

# Federal Register

WEDNESDAY, MARCH 2, 1977



## highlights

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

Reservations for April and May are now being accepted for the free weekly workshops on how to use the FEDERAL REGISTER. These sessions begin at 9:00 a.m. and end at approximately 11:30 a.m. and are held in Room 9409, 1100 L Street NW., Washington, D.C.

Each session will cover the following:

1. Brief history of the FEDERAL REGISTER.
2. Difference between legislation and regulations.
3. Relationship of the FEDERAL REGISTER to the Code of Federal Regulations.
4. Elements of a typical FEDERAL REGISTER document.
5. Introduction to the finding aids.

RESERVATIONS REQUIRED: DEAN L. SMITH,  
202-523-5282

#### PART I:

##### COMMUNITY FOOD AND NUTRITION PROGRAM

CSA adopts policies and procedures; effective 3-2-77..... 12047

##### FEDERAL PRISONERS

Justice/PC amends parole, recommitment and supervision provisions..... 12043

##### COMPREHENSIVE NATIONAL ENERGY PLAN

Energy Policy and Planning Office seeks comments and recommendations by 3-21-77 on appropriate goals and actions ..... 12081

##### BUSINESS DEVELOPMENT PROGRAM

Commerce/EDA issues provisions on interest subsidies for fixed asset loans; effective 3-2-77..... 12037

##### SMALL BUSINESS INVESTMENT COMPANIES

SBA allows inclusion of nonprivate funds in private capital of regular licensees; effective 3-2-77..... 12037

##### NATURAL GAS ACT OF 1977

FPC issues emergency orders (2 documents)..... 12083, 12084

CONTINUED INSIDE

## AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

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

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

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

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

**federal register**

Phone 523-5240

Area Code 202



Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$5.00 per month or \$50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

## INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing **202-523-5240**.

### FEDERAL REGISTER, Daily Issue:

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

### PRESIDENTIAL PAPERS:

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

### PUBLIC LAWS:

Public Law dates and numbers.....	523-5237
Slip Laws.....	523-5237
U.S. Statutes at Large.....	523-5237
Index .....	523-5237

U.S. Government Manual.....	523-5230
Automation .....	523-5240
Special Projects.....	523-5240

### HIGHLIGHTS—Continued

#### PRIVACY ACT OF 1974

CRC amends provisions.....	12046
SBA proposes new systems of records; comments by 4-1-77 .....	12108

#### GOVERNMENT IN THE SUNSHINE ACT

FMC provides for implementation; effective 3-12-77.....	12049
---	-------

#### POSTAL SERVICE

PS proposes revised definition of advertising and requirements for marking of paid reading matter; comments by 3-31-77 .....	12068
PS proposes procedures for appeal of mailability and eligibility rulings; comments by 3-31-77.....	12069

#### ONE-STOP-INCLUSIVE TOUR CHARTERS

CAB proposes to allow substitutions for canceling charter participants after the advance-booking deadline; comments by 4-18-77.....	12066
---	-------

#### TREASURY NOTES OF SERIES H-1981

Treasury announces interest rates.....	12111
--	-------

#### FROZEN PEAS

USDA/AMS proposes U.S. grade standards; comments by 9-30-77.....	12058
--	-------

#### MEETINGS—

Commerce/DIBA: Semiconductor Technical Advisory Committee, 3-22-77.....	12078
CPSC: Commission briefing, 3-9-77.....	12080
DOD/AF: USAF Scientific Advisory Board Cruise Missile Technology Advisory Committee, 3-22-77.....	12081
FCC: Standard Plugs and Jacks for Registered Data Telephone Equipment, 3-8-77.....	12056
FEA: Fuel Oil Marketing Advisory Committee, 3-28-77.....	12082
Interior/BIm: Surface Management of Public Lands under U.S. Mining Laws, 3-18 thru 3-24-77.....	12071
NSF: Law and Social Science Advisory Panel, 3-18 and 3-19-77 .....	12101
Minority Programs in Science Education Advisory Committee, 3-21 and 3-22-77 .....	12101
Sacramento Peale Observatory Special Advisory Committee, 3-14 and 3-15-77.....	12101
Sociology Advisory Panel, 3-24 and 3-25-77.....	12101

Science and Technology Policy Office: Intergovernmental Science, Engineering, and Technology Advisory Panel (3 documents), 3-24 and 3-25-77....	12101, 12102
---	-----------------

State: Study Group 4 of the U.S. National Committee for the International Radio Consultative Committee (CCIR), 3-22-77.....	12111
Transnational Enterprises Advisory Committee, 3-17-77 .....	12110
AID: International Food and Agricultural Development Board, 2-9-77.....	12033
VA: Educational Allowances Station Committee, 3-30-77 .....	12111

#### RELOCATED AND RESCHEDULED MEETINGS—

HEW/NIH: National Large Bowel Cancer Project Working Cadre, 3-4-77.....	12085
Tumor Viral Immunology Workshop, 3-8 and 3-9-77 .....	12085
EPA: Municipal Construction Division Management Advisory Group, 3-31 and 4-1-77.....	12082

#### HEARINGS—

Federal Paperwork Commission, 3-17 and 3-18-77.....	12079
---	-------

#### PART II:

##### ASBESTOS

EPA proposes amendments to national emission standard; comments by 5-2-77.....	12121
--	-------

#### PART III:

##### ASBESTOS

EPA amends national emission standard. ... ..	12125
---	-------

#### PART IV:

##### BASIC OXYGEN PROCESS FURNACES

EPA proposes performance standards for new stationary source of pollution; comments by 5-2-77.....	12129
--	-------

#### PART V:

##### DOMESTIC CRUDE OIL ALLOCATION PROGRAM

FEA issues entitlement notice for December 1976.....	12133
--	-------

# contents

## AGENCY FOR INTERNATIONAL DEVELOPMENT

### Notices

#### Meetings:

International Food and Agricultural Development Board... 12033

## AGRICULTURAL MARKETING SERVICE

### Rules

Grain standards, etc.; fees for inspection, increase... 12033

Lemons grown in Ariz. and Calif. 12036

### Proposed Rules

Olives grown in Calif. 12063

Peas (frozen); grade standards... 12058

## AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Farmers Home Administration; Federal Grain Inspection Service; Soil Conservation Service.

## AIR FORCE DEPARTMENT

### Notices

#### Meetings:

Scientific Advisory Board... 12081

## BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM

### Notices

Procurement list, 1977; additions and deletions... 12079

## CIVIL AERONAUTICS BOARD

### Proposed Rules

#### Charters:

One-stop inclusive tours; advance booking substitution requirements... 12066

### Notices

#### Hearings, etc.:

Eastern Airlines, Inc. 12078

Pan American World Airways, Inc. (5 documents) 12078

## CIVIL RIGHTS COMMISSION

### Rules

Privacy Act; implementation... 12046

## COMMERCE DEPARTMENT

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

## COMMUNITY SERVICES ADMINISTRATION

### Rules

Community Action Programs: Food and nutrition program... 12047

## CONSUMER PRODUCT SAFETY COMMISSION

### Notices

Cross-connection control for hose-type or hose-connected consumer products; petition denied... 12080

Meeting... 12080

## DEFENSE DEPARTMENT

See also Air Force Department.

### Rules

Ammunition and explosives safety standards:

Underground storage; quantity-distance standards; correction... 12045

## DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

### Notices

#### Meeting:

Semiconductor Technical Advisory Committee... 12078

## ECONOMIC DEVELOPMENT ADMINISTRATION

### Rules

Business development program... 12037

## EDUCATION OFFICE

### Notices

Emergency school aid; interpretation regarding desegregation plans; correction... 12085

## ENERGY POLICY AND PLANNING OFFICE

### Notices

National energy policy; invitation for public comment... 12081

## ENVIRONMENTAL PROTECTION AGENCY

### Rules

Air pollutants, hazardous; National emission standards: Asbestos... 12125

### Proposed Rules

Air pollutants, hazardous; National emission standards: Asbestos... 12121

Air pollution; standards of performance for new stationary sources: Iron and steel plants; basic oxygen process furnaces... 12129

### Notices

#### Meeting:

Municipal Construction Division Management Advisory Group. 12082

## FARMERS HOME ADMINISTRATION

### Rules

Guaranteed loans; rural housing loans, effective date... 12036

## FEDERAL COMMUNICATIONS COMMISSION

### Rules

Telephone network, connection of terminal equipment: Standard plugs and jacks; meeting... 12056

## FEDERAL ENERGY ADMINISTRATION

### Proposed Rules

Petroleum price regulations, mandatory: Gasoline, increased costs; extension of time... 12066

## Notices

Crude oil, domestic; allocation program; 1976; entitlement notice... 12133

### Meeting:

Fuel Oil Marketing Advisory Committee... 12082

## FEDERAL GRAIN INSPECTION SERVICE

### Rules

Grain standards, etc.; fees for inspection, increase... 12033

## FEDERAL MARITIME COMMISSION

### Rules

Sunshine Act; implementation... 12049

### Notices

#### Hearings, etc.:

American West African Freight Conference... 12082

## FEDERAL PAPERWORK COMMISSION

### Notices

Hearings... 12079

## FEDERAL POWER COMMISSION

### Proposed Rules

Corrections, minor revisions and clarifications to certain sections... 12072

### Notices

#### Natural gas companies:

Columbia Gas Transmission Corp... 12083

Transcontinental Gas Pipe Line Corp... 12084

#### Hearings, etc.:

Interstate Power Co... 12085

Mullins, James D. and Robert L. Prichard, et al... 12083

Transcontinental Gas Pipe Line Corp... 12085

Union Electric Co... 12085

## FEDERAL RAILROAD ADMINISTRATION

### Notices

Petitions for exemptions, etc.: Massena Thermal Railroad Co. 12111

## FEDERAL TRADE COMMISSION

### Rules

Prohibited trade practices: Hudson Pharmaceutical Corp... 12041

Mayday Co., Inc., et al... 12038

## FISH AND WILDLIFE SERVICE

### Notices

Endangered species permits; applications (7 documents)... 12088-12096

Marine mammal applications, etc.,

Costa, Daniel Paul... 12097

Vancouver Public Aquarium... 12098

## HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Education Office; National Institutes of Health; Social and Rehabilitation Service.

CONTENTS

<b>Notices</b>			
Information collection and data acquisition activity, description; inquiry .....	12086		
<b>HEARINGS AND APPEALS OFFICE, INTERIOR DEPARTMENT</b>			
<b>Notices</b>			
Applications, etc.:			
Little Bill Coal Co., Inc.....	12098		
Triple M & K Coal Co.....	12098		
Wolfgang Bros. Coal Co.....	12099		
<b>INTERIOR DEPARTMENT</b>			
<i>See also Fish and Wildlife Service; Hearings and Appeals Office; Land Management Bureau; Mining Enforcement and Safety Administration.</i>			
<b>Notices</b>			
Wolf hunting, aerial; Alaska.....	12099		
<b>INTERNAL REVENUE SERVICE</b>			
<b>Rules</b>			
Procedure and administration:			
Minimum exemption from levy for wages, salary or other income .....	12042		
<b>INTERNATIONAL TRADE COMMISSION</b>			
<b>Notices</b>			
Import investigations:			
Alloy tool steel, certain.....	12100		
Welded stainless steel pipe and tube .....	12100		
<b>Meetings:</b>			
Government in Sunshine.....	12100		
<b>INTERSTATE COMMERCE COMMISSION</b>			
<b>Rules</b>			
Railroad car service orders:			
Freight cars, distribution.....	12056		
Railroad car service orders; various companies:			
Chicago, Rock Island & Pacific Railroad Co.....	12056		
Illinois Central Gulf Railroad Co.....	12057		
Missouri Pacific Railroad Co.....	12057		
<b>Notices</b>			
Hearing assignments.....	12111		
Motor carriers:			
Irregular route property carriers; gateway elimination.....	12112		
Temporary authority applications (2 documents).....	12114, 12117		
Surety bonds and policies of insurance; North American Van Lines, Inc.....	12119		
<b>JUSTICE DEPARTMENT</b>			
<i>See also Parole Commission.</i>			
<b>Rules</b>			
Information disclosure and material production; Deputy Attorney General authority delegation .....	12045		
<b>LAND MANAGEMENT BUREAU</b>			
<b>Proposed Rules</b>			
Mining laws, claims:			
Surface management; environmental impacts from mining operations; meetings.....	12071		
<b>Notices</b>			
Authority delegations:			
District Managers, Oreg. and Wash.; forest management.....	12099		
<b>LEGAL SERVICES CORPORATION</b>			
<b>Notices</b>			
Grants and contracts; applications .....	12100		
<b>MINING ENFORCEMENT AND SAFETY ADMINISTRATION</b>			
<b>Proposed Rules</b>			
Metal and nonmetallic mine safety:			
Fire prevention and control, explosives, etc.; corrections.....	12068		
<b>NATIONAL INSTITUTES OF HEALTH</b>			
<b>Notices</b>			
<b>Meetings:</b>			
Cancer Institute, National; advisory committees; National Large Bowel Cancer Project Working Cadre.....	12085		
Tumor Viral Immunology Workshop .....	12085		
<b>NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION</b>			
<b>Rules</b>			
Fishery conservation and management:			
Foreign fishing; correction.....	12057		
<b>NATIONAL SCIENCE FOUNDATION</b>			
<b>Notices</b>			
<b>Meetings:</b>			
Law and Social Sciences Advisory Panel.....	12101		
Minority Programs in Science Education Advisory Committee .....	12101		
Sacramento Peak Observatory Special Advisory Committee .....	12101		
Sociology Advisory Panel.....	12101		
<b>PAROLE COMMISSION</b>			
<b>Rules</b>			
Prisoners, youth offenders, and juvenile delinquents; parole, release, etc.....	12043		
<b>POSTAL RATE COMMISSION</b>			
<b>Notices</b>			
<b>Rules of Practice and Procedure:</b>			
Commission notice designating officer of Commission to represent interests of general public .....	12104		
Notice of petition for rulemaking and request for comments on Commission's proposal to treat it as request for Rule 22 waiver .....	12102		
Visits to postal facilities.....	12104		
<b>POSTAL SERVICE</b>			
<b>Proposed Rules</b>			
Postal Service Manual:			
Second-class, controlled circulation, and third class mailings; mailability and eligibility appeal procedures.....	12069		
			Second-class bulk mailings; advertisements definition, etc.... 12068
			<b>RAILROAD RETIREMENT BOARD</b>
			<b>Notices</b>
			Determination of quarterly rate of excise tax for railroad retirement supplemental annuity program .....
			12104
			<b>SCIENCE AND TECHNOLOGY POLICY OFFICE</b>
			<b>Notices</b>
			<b>Meetings:</b>
			Intergovernmental Science, Engineering, and Technology Advisory Panel (3 documents).....
			12101, 12102
			<b>SECURITIES AND EXCHANGE COMMISSION</b>
			<b>Notices</b>
			<i>Hearings, etc.:</i>
			Ohio Edison Co. and Pennsylvania Power Co.....
			12104
			Pacific Stock Exchange, Inc. (2 documents).....
			12105
			Philadelphia Stock Exchange, Inc.....
			12106
			Standard Oil Co.....
			12106
			Varicon Corp.....
			12107
			<b>SMALL BUSINESS ADMINISTRATION</b>
			<b>Rules</b>
			Small business investment companies:
			Licensee's private capital; non-private funds as part of.....
			12037
			<b>Notices</b>
			Applications, etc.:
			Admiral Investment Co., Inc....
			12108
			Grocers Small Business Investment Corp.....
			12108
			S.B.I.C. of Vermont, Inc.....
			12110
			Disaster areas:
			Delaware.....
			12108
			New Jersey.....
			12108
			New York.....
			12108
			Privacy Act; proposed new systems of records.....
			12108
			<b>SOCIAL AND REHABILITATION SERVICE</b>
			<b>Rules</b>
			Public assistance programs:
			Information safeguards; CFR correction .....
			12046
			<b>SOIL CONSERVATION SERVICE</b>
			<b>Rules</b>
			Water resources:
			Watershed projects, applications .....
			12035
			<b>STATE DEPARTMENT</b>
			<i>See also Agency for International Development.</i>
			<b>Notices</b>
			<b>Meetings:</b>
			International Radio Consultative Committee; U.S. National Committee; Study Group 4.....
			12111

CONTENTS

Transnational Enterprises Advisory Committee..... 12110

**TRANSPORTATION DEPARTMENT**

See Federal Railroad Administration.

