Mar. 26, 1976	361039-B
North Dakota	Cass	Riverside, city of	Feb. 14, 1977, emergency; Jan. 5, 1978, regular; Jan. 5, 1978, suspended.	Jan. 5, 1978	380316
Ohio	Lorain	Avon Lake, city of	Feb. 11, 1974, emergency; Nov. 2, 1977, regular; Jan. 5, 1978, suspended.	Apr. 12, 1974 June 4, 1976	390002-A
Pennsylvania	Delaware	Concord, township of	Feb. 25, 1972, emergency; Jan. 5, 1978, regular; Jan. 5, 1978, suspended.	Aug. 30, 1974	420410
Do	Cameron	Lumber, township of	Mar. 6, 1974, emergency; Jan. 5, 1978, regular; Jan. 5, 1978, suspended.	Sept. 20, 1974 July 30, 1976	421129-A
Do	Montgomery	Whitpain, township of	Apr. 14, 1972, emergency; Jan. 5, 1978, regular; Jan. 5, 1978, suspended.	July 26, 1974 June 11, 1976	420713-A
Virginia	Loudoun	Unincorporated areas	Sept. 15, 1972, emergency; Jan. 5, 1978, regular; Jan. 5, 1978, suspended.	Apr. 25, 1975 Dec. 31, 1976	510090-A

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

Issued: December 2, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-36031 Filed 12-20-77;8:45 am]

[4210-01]

[Docket No. FI-3757]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

Withdrawal of Flood Insurance Maps

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: This rule lists communities where Flood Insurance Rate Maps or Flood Hazard Boundary Maps published by the Federal Insurance Administration, have been temporarily withdrawn for administrative or technical reasons. During the period that the map is withdrawn, the insurance purchase requirement of the National Flood Insurance Program is suspended.

EFFECTIVE DATES: The date listed in the fifth column of the table.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll-free line 800–424–8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The list also includes the date that each map was withdrawn, and the effective date of its republication.

The Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, Section 202(a) requires the purchase of flood insurance as a condition of Federal financial assistance if such assistance is: (1) for acquisition and construction purposes, and (2) for property located in a special flood hazard area identified by the Secretary of Housing and Urban Development.

The denial of such financial assistance has no application outside of the identified special flood hazard areas of such flood-prone communities.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program.

Prior to July 1, 1975, the statutory requirement for the purchase of flood insurance did not apply until and unless the community entered the program and the special flood hazard areas were identified by the issuance of a flood insurance map. However, after July 1, 1975, or one year after identification, whichever is later, the requirement applies to all communities in the United States that are identified as having special flood hazard areas within their community boundaries, so that, no such financial assistance can legally be provided for buildings in these areas unless the community has entered the program.

The insurance purchase requirement with respect to a particular community may be altered by the issuance or withdrawal of the Federal Insurance Administration's (FIA's) official flood maps, the Flood Insurance Rate Map (FIRM) or the Flood Hazard Boundary Map (FHBM). A FHBM is usually designated by the letter "H" preceding the map number and a FIRM by the letter "I" preceeding the map number. If the FIA withdraws a FHBM for any reason the insurance purchase requirement is suspended during the period of withdrawal. However, if the community is in the Regular Program and only the FIRM is withdrawn but a FHBM remains in effect, then flood insurance is still required for properties located in identified special flood hazard areas, but the maximum amount of insurance available for new applications or renewal is first layer coverage under the Emergency Program, since the community's Regular Program status is suspended while the map is withdrawn. (For definitions see 24 CFR Part 1909 et. seq.).

As the purpose of this revision is the convenience of the public, notice and public procedure are unnecessary, and cause exists to make this amendment effective upon publication. Accordingly, Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended as follows:

1. Present § 1915.6 is revised to read as follows:

§ 1915.6 Administrative withdrawal of maps.

(a) *Flood Hazard Boundary Maps (FHBM's).* The following is a cumulative list of withdrawals pursuant to this Part: 40 FR 5149; 40 FR 17015; 40 FR 20798; 40 FR 46102; 40 FR 53579; 40 FR 56672; 41 FR 1478; 41 FR 50990; 41 FR 13352; 41 FR 17726; 42 FR 8895; 42 FR 29433; 42 FR 46226; 42 FR 64075.

(b) *Flood Insurance Rate Maps (FIRM's).* The following is a cumulative list of withdrawals pursuant to this part: 40 FR 17015; 41 FR 1478; 42 FR 64075.

2. The following additional entries (which will not appear in the Code of Federal Regulations) are made pursuant to § 1915.6:

State	County	Location	Map number and FEDERAL REGISTER citation	Reason [1]	Effective date of withdrawal	Effective map or proper authority
Arizona	Yuma	Parker, town of	I 040100 42 FR 9110	1	July 10, 1977	
Arkansas	Ashley	Fountain Hill, town of	H 050414 01 40 FR 8811	1	Mar. 31, 1977	
Do.	Jefferson	Redfield, city of	H 050282 01 40 FR 14754	1	July 20, 1977	
California	San Mateo	Atherton, town of	H 060312A 01-02 41 FR 13340	1A	Sept. 8, 1976	
Do.	San Joaquin	Tracy, city of	H 060303 01-03 39 FR 28250	1	July 20, 1977	
Colorado	Arapahoe and Jefferson	Bow Mar, town of	H 080232 01 41 FR 11485	1	July 27, 1977	
Do.	Kit Carson	Flagler, town of	H 080242 01 40 FR 33675	1	Aug. 22, 1977	
Do.	Weld	Platteville, town of	H 080190A 01 41 FR 6728	1	July 26, 1977	
Florida	Okaloosa	Okaloosa Island beaches	I 125135 41 FR 1473	3	July 1, 1977	Okaloosa Co., FIRM 120173B.
Do.	do	Okaloosa Island beaches, (Holiday Isle).	I 12 061 0000 03 35 FR 12569	3	do	Do.
Do.	Hillsborough	Temple Terrace, city of	I 1201151 42 FR 33210	6	May 19, 1977	
Georgia	Meriwether	Alvaton, town of	H 130358 01 40 FR 12643	3	July 26, 1977	Meriwether Co.
Do.	do	Chalybeate Springs, town of	H 130435 01-02 40 FR 14755	3	do	Do.
Do.	Appling	Surrency, town of	H 130063 01 40 FR 2426	1	July 19, 1977	
Idaho	Twin Falls	Buhl, city of	H 160160 01 40 FR 20800	1	July 20, 1977	
Illinois	St. Claire	Millstadt, village of	H 170838 01 40 FR 11576	1	Feb. 17, 1977	
Indiana	Marion	Beech Grove, city of	H 180138 01-06 41 FR 13347	3	July 26, 1977	City of Indianapolis, Ind., FHBM 180159A.
Do.	Fulton	Rochester, city of	H 180071A 01 41 FR 16648	1	July 21, 1977	
Do.	Marion	Southport, city of	H 180161 01 41 FR 13347	3	July 26, 1977	Do.
Iowa	Des Moines	Mediapolis, city of	H 190615 01 40 FR 33671	1	Aug. 8, 1977	
Do.	Palo Alto	West Bend, city of	H 190475 01 43 FR 29834	1	July 20, 1977	
Kansas	Smith	Athol, city of	H 200340 01 40 FR 769	1	Aug. 22, 1977	
Do.	Gray	Copeland, city of	H 200398A 01 42 FR 21960	1	do	
Do.	Rush	Otis, city of	H 200311 01 39 FR 43081	1	July 30, 1977	
Do.	Greeley	Tribune, city of	H 200325 01 40 FR 33677	1	Aug. 8, 1957	