**TREASURY DEPARTMENT**

See also Internal Revenue Service.

**Notices**

Notes, Treasury:  
H-1981 series..... 12111

**VETERANS ADMINISTRATION**

**Notices**

Meeting:  
Educational Allowances Station  
Committee ..... 12111

## list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month. A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

<b>7 CFR</b>		33..... 12072	<b>40 CFR</b>	
68..... 12033		34..... 12072	61..... 12127	
622..... 12035		35..... 12072	<b>PROPOSED RULES:</b>	
910..... 12036		101..... 12072	60..... 12130	
1980..... 12036		104..... 12072	61..... 12122	
<b>PROPOSED RULES:</b>		121..... 12072		
52..... 12058		131..... 12072	<b>43 CFR</b>	
932..... 12063		141..... 12072	<b>PROPOSED RULES:</b>	
<b>10 CFR</b>		154..... 12072	3800..... 12071	
<b>PROPOSED RULES:</b>		201..... 12072		
212..... 12066		204..... 12072	<b>45 CFR</b>	
<b>13 CFR</b>		260..... 12072	205..... 12046	
107..... 12037		<b>26 CFR</b>	706..... 12046	
306..... 12037		404..... 12042	1061..... 12047	
<b>14 CFR</b>		<b>28 CFR</b>		
<b>PROPOSED RULES:</b>		2..... 12043	<b>46 CFR</b>	
378a..... 12066		16..... 12045	503..... 12049	
<b>16 CFR</b>		<b>30 CFR</b>	<b>47 CFR</b>	
13 (2 documents)..... 12038, 12041		<b>PROPOSED RULES:</b>	68..... 12056	
<b>18 CFR</b>		57..... 12068	<b>49 CFR</b>	
<b>PROPOSED RULES:</b>		<b>32 CFR</b>	1033 (4 documents)..... 12056, 12057	
2..... 12072		251..... 12045	<b>50 CFR</b>	
3..... 12072		<b>39 CFR</b>	611..... 12057	
		<b>PROPOSED RULES:</b>		
		111 (2 documents) .. 12068, 12069		

**CUMULATIVE LIST OF PARTS AFFECTED DURING MARCH**

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

<b>1 CFR</b>		<b>17 CFR</b>		<b>39 CFR</b>	
Checklist -----	11807	240 -----	11829	PROPOSED RULES:	
		249 -----	11829	111 -----	12068, 12069
<b>3 CFR</b>		PROPOSED RULES:		<b>40 CFR</b>	
PROCLAMATIONS:		240 -----	11844	61 -----	12127
4489 -----	11805	<b>18 CFR</b>		205 -----	11835
<b>5 CFR</b>		PROPOSED RULES:		PROPOSED RULES:	
713 -----	11807	2 -----	12072	60 -----	12130
<b>7 CFR</b>		3 -----	12072	61 -----	12122
68 -----	12033	33 -----	12072	180 -----	11850
225 -----	11811	34 -----	12072	<b>41 CFR</b>	
622 -----	12035	35 -----	12072	101-34 -----	11836
910 -----	12036	101 -----	12072	PROPOSED RULES:	
1002 -----	11822	104 -----	12072	101-25 -----	11848
1980 -----	12036	125 -----	12072	<b>43 CFR</b>	
PROPOSED RULES:		131 -----	12072	PROPOSED RULES:	
52 -----	12058	141 -----	12072	3800 -----	12071
932 -----	12063	154 -----	12072	<b>45 CFR</b>	
1804 -----	11841	201 -----	12072	205 -----	12046
		204 -----	12072	706 -----	12046
		260 -----	12072	1061 -----	12047
<b>9 CFR</b>		<b>21 CFR</b>		<b>46 CFR</b>	
82 -----	11824	PROPOSED RULES:		221 -----	11837
112 -----	11824	561 -----	11850	294 -----	11837
312 -----	11825	820 -----	11998	503 -----	12049
322 -----	11825	<b>25 CFR</b>		PROPOSED RULES:	
<b>10 CFR</b>		221 -----	11830	Ch. IV -----	11849
PROPOSED RULES:		<b>26 CFR</b>		<b>47 CFR</b>	
211 -----	11842	7 -----	11833	68 -----	12056
212 -----	12066	404 -----	12042	<b>49 CFR</b>	
<b>13 CFR</b>		PROPOSED RULES:		268 -----	11838
107 -----	12037	1 -----	11845	1033 -----	11838, 12056, 12057
306 -----	12037	<b>28 CFR</b>		1056 -----	11839
PROPOSED RULES:		2 -----	12043	<b>50 CFR</b>	
108 -----	11842	16 -----	12045	216 -----	12010
<b>14 CFR</b>		50 -----	11831	611 -----	12057
73 -----	11826	<b>29 CFR</b>		620 -----	11839
241 -----	11826	15 -----	11832	621 -----	12026
PROPOSED RULES:		<b>30 CFR</b>		PROPOSED RULES:	
221 -----	11843	PROPOSED RULES:		263 -----	11849
378a -----	12066	57 -----	12068	274 -----	11849
<b>16 CFR</b>		<b>32 CFR</b>			
13 -----	12038, 12041	251 -----	12045		
		1281 -----	11835		

**FEDERAL REGISTER PAGES AND DATES—MARCH**

<i>Pages</i>	<i>Date</i>
11805-12032 -----	Mar. 1
12033-12141 -----	2

# reminders

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

## Rules Going Into Effect Today

EPA—Emission monitoring requirements and reference methods; revisions.  
5935; 1-31-77

## Next Week's Deadlines for Comments On Proposed Rules

### AGRICULTURE DEPARTMENT

Commodity Credit Corporation—  
Government in the Sunshine; Board of Directors meetings; comments by 3-10-77..... 7963; 2-8-77

Forest Service—  
Grazing livestock on national forest system lands; extension of comment period to 3-11-77..... 7170; 2-7-77

[First published at 41 FR 56210, December 27, 1976]

Rural Electrification Administration—  
Larger pair sizes of filled cables; issuance of memorandum on use; comments by 3-7-77... 6327; 2-4-77

Soil Conservation Service—  
Environmental impact statements; guidelines for preparation; comments by 3-10-77... 7959; 2-8-77

### ENVIRONMENTAL PROTECTION AGENCY

Administrative practices and procedures; financial assistance to participants in agency proceedings; comments by 3-8-77..... 1492; 1-7-77

Air quality implementation plans; Stanislaus County, Calif.; comments by 3-10-77..... 7968; 2-8-77

Air quality implementation plans; Virginia; comments by 3-10-77..... 7969; 2-8-77

Approval and promulgation of implementation plans for Oregon; comments by 3-7-77..... 6844; 2-4-77

Approval of compliance schedules for Nebraska; comments by 3-7-77..... 6845; 2-4-77

Compliance plan schedules, Missouri; comments by 3-7-77... 6613; 2-3-77

Processing and bottling of bottled drinking water, current good manufacturing practice; comments by 3-7-77... 806; 1-4-77

### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Government in the Sunshine Act; comments by 3-9-77..... 7162; 2-7-77

### FEDERAL COMMUNICATIONS COMMISSION

Availability of land mobile channels; comments by 3-7-77..... 8157; 2-9-77

### FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act; implementation; comments by 3-11-77..... 8146; 2-9-77

### FEDERAL ENERGY ADMINISTRATION

Domestic crude oil; small refiner bias under entitlements program; comments by 3-11-77.... 9394; 2-16-77

### FEDERAL POWER COMMISSION

Electric utilities; statements and reports; comments by 3-11-77..... 9398; 2-16-77

### FEDERAL TRADE COMMISSION

Trade rule; public availability of staff report to the Commission; comments by 3-8-77..... 1483; 1-7-77

### HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Assistant Secretary for Planning and Evaluation—

Telecommunications demonstrations; grants; comments by 3-10-77... 4136; 1-24-77

Child Support Enforcement Office—

Grants to States for public assistance programs; repayment of Federal funds by installments; comments by 3-7-77..... 3663; 1-19-77

Education Office—

Noncommercial educational broadcasting facilities program; Communications Act of 1934; implementation of 1976 amendments; comments by 3-7-77... 3792; 1-19-77

Waivers of ineligibility for discriminatory assignment of students to classes, emergency school aid; comments by 3-11-77..... 4501; 1-25-77

Food and Drug Administration—

Bottled water, quality standard; comments by 3-7-77..... 806; 1-4-77

Food additives; saccharin and its salts; comments by 3-8-77... 1496; 1-7-77

Penicillin; revocation of certain regulations; comments by 3-10-77... 7966; 2-8-77

Office of the Secretary—

Nongovernmental grantees; extension of applicability; comments by 3-10-77..... 4137; 1-24-77

Social and Rehabilitation Service—

Grants to States for public assistance programs; repayment of Federal funds by installments; comments by 3-7-77..... 3664; 1-19-77

Medical assistance program; long-term care facilities; termination of Federal financial participation; comments by 3-7-77... 3665; 1-19-77

### INTERIOR DEPARTMENT

Geological Survey—

Unit or cooperative agreements; oil and gas; comments by 3-8-77... 53814; 12-9-76

Indian Affairs Bureau—

Florence-Casa Grande Indian Irrigation Project, Ariz.; charges and conditions; comments by 3-10-77... 7967; 2-8-77

San Carlos Indian Irrigation Project, Ariz.; assessments against villages, towns and schools; comments by 3-10-77..... 7967; 2-8-77

Office of the Secretary—

Trans-Alaska Pipeline Liability Fund; Establishment of non-profit corporation; comments by 3-7-77... 3660; 1-19-77

### INTERNATIONAL BROADCASTING BOARD

Government in the Sunshine Act; implementation; comments by 3-12-77... 9388; 2-16-77

### INTERSTATE COMMERCE COMMISSION

Operating authority; comments by 3-7-77..... 53832; 12-9-76

### NATIONAL MEDIATION BOARD

Sunshine Act; implementation; comments by 3-11-77..... 8155; 2-9-77

### NATIONAL SCIENCE FOUNDATION

Anthropology Advisory Panel, Washington, D.C. (closed), 3-10 thru 3-12-77..... 10376; 2-22-77

### NUCLEAR REGULATORY COMMISSION

Reactor Safeguards Advisory Committee, Washington, D.C. (partially closed), 3-9-77..... 10376; 2-22-77

### POSTAL SERVICE

Third class mail; identification of mail of nonprofit organizations; comments by 3-7-77..... 6841; 2-4-77

### SECURITIES AND EXCHANGE COMMISSION

Promotion of reliability of financial information and prevention of concealment; comments by 3-11-77... 4854; 1-26-77

Public observation of Commission meetings, information and requests, and related matters; comments by 3-7-77..... 10698; 2-23-77

[First published at 42 FR 6827, Feb. 4, 1977]

### SMALL BUSINESS ADMINISTRATION

Small business size standards; determination procedures; comments by 3-11-77..... 8148; 2-9-77

### TRANSPORTATION DEPARTMENT

Coast Guard—

Benzene carriage requirements; extension of comment period to 3-7-77..... 6614; 2-3-77

[First published at 41 FR 55897, Dec. 23, 1976]

Federal Aviation Administration—

Transition area; Camden, Tenn.; comments by 3-7-77... 3863; 1-21-77

Canadair Aircraft proposed airworthiness directives; comments by 3-9-77..... 7160; 2-7-77

Federal Airway; proposed alteration, South Dakota; comments by 3-9-77..... 7161; 2-7-77

Jet route, Maine; comments by 3-9-77..... 7161; 2-7-77

## REMINDERS—Continued

- Kaanapali, Hi.; designation of transition area; comments by 3-7-77. 3862; 1-21-77
- VOR Federal Airway proposed alterations, Maryland; comments by 3-9-77. 7161; 2-7-77
- VOR Federal Airway, proposed alterations by 3-9-77. 7161; 2-7-77
- National Highway Traffic Safety Administration—
- Automotive fuel economy; manufacture of multistage automobiles; comments by 3-9-77. 9040; 2-14-77
- Motor vehicle emission inspection; amendments to criteria; comments by 3-9-77. 7172; 2-7-77
- TREASURY DEPARTMENT**
- Customs Service—
- Extension of port limits of Nogales, Ariz.; comments by 3-7-77. 6609; 2-3-77
- Next Week's Meetings
- ADMINISTRATIVE CONFERENCE OF THE UNITED STATES**
- Rulemaking and Public Information Committee, Washington, DC (open), 3-10-77. 9404; 2-16-77
- AGRICULTURE DEPARTMENT**
- Agricultural Marketing Service—
- Shippers Advisory Committee, Lakeland, Fla. (open), 3-8-77. 9048; 2-14-77
- Forest Service—
- Boise National Forest Grazing Advisory Board, Boise, Idaho (open), 3-8-77. 5114; 1-27-77
- ARTS AND HUMANITIES, NATIONAL FOUNDATION**
- Architectural and Environmental Arts Advisory Panel, Washington, DC (closed), 3-7 and 3-8-77. 9455; 2-16-77
- Federal Graphics Evaluation Advisory Panel, Washington, D.C. (partially open), 3-11-77. 10375; 2-22-77
- Federal-State Partnership Advisory Panel, Washington, D.C. (open with restrictions), 3-9 thru 3-11-77. 10375; 2-22-77
- Research Grants Panel Advisory Committee, Washington, D.C. (closed), 3-10 and 3-11-77. 10908; 2-24-77
- Special Projects Advisory Panel, Washington, D.C. (partially closed), 3-10 thru 3-13-77. 10909; 2-24-77
- CIVIL RIGHTS COMMISSION**
- Illinois Advisory Committee, Chicago, Ill., 3-7-77. 9051; 2-14-77
- Ohio Advisory Committee, Cleveland, Ohio (open), (2 documents), 3-12-77. 9695; 2-17-77; 10023; 2-18-77
- COMMERCE DEPARTMENT**
- Census Bureau—
- Black Population for 1980 Census Advisory Committee, Suitland, Md. (open), 3-11-77. 9198; 2-15-77
- Domestic and International Business Administration—
- Microprocessor Instrumentation Subcommittee of the Electronic Instrumentation Technical Advisory Committee, Washington, D.C. (partially closed), 3-7-77. 10024; 2-18-77
- National Industrial Energy Council, Washington, D.C. (open with restrictions), 3-8-77. 9049; 2-14-77
- National Bureau of Standards—
- International Legal Metrology Advisory Committee, Washington, D.C. (open), 3-10 and 3-11-77. 9050; 2-14-77
- National Oceanic and Atmospheric Administration—
- Mid-Atlantic Fishery Management Council, Ocean City, Md. (open with restrictions), 3-9 and 3-10-77. 9699; 2-17-77
- New England Fishery Management Council, Peabody, Mass. (open with restrictions), 3-9 and 3-10-77. 10331; 2-22-77
- [First published at 42 FR 9199, Feb. 15, 1977]
- Pacific Fishery Management Council's Anchovy Advisory Panel, Long Beach, Calif. 3-8-77. 7174; 2-7-77
- DEFENSE DEPARTMENT**
- Air Force Department—
- Scientific Advisory Board, Langley Air Force Base, Va. (closed), 3-8 and 3-9-77. 8690; 2-11-77
- Army Department—
- Armed Forces Epidemiological Board, Bethesda, Md. (open), 3-10 and 3-11-77. 10030; 2-18-77
- Office of the Secretary—
- Defense Intelligence Agency Scientific Advisory Committee (closed), 3-8-77. 8691; 2-11-77
- Electron Devices Advisory Group, New York, N.Y. (closed), 3-10-77. 10333; 2-22-77
- Wage Committee, Washington, D.C. (closed), 3-8-77. 3014; 1-14-77
- ELECTRONIC FUND TRANSFERS, NATIONAL COMMISSION**
- Workshop on EFT Related Standards, Gaithersburg, Md. (open), 3-7 and 3-8-77. 8236; 2-9-77
- ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION**
- Study Group on Global Environmental Effects of Carbon Dioxide, Miami Beach, Fla. (open), 3-7 thru 3-11-77. 9051; 2-14-77
- ENVIRONMENTAL PROTECTION AGENCY**
- Municipal Construction Division Management Advisory Group, Washington, D.C. (open), 3-10 and 3-11-77. 8406; 2-10-77
- Science Advisory Board Technology Assessment and Pollution Control Advisory Committee, Washington, D.C. (open), 3-11 and 3-12-77. 11040; 2-25-77
- [First published at 42 FR 5395, Jan. 29, 1977]
- Solid waste management program discussions, various cities (open), 3-8 thru 3-11-77. 6620; 2-3-77
- Toxic Substances Control Act; discussion of Act and review of implementation plans, Kansas City, Mo., 3-9-77. 5756; 1-31-77
- FEDERAL ENERGY ADMINISTRATION**
- Construction Advisory Committee, Washington, D.C. (open), 3-9-77. 9208; 2-15-77
- State-Federal Water Programs Advisory Committee, Washington, D.C. (open), 3-8-77. 10032; 2-18-77
- State Regulatory Advisory Committee, Executive Subcommittee, Chicago, Ill. (open), 3-11-77. 10333; 2-22-77
- FEDERAL PREVAILING RATE ADVISORY COMMITTEE**
- Meeting, Washington, D.C. (closed), 3-10-77. 9058; 2-14-77
- HEALTH, EDUCATION, AND WELFARE DEPARTMENT**
- Aging, Federal Council—
- Meeting, Washington, D.C. (open), 3-8-77. 9225; 2-15-77
- Alcohol, Drug Abuse and Mental Health Administration—
- Alcohol Training Review Committee (partially open), Rockville, Md., 3-9 thru 3-12-77. 6410; 2-2-77
- Clinical Program-Projects Research Review Committee, Arlington, Va. (partially open), 3-7-77. 6410; 2-2-77
- Clinical Psychopharmacology Research Review Committee, Washington, D.C. (partially open), 3-10 and 3-11-77. 6410; 2-2-77
- Mental Health Services Research Review Committee, Atlanta, Ga. (partially open), 3-7 thru 3-9-77. 6410; 2-2-77
- National Advisory Mental Health Council, Rockville, Md. (open and closed), 3-7 and 3-8-77. 6410; 2-2-77
- Personality and Cognition Research Review Committee, Alexandria, Va. (partially open), 3-6-77. 6410; 2-2-77
- Food and Drug Administration—
- Advisory Committee meetings for March, Washington, D.C., and Rockville, Md. (open), 3-7 thru 3-12-77. 8712-8713; 2-11-77
- Blood and Blood Derivatives Panel, Bethesda, Md. (partially open), 3-11 and 3-12-77. 8711; 2-11-77
- Pediatrics Subcommittee, Rockville, Md. (open), 3-7-77. 8709; 2-11-77
- Subcommittee on Development of Guidelines for Evaluation of Hepatotoxicity of the Gastrointestinal Drugs Advisory Committee, Rockville, Md. (open), 3-7 thru 3-8-77. 3348; 1-18-77
- Teratology Subcommittee, Jefferson, Ark. (open), 3-7-77. 8709; 2-11-77
- Health Resources Administration—
- Advisory Committee, Bethesda, Md. and Rockville, Md. (open), 3-9-77. 7177; 2-7-77
- Cooperative Health Statistics Advisory Committee Task Force on Cost Sharing, Atlanta, Ga. (open), 3-10 and 3-11-77. 8222; 2-9-77

## REMINDERS—Continued

- National Institutes of Health—**  
 Biophysics and Biophysical Chemistry Study Section, Washington, D.C. (open), 3-6-77..... 3213; 1-17-77  
 Breast Cancer Diagnosis Committee, Bethesda, Md. (partially open), 3-9 and 3-10-77..... 10743; 2-23-77  
 [First published at 42 FR 6413, Feb. 2, 1977]  
 Breast Cancer Epidemiology Committee, Bethesda, Md. (open and closed), 3-9 and 3-10-77..... 10743; 2-23-77  
 [First published at 42 FR 6414, Feb. 2, 1977]  
 Breast Cancer Experimental Biology Committee, Bethesda, Md. (open and closed), 3-9 thru 3-11-77..... 10743; 2-23-77  
 [First published at 42 FR 6414, Feb. 2, 77]  
 Breast Cancer Task Force, Bethesda, Md. (open), 3-9-77..... 4540; 1-25-77  
 Breast Cancer Treatment Committee, Bethesda, Md. (partially open), 3-10-77..... 6414; 2-2-77  
 Cancer Advisory Committees, Houston, Tex. and Bethesda, Md. (partially open), 3-7 thru 3-11-77..... 8718; 2-11-77  
 Cancer Control Grant Review Committee (open with restrictions), 3-7 and 3-8-77..... 8718; 2-11-77  
 General Medicine Study Section, Bethesda, Md. (open), 3-7 thru 3-9-77..... 3213; 1-17-77  
 Review Committee B, Bethesda, Md. (partially closed), 3-11-77..... 10901; 2-24-77  
 Heart, Lung and Blood Research Review Committee, Bethesda, Md. (open and closed), 3-11 and 3-12-77..... 6413; 2-2-77  
 Human Gait Research Workshop, San Diego, Calif. (open with restrictions), 3-9-77..... 2357; 1-11-77  
 Medicinal Chemistry Study Section, Arlington, Va. (open), 3-6-77..... 3213; 1-17-77  
 National Cancer Advisory Board, Subcommittee on Environmental Carcinogenesis, Bethesda, Md. (open), 3-9-77..... 6413; 2-2-77  
 National Diabetes Advisory Board, Washington, D.C. (open), 3-11-77, 8717; 2-11-77  
 Neurological and Communicative Disorders and Stroke Science Information Program Advisory Committee, Bethesda, Md. (partially open), 3-10 and 3-11-77..... 4542; 1-25-77  
 Scientific Counselors Board, Division of Cancer Biology and Diagnosis, Bethesda, Md. (partially open), 3-11 and 3-12-77..... 4540; 1-25-77  
 Study sections for March, various cities (open), 3-9 thru 3-12-77..... 6639; 2-3-77  
 Transplantation Immunology Committee, Bethesda, Md. (open with restrictions), 3-8-77..... 10743; 2-23-77  
 Tumor Viral Immunology Workshop, St. Simon Island, Ga. (open), 3-8 and 3-9-77..... 4542; 1-25-77  
**Office of Education—**  
 Adult Education National Advisory Council Committee on Public and Organizational Relations, Chicago, Ill. (open), 3-11-77..... 8222; 2-9-77  
**Office of Assistant Secretary of Health—**  
 Protection of Human Subjects of Biomedical and Behavioral Research National Commission, Bethesda, Md. (open with restrictions), 3-11 and 3-12-77..... 10902; 2-24-77  
**Office of the Secretary—**  
 Education Statistics Advisory Council, Washington, D.C. (open with restrictions), 3-8 and 3-9-77..... 8721; 2-11-77  
 Welfare Reform Consulting Group, Washington, D.C. (open), 3-11-77, 8007; 2-8-77
- INTERIOR DEPARTMENT**  
 Bureau of Land Management—  
 California Desert Conservation Area Advisory Committee, San Bernardino, Calif. (open), 3-7 and 3-8-77..... 6645; 2-3-77  
 National Park Service—  
 Gateway National Recreation Area Advisory Commission, New York, New York (open with restrictions), 3-7-77..... 10073; 2-18-77  
**Office of the Secretary—**  
 Future Energy Prospects Committee, National Petroleum Council, Washington, D.C. (open with restrictions), 3-7-77..... 9235; 2-15-77
- LABOR DEPARTMENT**  
 Employment and Training Administration—  
 Federal Committee on Apprenticeship, San Francisco, Calif. (open), 3-10 and 3-11-77..... 10350; 2-22-77
- NATIONAL SCIENCE FOUNDATION**  
 Metabolic Biology Advisory Panel, Washington, D.C. (closed), 3-7 and 3-8-77..... 10080; 2-18-77  
 Political Science Advisory Panel, Washington, D.C. (partially open), 3-9 and 3-10-77..... 10079; 2-18-77  
 Science Education Advisory Committee, Washington, D.C. (open), 3-10 and 3-11-77..... 10376; 2-22-77  
 Science Information Activities Task Force, Washington, D.C. (open), 3-7 and 3-8-77..... 9459; 2-16-77
- NUCLEAR REGULATORY COMMISSION**  
 Advisory Committee on Reactor Safeguards, Washington, D.C. (open and closed), 3-10 thru 3-12-77..... 10746; 2-23-77  
 Reactor Safeguards Advisory Committee, Washington, D.C. (partially closed), 3-10 thru 3-12-77..... 10914; 2-24-77
- SECURITIES AND EXCHANGE COMMISSION**  
 Corporate Disclosure Advisory Committee, Washington, D.C. (open), 3-10 and 3-11-77..... 54229; 12-13-76
- SMALL BUSINESS ADMINISTRATION**  
 Dallas District Advisory Council, Ft. Worth, Tex. (open), 3-11-77..... 10381; 2-22-77
- STATE DEPARTMENT**  
 Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, Washington, D.C. (open), 3-10-77, 9461; 2-16-77
- TELECOMMUNICATIONS POLICY OFFICE**  
 Frequency Management Advisory Council, Washington, D.C. (open), 3-11-77..... 10721; 2-23-77
- TREASURY DEPARTMENT**  
 Fiscal Service—  
 Federal Consolidated Financial Statements Advisory Committee, Washington, D.C. (open), 3-8-77, 10084; 2-18-77
- VETERANS ADMINISTRATION**  
 Central Office Education and Training Review Panel, Washington, D.C. (open with restrictions), 3-8-77..... 8449; 2-10-77  
 Station Committee on Educational Allowances, San Diego, Calif. (open), 3-7-77..... 8449; 2-10-77  
 Wage Committee, Washington, D.C. (closed), 3-10-77..... 55963; 12-23-76

### Next Week's Public Hearings

#### AGRICULTURE DEPARTMENT

- Agricultural Marketing Service—  
 Fresh oranges, grapefruit, tangerines, and tangelos grown in Florida; marketing agreement, Lakeland, Fla. (open), 3-10-77..... 10693; 2-23-77

#### CIVIL AERONAUTICS BOARD

- Las Vegas-Dallas/Fort Worth nonstop service investigation; hearing, Las Vegas, Nev., 3-8-77..... 4184; 1-24-77

#### FEDERAL ENERGY ADMINISTRATION

- Refiner price regulations; allocation of increased cost to gasoline prices; hearing on 3-8..... 9675; 2-17-77

#### HEALTH, EDUCATION, AND WELFARE DEPARTMENT

- Office of the Secretary—  
 Welfare Reform, Washington, D.C., 3-10-77..... 10071; 2-18-77

#### INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

- Transboundary implications of Garrison boundary unit, Minot, N. Dak., Souris and Winnipeg, Manitoba (open), 3-8 thru 3-11-77..... 6012; 2-1-77

#### INTERNATIONAL TRADE COMMISSION

- Clear sheet glass from Romania; import investigation, Washington, D.C. (open), 3-8-77..... 6013; 2-1-77

### 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.

## Title 7—Agriculture

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

#### PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

##### Fees for Certain Federal Inspection Services and Miscellaneous Amendments

*Statement of consideration.* The Agricultural Marketing Act of 1946 provides for the inspection and certification as to class, quality, quantity, and condition of agricultural products shipped or received in interstate commerce under such rules and regulations as the Secretary of Agriculture may prescribe and for the collection of the fees equal as nearly as may be the cost of inspection services rendered under its provisions. The Part 68—Subpart A Regulations, § 68.42a is revised to adjust the hourly rate for services charged by the hour from \$14.60 to \$16.00, effective April 10, 1977, and makes corresponding changes in fees for the inspection for quality of dry beans, dry peas, split peas, lentils, hay, straw, and hops. The fees for these quality inspections are based on an average unit of time for each service, and the increase corresponds to the increased hourly costs.

This amendment also adjusts the fees charged for various laboratory testing services, and adds to the fee schedule, laboratory tests presently performed but not now included in the schedule.

The increases in fees implemented by this amendment are necessary due to the increased cost of contract and cooperator services, travel, Federal salaries and increases in the cost of laboratory supplies, a factor not previously considered in evaluation of laboratory costs.

Other miscellaneous amendments include revision to §§ 68.2, 68.5, 68.43–68.46 and 68.49, to shift the delegation of authority of the Secretary from the Administrator of the Agricultural Marketing Service to the Administrator of the Federal Grain Inspection Service and the authority of the Director of the Grain Division to the Director of the Inspection Division of the Federal Grain Inspection Service. This transfer of responsibilities became effective November 20, 1976, with the establishment of a new Agency in the Department of Agriculture called the Federal Grain Inspection Service.

Pursuant to sections 203 and 205 of the Agricultural Marketing Act of 1946, as

amended (7 U.S.C. 1622, 1624) the provisions of 7 CFR 68.2, 68.5, 68.42a, 68.43–68.46 and 68.49 are hereby amended as follows:

1. Section 68.2 "Terms defined," is revised by amending (e), (f) and (u) to read as follows:

#### § 68.2 Terms defined.

(e) *Administrator.* The Administrator of the Federal Grain Inspection Service (FGIS) of the Department, or any other officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(f) *Division.* The Inspection Division of the Federal Grain Inspection Service of the Department.

(u) *Federal inspection service.* The inspection service performed under the regulations by an authorized employee of the Department or a licensed sam-

pler. (Inspection certificates are issued by the Inspection Division and all fees and charges are collected by the Federal Grain Inspection Service for Federal inspection service.)

2. Section 68.5 is revised to read as follows:

#### § 68.5 Regulations not applicable for certain purposes.

The regulations do not apply to the inspection of grain in the United States under the United States Grain Standards Act, as amended. (7 U.S.C. 71 et seq.) or to the testing and inspection of seed under the Federal Seed Act (7 U.S.C. 1551 et seq.)