State	County	Location	Map number and FEDERAL REGISTER citation	Reason [1]	Effective date of withdrawal	Effective map or proper authority
Do.	Doniphan	Wathena, city of	H 200085A 01 41 FR 45560	1A	Sept. 9, 1977	
Kentucky	Boone	Petersburg, town of	H 210244A 01 42 FR 8883	3	Aug. 3, 1977	Boone County, FHBM 210013.
Louisiana	Vermilion Parish	Gueydan, town of	H 220225 01-02 38 FR 29229	1A	Sept. 8, 1977	
Do.	Iberville Parish	Plaquemine, city of	H 220086A 01-04 40 FR 51049	1	July 20, 1977	
Do.	Tensas Parish	St. Joseph, town of	H 220217A 01-03 41 FR 16649	1	do.	
Do.	Iberville Parish	White Castle, town of	H 220088 01-02 38 FR 24358	1A	Sept. 8, 1977	
Michigan	Branch	Kinderhook, township of	H 260361 01-06 40 FR 24723	1	June 24, 1977	
Do.	Mason	Ludington, city of	H 260581 01-03 40 FR 33822	1	July 19, 1977	
Minnesota	Stearns	Avon, city of	H 270443A 01 41 FR 35709	1	do.	
Do.	Carver	Norwood, city of	H 270563 01 39 FR 40570	1	Mar. 30, 1977	
Do.	Marshall	Alsc, city of	H 270272A 01 40 FR 778	1	Aug. 8, 1977	
Missouri	Stoddard	Essex, city of	H 290425A 01 41 FR 2244	1	July 19, 1977	
Do.	Perry	Perryville, city of	H 290282A 01-02 41 FR 6731	1	June 28, 1977	
Montana	Sweetgrass	Big Timber, city of	H 300106 01 41 FR 45561	1A	Aug. 30, 1977	
Do.	Roosevelt	Froid, town of	H 300093 01 40 FR 14757	1A	do.	
Do.	Big Horn	Hardin, city of	H 300115 01 41 FR 8180	1A	do.	
Do.	Sheridan	Medicine Lake, town of	H 300098 01 41 FR 20550	1A	do.	
Do.	Judith Basin	Stanford, town of	H 300037 01 39 FR 28260	1A	do.	
Do.	Pondera	Valier, town of	H 300133 01 40 FR 14757	1	Feb. 16, 1977	
Nebraska	Red Willow	Bartley, village of	H 310264 01 40 FR 23385	1	July 20, 1977	
Do.	Gage	Cortland, village of	H 310264 01 40 FR 20312	1	do.	
Do.	Garden	Ashkosh, city of	H 310008A 01 41 FR 4911	1	June 27, 1977	
New Mexico	Grant	Hurley, town of	H 350021A 01-02 41 FR 18853	1A	Sept. 8, 1977	
New York	Seneca	Lodi, village of	H 361530B 01 42 FR 8862	1	June 24, 1977	
Do.	Broome	Port Dickinson, village of	I 360053C 42 FR 37225	4	May 2, 1977	I 360053B.
North Carolina	Harnett	Dunn, city of	H 370264 0001A-0004A 42 FR 8808	2	June 29, 1977	
North Dakota	Walsh	Adams, city of	H 380152 01 40 FR 23985	1A	Aug. 30, 1977	
Do.	Cavalier	Alsen, city of	H 380153A 01-02 42 FR 8872	1A	do.	
Do.	Griggs	Binford, city of	H 380158 01 40 FR 6968	1A	do.	
Do.	Towner	Bisbee, city of	H 380128 01 40 FR 8816	1A	do.	
Do.	Wells	Bowdon, city of	H 380159 01 40 FR 20813	1	Aug. 22, 1977	
Do.	Dickey	Ellendale, city of	H 380225A 01 40 FR 42556	1	July 27, 1977	
Do.	Steele	Finley, city of	H 380227 01 40 FR 6968	1A	Aug. 30, 1977	
Do.	Williams	Gremora, city of	H 380177 01 40 FR 17990	1A	do.	
Do.	Sargent	Gwinner, city of	H 380229 01 40 FR 4129	1A	do.	
Do.	Ramsey	Hampden, city of	H 380094 01 39 FR 43396	1A	do.	
Do.	do.	Lawton, city of	H 380095 01 39 FR 44397	1A	do.	
Do.	Logan and McIntosh	Lehr, city of	H 380043 01 39 FR 43083	1	July 27, 1977	
Do.	McLean	Max, city of	H 380060 01 39 FR 43083	1	Aug. 22, 1977	
Do.	Nelson	McVille, city of	H 380238 01 40 FR 6968	1A	Aug. 30, 1977	
Do.	Grand Forks	Northwood, city of	H 380245 01 40 FR 6968	1	June 28, 1977	
Do.	Towner	Rock Lake, city of	H 380129 01 39 FR 43083	1A	Aug. 30, 1977	
Do.	Steele	Sharon, city of	H 380203 01 40 FR 6968	1A	do.	
Do.	Stutsman	Streeter, city of	H 380127 01 39 FR 43083	1	Aug. 22, 1977	
Do.	Ramsey	Starkweather, city of	H 380096 01 39 FR 44397	1A	Aug. 30, 1977	
Do.	Kidder	Tappen, city of	H 380040 01 39 FR 44397	1	July 27, 1977	
Do.	McLean and Burleigh	Wilton, city of	H 380065A 01 40 FR 55360	1	Aug. 22, 1977	
Do.	McIntosh	Zeeland, city of	H 380214 01 41 FR 20560	1	do.	
Ohio	Allen and Van Wert	Delphos, city of	H 390551 01-02 40 FR 24725	4	June 11, 1976	June 11, 1976, H 390055A.
Oklahoma	Jackson	Martha, town of	H 400307A 01 42 FR 8868	1	July 21, 1977	
Oregon	Umatilla	Hermiston, city of	H 4102201A 01 40 FR 25470	1	Aug. 31, 1977	
Do.	Clackamas	Molalla, city of	H 410010A 01 40 FR 56913	1	July 20, 1977	

State	County	Location	Map number and FEDERAL REGISTER citation	Reason [1]	Effective date of withdrawal	Effective map or proper authority
Pennsylvania	Montgomery	Telford, borough of	H 422339 01 40 FR 4131	1	July 20, 1977	
Do	Bedford	Woodbury, borough of	H 421355A 01 41 FR 21334	2	Mar. 14, 1977	
South Dakota	Kingsbury	De Smet, city of	H 460168 01 40 FR 20814	1	July 21, 1977	
Do	Perkins	Lemmon, city of	H 460191 01 41 FR 20569	1	July 20, 1977	
Do	Bon Homme	Tyndall, city of	H 460220 01 41 FR 28839	1	....do....	
Do	Lawrence	Whitewood, city of	H 460228 01 41 FR 28967	1	July 19, 1977	
Tennessee	Meigs	Decatur, city of	H 470134 01 39 FR 21148	4	June 13, 1974	Mar. 11, 1977, H 470134A.
Do	Hawkins	Mount Carmel, city of	H 470311 01-05 41 FR 20553	1A	July 26, 1977	
Texas	Bell and Williamson	Bartlett, city of	H 480707 01 40 FR 31219	1	July 21, 1977	
Do	Panola	Beckville, town of	H 480907 01 40 FR 27653	1	....do....	
Do	Upshur	Big Sandy, town of	H 481037 01 40 FR 20815	1	....do....	
Do	Shelby	Center, city of	H 480966A 01 41 FR 4906	1	....do....	
Do	Delta	Cooper, city of	H 480193A 01 41 FR 38502	1	....do....	
Do	Smith	Lindale, city of	H 480560A 01-02 41 FR 6739	1	....do....	
Do	Gonzales	Nixon, city of	H 481114 01 40 FR 20802	1	July 20, 1977	
Do	Fannin	Savoy, city of	H 480813 01 40 FR 33673	1	....do....	
Do	Freestone	Teague, city of	H 480236A 01-02 41 FR 8182	1A	Sept. 8, 1977	
Do	Wilbarger	Vernon, city of	H 480063A 01-05 41 FR 6733	1	July 21, 1977	
Do	McLennan	West, city of	H 480931 01-02 41 FR 20570	1	....do....	
Do	Grayson	Whitesboro, town of	H 480838 01-02 40 FR 20815	1	....do....	
Utah	Box Elder	Garland, city of	H 490307 01 41 FR 35711	1	July 20, 1977	
Do	Wasatch	Heber City, city of	H 490166A 01 40 FR 56913	1	Aug. 12, 1977	
Vermont	Caledonia	Hardwick, village of	H 500187 01 42 FR 46189	3	Dec. 23, 1977	H 500027B, town of Hardwick, Vt.
Washington	Grays Harbor	Elma, town of	H 530060A 01 41 FR 29840	1	Mar. 11, 1977	
Do	Snohomish	Lake Stevens, city of	H 530251 01 40 FR 31222	1	July 20, 1977	
Do	Spokane	Millwood, town of	H 530180A 01 41 FR 4907	1	June 28, 1977	
Do	Chelan	Wenatchee, city of	H 530020 01 39 FR 30174	1	Aug. 15, 1977	
Wisconsin	Sauk	Troy, village of	H 550406 01-12 39 FR 44400	3	July 27, 1977	Sauk County.
Wyoming	Carbon	Sinclair, town of	H 5000067 01 40 FR 23987	1	Aug. 9, 1977	

[1] Reason for rescindment: 1. The Community appealed its flood-prone designation and FIA determined the Community would not be inundated by a flood having a one-percent chance of occurrence in any given year. 1A. FIA determined the Community would not be inundated by a flood having a one-percent chance of occurrence in any given year. 2. The Flood Hazard Boundary Map (FHBM) contained printing errors or was improperly distributed. A new FHBM will be prepared and distributed. 3. The Community lacked land-use authority over the special flood hazard area. 4. A more accurate FIA map is the effective map for this community.