3. Section 68.42a is revised to read as follows:

#### § 68.42a Fees for certain Federal inspection services.

The following fees apply to the Federal inspection services specified below:

Service:	Fee
Appeal inspection:	
(a) Basis original or file sample.....	( <sup>1</sup> )
(b) Basis new sample.....	( <sup>2</sup> )
Bean, lentil, and pea inspection:	
(a) Lot inspection—	
(1) Field run (quality and dockage analysis) per lot.....	\$10.35
(2) Other than field run (grade, class, and quality) per lot.....	7.70
(In addition to the fee for analysis or grading in (1) and (2) above, a fee for sampling, checkweighing, and check loading, if any, will be assessed at the prescribed rate.)	
(b) Sample inspection—	
(1) Field run (quality and dockage analysis) per lot.....	10.35
(2) Other than field run (grade, class, and quality) per sample....	7.70
Check loading, per man-hour.....	<sup>3</sup> 16.00
Checkweighing, per man-hour.....	<sup>3</sup> 16.00
Condition examination, per man-hour.....	16.00
Contract service: The Director may enter into contracts with applicants to perform continuous inspection services or other types of services in accordance with the regulations in this part and requirements that may be prescribed in the contract. Charges for the inspection services provided in the contract shall reimburse the inspection division for the full cost of rendering such inspection services including administrative overhead expenses.	
Demonstration gradings—per request.....	<sup>4</sup> 245.00
Extra copies of certificates—per copy.....	1.40
Grade factor analysis (as defined in any official U.S. Standards) per factor....	5.20
Hay and straw inspection:	
(a) Lot inspection, sampling and grading, per man-hour.....	16.00
(b) Sample inspection—	
(1) Grade only, per sample.....	10.35
(2) Factor analyses, per man-hour.....	16.00
Hop inspection:	
(a) Lot inspection: seed, leaf, and stem content—per lot.....	12.00
(In addition to the fee for analysis, a charge for sampling, if any, will be assessed at the prescribed rate.)	
(b) Sample inspection: seed, leaf, and stem content—per sample.....	12.00
Laboratory report.....	1.40

<sup>1</sup> The applicable grading or laboratory testing fee. Minimum fee, if any \$16.00.

<sup>2</sup> Applicable sampling fee, if any, plus applicable grading or laboratory testing fee.

<sup>3</sup> Only one fee will be assessed for these services whether performed singly or concurrently (but see minimum fee requirement).

<sup>4</sup> Plus all travel costs associated with the performance of the demonstration grading service.

## RULES AND REGULATIONS

## Laboratory testing:

(a) In addition to the charges, if any, for sampling or other requested service, a fee will be assessed for each laboratory test as follows:

	Fee
(1) Acidity—Greek	4.00
(2) Acid value—oil	4.00
(3) Aflatoxin (Minicolumn method)	12.00
(4) Appearance, flavor, and odor oils	2.00
(5) Arachidic acid	6.00
(6) Ash	4.80
(7) Bacteria count	5.00
(8) Baking test—bread	12.00
(9) Baking test—cookies	15.00
(10) Baume	4.00
(11) Bostwick (cooked)	8.00
(12) Bostwick (uncooked)	4.00
(13) Calcium (AOAC)	5.00
(14) Calcium enrichment	5.00
(15) Calcium carbonate	5.00
(16) Carotenoid color	6.00
(17) Checked and broken macaroni units	4.00
(18) Clarity of oil involving heating	4.00
(19) Cold test—oil	4.00
(20) Coliform	12.00
(21) Color—bleached	6.00
(22) Color—Gardner	2.00
(23) Color—Lovibond	2.00
(24) Color—oil and shortening	2.00
(25) Congealpoint	9.60
(26) Consistency (cooked)	8.00
(27) Consistency (uncooked)	4.00
(28) Cooking test	4.00
(29) Crude fat	4.00
(30) Crude fiber	6.40
(31) Density	4.00
(32) Dextrose equivalent	11.40
(33) Diastatic activity of flour	12.00
(34) Enrichment—quick test	2.00
(35) Falling number	4.00
(36) Farinograph characteristics	15.00
(37) Fat—acid hydrolysis	8.00
(38) Fat—crude	4.00
(39) Fat—extraction	4.00
(40) Fat acidity	6.00
(41) Fat stability—AOM	8.00
(42) Fiber, crude	6.40
(43) Filth—heavy	9.90
(44) Filth—light	12.00
(45) Flash point—open and closed cup	6.00
(46) Flavor, odor, and appearance of oils	2.00
(47) Foam test	12.00
(48) Foots—heated and/or chilled	4.00
(49) Foreign material—processed grain products	6.00
(50) Free fatty acids	4.00
(51) Grade and class of unprocessed grain	6.75
(52) Heating test—oil and shortening	4.00
(53) Hydrogen ion concentration—ph	6.00
(53) Hydrogen ion concentration—pH	6.00
(54) Insoluble bromides	4.00
(55) Insoluble impurities—oil and shortening	4.00
(56) Iodine number or value	6.00
(57) Iron Enrichment	8.00
(58) Keeping time—oil and shortening	8.00
(59) Kjeldahl protein	3.20
(60) Linolenic acid	6.00
(61) Lipid Phosphorous	29.80
(62) Loaf volume	12.00
(63) Loss on heating (oil)	4.00
(64) Lysine from fortification	14.70
(65) Lysine from hydrolysis of protein	5.60
(66) Macaroni—checked and broken units	4.00
(67) Maltose value—flour	12.00
(68) Marine oil in vegetable oil—qualitative	4.00
(69) Melting point—Wiley	8.00
(70) Moisture—distillation	6.00
(71) Moisture—oven	2.80
(72) Moisture and volatile matter—oil and shortening	4.00
(73) Neutral oil loss	12.00
(74) Nitrogen solubility index	10.00
(75) Odor, appearance, and flavor of oil	2.00
(76) Oil content—oilseed	6.00
(77) pH—Hydrogen ion concentration	6.00
(78) Performance, test—prepared bakery mix	13.80
(79) Peroxide value	4.00
(80) Peroxide value after 8 hours AOM	8.00
(81) Phosphorous	8.00
(82) Popping value—popcorn	12.00
(83) Potassium bromate—qualitative	2.00

Laboratory testing—Continued

	Fee
(84) Potassium bromate—quantitative.....	6.00
(85) Protein dispersibility index.....	10.00
(86) Protein, Kjeldahl.....	3.20
(87) Reducing sugars.....	12.00
(88) Refractive index.....	6.00
(89) Riboflavin.....	8.00
(90) Rope spore count.....	20.00
(91) Salmonella.....	23.50
(92) Salt content.....	6.00
(93) Saponification number.....	6.00
(94) Sedimentation.....	10.00
(95) Sieve test.....	2.80
(96) Smoke point.....	6.00
(97) Softening point.....	8.00
(98) Solid fat index.....	10.00
(99) Specific baking volume—cake mix.....	13.85
(100) Specific gravity—oils.....	8.00
(101) Spread factor—cookies.....	15.00
(102) Starch damage, flour.....	9.50
(103) Staphylococcus aureus.....	15.55
(104) Sucrose.....	12.00
(105) Test weight per bushel—other than grain.....	1.65
(106) Unsaponifiable matter.....	8.00
(107) Urease activity.....	6.00
(108) Viscosity.....	8.00
(109) Water soluble protein.....	10.00
(110) Xanthidrol test for rodent urine.....	8.00

(If a requested test is to be reported on a specified moisture basis, a fee for moisture test will also be assessed.)

Lentil inspection: (see Bean inspection).

Minimum fee for services covered by the hourly rate—a minimum fee for 2 hours per man, per service request, will be assessed at the applicable hour rate.

New inspection—fees based on service requested.

Pea inspection: (see Bean inspection).

Sampling per man-hour.....

16.00

Special inspection service, per man-hour.....

16.00

Split pea inspection: (see Bean inspection).

Standby time per man-hour.....

16.00

Straw inspection: (see Hay inspection).

4. Section 68.43 is revised to read as follows:

§ 68.43 Fees; general provisions.

(a) Fees for Federal inspection services as shown in §§ 68.42a, 68.42b, and 68.42c shall be calculated in accordance with the following principles:

(1) All fees shown shall include (i) the cost of travel and transportation to perform the service requested, and (ii) the original and four copies of a certificate.

(2) Hourly rates shall begin when the Inspection Division representative arrives at the point of service and end when he departs from the point of service, computed to the nearest quarter hour (less meal time if any).

(3) Standby time shall be computed whenever the Inspection Division representative (i) has been requested by an applicant to perform a service at a specified time and location, (ii) is on duty and is ready and willing to perform the service requested, and (iii) is unable to perform the service requested because of a delay by the applicant for any reason. Standby time shall be computed to the nearest quarter hour.

(4) The Inspection Division representative may be a salaried employee of the Department of Agriculture or a person licensed by the Federal Grain Inspection Service to perform the services requested.

(b) Fees for Federal inspection services not specified in § 68.42a and 68.42c will be fixed by the Administrator and published in such form as he may deem appropriate.

(c) Fees for Federal-cooperator inspection services shall be reasonable and as nearly as may be equal to the cost of the service for which such fees are assessed and shall be in accordance with the terms and provisions of the cooperative agreement.

(d) Information concerning the fees for any particular Federal inspection service and for inspection service pursuant to a cooperative agreement may be obtained from the Director or, in the case of inspection services under a cooperative agreement, from the cooperator.

5. Section 68.44 is revised to read as follows:

§ 68.44 Fees for appeal inspection.

Fees for appeal inspection shall be in accordance with §§ 68.42a, 68.42c, and 68.43: *Provided*, That if it is found that there was a material error in the inspection from which an appeal is taken, no fee shall be assessed.

6. Section 68.45 is revised to read as follows:

§ 68.45 Fees when an application for inspection or appeal inspection is withdrawn or any inspection service is refused.

In the event an application for inspection or appeal inspection is withdrawn or any inspection service (including original inspection or appeal inspection), is refused pursuant to the applicable provisions of the regulations, the interested party who made the application for the inspection service shall pay only such expenses as were incurred in connection

with the service prior to the withdrawal or refusal.

7. Section 68.46 is revised to read as follows:

§ 68.46 Manner of payment of fees.

Fees for service under the regulations shall be paid by the interested party making application for such inspections in accordance with the provisions of paragraphs (a) and (b) of this section; and, if required by the inspector or supervising inspector, such fees shall be paid in advance.

(a) *Fees for Federal inspection service.* Fees for Federal inspections or appeal inspections shall be paid by the applicant by check, draft, or money order payable to the Federal Grain Inspection Service and remitted promptly upon receipt of a bill for these services.

(b) *Fees for Federal-cooperator inspection service.* Fees for inspection services pursuant to a cooperative agreement shall be paid by the applicant in accordance with the terms of such agreement.

8. Section 68.49 is revised to read as follows:

§ 68.49 Publications.

Publications under the acts and the regulations in this part may be made in the FEDERAL REGISTER, the Service and Regulatory Announcements of the Federal Grain Inspection Service, and such other media as the Administrator may approve for the purpose.

The need for increases in fees for services and the amount of the increase are based on facts within the knowledge of the Federal Grain Inspection Service. These changes are being announced in advance of the implementation date. This is to provide the users of the inspection service ample time to incorporate the increase in fees into their handling costs. Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public rulemaking procedures on the amendments are impractical and unnecessary.

These amendments shall become effective April 10, 1977.

Done at Washington, D.C., on February 24, 1977.

DONALD E. WILKINSON,  
Interim Administrator.

[FR Doc. 77-5213 Filed 3-1-77; 8:45 am]

CHAPTER VI—SOIL CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE  
PART 622—WATERSHED PROJECTS

Water Resources, Water Resources Program, Policy and Requirements

The Watershed Protection and Flood Prevention Program is being modified to permit the state conservationist to acknowledge receipt of an application. Since this change only affects internal agency procedure and does not affect consideration of federal assistance, the rulemaking procedures do not apply. The effective date is March 2, 1977.

Dated: February 18, 1977.

R. M. DAVIS,  
Administrator,  
Soil Conservation Service.

Section 622.22 is revised in its entirety.

§ 622.22 State agency approval.

The governor or state agency will approve or disapprove the application. If disapproved, no further action is required of SCS. If approved or not disapproved within 45 days, the application shall be sent to the state conservationist. After the state conservationist has received a determination that the application is legally valid, he will notify the sponsor of receipt of the application.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83-566, 16 U.S.C. 1001-1008 and Flood Control Act—Public Law 78-534, 58 Stat. 905.)

[FR Doc.77-6202 Filed 3-1-77;8:45 am]

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

[Lemon Reg. 80, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation increases the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period February 20-26, 1977. The quantity that may be shipped is increased due to improved market conditions for California-Arizona lemons. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of lemons available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Lemon Regulation 80 (42 FR 9998). The marketing picture now indicates that there is a greater demand for lemons than existed when the regulation was made effective. Therefore, in order to provide an opportunity for

handlers to handle a sufficient volume of lemons to fill the current market demand thereby making a greater quantity of lemons available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) Order, as amended. Paragraph (b) (1) of § 910.380 (Lemon Regulation 80 (42 FR 9998)) is hereby amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period February 20, 1977 through February 26, 1977, is hereby fixed at 220,000 cartons."

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

Dated: February 24, 1977.

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

[FR Doc.77-6176 Filed 3-1-77;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER N—OTHER LOAN PROGRAMS

[FmHA Instruction 1980-A]

PART 1980—GUARANTEED LOAN PROGRAMS

Subpart A—General

MISCELLANEOUS AMENDMENTS

The general provisions for the Guaranteed Loan Programs contained in Subpart A of Part 1980, Title 7, Code of Federal Regulations, Chapter XVIII (41 FR 47462) are amended to include all Guaranteed Loan Programs established under Part 1980. This change centralizes provisions common to all Guaranteed Loan Programs, creating uniformity in the programs and making no substantive changes to the regulations. Since the amendments are merely procedural in nature and do not impose any additional burden on the applicants and lenders, notice and public procedure thereon, are unnecessary.

Subpart A of Part 1980 is amended by revising various sections as follows:

1. In § 1980.1, the introductory paragraph is revised to read as follows:

§ 1980.1 Purpose.

This Subpart A contains the general regulations and prescribed forms which are applicable to the Farmers Home Administration (FmHA) guaranteed loan programs authorized in Part 1980. Additional regulations for these programs are found in the various subparts of Part 1980. These additional regulations apply to lenders, holders, borrowers, and other parties involved in making, guaranteeing, insuring (if applicable), holding, servicing, or liquidating such loans.

2. In § 1980.6, paragraph (a) is revised to read as follows:

§ 1980.6 Definitions and abbreviations.

(a) General definitions. The following general definitions are applicable to the terms used in this part. Additional definitions may be found in the Subparts relating to the particular type of loan involved.

3. In § 1980.20, the first sentence of the introductory paragraph is revised to read as follows:

§ 1980.20 Loan guarantee limits.

The maximum loss covered by Form FmHA 449-34, Loan Note Guarantee, will not exceed ninety percent of the principal advanced and accrued interest on the indebtedness represented by the borrower's guaranteed loan promissory note or assumed under an assumption agreement and principal and accrued interest indebtedness on secured protective advances approved by FmHA. \* \* \*

4. Appendix A, Form FmHA 449-34, "Loan Note Guarantee," is amended in the second narrative paragraph by adding the phrase, "the Emergency Livestock Credit Act of 1974, as amended (7 U.S.C. prec. 1961 Note)," (beginning on line 7 and continuing on line 8) between the parenthetical phrase (7 U.S.C. 1921 et. seq.) and "or" as follows:

(7 U.S.C. 1921 et. seq.), the Emergency Livestock Credit Act of 1974, as amended (7 U.S.C. prec. 1961 Note), or Title V of the \* \* \*

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; Sec. 10 Pub. L. 93-357; 68 Stat. 392, delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO 29 FR 14764, 33 FR 9850.)

Effective date: These amendments are effective on March 2, 1977.

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an impact statement under Executive Order 11821 and OMB Circular A-107.

Dated: February 10, 1977.

J. R. HANSON,  
Acting Administrator,  
Farmers Home Administration.

[FR Doc.77-6172 Filed 3-1-77;8:45 am]

**Title 13—Business Credit and Assistance**  
**CHAPTER I—SMALL BUSINESS**  
**ADMINISTRATION**

[Rev. 5, Amdt. 8]

**PART 107—SMALL BUSINESS**  
**INVESTMENT COMPANIES**

**Nonprivate Funds as Part of Licensee's**  
**Private Capital**

**AGENCY:** Small Business Administration.

**ACTION:** Final Rule.

**SUMMARY:** This regulation deals with the extent to which nonprivate funds (e.g. grants made under Title VII of the Community Services Act of 1974, as amended) may be included as part of a licensee's Private Capital (§ 107.101(d)(2)). SBA's regulation has heretofore permitted nonprivate funds, subject to the conditions set forth in § 107.101(d)(2)(i), to be used in capitalizing only a section 301(d) licensee, i.e., a small business investment company organized solely for the purpose of assisting small concerns owned by socially or economically disadvantaged persons. The present regulation relaxes this restriction by allowing nonprivate funds to be similarly included as part of a regular licensee's Private Capital. This liberalization more accurately implements the statutory authorization contained in section 742(a) of the Community Services Act of 1974 (as amended by the Community Services Act Technical Amendments of 1976, Pub. L. 94-341, July 6, 1976, 90 Stat. 803, 42 U.S.C. 2985(a)), which provides that:

Funds granted under this title which are invested \* \* \* in a small business investment company, local development company, limited small business investment company, or small business investment company licensee under section 301(d) of the Small Business Investment Act of 1958 shall be included as "private paid-in capital and paid-in surplus" \* \* \* for purposes of sections 302, 303 and 502, respectively, of the Small Business Investment Act of 1958.

The statute does not distinguish between a regular licensee and a section 301(d) licensee as to Federal grant funds being used to capitalize an SBIC. Accordingly, the new regulation conforms to and more completely implements Congressional intention than has heretofore been allowed under § 107.101(d)(2)(i).

**EFFECTIVE DATES:** The new regulation will become effective on March 2, 1977.

**FOR FURTHER INFORMATION CONTACT:**

Peter F. McNeish, Deputy Associate Administrator, for Investment, (202) 653-6584.

**SUPPLEMENTARY INFORMATION:** In view of the fact that the new regulation implements a statutory mandate and relaxes existing regulatory provisions, it is considered exempt from the public-comment rulemaking procedures and postponed effective date provisions of the Administrative Procedure Act. SBA has determined that it would serve no useful purpose to subject the new

regulation to such procedures and, in addition, that it would be in furtherance of the public interest if applied to the SBIC program immediately March 2, 1977.

Accordingly, pursuant to the authority contained in section 308 of the Small Business Investment Act of 1958, 15 U.S.C. 661, et. seq., § 107.101(d)(2)(i) is amended to read as follows:

**§ 107.101 Operational requirements.**

(d) *Minimum capital.* \* \* \*

(2) *Nonprivate funds for licensees.*

(i) A licensee may include nonprivate funds (e.g. funds granted under Title VII of the Community Services Act of 1974, as amended) in its Private Capital for purposes of sections 302(a), 303(c) and 306 of the Act: *Provided, however,* That the minimum capital of \$150,000 specified by section 302(a)(1) of the Act may not include nonprivate funds and that for Leverage purposes nonprivate funds will be included in Private Capital only to the extent that private funds totalling at least ten percent of the nonprivate funds are also included. The limitation of the foregoing proviso shall not apply to nonprivate funds received by or irrevocably committed to a licensee before July 5, 1973.

(Catalog of Federal Domestic Assistance Programs No. 59.011, Small Business Investment Companies.)

Dated: February 18, 1977.

MITCHELL P. KOBELINSKI,  
*Administrator.*

[FR Doc. 77-6171 Filed 3-1-77; 8:45 am]

**CHAPTER III—ECONOMIC DEVELOPMENT**  
**ADMINISTRATION, DEPARTMENT OF**  
**COMMERCE**

**PART 306—BUSINESS DEVELOPMENT**  
**PROGRAM**

**Miscellaneous Amendments**

Pursuant to the authority vested in it by section 701 of the Public Works and Economic Development Act of 1965, as amended (hereinafter referred to as the Act), the Economic Development Administration (EDA) hereby amends 13 CFR Part 306 for the purpose of revising the Business Development Program regulations to reflect changes made to the Act by Pub. L. 94-487.

Section 107(c) of Pub. L. 94-487 amended section 202(a) of the Act by adding to it a new paragraph (2). This addition authorized a new form of business development assistance: interest subsidies for fixed asset loans guaranteed by EDA. The Assistant Secretary is now authorized to pay an amount sufficient to reduce, by up to four percentage points, the interest paid by borrowers of fixed asset loans which are guaranteed by EDA. The following amendments to EDA's regulations are made to implement this new authority.

Section 306.1(a) is amended to include interest subsidies in the list of types of assistance available under the Business Development Program.

Section 306.2 is amended by adding a new paragraph (d) which defines the eligible applicant for an interest subsidy. An application for this form of assistance must be made by the borrower of the loan which is being subsidized. Also, the application for the interest subsidy must be made concurrently with the application for the guarantee of the fixed asset loan which will be subsidized.

Section 306.3 is amended by revising paragraph (a) to list interest subsidies among the forms of fixed asset assistance and by adding a new paragraph (g) which describes the nature of interest subsidy assistance.

As outlined in paragraph (g), there is a two-fold limitation on the maximum amount of an interest subsidy. First, the subsidy may not reduce the borrower's interest rate by more than four percentage points. Second, the subsidy may not reduce the borrower's interest rate below the greater of the rates charged by EDA on direct fixed asset business development loans and direct fixed asset public works loans.

Paragraph (g)(1) establishes the factors which will be used to evaluate applications for interest subsidies. They are: the financial need of the borrower; the economic impact of EDA's total participation in the applicant's project; and, the cost of the subsidy in relation to the number of jobs it will affect.

Paragraph (g)(2) requires that loans which are to receive subsidies be made at fixed, not floating, rates of interest. This will insure that the minimum and maximum subsidy limitations are observed.

Paragraph (g)(3) states that subsidy payments are to be made on an at least annual basis. At the discretion of the Assistant Secretary, these payments may be made more frequently.

Paragraph (g)(4) announces EDA's policy of refusing applications for subsidies of one percent or less. The payment of a subsidy of this amount would neither provide real benefits to the recipient nor justify the administrative costs associated with it.

Section 306.8 is amended by adding a new paragraph (g) which imposes an additional requirement on applicants for interest subsidies. In order to receive an interest subsidy, an applicant must demonstrate that no reasonable rate of interest was available to it in the private lending market.

Section 306.10 is amended by adding a new paragraph (d) which limits the term for which an interest subsidy will be made to five years.

Section 306.13 is amended by adding a new paragraph (f) which repeats the maximum and minimum limitations on the amount of an interest subsidy.

In that the matters contained herein relate to the EDA grant and loan program, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of the proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. However, in accordance

with the spirit of public policy set forth in 5 U.S.C. 553, interested persons may submit written comments or suggestions regarding these amendments to the Assistant Secretary for Economic Development, U.S. Department of Commerce, Room 7800B, Washington, D.C. 20230, on or before April 1, 1977. Until such time as further changes are made, these amendments shall remain in effect thus permitting the public business to proceed more expeditiously.

Consideration has been given as to whether the matters set forth in these regulations constitute a major proposal with an inflationary impact within the meaning of OMB Circular No. A-101 and the interpretative guidelines issued by the Department of Commerce. It has been determined that these regulations do not constitute action requiring an Economic Impact Statement.

In consideration of the foregoing, 13 CFR Part 306 is hereby amended as follows:

1. Section 306.1(a) is amended by adding to it a new subparagraph (6) to read as follows:

**§ 306.1 Purpose.**

(a) \* \* \*

(6) Interest subsidies for fixed asset loans guaranteed under this part.

2. Section 306.2 is amended by adding to it a new paragraph (d) to read as follows:

**§ 306.2 Eligible applicants.**

(d) Applications for interest subsidies for fixed asset loans guaranteed by EDA shall be made by the borrower of the loan.

(1) An application for an interest subsidy shall be made concurrently with the application for the guaranty of the fixed asset loan which it will subsidize.

3. Section 306.3 is amended, by revising paragraph (a) and by adding a new paragraph (g), to read as follows:

**§ 306.3 Types of financial assistance.**

(a) Provide fixed assets for eligible applicants by either making direct loans or by guaranteeing loans and by providing interest subsidies for such guaranteed loans or by guaranteeing leases to enable the applicant to purchase, develop or lease commercial or industrial land and/or facilities.

(g) Interest subsidies for fixed asset loans guaranteed by EDA may be made in an amount sufficient to reduce by up to four percentage points the interest paid by the borrower on the guaranteed loan; however, no subsidy may reduce the effective interest rate to the borrower below the interest rate charged by EDA for direct fixed asset business development loans or the interest rate charged by EDA for direct fixed asset public works loans, whichever is greater.

(1) An application for an interest subsidy will be approved only if the accom-

panying application for the guarantee of the fixed asset loan is approved. In addition, approval of an application for an interest subsidy will be based on an evaluation of the following factors:

(i) The financial need of the borrower for the interest subsidy;

(ii) The cost of the interest subsidy in relation to the number of jobs it will affect; and

(iii) The extent of the economic impact of EDA's participation as determined by the total EDA exposure on the guaranteed loan.

(2) In order to establish the amount of the subsidy, a subsidized loan must be made at a fixed rate of interest for the period of time during which the subsidy is to be paid.

(3) Interest subsidy payments shall be made annually, or on a more frequent basis as the Assistant Secretary determines.

(4) Applications for interest subsidies of one (1) percent or less will not ordinarily be accepted for processing by EDA.

4. Section 306.8 is amended by adding to it a new paragraph (g) to read as follows:

**§ 306.8 Financing.**

(g) In the case of interest subsidies for fixed asset loans guaranteed by EDA, the applicant must show that no reasonable interest rate is available to it in the private lending market.

5. Section 306.10 is amended, by adding to it a new paragraph (d) and by redesignating the existing paragraph (d) as paragraph (e), to read as follows:

**§ 306.10 Term.**

(d) The duration for which an interest subsidy will be paid will generally be not more than five (5) years.

6. Section 306.13 is amended by adding to it a new paragraph (f) to read as follows:

**§ 306.13 Amount of assistance.**

(f) No interest subsidy for a fixed asset loan guaranteed by EDA shall:

(1) reduce the interest rate paid by the borrower by more than four percentage points; and

(2) result in lowering the interest rate paid by the borrower below the greater of the rates described at sections 305.25 and 306.11; and

(3) be made for an amount of one (1) percent or less.

(Pub. L. 94-487, 90 Stat. 2331 (42 U.S.C. 3121 et seq.); sec. 701, Pub. L. 89-136, 79 Stat. 570 (42 U.S.C. 3211); Department of Commerce Organization Order 10-4, 40 FR 56702.)

Effective date: This amendment becomes effective March 2, 1977.

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

Dated: February 22, 1977.

JOHN W. EDEN,  
Assistant Secretary  
for Economic Development.

[FR Doc. 77-6146 Filed 3-1-77; 8:45 am]

**Title 16—Commercial Practices**

**CHAPTER I—FEDERAL TRADE COMMISSION**

[Docket No. C-2866]

**PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS**

Mayday Company, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; 13.10-1 Availability of merchandise and/or facilities; 13.10-5 Knowingly by advertising agent; § 13.15 Business status, advantages or connections; 13.15-30 Connections or arrangements with others; 13.15-35 Contracts and obligations. 13.15-150 Endorsement; 13.15-225 Personnel or staff; 13.15-250 Qualifications and abilities; 13.15-265 Service; § 13.42 Connection of others with goods; § 13.50 Dealer or seller assistance; § 13.55 Demand, business or other opportunities; § 13.60 Earnings and profits; § 13.85 Government approval, action, connection or standards; 13.85-5 Accreditation of correspondence courses, etc.; 13.85-35 Government endorsement; § 13.110 Endorsements, approval and testimonials; § 13.115 Jobs and employment service; § 13.143 Opportunities; § 13.155 Prices; 13.155-95 Terms and conditions; § 13.160 Promotional sales plans; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.250 Success, use or standing; § 13.260 Terms and conditions. Subpart—Claiming or using endorsements or testimonials falsely or misleadingly; § 13.330 Claiming or using endorsements or testimonials falsely or misleadingly; 13.330-90 United States Government; 13.330-91 Universities. Subpart—Contracting for sale in any form binding on buyer prior to end of specified time period; § 13.527 Contracting for sale in any form binding on buyer prior to end of specified time period. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-45 Maintain records; 13.533-50 Refunds, rebates and/or credits; 13.533-60 Release of general, specific, or contractual restrictions, requirements, or restraints. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections; § 13.365 Authorities and personages connected with; § 13.1395 Connections and arrangements with others; § 13.1430 Government endorsement, sanction or sponsorship; § 13.1500 Official connections; § 13.1520 Personnel or staff; § 13.1535 Qualifications; § 13.1553 Services.—Goods: § 13.1572 Availability of adver-

tised merchandise and/or facilities; § 13.1610 Demand for or business opportunities; § 13.1615 Earnings and profits; § 13.1632 Government endorsement or recommendation; § 13.1665 Endorsements; § 13.1670 Jobs and employment; § 13.1697 Opportunities in product or service; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1755 Success, use, or standing; § 13.1760 Terms and conditions.— Prices: § 13.1817 Reductions for prospect referrals; § 13.1823 Terms and conditions. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions; 13.1905-50 Sales contract. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1935 Earnings and profits; § 13.2015 Opportunities in product or service; § 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.)

*In the matter of Mayday Company Inc., a corporation; and G. Ward Keller, individually and as an officer of said corporation; and Richard M. Jackson, an individual; and Ricks-Ehrig, Inc., a corporation*

Consent order requiring a Seattle, Wash., correspondence school, and its advertising agency, among other things to cease misrepresenting the salary ranges and employment opportunities available to its graduates; misrepresenting endorsements or recommendation of government agencies; misrepresenting the purpose, benefit or significance of placement tests given by respondents; and failing to disclose pertinent terms and conditions regarding sales contracts. Further, respondents are to provide disclosures as to cancellation procedures and rights to refunds, and to provide a ten-day cooling off period during which prospective students may cancel their contracts with full refunds.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:<sup>1</sup>

#### ORDER

##### I

*It is ordered*, That respondents Mayday Company, Inc. and Ricks-Ehrig, Inc., corporations, their successors and assigns, and their officers, and G. Ward Keller, individually and as an officer of Mayday, and Richard M. Jackson, an individual, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division, franchisee, licensee or other device, in connection with the advertising, offering for sale, sale or distribution of any course of study, training or instruction purporting to prepare or qualify individuals for employment or training in

any occupation, trade or in work requiring mechanical, technical, business, trade, artistic, supervisory, clerical or other skills, or purporting to enable a person to improve his or her skills in any of these categories, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

A. Representing, orally, in writing, visually, or in any other manner, directly or by implication:

1. The general conditions or employment demand in any employment market now or at any time in the future.

2. The amount of salary or earnings generally available to persons employed in any occupation.

3. The specific employment opportunities available on demand for persons who purchase such course or courses of study; *Provided*, That respondents may disclose the information contained in Paragraph II(G) (1)-(3) of this order if all three disclosures appear together.

4. The specific amount of salary or earnings available to persons who purchase such course or courses of study; *Provided*, That respondents may disclose the information contained in Paragraph II(G) (1)-(3) of this order if all three disclosures appear together.

5. The training provided by such course or courses is a prerequisite to obtaining employment in the vocation or fields covered by such courses.

6. Placement assistance will be provided to persons who complete its course, unless respondents can establish that they provide, at all times and in all locations in which the representation is made, placement assistance which is effective in finding employment for their graduates, and unless such representation is accompanied by the information specified in Paragraph II(G) (2) of this order; or misrepresenting, in any manner, the nature or effectiveness of any placement assistance provided by respondents.

7. Home study materials will be supplemented with field assignments, classroom workshops or training facilities near the student's home, unless respondents can establish that such is the fact at all times and in all locations in which the representation is made.

8. Said courses are approved, recommended or endorsed by any government or agency thereof; *Provided, however*, That if eligible veterans may receive financial assistance from the United States Veteran's Administration to pay for such courses, respondents may state this fact.