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-36030 Filed 12-20-77;8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Broward County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator pubished a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Broward County, Fla. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Broward County, Fla., that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: December 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll-free line 800–424–8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: If the property owner was required to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the prop-

erty owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The map amendments listed below are in accordance with § 1920.7(b): Map No. H&I 125093B Panel 06, published on June 29, 1977, in 42 FR 33208, indicates that Lot 1, Devcon Office Site, Broward County, Fla., as recorded in Plat Book 83, Page 30, in the office of the Clerk of Broward County, Fla., is within the Special Flood Hazard Area.

Map No. H&I 125093B Panel 06 is hereby corrected to reflect that the existing structures on the above mentioned property are not within the Special Flood Hazard Area identified on July 30, 1976. The structures are in Zone C.

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-36033 Filed 12-20-77;8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Town of Swansea, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the town of Swansea, Massachusetts. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the town of Swansea, Massachusetts that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: December 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll-free line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The map amendments listed below are in accordance with S 1920.7(b): Map No. H & I 255221A Panel 02, published on June 29, 1977 in 42 FR 33215, indicates that Parcel Number 1 as shown on the Plan of Subdivision in Swansea, Massachusetts for Walter N. Marx, Jr. and Edith E. Marx, as recorded in Book 62, Page 69, in the Office of the Fall River District Registry of Deeds, is within the Special Flood Hazard Area.

Map No. H & I 255221A Panel 02 is hereby corrected to reflect that the existing structure on the above property is not within the Special Flood Hazard Area identified on July 30, 1976. The structure is in Zone B.

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-36034 Filed 12-20-77;8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for City of Tulsa, Okla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Tulsa, Okla. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of Tulsa, Okla. that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: December 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll-free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaing flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refunds may be obtained from the National Flood Insurers Association (NFIA) though the agent or broker who sold the policy.

The map amendments listed below are in accordance with S1920.7(b): Map No. H&I 405381 B Panel 142, published on June 29, 1977, in 42 FR 33226, indicates that Block 1, Lot 12, Valley South Addition, city of Tulsa, Okla., as recorded in Book 4202, Page 2828, in the office of the County Clerk, Tulsa County, Okla., is within the Special Flood Hazard Area.

Map No. H&I 405381 B Panel 142 is hereby corrected to reflect the above property is not within the Special Flood Hazard Area identified on July 30, 1976. The property is in Zone B.

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-36035 Filed 12-20-77;8:45 am]

federal register

WEDNESDAY, DECEMBER 21, 1977

PART III

DEPARTMENT OF JUSTICE

Bureau of Prisons

■

CONTROL, CUSTODY, CARE, TREATMENT AND INSTRUCTION OF INMATES

Request for Comments

[4410-01]

DEPARTMENT OF JUSTICE

Bureau of Prisons

[28 CFR Parts 522 524, 527, 542, 544, 549, and 551]

CONTROL, CUSTODY, CARE, TREATMENT, AND INSTRUCTION OF INMATES

Proposerd Rulemaking and Request for Comments

AGENCY: Bureau of Prisons, Justice.

ACTION: Proposed rules.

SUMMARY: The Bureau is proposing its third installment of proposed regulations for the management of inmates in Federal correctional institutions. This proposal is part of the Bureau's overall program to publish in the FEDERAL REGISTER and subsequently in the Code of Federal Regulations Bureau rules relating to the control, custody, care, treatment, and instruction of inmates presently contained in Policy Statements and Operations memoranda. These Policy Statements and Operations Memoranda have been made available in each institutions's inmate law library and to members of the general public upon request. This third installment proposes rules for administrative procedures relating to the management of inmates in Federal correctional institutions as detailed below in the supplementary information section.

COMMENT DATES: Comments must be received on or before January 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank C. Sizer, phone 202-724-3062.

SUPPLEMENTARY INFORMATION: Pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director of the Bureau of Prisons in 28 CFR 0.96(t), notice is hereby given that the Bureau of Prisons intends to publish in the FEDERAL REGISTER, as proposed rules, those regulations which generally govern the control, custody, care, treatment, and instruction of inmates in Federal correctional institutions administered by the Bureau of Prisons.

The regulations according to which the Bureau of Prisons manages inmates in Federal correctional institutions are presently contained in Policy Statements and Operations Memoranda which have been made available to inmates in each institution's inmate law library and to members of the general public upon request. Most of these regulations have not been published in the Code of Federal Regulations.

While the Bureau of Prisons has frequently received and considered comments from the public relating to Bureau regulations, there has not been a systematic process whereby these comments are solicited and considered before regulations take effect. This publication process will afford interested persons additional notice of Bureau regulations and proposed regulations and will create a formal process for solicitation and consideration of comments.

The Bureau of Prisons does not, however, intend to publish regulations which relate exclusively to the following:

(1) Employment or personnel policies with respect to Bureau of Prisons employees; and

(2) Internal management policies and nonsubstantive interpretations, such as administrative staff manuals, procurement and budget procedures, record keeping and reporting requirements, and instructions issued to implement those regulations which are published.

On May 23, 1977 the Bureau of Prisons published its first group of proposed rules (See 40 FR 26334 et seq.) and the second group of proposed rules was published on August 16, 1977 (See 42 FR 41368 et seq.). Comments from the public concerning those proposals are now being considered. In this issue of the FEDERAL REGISTER, the Bureau of Prisons has published proposed regulations which relate most directly to the following:

(1) Civil Contempt of Court Commitments.

(2) Voluntary Surrender Commitments and Transfers to Bureau of Prisons Facilities.

(3) Close Supervision Cases.

(4) Inmate Arts and Hobbycrafts.

(5) Administrative Remedy of Complaints Initiated by Inmates in Bureau of Prisons Institutions.

(6) Apprentice Training in Institutions.

(7) Educational Program Goals and Characteristics.

(8) Education Program Certificates.

(9) Plastic Surgery and Identification Records.

(10) Birth Control, Pregnancy, Childbirth, Child Placement, and Abortion.

(11) Inmate Contributions.

(12) Naval and Coast Guard Prisoners.

In future issues of the FEDERAL REGISTER the Bureau of Prisons will publish other regulations which relate to the control, custody, care, treatment, and instruction of inmates.

Interested persons may participate in this proposed rulemaking by submitting data, views, or arguments in writing to the Bureau of Prisons, room 665, 320 1st Street NW., Washington, D.C. 20534. Comments received before January 27, 1978, will be considered before final action is taken on these proposals. Copies of all written comments received will be available for examination by interested persons at the Bureau of Prisons, room 665, 310 1st Street NW., Washington, D.C. 20634. The proposals may be changed in light of the comments received. No oral hearings are contemplated.

In consideration of the foregoing, it is proposed the following be added to 28 CFR, Chapter V: Parts 522, 524, 527, 542, 544, 549, and 551 as set forth below:

PART 522—ADMISSION TO INSTITUTION

Subpart A—[Reserved]

Subpart B—Civil Contempt of Court Commitments

522.10 Purpose and scope.
522.11 Procedures.

Subpart C-D—[Reserved]

Subpart E—Voluntary Surrender Commitments and Transfers to Bureau of Prisons Facilities

522.30 Purpose and scope.

AUTHORITY: 18 USC, 4001, 4042, 4081, 4082, 4161-4166, 5015, 5039, 28 USC 509; 28 CFR 0.95-0.99.