9. Students accepted under any governmentally assisted or insured student loan program are excused for any period from making payments, unless respondents clearly and conspicuously disclose, in immediate conjunction therewith, the full terms regarding time limitations applicable to such payments.

10. The endorsement of such course or courses by any person, organization or association has been given without compensation when such is not the fact;

or failing to disclose the fact of compensation unless the endorser is an expert, or the endorser is known to a significant portion of the viewing public, or the compensation or promise of compensation was given subsequent to the giving of the endorsement.

11. Such course or courses are endorsed by any person, organization or association without disclosing that such person, organization or association either in whole or in part owns or is owned by, or is employed by the advertiser, unless such is not the fact.

B. Making any representations of any kind whatsoever in connection with the advertising, promoting, offering for sale, sale or distribution of any course of study, training or instruction in the fields of investigation or security or any other subject, trade or vocation in or affecting commerce, for which respondents have no reasonable basis prior to the making or dissemination thereof.

##### II

*It is further ordered*, That the Mayday respondents and their successors, assigns, agents, representatives and employees, directly or through any corporation, subsidiary, division, franchisee, licensee or other device, in connection with the advertising, offering for sale, sale or distribution of any course of study, training or instruction purporting to prepare or qualify individuals for employment or training in any occupation, trade, or in work requiring mechanical, technical, business, trade, artistic, supervisory, clerical or other skills or purporting to enable a person to improve his skills in any of these categories in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

A. Representing orally, in writing, or in any other manner, directly or by implication that:

1. Any entrance examination or aptitude test or quiz determines whether a person is capable of completing said course or courses of instruction or is qualified for employment or will achieve employment in the vocation or fields covered by such courses; or misrepresenting in any manner the meaning, purpose, benefit, significance or use of any examination or test or its results.

2. Acceptance for enrollment in said course or courses bears any significance whatsoever to physical, educational, character or other qualifications necessary to obtain any position in the vocation or field covered by such courses.

3. Each of respondents' graduates is provided membership in any professional organization, or that successful completion of said course or courses is a requirement for membership in any professional organization; or misrepresenting in any manner the meaning, purpose, benefit, or significance of membership in the International Police Congress or any other professional organization.

4. Graduates of said course or courses will receive college credit for their course work; or misrepresenting in any man-

<sup>1</sup> Copies of the Complaint, Decision and Order, and Appendices filed with the original document.

ner the meaning, purpose, benefit, or significance of credit from any course work approval entity.

5. A referral fee or other compensation will be paid to students who refer to respondents prospective students who ultimately enroll in said course or courses, unless respondents can establish that such fee or other compensation is in fact paid to each student entitled thereto within ten (10) days of qualification therefor.

B. Providing students with answers to test questions before the test is taken, or assisting students in the completion of lessons in any other manner which does not genuinely aid the student in understanding the lesson; or representing that tutoring is provided when it is not.

C. Compensating any employee on the basis of the number of lessons completed by students.

D. Failing to disclose, in any instance in which a student applies for veteran education benefits or any other governmental assistance, for the purpose of paying for said course, training or instruction, and also executes a retail installment contract for the amount of the course, that the payee or its assignee may hold the student liable for the amount of the retail installment contract in the event veteran education benefits or other governmental assistance is delayed or denied.

E. Using military personnel on active duty to solicit or sell to military personnel junior in rank or grade, at any time, on or off duty, in or out of uniform, any product or service.

F. Furnishing or otherwise placing in the hands of others the means and instrumentalities by and through which the public may be misled or deceived in a manner prohibited by this order, or by acts and practices prohibited by this order.

G. Failing to disclose in writing, clearly and conspicuously, prior to the signing of any contract, to any prospective enrollee of any course of instruction, the following information in the format prescribed in Appendix A and for a base period determined as described in Appendix B:

1. The number and percentage of enrollees who have failed to complete their course of instruction, such percentage to be computed separately for each course of instruction offered by respondents;

2. The number and percentage of enrollees and of graduates who obtained employment within three months of leaving a school in a position for which respondents' course of instruction prepared them; such rate or percentage to be computed separately for each course of instruction offered by respondents;

3. The salary range of respondents' graduates who obtained employment within three months of leaving a school in a position for which respondents' course of instruction prepared them, the percentage ratio of such graduates to the total number of enrollees, and the percentage ratio of such graduates to the total number of graduates;

4. A list of firms or employers which are currently hiring graduates of said courses in substantial numbers and in the positions for which such graduates have been trained, and the number of such graduates hired, as to the same graduates used to compute the placement percentage in (2) above.

*Provided, however,* This Paragraph shall be inapplicable to any course newly introduced by respondents, until such time as the new course has been in operation for the base period established pursuant to Appendix B as prescribed in this Paragraph. However, during such period the following statement, and no other, shall be made in lieu of the Appendix A Disclosure Form required by this Paragraph:

DISCLOSURE NOTICE

This school (or course, as the case may be) has not been in operation long enough to indicate what, if any, actual employment or salary may result upon graduation from this school (course).

H. 1. Contracting for the sale of any course of instruction in the form of a sales contract or any other agreement which does not contain, in immediate proximity to the space reserved in the contract for the signature of the prospective enrollee, the following statement in 10-point or larger boldface type:

You, the prospective enrollee, may cancel this transaction and receive a full refund at any time prior to midnight of the tenth business day after the day of this transaction. If you withdraw after 10 days, you are entitled to a partial refund. See attached cancellation and withdrawal forms for explanations of these rights.

2. Failing to furnish each prospective enrollee, at the time he or she signs the sales contract or otherwise agrees to enroll in a course of instruction offered by respondents, complete cancellation and withdrawal forms in duplicate which shall be attached to the contract or agreement and easily detachable therefrom, and which shall contain in ten (10) point or larger boldface type the following information and statements:

NOTICE OF CANCELLATION DURING  
TEN-DAY COOLING OFF PERIOD

(Enter date of transaction)  
You may cancel this transaction, without any penalty or obligation, within ten (10) business days from the above date.

If you cancel, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within ten (10) business days following receipt by the seller of your cancellation notice, and

Any security interest arising out of the transaction will be cancelled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale; or you may, if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller's expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within twenty (20) days of the date of your notice of cancellation, you may retain or

dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for payment for said goods.

To cancel this transaction and obtain a full refund, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram, to (name of seller (must be filled in)), at (address of seller's place of business (must be filled in)) not later than midnight of (date (must be filled in)).

I hereby cancel this transaction.

(Date) (Buyer's signature)

NOTICE OF WITHDRAWAL AFTER EXPIRATION OF  
TEN-DAY COOLING OFF PERIOD

(Enter date of transaction)

After the ten-day cooling off period expires you are still free to withdraw from this course at any time. You will have to pay only for lessons submitted to the school plus a registration fee of five percent (5%) of the total contract price, not to exceed twenty-five dollars (\$25).

The amount you will have to pay for the lessons submitted will be determined by dividing the number of lessons submitted up to the time of your withdrawal by the total number of lessons contained in the course. If, prior to withdrawal, you have paid more than this amount plus the registration fee, the excess will be refunded to you within ten (10) business days.

To withdraw from this course after the ten-day cooling off period expires, mail or deliver a signed and dated copy of this withdrawal notice or any other written notice, or send a telegram, to (name of seller (must be filled in)), at (address of seller's place of business (must be filled in)). You may also withdraw by failing to submit a lesson for ninety (90) days.

I hereby withdraw from this course.

(Date) (Buyer's signature)

3. Failing to orally inform each prospective enrollee, at the time he or she signs a contract or agreement for the sale of any course of instruction, of his or her right to cancel or withdraw.

4. Misrepresenting in any manner the prospective enrollee's right to cancel or withdraw.

5. Initiating contacts with such contracting persons prior to expiration of the ten-day cooling off period described herein.

6. Failing or refusing to take the following actions within ten (10) business days after the receipt of any valid notice of cancellation by a prospective enrollee during the ten-day cooling off period:

a. Refund all payments under the contract or sale;

b. Return any goods or property traded-in, in substantially as good condition as when received by respondent;

c. Cancel and return any negotiable instrument executed by the prospective enrollee in connection with the contract or sale.

7. Failing or refusing to take the following actions within ten (10) business days after (1) receipt of an enrollee's notice of withdrawal, or (2) expiration of a 90-day period during which a student fails to submit a lesson:

a. Refund a pro rata portion of the total contract price, plus a registration fee of five percent (5%) of the total contract price but not exceed twenty-five dollars (\$25). For purposes of this provision:

(i) Withdrawal shall mean the date of mailing or delivering to the school a signed and dated copy of the "Notice of Withdrawal," a student's written letter or telegram of withdrawal, or a lapse of ninety (90) days since the student's submission of a lesson.

(ii) The pro rata portion shall be determined by dividing the number of correspondence lessons submitted by the student prior to withdrawal, by the total number of lessons contained in the course, and multiplying the total contract price by the result.

b. Cancel that portion of the student's indebtedness which exceeds the amount due respondents under the refund formula of this provision.

*It is further ordered.* That the Mayday respondents, their successors and assigns:

A. Deliver, by registered mail, a copy of this order to each of their present and future franchisees, licensees, employees, salesmen, agents, solicitors, independent contractors, advertising agencies, and other persons who promote, offer for sale, sell or distribute any course of instruction covered by this order.

B. Provide each person so described in paragraph A above with a form returnable to respondents clearly stating his or her intention to agree with respondents to conform his or her business practices to the requirements of this order; retain said statement during the period said person is so engaged; and make said statement available to the Commission's staff for inspection and copying upon request.

C. Inform each person so described in paragraph A above that respondents will not use or engage and will terminate the use or engagement of any such person unless such person agrees to and does file notice with respondents that he or she agrees to conform his or her business practices to the provisions contained in this order.

D. Shall not use or engage or continue the use or engagement to promote, offer for sale, sell or distribute any course of instruction whatsoever, of any such party as described in paragraph A above who will not agree to so file the notice set forth in paragraph B above with the respondents and agree to conform his or her business practices to the provisions of the order.

E. Inform the persons described in paragraph A above that respondents are obligated by this order to discontinue dealing with or to terminate the use or engagement of persons who continue on their own the acts or practices prohibited by this order.

F. Institute a program of continuing surveillance adequate to reveal whether the business practices of each person described in paragraph A above conform to the requirements of this order.

G. Discontinue dealing with or terminate the use or engagement of any person described in paragraph A above, as revealed by the aforesaid program of surveillance or otherwise, who continues on his or her own any act or practice prohibited by this order.

IV

*It is further ordered.* That respondent Ricks-Ehrig, its successors and assigns, promptly deliver a copy of this order to each of its operating divisions and to each employee now or hereafter engaged in the preparation, creation or placing of advertising for Mayday or any other client engaged in a similar business activity; and that said respondent secure from each such person a signed statement acknowledging receipt of said order.

V

*It is further ordered.* That all parties respondent hereto shall maintain complete business records, which may be inspected by Commission staff members upon reasonable notice, to fully disclose the manner and form of their compliance with this order, including but not limited to the following records to be maintained by the Mayday respondents:

A. Records which disclose the facts upon which any job availability or placement claims, or other representations of the type described in Paragraph II(G) of this order are based; and

B. Records from which the validity of any job availability or placement percentages or other representations of the type described in Paragraph II(G) of this order can be determined.

VI

*Provided, however.* That: A. This order shall not apply to the operation of not-for-profit resident primary or secondary schools or institutions of higher education which offer for resident students at least a two-year program of accredited college level studies generally acceptable for credit toward a bachelor's degree.

B. Subparagraphs E, F, G and H of Paragraph II and Paragraph III of this order shall not apply to the advertising, offering for sale, sale or distribution of a course of study or instruction to a business or a governmental entity for use by their existing employees: *Provided.* Such course is offered free of charge to said employees and respondents are not compensated for such course on the basis of the number of employees to whom such course is offered.

VII

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

In the event that respondent Mayday merges with another corporation or transfers all or a substantial part of its business or assets to any other corporation or to any other person, said respondent shall require said successor or transferee to file promptly with the Commission a written agreement to be bound by the terms of this order: *Provided.* That if said respondent wishes to present to the Commission any reasons why said order should not apply in its present form to said successor or transferee, it shall submit to the Commission a written statement setting forth paid reasons prior to the consummation of said succession or transfer.

VIII

*It is further ordered.* That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and/or their affiliation with a new business or employment. Such notice shall include the respondents' current business address and a statement as to the nature of the business or employment in which they are engaged, as well as a description of their duties and responsibilities.

IX

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

Commissioner Dole not participating. The Decision and Order was issued by the Commission November 12, 1976.

JAMES A. TOBIN,  
Acting Secretary.

[PR Doc.77-6154 Filed 3-1-77;8:45 am]

[Docket C-2860]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Hudson Pharmaceutical Corp.

Subpart—Disseminating advertisements, etc.: §13.1043 Disseminating advertisements, etc.

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

*In the Matter of Hudson Pharmaceutical Corp., a Corporation*

Consent order requiring a Borough of West Caldwell, N.J., manufacturer and distributor of children's vitamin supplements, among other things, to cease inducing the dissemination of or disseminating any advertisements relating to vitamin supplements or preparations designed primarily for use by children where such advertisements are directed to children.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:<sup>1</sup>

<sup>1</sup> Copies of the Complaint and Decision and Order filed with the original document.

## ORDER

## I

It is ordered, That Hudson Pharmaceutical Corporation and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, packaging, offering for sale, sale or distribution in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, of any vitamin supplement or vitamin preparation designed primarily for use by children, do forthwith cease and desist from directly or indirectly disseminating, or causing the dissemination of, any advertisement for a vitamin supplement or vitamin preparation designed primarily for use by children where such advertisement is directed to children.

## II

For purposes of this Order, the term "children" shall mean persons under twelve (12) years of age.

## III

For purposes of this Order, the term "advertisement directed to children" shall be limited to:

A. Any advertisement, irrespective of the age composition of its actual audience, whose dominant appeal is to a child audience, instead of an adult audience, broadcast over any television network or television station, or appearing in any print media;

B. Any advertisement appearing on any television program, broadcast over any television network or television station, more than fifty percent (50%) of the audience of which is composed of children; or in any spot announcement during any program break in, or during the program break immediately preceding or following, any television program more than fifty percent (50%) of the audience of which is composed of children.

For the purposes of this Order the determination of whether a television program had an audience more than 50% of which is composed of children, and thus falls within the provisions of this subpart of this Order, shall be based on information as to the audience composition of television programs by age group contained in the reports of major audience rating services;

C. Any advertisement broadcast over any television network or television station from 6 a.m. to 9:05 p.m. local time where the advertisement utilizes a hero figure, including but not limited to "Spider-Man," which has a special appeal for children, and which directly or indirectly endorses, demonstrates, uses, or appears in conjunction with the product. A depiction of the product's container or package on which a hero figure appears is not considered use of a hero figure for purposes of this Order so long as the depiction of the container or package is limited to less than one-third of the size of the screen;

D. Any advertisement appearing in a comic book where the printed matter is directed primarily to children;

E. Any advertisement appearing in print media where 50% or more of the trim area of the advertisement or of a page of the advertisement consists of the depiction of a hero figure which has a special appeal for children, including but not limited to "Spider-Man";

F. Any advertisement where the advertisement states it is addressed to children; or

G. Any advertisement sent through the mail addressed to children, or whose addresses include the names of children, or whose content is not sealed within an envelope.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this Order to each of its operating divisions.

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

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

The Decision and Order was issued by the Commission January 13, 1977.

JAMES A. TOBIN,  
Acting Secretary.