Subpart A—[Reserved]

Subpart B—Civil Contempt of Court Commitments

§ 522.10 Purpose and scope.

Occasionally federal civil commitments for contempt of court may be referred to the Bureau of Prisons. These cases are not commitments to the custody of the Attorney General and are not convictions for any offense against the laws of the United States. The Bureau of Prisons cooperates with the federal courts in implementing the sentence by making its facilities and resources available.

§ 522.11 Procedures.

(a) The United States Marshal's Service has primary jurisdiction in federal civil contempt commitments.

(b) When a U.S. Marshal requests designation from the Bureau of Prisons for a federal civil contempt commitment the nearest contract jail receives primary consideration for designation.

(c) When the nearest jail that accepts Bureau of Prisons inmates is unsuitable, due to medical, security or other reasons, staff may designate the nearest Bureau institution having the necessary facilities.

(d) If an inmate is serving a Federal criminal sentence when a civil contempt sentence is ordered, the criminal sentence is suspended for the duration of the civil contempt sentence and time spent serving the contempt sentence is inoperative on any sentence being served, including a Narcotic Rehabilitation Act or Youth Correction Act commitment, unless the court committing for the contempt orders otherwise.

(e) If a civil contempt is in effect when a criminal sentence is ordered, the criminal sentence runs concurrently with the contempt sentence, unless the judge issuing the criminal judgment specifically states that any sentence imposed is to run consecutively to preserve the intended effect of the civil contempt order.

(f) When an inmate is placed in or returned to an institution for service of a contempt sentence the Warden may—

(1) Assign the inmate to regular quarters;

(2) Assign the inmate to regular work; or

(3) Award meritorious service payment or industrial pay for work performed in the institution as stated in Part 545 of this chapter.

(g) An inmate is not entitled to statutory or extra good time credits under 18 U.S.C. 4161-62 while only the civil contempt sentence is in effect. Time spent serving only a civil contempt sentence is not considered jail time under 18 U.S.C. 3568.

Subpart C–D—[Reserved]

Subpart E—Voluntary Surrender Commitments and Transfers to Bureau of Prisons' Facilities

§ 522.30 Purpose and scope.

When the Court orders an unescorted commitment to a Bureau of Prisons' institution, the Bureau of Prisons authorizes the commitment. The Bureau of Prisons designates the institution for service of sentence. The Bureau of Prisons also authorize furlough transfers of inmates between Bureau of Prisons' institutions or to non-federal institutions in appropriate circumstances in accordance with 18 U.S.C. 4082, which allows inmates to travel unescorted and to report voluntarily to an assigned institution.

PART 524—CLASSIFICATION OF INMATES

Subpart A–G—[Reserved]

Subpart H—Close Supervision Cases

Sec.
524.80 Purpose and scope.
524.81 Basis for designation.
524.82 Procedures.

AUTHORITY: 18 U.S.C. 4001, 4042, 4081, 4082, 4161–4166, 5015, 5039; 28 U.S.C. 509; 28 CFR 0.95–0.99.

Subpart A–G—[Reserved]

Subpart H—Close Supervision Cases

§ 524.80 Purpose and scope.

(a) The Bureau of Prisons maintains and reviews the records of all inmates who are in administrative detention sixty or more consecutive days and who cannot or will not re-enter the general inmate population. This action decreases the number of inmates in administrative detention, by use of transfers and other case management decisions. This rule does not preclude the Warden from making other arrangements under Part 541, Subparts B and C.

§ 524.81 Basis for designation.

(a) Staff shall designate the following categories of inmates who are in administrative detention for at least 60 consecutive days and who refuse to enter the general population as close supervision cases;

(1) Victims of inmate assaults;

(2) Inmate informants;

(3) Inmates who have received inmate pressure to participate in homosexual activity;

(4) Inmates who seek protection through detention, claiming to be former law enforcement officers, informants, or others in sensitive law enforcement positions, whether or not there is official information to verify the claim;

(5) Inmates who refuse to enter the general population because of alleged pressures from other unidentified inmates;

(6) Inmates who will not provide, and as to whom staff cannot determine, the reason for refusal to return to the general population.

§ 524.82 Procedures.

(a) The Warden shall review each inmate who cannot or will not return to the general inmate population and is in administrative detention sixty consecutive days to insure that all reasonable and practical efforts are made to place the inmate back into the general inmate population.

(b) If the Warden determines upon review that the inmate will not or cannot return to the general inmate population, the Warden shall forward the inmate's updated classification material to the most appropriate institution for transfer consideration or retain the inmate at the same institution while additional efforts are made to move the inmate back into the general inmate population.

(c) If transfer referrals are unsuccessful, the Warden shall refer the case to the Regional Correctional Administrator for appropriate transfer action.

PART 527—TRANSFERS

Subpart A—[Reserved]

Subpart B—Naval and Coast Guard Prisoners

Sec.
527.10 Purpose and scope.

AUTHORITY: 18 U.S.C. 4001, 4042, 4081, 4082, 4161–4166, 5015, 5039; 28 U.S.C. 509; 28 CFR 0.95–0.99.

Subpart A—[Reserved]

Subpart B—Naval and Coast Guard Prisoners

§ 527.10 Purpose and scope.

(a) The Bureau of Prisons will accept a military inmate recommended for transfer to an institution if, after examination of all available information, the Bureau of Prisons can provide appropriate resources for his needs.

(b) Military inmates confined in Bureaus of Prisons institutions are subject to the same regulations as other inmates in those institutions.

PART 542—ADMINISTRATIVE REMEDY

Subpart A—[Reserved]

Subpart B—Administrative Remedy of Complaints Initiated by Inmates in Bureau of Prisons Institutions

Sec.
542.10 Purpose and scope.
542.11 Procedures.
542.12 Special circumstances.
542.13 Exceptions.

AUTHORITY: 18 U.S.C. 4001, 4042, 4081, 4082, 4161–4166, 5015, 5039; 28 U.S.C. 509; 28 CFR 0.95–0.99.

Subpart A—[Reserved]

Subpart B—Administrative Remedy of Complaints Initiated by Inmates in Bureau of Prisons' Institutions

§ 542.10 Purpose and scope.

(a) The Bureau of Prisons has established an Administrative Remedy Procedure whereby an inmate may seek formal review of a complaint which relates to his imprisonment if informal procedures have not resolved the matter.

(b) If an inmate cannot resolve his complaint informally and wishes to use the Administrative Remedy Procedure, he may file his complaint with the Warden. If an inmate is not satisfied with the Warden's response he may appeal to the Regional Director. If an inmate is not satisfied with the Regional Director's response he may further appeal to the Office of General Counsel and Review.

§ 542.11 Procedures.

(a) The Warden shall be responsible for establishing, monitoring, and operating the local Administrative Remedy Procedure. The Warden shall give notice to inmates of this procedure.

(b) If an inmate cannot resolve his complaint informally, he may file a formal written complaint; on the appropriate form, within 30 days of the date on which the basis of the complaint occurred, unless it is not feasible to file within this period. He may also obtain assistance in the procedure from other inmates or institution staff.

(c) The Warden shall—

(1) Designate a staff member to receive formal complaints and provide a signed receipt to the inmate;

(2) Appoint a staff member to investigate a complaint to determine the proper course of action and to prepare a written response. If the complaint is of an emergency nature which threatens an inmate's health or welfare, the Warden shall respond in writing within 48 hours of the receipt of the complaint;

(3) Review and respond to all filings. The Warden shall sign the response to all Institution Disciplinary Committee Appeals (see 541.17). This responsibility may not be redelegated. Either the Warden or the Associate Warden shall sign the response to all other filings.

(d) If an inmate is dissatisfied with the Warden's response to a complaint, he may file an appeal to the Regional Director through the Prisoners' Mail Box (part 540 of this chapter). This must be done within 30 days of the receipt of the Warden's response. The inmate shall attach a copy of his response from the Warden.

(e) The Regional Director shall:

(1) Establish procedures for receiving, reviewing, investigating and responding to complaints or appeal submitted by an inmate;

(2) Acknowledge receipt of the appeal or complaint by returning to the inmate a signed receipt;

(3) Appoint a regional office staff member to conduct the investigation into a complaint;

(4) Respond to and sign all regional appeals.

(f) If an inmate is dissatisfied with the response to this appeal from the Regional Director, he may make further appeal to the Office of General Counsel, Washington, D.C. through the Prisoners' Mail Box. This must be done within

30 days of receipt of the Regional Director's response. The inmate must attach a copy of the responses to this complaint from the Warden and from the Regional Director.

(9) The Office of General Counsel shall acknowledge receiving the appeal by returning to the inmate a signed receipt, and the General Counsel shall respond to the appeal.

§ 542.12 Special circumstances.

(a) If a complaint is of a sensitive nature, and an inmate believes he would be adversely affected if the complaint became known at the institution, the inmate may file the complaint directly with the Regional Director, through the Prisoners' Mail Box. The inmate must explain, in writing, his reason for not filing the complaint at the institution. If he agrees that the complaint is sensitive, the Regional Director shall send a receipt to the inmate and respond to the complaint. If he does not agree that the complaint is sensitive, the Regional Director shall return the complaint to the inmate and advise him to file it first with the Warden.

(b) If the reviewing official believes that the period of time for response is insufficient to make an appropriate decision he may extend the time period by the same amount of time as allotted in subsection (c) below. The reviewing official shall inform the inmate of this decision in writing.

(c) If the inmate does not receive his response within the time alloted for reply, (15 business days from receipt of the complaint for the Warden, 20 business days for the Regional Director and General Counsel), including extension, he may consider the absence of a response to be a denial at that level.

§ 542.13 Exceptions.

The procedures established for presenting claims under the Federal Tort Claims Act or the Claims for Inmate Injury Compensation under 18 USC 4126 are not affected in any way by this regulation.

PART 544—EDUCATION

Subpart A–E—[Reserved]

Subpart F—Apprentice Training in Institutions

Sec.
544.90 Purpose and scope.

Subpart G—Education Program Certificates

544.110 Purpose and scope.
544.111 Procedures.

Subpart H–I—[Reserved]

Subpart J—Educational Goals and Characteristics

544.130 Purpose and scope.
544.131 Program goals.
544.132 General program characteristics.

AUTHORITY: 18 USC, 4001, 4042, 4081, 4082, 4161–4166, 5015, 5039; 28 CFR 0.96–0.99.

Subpart A–E—[Reserved]

Subpart F—Apprentice Training in Institutions

§ 544.90 Purpose and scope.

The Bureau of Prisons provides an inmate the opportunity to participate in apprentice training programs to prepare him for career employment in various trades. The Bureau of Apprenticeship and Training (BAT), U.S. Department of Labor, through its Regional, State and area representatives, makes BAT personnel available to BOP educational staff for the development of approved apprenticeship training programs. The Warden shall determine the feasibility of establishing an apprenticeship system in an institution in accordance with BAT policy.

Subpart G—Education Program Certificates

§ 544.110 Purpose and scope.

The Bureau of Prisons encourages certification when an inmate completes an Education Program. The Warden shall establish a system in the institution's education department for issuing certificates.

§ 544.111 Procedures.

(a) Staff shall issue a certificate when it:

(1) Contributes to an inmate's future plans in such a way that it validates his education and training;

(2) Supports his chances of securing employment;

(3) Improves his acceptance for advanced education; or

(4) Enhances his opportunity for success in any other activity he chooses to pursue.

(b) Staff shall approve and issue a certificate that fits one or all of the following categories:

(1) *Accredited Certificates*—High school diplomas and vocational training certificates approved or issued through local school districts, state departments of education, or other recognized accrediting educational organizations;

(2) *Postsecondary Certificates*—Postsecondary degrees or course certificates approved or issued through a sponsoring accredited educational institution;

(3) *General Education Development Tests*—Program sponsored by the American Council on Education;

(4) *Private Certificates*—Outside agencies other than those stated in paragraph (1) of this subsection;

(5) *Bureau Certificates*—Approved general education and vocational training certificates, issued to an inmate who completes a program, and when the institution cannot provide a certificate as provided in (1) of this subsection and § 523.3(a); or

(6) *Transcript*—Issued to an inmate who completes general education programs, formal vocational training, on-the-job training or work assignments.

Subpart H–I—[Reserved]

Subpart J—Educational Program Goals and Characteristics

§ 544.130 Purpose and scope.

In consideration of inmate educational and occupational needs, the Bureau of Prisons affords an inmate the opportunity to improve his knowledge and skills. These needs are met by providing clear goals and precise program definitions. Except for such camps, CTCs and MCCs where full education programs are not feasible, the Warden shall operate an education department in each institution to provide a climate is which an inmate can maximize his potential for change.

§ 544.131 Program goals.

(a) The Warden shall ensure that during confinement an inmate with the desire, capacity, and need has the opportunity to:

(1) Complete an Adult Basic Education Program;

(2) Complete an Adult Secondary Education Program;

(3) Acquire or improve marketable skill through one or more programs of Occupational Education;

(4) Complete one or more Post Secondary Education activities;

(5) Complete one or more planned Social Education activities; or

(6) Complete one or more Recreation activities; or

(7) A combination where appropriate of any of items 1–6.

(b) Institution staff shall carry out these goals emphasizing the needs of an inmate in the areas of:

(1) Functional literacy;

(2) High school equivalency;

(3) Marketable work skills;

(4) Continuing education;

(5) Personal experiences, and

(6) Positive use of leisure time

§ 544.132 General program characteristics.

(a) The Warden shall establish the conditions to be met before a program or an activity is ranked as an approved and bona fide education program. Every program must involve:

(1) Written curriculum outlining objectives and procedures;

(2) Pre-assessment and post-assessment of student progress;

(3) Supervision by the education department or its designee; and

(4) Periodic external review of significance timeliness and effectiveness.

PART 549—MEDICAL SERVICES

Subpart A–C—[Reserved]

Subpart D—Plastic Surgery and Identification Records

Sec.
549.50 Purpose and scope.
549.51 Procedures.

AUTHORITY: 18 U.S.C. 4001, 4042, 4081, 4082, 4161–4166, 5015, 5039; 28 CFR 0.96–0.99.

Subpart A–C—[Reserved]

Subpart D—Plastic Surgery and Identification Records

§ 549.50 Purpose and scope.

The correction of obvious disfigurements on any part of the body, particularly facial disfigurements or functional impairments can be a significant factor in improving an inmate's self-image, emotional stability and social adjustment. The result may well affect institutional adjustment and particularly post-release adjustment and employability. Therefore, such a procedure can be an

integral part of an inmate's overall correctional program. The Bureau of Prisons provides, within available resources, corrective and reconstructive surgery for an inmate to correct obvious disfigurement. The Warden shall establish criteria for the selection of an inmate for plastic surgery procedures which may alter an inmate's physical appearance or otherwise affect identification.

§ 549.51 Procedures.

(a) The inmate's written request for plastic surgery may be approved by the Warden with approval by the appropriate medical and other institutional staff.

(b) Staff shall approve an inmate for plastic surgery when:

(1) It is indicated for medical reasons; or

(2) It is believed that such surgery will assist the inmate's institutional or particularly his post-release adjustment.

(c) Staff shall consider for correction repulsive disfigurements and nude, lewd, or lascivious tattoos.

(d) Staff is not restricted to those areas of Paragraph (c) of this section when other sound medical or psychological and social reasons are identified.

(e) Staff shall photograph and make written descriptions of an inmate's features that are to be altered before and after surgery. Any operation which changes the identification of the inmate in any way is made a part of his record and shall be reported to the FBI.

PART 551—MISCELLANEOUS

Subpart A–B—[Reserved]

Subpart C—Birth Control, Pregnancy, Childbirth, Child Placement, and Abortion

Sec.
551.40 Purpose and scope.
551.41 Birth control.
551.42 Pregnancy.
551.43 Abortion.
551.44 Child placement.

Subpart D—[Reserved]

Subpart E—Inmate Contributions

551.80 Policy.

Subpart F—Inmate Arts and Hobbycrafts

551.90 Purpose and scope.
551.91 Procedures.
551.92 Restrictions.

AUTHORITY: 18 U.S.C. 4001, 4042, 4081, 4082, 4161–4166, 5015, 5039; 28 CFR 0.95–0.99.

Subpart C—Birth Control, Pregnancy, Childbirth, Child Placement and Abortion

§ 551.40 Purpose and scope.

The Bureau of Prisons provides an inmate with medical and social services related to birth control, pregnancy, childbirth, child placement and abortion. The Warden shall ensure compliance with the applicable law regarding these matters.