[FR Doc. 77-6204 Filed 3-1-77; 8:45 am]

## Title 26—Internal Revenue

[T.D. 7468]

## CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

## SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[Regulations on Procedure and Administration]

## PART 404—TEMPORARY REGULATIONS ON PROCEDURE AND ADMINISTRATION UNDER THE TAX REFORM ACT OF 1976

## Minimum Exemption From Levy for Wages, Salary, and Other Income

## PREAMBLE

This document contains temporary regulations on procedure and administration (26 CFR Part 404) under section 6334(d) of the Internal Revenue Code of 1954 as added by the Tax Reform Act of 1976 (Pub. L. 94-455), in order to provide rules relating to minimum exemption from levy for wages, salary, or other income. These temporary regulations apply to levies made after February 28, 1977 (Pub. L. 94-528 postponed an original effective date of January 1, 1977), and are to remain in

force until superseded by permanent regulations.

Under section 6331 of the Internal Revenue Code of 1954, if an individual liable for any tax neglects or refuses to pay such tax within 10 days after notice and demand, the tax may be collected by levy upon property or rights to property belonging to such individual, including amounts payable to or received by him as wages, salary, or other income.

Under sections 6331(d)(3) and 6334(a)(9), which were added by the Tax Reform Act of 1976, a levy upon wages or salary is continuous from the date the levy is first made until the liability giving rise to the levy is satisfied or becomes unenforceable by reason of lapse of time, but during such time certain amounts payable to or received by an individual as wages or salary for personal services, or as income from other sources, are exempt.

These temporary regulations provide rules under section 6334(d) by which amounts so exempt from levy are to be determined.

The principal draftsman of this regulation was Richard Johnson of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style. Mr. Johnson may be contacted at 202-566-3603 or by mail at 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

## ADOPTION OF REGULATIONS

In order to prescribe temporary regulations relating to minimum exemption from levy for wages, salary, and other income pursuant to section 6334(d) of the Internal Revenue Code of 1954, as added by the Tax Reform Act of 1976 (Public Law 94-455), the following regulations are hereby adopted:

§ 404.6334(d)-1 Minimum exemption from levy for wages, salary, or other income.

(a) *In general.* Under section 6331(a), if an individual liable for any tax neglects or refuses to pay such tax within 10 days after notice and demand, the tax may be collected by levy upon property or rights to property belonging to such individual, including amounts payable to or received by him as wages, salary, or other income. Under section 6331(d)(3), a levy upon wages or salary is continuous from the date the levy is first made until the liability giving rise to the levy is satisfied or becomes unenforceable by reason of lapse of time. Under section 6334(a)(9), however, certain amounts payable to or received by an individual as wages or salary for personal services, or as income from other sources, are exempt from levy. Under section 6334(d), amounts so exempt are determined by taking into account (1) the individual's payroll period, i.e., the basis (whether weekly, biweekly, semimonthly, monthly or oth-

erwise) on which the individual is paid or receives wages, salary, or other income, and (2) the number of certain other persons dependent upon the individual for their support during each such payroll period. Paragraph (b) of this section prescribes rules for determining an individual's payroll period. Paragraph (c) of this section contains rules relating to the minimum amount of wages, salary, or other income which is exempt from levy for each such payroll period, and the additional amount which is exempt for each person who is claimed as a dependent of the individual pursuant to paragraph (d) of this section.

(b) *Determination of payroll period.* For purposes of determining the amount of wages, salary, or other income exempt from levy pursuant to section 6334(a) (9) and this section—

(1) *Regularly used calendar periods.* In the case of a levy on wages, etc. paid on the basis of an established calendar period regularly used by the employer for payroll purposes (e.g., weekly, bi-weekly, semimonthly, or monthly), that period shall be used as the individual's payroll period.

(2) *Remuneration paid on an irregular basis.* In the case of a levy on wages, etc. not paid on the basis of an established calendar period regularly used by an employer for payroll purposes, the first day of the individual's payroll period shall be that day following the day upon which the wages, salary, or other income become payable to or are received by the individual, and the last day of the payroll period shall be that day upon which such wages, salary, or other income next become payable to or are received by him.

(c) *Determination of exempt amount.* For each payroll period determined pursuant to paragraph (b) of this section, amounts exempt from levy pursuant to section 6334(a) (9) and this section are as follows:

(1) If such payroll period is weekly: \$50, plus \$15 for each person who is claimed as a dependent pursuant to paragraph (d) of this section.

(2) If such payroll period is biweekly: \$100, plus \$30 for each person who is claimed as a dependent pursuant to paragraph (d) of this section.

(3) If such payroll period is semi-monthly: \$108.33, plus \$32.50 for each person who is claimed as a dependent pursuant to paragraph (d) of this section.

(4) If such payroll period is monthly: \$216.67, plus \$65 for each person who is claimed as a dependent pursuant to paragraph (d) of this section.

(5) If such payroll period is not weekly, biweekly, semimonthly or monthly: a proportionate amount based upon the sum of an annual exemption of \$2,600 plus \$780 for each person who is claimed as a dependent pursuant to paragraph (d) of this section.

(d) *Dependent exemption.* (1) *Dependent defined.* For purposes of this section, a person is a dependent of an individual for any payroll period of such individual, if—

(i) Over half of such person's support for such payroll period was received from the individual, and

(ii) Such person is the spouse of the individual, or bears a relationship to the individual specified in section 152(a) (1) through (9) (relating to definition of dependent), and

(iii) Such person is not a minor child of the individual with respect to whom amounts are exempt from levy under section 6334(a) (8) (relating to exemption from levy for judgments for support of minor children) at any time during such payroll period.

For purposes of subdivision (ii) of this subparagraph, "payroll period" shall be substituted for "taxable year" each place it appears in section 152(a) (9).

(2) *Claim for dependent exemption.* No amount prescribed by paragraph (c) of this section as being exempt from levy for each person who is claimed as a dependent pursuant to this paragraph shall be so exempt unless there is delivered to the employer or other person upon whom notice of levy is served a written statement, signed by the individual seeking such exemption and containing a declaration that it is made under the penalties of perjury, which identifies, by name and by relationship to such individual, each person for whom a dependent exemption is claimed.

(e) *Cross references.*

(1) For the requirement for notice of intent to levy on salary or wages, see section 6331(d) (1).

(2) For the continuing effect of a levy on salary or wages, see section 6331(d) (3).

(3) For other property exempt from levy, see section 6334 and § 301.6334-1.

(f) *Effective date:* The regulations prescribed by this section shall apply with respect to levies on wages, salary, and other income made after February 28, 1977.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Secs. 6334(d) and 7805, Internal Revenue Code of 1954 (90 Stat. 1709 and 68A Stat. 917; 26 U.S.C. 6334 and 7805).)

DONALD C. ALEXANDER,  
Commissioner of  
Internal Revenue.

Approved: February 23, 1977.

HENRY C. STOCKELL, Jr.,  
Acting General Counsel.

[FR Doc. 77-6267 Filed 2-25-77; 5:10 pm]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 2—PAROLE, RELEASE, SUPERVISION AND RECOMMITTMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

Paroling, Recommitting and Supervising Federal Prisoners

Pursuant to the rulemaking authority vested in the United States Parole Commission by 18 U.S.C. 4203(a) (1), the Commission published on December 2, 1976, at 41 FR 52689, a notice proposing certain changes in its regulations at 28 CFR, Chapter I, Part 2. Following the period announced for the submission of comment by interested persons, the Commission voted to adopt the following changes:

(A) REVISION OF THE SALIENT FACTOR SCORE

(1) *Summary of the changes.* The salient factor score is an actuarial device used by the Commission as an aid in the assessment of the probability of an applicant's favorable parole outcome. Hearing examiners and Parole Commissioners may use their clinical judgment to override this actuarial aid where the circumstances warrant, provided that they articulate their reasons for doing so in writing.

Presently, the Parole Commission uses a nine item device with a possible total score of from 0-11 points. The revised device adopted by the Commission contains seven items (although two items contain multiple elements). This device also scores from 0-11 points. To obtain the revised device, two items were dropped from the present salient factor score. These are "living arrangements" (an item which, although showing good predictive power on research samples, has proven difficult to score reliably in operational usage and is subject to attempted falsification by the prisoner) and "education", the weakest of the nine predictive items, and an item which appears to overlap substantially with other items.

Substituted for these items are revisions of the items "prior convictions" and "age at first commitment". These items are both strong predictors and are more reliably scored. Also, two additional empirical predictors were added. These are: (1) The negative indicant "probation violator this term" and (2) the negative indicant "present offense involved check(s)." (The latter refers to offenses such as passing or possession of stolen checks, check forgery, and writing bad checks).

The net result is a revised device containing seven items (nine elements) and scoring from 0-11 points. Discussions with commissioners, research staff, and hearing examiners, show consensus that the revised device will permit greater reliability in field scoring. Research tests of the present and revised devices

(tested on samples of past releases,  $N$  = approximately 3800) show equivalent research validity (predictive power). However, the increased field scoring reliability possible with the revised device carries a potential for greater field validity. Moreover, greater field reliability translates directly into greater equity in actual decision-making (treating similar cases consistently).

An additional consideration involves the preception of fairness. The two items in the present salient factor score most likely to be criticized as discriminatory are what might be termed "social status" items, viz., "living arrangements" and "education". The revised device, while maintaining predictive power and increasing equity, may also be perceived as fairer, both by prisoners and the public, in that it focuses on events in the prisoner's past over which the prisoner may be perceived as having had greater opportunity for control.

The salient factor score changes will be effective on April 1, 1977, and will apply only to prisoners receiving their initial hearings after that date. Salient factor scores computed under the former § 2.20 will not be altered by this change.

(2) *Public comment.* Letters relating specifically to the salient factor score changes were received from nine sources: One probation officer, two legal assistance organizations, five prisoners, and the Dean of the State University of New Jersey School of Criminal Justice. Specific criticisms and comments contained in these letters are discussed below.

(a) *Omission of two items G and I.* A number of comments received from the public urged the Commission to retain in the salient factor score both of the omitted items, and pointed out sound reasons why the factors of education and living arrangements may be valid subjects of inquiry in parole decision-making. However, the Commission has never intended the salient factor score to include every item which may be of importance to the parole decision; the salient factor score includes only selected items of general validity which can be reliably scored, and leaves to the informed judgment of the decision-maker those factors which the Commission feels are better weighed in the individual context.

(b) *Prior record.* One comment from a prisoner correctly noted that the greater emphasis on prior record resulting from the changes would increase the chances that a first offender would obtain a high salient factor score. However, other comments criticized the change in emphasis on three grounds (which could be applicable to both the old as well as the new scoring device). These grounds were that (a) the device does not distinguish between felonies and misdemeanors; (b) the device considers juvenile convictions obtained through lesser degrees of procedural rights; and (c) the device accounts for crimes committed early in life without crediting any lengthy period of time during which the prisoner was crime-free.

In regard to the first comment, no evidence was offered to support the assertion that only prior felony convictions should be considered as predictive of parole outcome. It should be noted that the Commission's mandate is to protect the public from the recurrence of criminal behavior, and that parole may be revoked for commission of a new crime, regardless of whether such crime is a misdemeanor or felony. The information available to the Commission simply does not point to the supposition that felony convictions alone (which in many cases do not represent all of the serious previous offenses committed) would be a more valid predictor.

With regard to the use of prior juvenile convictions, the Commission's empirical research studies, as well as other studies, show that juvenile convictions or adjudications are a significant predictor of future criminal behavior. The comment which suggested that the lack of procedural protections involved in juvenile adjudications makes the score less reliable did not adduce any information tending to bear out that hypothesis. In addition, it should be noted that the Commission does not, as one comment assumed, count juvenile commitments incurred for reasons other than conduct tantamount to the commission of a crime.

Finally, with regard to the case of a prisoner who has remained crime-free for a considerable period, the Commission agrees that its decisions should account for this factor when it exists and is meaningful (i.e. where the prisoner was clearly leading a law-abiding life rather than simply evading the law). The matter is under study at present with a view towards establishing specific criteria as to the necessary length of the period. However, this factor is presently accepted as a valid reason for departure from the guidelines range.

(c) *The addition of offenses involving checks.* Some public comment questioned whether there was a statistical basis for inclusion of the element involving check offenses. The Commission's statistical information indicates that cases in which the offense behavior involved check(s) are poorer than average parole risks, and other empirical studies have obtained similar findings. See, for example, "The Validity of Two Parole Prediction Scales—An Eight Year Follow Up Study," Gottfredson and Ballard, Institute for the Study of Crime and Delinquency, 1965.

Another comment (from the Jerome N. Frank Legal Services Organization of Yale Law School) criticized the addition of check offenses on the grounds that there would not be "an increase in deterrent effect commensurable with the proposed increases in sentence length." This comment misconceives the purpose of increased incarceration for poorer parole risks. Title 18 U.S.C. 4206(a)(2) requires the Commission to impose a just measure of incapacitation on potential recidivists independently of its accounting for the severity of the offense (i.e.

deterrent effect). This section accomplishes the sole purpose of protecting the public welfare by preventing (for a certain time) the return of the offender to society; there is no claim that the period of incapacitation will increase the general deterrent effect of the sentence.

Similarly, a comment received from one prisoner asserted that application of the salient factor score generally produces a form of repeated and unfair "punishment" for past offenses. While prisoners may not always be able to distinguish between the deterrent and incapacitative purposes of a sentence, the incapacitative function serves, in the Commission's view, the overriding interest of the public welfare on this question.

(d) *Overall validity of the device.* Finally, the Commission received a letter from the Dean of the School of Justice of the State University of New Jersey, Don Gottfredson, agreeing with the Commission that the device meets the objections raised with former Items I and G with no loss in predictive validity.

#### (B) SENTENCES FOR CIVIL CONTEMPT

The Commission adopts without change its proposed revision of § 2.10(b), which interrupts the running of a sentence when a civil contempt sentence is imposed under 18 U.S.C. 401 or 28 U.S.C. 1826. This rule clarifies the computation of parole eligibility in accordance with Bureau of Prisons Policy Statement No. 7300.92A (August 20, 1976), which states that any federal criminal sentence being served when the civil contempt sentence is ordered is suspended for the duration of the contempt sentence. This rule covers the normal case where the court imposing the sentence has not given any indication as to what effect the contempt sentence is to have. The policy is dictated by the consideration that a sentence of contempt would otherwise have little or no effect on prisoners already serving criminal sentences. The Commission believes, contrary to the one public comment received on this revision, that this rule carries out the intent of those courts imposing such sentences, and that the Commission possesses statutory authority to clarify by regulation any matter affecting parole eligibility.

#### (C) YOUTH ACT ABSCONDERS

The Commission also adopts with change its proposed rule at § 2.10(c), by which absconders from parole supervision under the Youth Corrections Act will not be given credit for time spent in absconder status. This change will result in like treatment for persons in absconder as well as in escape status, and equates absconding with escape. Only one comment was received specifically referring to this change, in which a U.S. Probation Officer agreed that a Youth Act parolee should not escape apprehension for parole violations solely because he eludes law enforcement officers beyond the expiration date of his sentence. A six month delay in the effec-

tive date of this revision is ordered below.

(D) CLARIFICATION BY CROSS-REFERENCE

The Commission has determined to clarify the wording of § 2.21(b)(2), by adding a cross-reference to §§ 2.47 (b) and (c), and 2.52 (c) and (d). This will indicate the distinction between calculation of time in custody for reparable guideline purposes and calculation of the maximum possible violator term.

(E) CONCLUSION

Accordingly, pursuant to the provisions of 18 U.S.C. 4203(a)(1) and 4204 (a)(6), 28 CFR Chapter 1, Part 2, is amended as set forth below, effective April 1, 1977, with the exception of the revised 28 CFR 2.10(c), which will be effective August 1, 1977.

1. In § 2.10 paragraph (b) is amended and paragraph (c) is added, to read as follows:

§ 2.10 Date service of sentence commences.