§ 541.41 Birth control.

Medical staff shall provide an inmate with advice and consultation about methods for birth control.

§ 551.42 Pregnancy.

(a) The Warden shall ensure that each pregnant inmate is provided medical, case management and counseling services.

(b) In order to insure proper medical and social services, the inmate shall inform the institution medical staff as soon as she suspects she is pregnant.

§ 551.43 Abortion.

(a) The inmate has the responsibility for deciding to have an abortion or bear the child.

(b) The Warden shall provide medical, religious and social counseling to aid the inmate in making the decision to have an abortion or bear the child.

(c) An inmate shall sign a statement of responsibility for the decision to have an abortion or bear the child.

(d) At the inmate's request, medical staff shall arrange for the abortion to take place at a hospital or clinic outside the institution.

§ 551.44 Child placement.

(a) The Warden may not permit the inmate's new born child to return to the institution except under Part 540 of this chapter.

(b) Child placement is the inmate's responsibility.

(c) The Warden shall provide opportunities for counseling by institution staff and community social agencies to aid the inmate with placement.

(d) The institution staff shall work closely with community agencies and persons to ensure the child is appropriately cared for. The staff shall give notice to the responsible community agency of the inmate's plan for her child. Child welfare workers may come to the institution in appropriate cases to interview and counsel an inmate.

Subpart D—[Reserved]

Subpart E—Inmate Contributions

§ 551.80 Policy.

(a) An inmate may contribute to a candidate for election to a federal, state or local office, in a primary, general, or special election, or to political parties.

(b) An inmate may contribute to any international, national or local nonpolitical organization if the contribution does not violate any other Bureau of Prisons regulation.

Subpart F—Inmate Arts and Hobbycrafts

§ 551.90 Purpose and scope.

The Bureau of Prisons encourages an inmate to make constructive use of leisure time through arts and hobbycrafts. Art work includes paintings and sketches which are rendered in media such as oils, pastels, crayons, pencils, inks, and charcoal. Hobbycrafts include leatherwork, models, clay, mosaics, crocheting, knitting, sculpturing, woodworking, lapidary and other forms consistent with institution regulations.

§ 551.91 Procedures.

(a) An inmate may obtain art and hobbycraft materials through:

(1) Donations by the institution art training program if one exists, and if the inmate is registered in a regular course of art instruction;

(2) The commissary sales unit; and

(3) Other sources approved by the Warden.

(b) Each inmate shall identify his art or hobbycraft work by showing his name and registration number on the article.

(c) An inmate may dispose of his finished work by:

(1) Donating it to the institution.

(2) Taking it with him when he is released;

(3) Giving it to an authorized visitor in accordance with Part 540 of this chapter;

(4) Mailing it to an authorized correspondent in accordance with Part 540 of this chapter;

(5) Offering it for sale through the institutional art and hobbycraft sales program if one exists; or

(6) Giving it to a non-profit organization. A non-profit organization is one whose purpose is not to make a profit from sales and does not require in excess of 30 percent of sales receipts to cover the organization cost for overhead, such as rent, maintenance, utilities, taxes, etc., and reimbursement to persons for lost or damaged articles received. Inmate art and hobbycraft articles may be mailed to these organizations in accordance with general correspondence procedures (Part 540). The Bureau of Prisons may not assume liability for loss or damage of articles shipped from an institution.

§ 551.92 Restrictions.

(a) The size of paintings and drawings must conform to institution regulations. If an inmate's artwork or hobbycraft is on public display the Warden may restrict the content of the work in accordance with community standards of decency.

(b) An inmate may not use printers or india ink.

(c) The Warden may restrict, for reasons of security and housekeeping, the use or possession of art and hobbycraft materials.

NORMAN A. CARLSON,
Director, Federal Bureau of Prisons.

DECEMBER 13, 1977.

[FR Doc.77-36343 Filed 12-20-77;8:45 am]

federal register

WEDNESDAY, DECEMBER 21, 1977

PART IV



OFFICE OF MANAGEMENT AND BUDGET

■

BUDGET RESCISSIONS AND DEFERRALS

International Security Assistance and Antirecession Financial Assistance Fund (Treasury Department)

OFFICE OF MANAGEMENT AND BUDGET

BUDGET RESCISSIONS AND DEFERRALS

International Security Assistance and Antirecession Financial Assistance Fund (Treasury Dept.)

To the Congress of the United States: In accordance with the Impoundment Control Act of 1974, I herewith report three new International security assistance deferrals totalling $806.4 million in budget authority and one new deferral of $3.4 million in outlays for the Antirecession financial assistance fund in the Department of the Treasury.

In addition, I am reporting routine revisions to four deferrals previously transmitted. A deferral for the Emergency refugee and migration assistance fund is increased by $5.8 million in budget authority. Three deferrals of funds provided to the Department of the Treasury are increased by a total of $13.3 million of which $11.9 million is deferred budget authority and $1.3 million is an increase to a deferral which only affects outlays.

The details of each deferral are contained in the attached reports.

THE WHITE HOUSE, *December 15, 1977.*

JIMMY CARTER.

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Deferral No.	Item	Budget Authority
	Funds Appropriated to the President:	
D78-43A	Emergency refugee and migration assistance fund	7,800
	International Security Assistance	
D78-47	Military assistance	131,200
D78-48	International military education and training	2,000
D78-49	Foreign military credit sales	673,250
	Department of the Treasury:	
	Office of the Secretary	
D78-26B	Antirecession financial assistance fund	10,709
D78-50	Antirecession financial assistance fund	3,406 1/
D78-27B	State and local government fiscal assistance fund	81,732
D78-28A	State and local government fiscal assistance fund	1,711 1/
	Total, deferrals	911,808

1/ Outlays only.

SUMMARY OF SPECIAL MESSAGES
FOR FY 1978
(amounts in thousands of dollars)

	Rescissions	Deferrals
Fourth special message:		
New items	---	809,856
Changes to amounts previously submitted	---	19,051
Effect of the fourth special message	---	828,907
Previous special messages	2,668	2,416,367
Total amount proposed in special messages	2,668 (in 1 rescission proposal)	3,245,274 (in 50 deferrals)

NOTE: All amounts listed represent budget authority except for $5,117,000 consisting of two Department of the Treasury deferrals of outlays only (D78-50 and D78-28A).

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344.

This report revises Deferral No. D78-43 transmitted to the Congress on November 10, 1977, and printed as House Document 95-262.

This revision increases the amount of the deferral for the Emergency refugee and migration assistance fund from $2.0 million to $7.8 million. This increase of $5.8 million reflects the addition to the Fund of $10 million in 1978 appropriations provided in the Foreign Assistance and Related Programs Appropriations Act, 1978 (Public Law 94-148), raising the total of budgetary resources available in FY 1978 to $15 million, and the determination by the President to use $4.2 million in addition to the $3.0 million previously made available to assist Indochinese refugees.

Deferral No: D78-43A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Funds Appropriated to the President Bureau:	New budget authority (P.L. 95-148) $10,000,000* Other budgetary resources 5,000,000 Total budgetary resources 15,000,000*
Appropriation title & symbol: Emergency Refugee and Migration Assistance Fund 1/ 11X0040	Amount to be deferred: Part of year $7,800,000* Entire year
OMB identification code: 11-0040-0-1-151 Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

Section 501(a) of the Foreign Relations Authorization Act, Fiscal Year 1976, Public Law 94-141, approved November 29, 1975, amended section 2(c) of the Refugee and Migration Assistance Act of 1962 (22 U.S.C. 2601) by authorizing a fund not to exceed $25 million to enable the President to provide emergency assistance for unexpected urgent refugee and migration needs.

By Executive Order No. 11922 of June 16, 1976, the President allocated all funds appropriated to him for the Emergency Fund to the Secretary of State but reserved to himself the determination of assistance to be furnished and the designation of refugees to be assisted by the Fund.

At the beginning of fiscal year 1978, a $5 million unobligated balance remained available in the Emergency Fund. The Foreign Assistance and Related Programs Appropriations Act, 1978 (Public Law 95-148), approved October 31, 1977, provided an additional $10 million for the Fund, bringing the budgetary resources available to $15 million. Of this amount, the President has approved the use of $7.2 million to assist Indochinese refugees. Consonant with the President's authority set out in Executive Order No. 11922 and to achieve the most economical use of appropriations (31 U.S.C. 665(c)(1)), the remaining

1/ This account was the subject of a similar deferral during FY 1977.
* Revised from previous report.

$7.8 million in the Fund has been deferred. It is anticipated that reapportionments may be made case-by-case as the President determines assistance to be furnished and designates refugees to be assisted by the Fund.

Estimated Effects

None

Outlay Effect

No effect on outlays results from this deferral action.

Deferral No: D78-47

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Funds Appropriated to the President	New budget authority (P.L. 95-148) $220,000,000
Bureau: International Security Assistance	Other budgetary resources 135,900,000
Appropriation title & symbol: Military Assistance 1/ 117/81080 and 1181080	Total budgetary resources 355,900,000
	Amount to be deferred: Part of year $131,200,000 2/
	Entire year
OMB identification code: 11-1080-0-1-052 3/	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program: ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☒ Multiple-year September 30, 1978 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

Pursuant to the Foreign Assistance Act of 1961, as amended, the President is authorized to furnish military assistance "...to any friendly country or international organization, the assisting of which the President finds will strengthen the security of the U.S. and promote world peace..." The Foreign Assistance and Related Programs Appropriation Act, 1978 (Public Law 95-148) appropriated $220,000,000 for this purpose.

In 1974, the Congress enacted Section 620(x) of the Foreign Assistance Act of 1961, as amended, which suspends all military assistance to the Government of Turkey "...until the President determines and certifies to the Congress that substantial progress toward agreement has been made regarding military forces in Cyprus..." The amount previously planned for Turkey in FY 1978, $48 million, has been deferred pending the relevant Presidential certification regarding Cyprus or enactment of legislation by Congress

1/ This account was the subject of a similar deferral during FY 1977.
2/ On November 11, 1977, funds totalling $242,900,000 in the military assistance annual account (1181080) were withheld. This amount was reduced to $48,000,000 on November 18, 1977. Since the amount deferred in the multiple year account (117/81080) is $83,200,000, military assistance funds presently deferred total $131,200,000.
3/ The OMB identification code that will appear in the FY 1979 budget is 11-1080-0-1-152.

removing the Presidential certification requirements. In addition, budget authority totalling $43 million to be used to fund the first-year levels of Defense Cooperation Agreements with Greece and Turkey has been deferred pending enactment by Congress of legislation approving these agreements. The remaining $40.2 million deferred is excess to current programmatic needs. Disposition of these funds is being considered as part of a review of future program needs.

Estimate Effects

This deferral will have no programmatic or budgetary impact.

Outlay Effect

There is no outlay effect resulting from this deferral.

Deferral No: D78-48

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Funds Appropriated to the President	New budget authority (P.L. 95-148): $30,000,000
Bureau: International Security Assistance	Other budgetary resources: 4,600,000
Appropriation title & symbol: International Military Education and Training 1181081 and 117/81081	Total budgetary resources: 34,600,000
	Amount to be deferred: Part of year: $2,000,000
	Entire year:
OMB identification code: 11-1081-0-1-052 1/	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [X] Yes [ ] No	[ ] Other
Type of account or fund: [X] Annual 2/	Type of budget authority: [X] Appropriation
[ ] Multiple-year September 30, 1978 (expiration date)	[ ] Contract authority
[ ] No-year	[ ] Other

JUSTIFICATION

Pursuant to the Foreign Assistance Act of 1961, as amended, the President is authorized to furnish military education and training to military and related civilian personnel of foreign countries to "...encourage effective and mutually beneficial relations and increased understanding between the U.S. and foreign countries..." and to "...improve the ability of participating foreign countries to utilize their resources including defense articles and services obtained from the U.S., with maximum effectiveness..." The Foreign Assistance and Related Programs Appropriations Act, 1978 (P.L. 95-148) appropriated $30,000,000 for these purposes.

In 1974, the Congress enacted Section 620(x) of the Foreign Assistance Act of 1961, as amended, which suspends all military assistance to the Government of Turkey "...until the President determines and certifies to the Congress that substantial progress toward agreement has been made regarding military forces in Cyprus..." The amount planned for Turkey in FY 1978, $2,000,000, has been deferred pending the relevant Presidential certification regarding Cyprus or enactment of legislation by Congress removing the Presidential certification requirement.

Estimated Effects

This deferral will have no programmatic or budgetary impact.

1/ The OMB identification code that will appear in the FY 1979 budget is 11-1081-0-1-152.
2/ The amount being deferred is from the annual account.

Outlay Effect

There is no outlay effect resulting from this deferral.

Deferral No: D78-49

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Funds Appropriated to the President	New budget authority (P.L. 95-148): $675,850,000
Bureau: International Security Assistance	Other budgetary resources: ---
Appropriation title & symbol: Foreign Military Credit Sales, 1978 1/ 1181082	Total budgetary resources: 675,850,000
	Amount to be deferred: Part of year: $673,250,000
	Entire year: /
OMB identification code: 11-1082-0-1-052	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual	Type of budget authority: ☒ Appropriation
☐ Multiple-year (expiration date)	☐ Contract authority
☐ No-year	☐ Other

JUSTIFICATION

Pursuant to the Arms Export Control Act, the President is authorized to sell or finance by credit or guaranties defense articles and defense services for friendly countries to facilitate the common defense. The Foreign Assistance and Related Programs Appropriations Act, 1978 (Public Law 94-148) appropriated $675,850,000 for fiscal year 1978 to enable the President to carryout these authorities. Under section 2 of the Arms Export Control Act, the Secretary of State, under the direction of the President, is responsible for continuous supervision and general direction of sales made under the Act, including determining whether there shall be a sale to a country and the amount thereof. Executive Order 11958 of January 18, 1977, delegated certain of the President's functions under the Arms Export Control Act to the Secretaries of State and Defense. Executive Order 11958 further requires the Secretary of State to obtain the prior concurrence of the Secretaries of Defense and the Treasury, respectively, regarding standards and criteria for credit and guaranty transactions that are based upon national security and financial policies.

1/ This account was the subject of a similar deferral during FY 1977.

As in the past, these funds have been deferred pending approval of specific loans to eligible countries by the Departments of State, Defense and the Treasury. Consultation among these Departments will ensure that each approved program is consistent with the foreign, national security and financial policies of the United States.

ESTIMATED EFFECT

This deferral will have no programmatic or budgetary impact and is not restrictive in nature.

OUTLAY EFFECT

There is no outlay effect of this deferral because funds will be released as loans are approved.

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344.

This report revises Deferral No. D78-26A transmitted to the Congress on November 10, 1977, and printed as House Document 95-262.

This revision of a deferral for the Antirecession financial assistance fund in the Office of the Secretary of the Treasury increases the previously reported deferral from $10,609,000 to $10,709,000. This increase of $100,000 results from waivers by various recipient jurisdictions of their grants.

Deferral No: D78-26B

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Treasury	New budget authority (P.L. 95-119) $1,400,000,000
Bureau: Office of the Secretary	Other budgetary resources 83,063,000
Appropriation title & symbol: Antirecession Financial 1/ 2/ Assistance Fund 207/80108, 208/90108	Total budgetary resources 1,483,063,000
	Amount to be deferred: Part of year $ 8,463,000
	Entire year 2,246,000*
CFDA identification code: 20-0108-0-1-852	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program: ☒ Yes ☐ No	☒ Other P.L. 95-369, P.L. 95-30
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1978 3/ September 30, 1979 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification *

This deferral represents that remaining portion of the transition quarter and FY 1977 appropriation, and a portion of the FY 1978 appropriation which the Secretary of the Treasury must hold in reserve to meet valid claims from State and local governments that past antirecession financial assistance payments to them were too small. Because the total amount appropriated for all governments is fixed, the alternative to such a reserve is recurring recomputations of entitlements of 22,930 governments for prior entitlement periods. Accordingly, the Office of Revenue Sharing has withheld from obligation an amount equal to one-half of one percent of the amounts appropriated for the transition quarter, FY 1977, and the first quarter of FY 1978.

This cumulative unobligated reserve is available to the Secretary of the Treasury to satisfy legitimate claims against the fund for prior entitlement periods. After adjusting for such releases from the reserve, the amount now deferred is $10.7 million. The unobligated amount retained in the fund will be further reduced whenever the Secretary determines that a lesser amount is adequate to meet foreseeable liabilities against the fund. This reduction will be made by paying the additional amount to recipients as part of a regular distribution of the program.

1/ This account was the subject of a similar deferral during FY 1977.
2/ This account is the subject of another deferral, D78-50.
3/ The availability of the $8,463,000 deferred for part of the year ends on this date. These funds will be made available in enough time to permit orderly obligation before their availability ends.

* Revised from previous report.

D78-26B

Estimated Effects

This action will postpone distribution of the amount of the reserve until necessary adjustments and corrections have been identified. It will also avoid substantial confusion and complexities in the administration of the program.

*Outlay Effect (estimated in millions of dollars)

Comparison with President's FY 1978 Budget:

1. Budget outlay estimate for FY 1978	$1,550.0
2. Outlay savings, if any, included in the budget outlay estimate	-0-

Current Outlay Estimates for FY 1978:

3. Without deferral	1,578.0
4. With deferral	1,575.8
5. Current outlay savings (line 3 - line 4)	+2.2
Outlay savings for FY 1979	-2.2
Outlay savings for FY 1980	-0-

*Revised from previous report.

Deferral No: D78-50

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Treasury	New budget authority (P.L. 95-119): $1,400,000,000
Bureau: Office of the Secretary	Other budgetary resources: 83,061,000
Appropriation title & symbol: Antirecession Financial 1/ Assistance Fund 207/80108 208/90108	Total budgetary resources: 1,483,061,000
	Amount to be deferred: Part of year: 2/ $ 3,406,000
	Entire year:
CFDA identification code: 20-0108-0-1-852	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [X] Yes [ ] No	[X] Other P.L. 94-369, P.L. 95-30
Type of account or fund: [ ] Annual [X] Multiple-year September 30, 1978 / September 30, 1979 (expiration date) [ ] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other

Justification

The Antirecession Financial Assistance Fund provides for federal economic assistance to State and local governments to help prevent those governments from taking budget related actions which are injurious to national economic health. Scheduled payments are made on a quarterly basis. This deferral represents payments which have been withheld from various governments for reasons of noncompliance with the requirements of the Public Works Employment Act of 1976 (P.L. 94-369).

Estimated Effects

The release of these funds is contingent upon the various governments' compliance with the law by submitting required forms and reports.

Outlay Effect

There is no outlay effect of this deferral. The funds will be made available this fiscal year.

1/ This account is the subject of another deferral, D78-26B.
2/ Outlays only.

D78-27B

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344.

This report revises Deferral No. D78-27A transmitted to the Congress on November 10, 1977, and printed as House Document 95-262.

This revision of a deferral for the State and local government fiscal assistance trust fund in the Office of the Secretary of the Treasury increases the previously reported deferral from $69,901,000 to $81,732,000. This increase of $11,831,000 is the result of technical adjustments in the deferral.

Deferral No: D78-27B

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Treasury	New budget authority (P.L. 95-119) $6,854,924,000
Bureau: Office of the Secretary	Other budgetary resources 47,482,000*
Appropriation title & symbol: State and Local Government Fiscal Assistance Trust Fund 1/ 2/ 20X8111	Total budgetary resources 6,902,406,000*
	Amount to be deferred: Part of year $10,550,000
	Entire year 71,182,000*
OMB identification code: 20-8111-0-7-851	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program: ☒ Yes ☐ No	☒ Other P.L. 92-512, P.L. 94-488 (Section 6)
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification *

The Secretary of the Treasury must hold in reserve an amount to meet valid claims from State and local governments that past general revenue sharing payments to them were too small. Because the total amount appropriated for all governments is fixed, the alternative to such a reserve is recurring recomputations of entitlements of 39,170 governments for prior entitlement periods. Accordingly, the Office of Revenue Sharing withheld from obligation an amount equal to one-half of one percent of the amounts appropriated for each entitlement period through FY 1975. In addition, one-half of one percent of the $4,991 million appropriated for general revenue sharing in the Economic Stimulus Appropriations Act, 1977 (Public Law 95-29), and the $6,855 million in regular FY 1978 appropriations for general revenue sharing in Public Law 95-119 were also withheld from obligation.

This cumulative unobligated reserve is available to the Secretary of the Treasury to satisfy legitimate claims against the Trust Fund for prior entitlement periods. After adjusting for such releases from the reserve, the amount now deferred is $81.7 million. The unobligated amount of $81.7 million retained in the Trust Fund will be further reduced whenever the Secretary determines the amount is adequate to meet foreseeable liabilities against the Trust Fund. The reduction will be made by paying the additional amount to recipients as part of a regular distribution.

1/ This account is the subject of another deferral, D78-28A.
2/ This account was the subject of a similar deferral during FY 1977.
* Revised from previous report.

D78-27B

Estimated Effects

This action will postpone distribution of the amount of the reserve until necessary adjustments and corrections have been identified. It will also avoid substantial confusion and complexities in the administration of the program.

*Outlay Effect (estimated in millions of dollars)

Comparison with President's FY 1978 Budget:

1. Budget outlay estimate for FY 1978	$6,813.9
2. Outlay savings, if any, included in the budget outlay estimate	-0-

Current Outlay Estimates for FY 1978:

3. Without deferral	6,883.6
4. With deferral	6,812.4
5. Current outlay savings (line 3 - line 4)	+71.2
Outlay savings for FY 1979	-35.6
Outlay savings for FY 1980	-35.6

* Revised from previous report.

D78-28A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344.

This report revises Deferral No. D78-28 transmitted to the Congress on November 10, 1977, and printed as House Document 95-262.

This revision of a deferral for the State and local government fiscal assistance trust fund in the Office of the Secretary of the Treasury increases the previously reported deferral from $391,000 to $1,711,000. This increase of $1,320,000 results from annexations and disincorporations which require that the funds be redistributed to higher level jurisdictions.

Deferral No: D78-28A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Treasury	New budget authority (P.L. 95-119) $6,854,924,000*
Bureau: Office of the Secretary	Other budgetary resources $ 47,482,000*
Appropriation title & symbol: State and Local Government Fiscal Assistance Trust Fund 1/ 2/ 20X8111	Total budgetary resources 6,902,406,000*
	Amount to be deferred: Part of year 3/ $ 1,711,000*
	Entire year
CFD Identification code: 20-8111-0-7-851	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program: ☒ Yes ☐ No	☒ Other P.L. 92-512, Sections 121 and 123; P.L. 94-488
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification

The State and Local Government Fiscal Assistance Trust Fund is the vehicle for disbursement of general revenue sharing funds. Scheduled payments to State and local governments are made on a quarterly basis. This deferral represents payments which have been withheld from various governments involved in annexations or disincorporations and for reasons of noncompliance with the requirements of the State and Local Fiscal Assistance Act, as amended.

Estimated Effect

The release of these funds is contingent upon adherence by the various governments to the compliance regulations, and determinations as to which higher level of government is eligible to receive those funds withheld because of annexations and disincorporations.

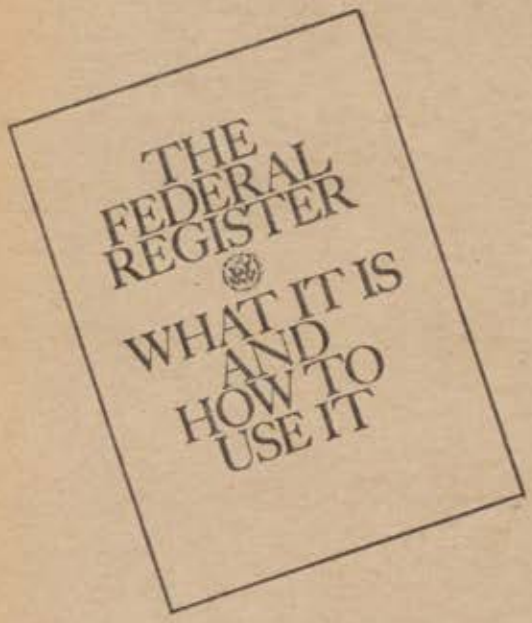
Outlay Effect

There is no outlay effect of this deferral. The funds will be made available this fiscal year.

1/ This account is the subject of another deferral, D78-27B.
2/ This account was the subject of a similar deferral during FY 1977.
3/ Outlays only.
* Revised from previous report.

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