Item A	Total score	<input type="checkbox"/>
	(No prior convictions adult or juvenile) = 3	
	One prior conviction = 2	
	Two or three prior convictions = 1	
	Four or more prior convictions = 0	
Item B	No prior incarcerations (adult or juvenile) = 2	<input type="checkbox"/>
	One or two prior incarcerations = 1	
	Three or more prior incarcerations = 0	
Item C	Age at first commitment (adult or juvenile)	<input type="checkbox"/>
	(26 or older) = 2	
	(18 to 25) = 1	
	(17 or younger) = 0	
Item D	Commitment offense did not involve auto theft or check (s) = 1	<input type="checkbox"/>
	Otherwise = 0	
Item E	Never had parole revoked or been committed for a new offense while on parole, and not a probation violator this time = 1	<input type="checkbox"/>
	Otherwise = 0	
Item F	No history of heroin or opiate dependence = 1	<input type="checkbox"/>
	Otherwise = 0	
Item G	Verified employment (or full-time school attendance) for a total of at least 6 months during the last 2 years in the community = 1	<input type="checkbox"/>
	Otherwise = 0	
	Total score	<input type="checkbox"/>

§ 2.21 [Amended]

3. Paragraph (b) (2) of § 2.21 is revised as set forth below:

(b) \* \* \*

(2) The guidelines for parole consideration specified at 28 CFR 2.20 for the poor parole risk category shall then be applied. The original sentence type (i.e. adult, youth), shall determine the applicable guidelines for the parole violator term. Time served on a new state or federal sentence shall be counted as time in custody. This does not affect the computation of the total violator term as

(b) The imposition of a sentence of imprisonment for civil contempt shall interrupt the running of any sentence of imprisonment being served at the time the sentence of civil contempt is imposed, and the sentence or sentences so interrupted shall not commence to run again until the sentence of civil contempt is lifted.

(c) Service of the sentence of a committed youth offender or a person committed under the Narcotic Addict Rehabilitation Act commences to run from the date of conviction and is interrupted only when such prisoner or parolee (1) is on bail pending appeal; (2) is in escape status; (3) has absconded from his or her district of supervision; or (4) comes within the provisions of paragraph (b) of this section.

§ 2.20 [Amended]

2. In § 2.20 the salient factor score appearing at the end of the table is changed as set forth below:

provided by §§ 2.47(b) and (c) and 2.52 (c) and (d).

§ 2.52 [Amended]

4. Paragraph (d)(1) of § 2.52 is amended to refer to § 2.10 (b) and (c). (28 CFR Chapter 1, Part 0, Subpart I, (18 U.S.C. 3655, 4164, 4201-4218, 4254-5, and 5005-5041).)

Dated: February 25, 1977.

CURTIS C. CRAWFORD,  
Acting Chairman,  
U.S. Parole Commission.

[FR Doc.77-6161 Filed 3-1-77;8:45 am]

[Order No. 693-77]

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Delegation of Authority

AGENCY: Department of Justice, Office of the Attorney General.

ACTION: Final rule.

SUMMARY: This amendment delegates to the Deputy Attorney General the authority to refuse disclosure of information or production of material of the Department in response to a subpoena or other demands of a court or other authority. Until now, this authority has been retained by the Attorney General.

EFFECTIVE DATE: March 30, 1977.

FOR FURTHER INFORMATION CONTACT:

John M. Harmon, Office of Legal Counsel, Department of Justice, Washington, D.C. 20530 (202-739-2041).

By virtue of the authority vested in me by 5 U.S.C. 301, 28 U.S.C. 503, 28 U.S.C. 504, 509, and 28 U.S.C. 510, § 16.24 of Chapter I of Title 28, Code of Federal Regulations is amended as follows.

1. Paragraph (b) is amended by substituting the words "Deputy Attorney General" in both places where the words "Attorney General" now appear.

2. This Order shall take effect on March 30, 1977.

Dated: February 22, 1977.

GRIFFIN B. BELL,  
Attorney General.

[FR Doc.77-6155 Filed 3-1-77;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER M—MISCELLANEOUS

PART 251—DOD AMMUNITION AND EXPLOSIVES SAFETY STANDARDS

Quantity-Distance Standards: Correction

In FR Doc. 77-4679 appearing at page 9169 in the FEDERAL REGISTER of February 15, 1977, make the following changes:

In § 251.9(b), 4th line, change "apepar" to "appear."

In Table B-5 on page 9172, change incorrect heading of 9th column "2.60" to "2.10."

MAURICE W. ROCHE,  
Director, Correspondence and Directives OASD (Comptroller).

FEBRUARY 25, 1977.

[FR Doc.77-6175 Filed 3-1-77;8:45 am]

## Title 45—Public Welfare

## CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE)

## PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

## CFR Correction

In § 205.50(a) appearing on page 21 of Title 45 (Parts 200-499) of the Code of Federal Regulations revised as of October 1, 1976 a sentence was transposed and some text was inadvertently omitted. For the convenience of the user the correct § 205.50(a) is set forth below:

§ 205.50 Safeguarding information for the financial assistance and social services programs.

(a) *State plan requirements.* A State plan under title IV-A of the Social Security Act, except as provided in paragraph (e) of this section, must provide that:

(1) Pursuant to State statute which imposes legal sanctions:

(i) The use or disclosure of information concerning applicants and recipients will be limited to purposes directly connected with:

(A) The administration of the plan of the State approved under title IV-A, the plan or program of the State under title IV-B, IV-C, or IV-D, or under title I, X, XIV, XVI (AABD), XIX, or XX or the supplemental security income program established by title XVI (SSI). Such purposes include establishing eligibility, determining amount of assistance, and providing services for applicants and recipients.

(B) Any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any such plans or programs; and

(C) The administration of any other Federal or federally assisted program which provides assistance, in cash or in kind, or services, directly to individuals on the basis of need. Under the requirements of this paragraph (a) (1) (i), disclosure to any committee or legislative body (Federal, State, or local) of any information that identifies by name and address any such applicant or recipient shall be prohibited; and certification of receipt of AFDC to an employer for purposes of claiming tax credit under Pub. L. 94-12, the Tax Reduction Act of 1975, (see § 235.40 of this chapter) shall be considered to be for a purpose directly connected with the administration of the plan.

(ii) The State agency has authority to implement and enforce the provisions for safeguarding information about applicants and recipients;

(iii) Publication of lists or names of applicants and recipients will be prohibited.

(2) The agency will have clearly defined criteria which govern the types of information that are safeguarded and the conditions under which such information may be released or used. Under this requirement:

(i) Types of information to be safeguarded include but are not limited to:

(A) The names and addresses of applicants and recipients and amounts of assistance provided (unless excepted under paragraph (e) of this section);

(B) Information related to the social and economic conditions or circumstances of a particular individual;

(C) Agency evaluation of information about a particular individual;

(D) Medical data, including diagnosis and past history of disease or disability, concerning a particular individual.

(ii) The release or use of information concerning individuals applying for or receiving financial assistance or services is restricted to persons or agency representatives who are subject to standards of confidentiality which are comparable to those of the agency administering the financial assistance or services programs.

(iii) The family or individual is informed whenever possible of a request for information from an outside source, and permission is obtained to meet the request. In an emergency situation when the individual's consent for the release of information cannot be obtained, he will be notified immediately thereafter.

(iv) In the event of the issuance of a subpoena for the case record or for any agency representative to testify concerning an applicant or recipient, the court's attention is called, through proper channels to the statutory provisions and the policies or rules and regulations against disclosure of information.

(v) The same policies are applied to requests for information from a governmental authority, the courts, or a law enforcement official as from any other outside source.

(3) The agency will publicize provisions governing the confidential nature of information about applicants and recipients, including the legal sanctions imposed for improper disclosure and use, and will make such provisions available to applicants and recipients and to other persons and agencies to whom information is disclosed.

(4) All materials sent or distributed to applicants, recipients, or medical vendors, including material enclosed in envelopes containing checks, will be limited to those which are directly related to the administration of the program and will not have political implications. Under this requirement:

(i) Specifically excluded from mailing or distribution are materials such as "holiday" greetings, general public announcements, voting information, alien registration notices;

(ii) Not prohibited from such mailing or distribution are materials in the immediate interest of the health and welfare of applicants and recipients, such as announcements of free medical examinations, availability of surplus food, and consumer protection information;

(iii) Only the names of persons directly connected with the administration of the program are contained in material sent or distributed to applicants, recipients, and vendors, and such persons are identified only in their official capacity with the State or local agency

## CHAPTER VII—COMMISSION ON CIVIL RIGHTS

## PART 706—MATERIALS AVAILABLE PURSUANT TO 5 U.S.C. 552a

## Privacy Act of 1974 Amendments

Notice of proposed amendments to Title 45 of the Code of Federal Regulations, Part 706—Materials available pursuant to 5 U.S.C. 552a were published in the FEDERAL REGISTER on January 13, 1977, 41 FR 2708. These amendments will facilitate efforts by individuals to gain access to information about themselves; provide a more comprehensive procedure whereby additions or corrections are made to an individual's records at his or her request and will establish a procedure for the accounting of the disclosures of records.

A comment on the last sentence of the proposed revision of § 706.7 was received which suggested a possible ambiguity therein. This comment has been considered and the clarifying suggestion accepted. With this exception, the regulations are adopted as previously proposed, to read as follows:

Section 706.3 is amended by revising paragraph (b) and adding paragraph (c) to read as follows:

§ 706.3 Procedures for requests pertaining to individual records in a system of records.

(b) In addition to meeting the requirements set forth in § 706.4 (c) or (d), any person who requests information under these regulations shall provide a reasonably specific description of the information sought so that it may be located without undue search or inquiry. If possible, that description should include the nature of the records sought, the approximate dates covered by the record, and, if known by the requester, the system in which the record is thought to be included. Requested information that is not identified by a reasonably specific description is not an identifiable record, and the request for that information cannot be treated as a formal request.

(c) If the description is insufficient, the agency will notify the requester and, to the extent possible, indicate the additional information required. Every reasonable effort shall be made to assist a requester in the identification and location of the record or records sought.

Section 706.4 is amended by revising paragraph (d) to read as follows:

§ 706.4 Times, places, and requirements for identification of individuals making requests and identification of records requested.

(d) An individual seeking access to records by mail shall establish his or her identity by a signature, address, date of birth, and one other identification, such as a copy of a driver's license, passport, identification card or badge, credit card or other document. The words "Privacy Act Request" should be placed in capital letters on the face of the envelope in order to facilitate requests by mail.

Section 706.7 is amended by adding the following sentences to the end of the paragraph:

§ 706.7 Agency review of request for correction or amendment of the record.

\* \* \* In the event of correction or amendment, an individual shall be provided with one copy of each record or portion thereof corrected or amended pursuant to his or her request without charge as evidence of the correction or amendment. The Commission shall also provide to all prior recipients of such a record, the corrected or amended information to the extent that it is relevant to the information previously furnished to a recipient pursuant to the Privacy Act.

Section 706.8 is amended by adding the following sentence to the end of paragraph (d) (3):

§ 706.8 Appeal of an initial adverse agency determination.

(d) \* \* \* (3) \* \* \* These statements shall also be provided to all prior recipients of the record to the extent that it is relevant to the information previously furnished to a recipient pursuant to the Privacy Act.

§ 706.95 Accounting of the disclosures of records.

(a) All disclosures of records covered by this Part 706, except for the exemptions listed in § 706.95(b), shall be accounted for by keeping a written record of the particular record disclosed, the name and address of the person or agency to whom or to which disclosed, and the date, nature and purpose of the disclosure.

(b) No accounting is required for disclosures of records to those officials and employees of the Commission who have a need for the record in the performance of their duties, or if disclosure would be required under the Freedom of Information Act, 5 U.S.C. § 552.

(c) The accounting shall be maintained for 5 years or until the record is destroyed or transferred to the National Archives and Record Service for storage, in which event, the accounting pertaining to those records, unless maintained separately, shall be transferred with the records themselves.

(d) The accounting of disclosures may be recorded in any system the Commission determines is sufficient for this purpose, however, the Commission must be able to construct from its system a listing of all disclosures. The system of accounting of disclosures is not a system of records under the definition in § 706.2 (e) and no accounting need be maintained for disclosure of the accounting of disclosures.

(e) Upon request of an individual to whom a record pertains, the accounting of the disclosures of that record shall be made available to the requester, provided that he/she has complied with § 706.3(a) and with § 706.4 (c) or (d).

ARTHUR S. FLEMMING,  
Chairman.

FEBRUARY 17, 1977.  
[FR Doc.77-6179 Filed 3-1-77;8:45 am]

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

PART 1061—CHARACTER AND SCOPE OF SPECIFIC COMMUNITY ACTION PROGRAMS

Subpart—Community Food and Nutrition Program (CSA Instruction 6132-2)

On November 8, 1976, there was published in the FEDERAL REGISTER (41 FR 49179) a notice of a proposed rule outlining the program purposes, conditions and funding policies governing the Community Food and Nutrition Program authorized under subsection 222(a)(5) of the Economic Opportunity Act of 1964, as amended.

From 1967 to 1975 under subsection 222(a)(5) of the Economic Opportunity Act of 1964, as amended, the Office of Economic Opportunity, predecessor agency to the Community Services Administration funded grantees to conduct Emergency Food and Medical Services projects. During this period the agency issued funding guidelines, program memoranda and field guidance that served as the programmatic framework for this program.

The Community Services Act of 1974, enacted into law on July 6, 1976 amended subsection 222(a)(5) by renaming the Emergency Food and Medical Services Program the Community Food and Nutrition Program (CFNP) and eliminating the provision of medical services.

A. As a result of comments received, the following changes in the proposed rule are made in addition to language changes for clarification:

1. Additional wording is added to the section on Policy to reinforce CSA's commitment to advocating on behalf of the poor in nutrition matters.

2. Additional wording is added to the section on Policy to explain that CFNP funds are not to be used as a continuing financial commitment for projects eligible for other funds.

3. Additional wording is added to the policy section to ensure that eligibility criteria are applied if continued assistance is needed.

4. A new paragraph is added to the Eligible Activities to include consumer education, advocacy, and legal assistance.

5. Reference to the ability to use CFNP funds to meet a matching requirement with certain other Federal Funds consistent with CSA policy, which was inadvertently omitted in the proposed rule, is added to the Funding section.

B. Certain other recommendations have been carefully considered but have not been accepted. The following sug-

gestions were not adopted for the reasons assigned:

1. The recommendation that legal services programs be added to eligible grantees or applicants is rejected because such programs are clearly eligible for funding as non-profit organizations.

2. Except for changes noted, the Application Process section is left unchanged. CSA will continue to fund CFNP projects consistent with the requirements of section 601(c) of the Economic Opportunity Act of 1964, as amended, which states:

\* \* \* The functions of the Director \* \* \* shall not be delegated to any other officer not directly responsible, both with respect to program operation and administration, to the Director, \* \* \* the policy making functions, including the final approval of grants and contracts, of the Director, shall not be delegated to any regional office or official.

C. CSA itself is eliminating the requirements of the Needs Assessment and Program Report from the Application Process section for consistency with the reporting requirements contained in OMB Circular A-110.

Accordingly, with these changes and additions, the Proposed Rule, renumbered to correct a technical error, is adopted as set forth below.

Effective date: March 2, 1977.

ROBERT C. CHASE,  
Acting Director.

45 CFR Chapter X is amended by adding the following subpart:

Subpart—Community Food and Nutrition Program (CSA Instruction 6132-2)

- Sec. 1061.50-1 Applicability.
- 1061.50-2 Definitions.
- 1061.50-3 Background.
- 1061.50-4 Purpose.
- 1061.50-5 Introduction.
- 1061.50-6 Policy.
- 1061.50-7 Eligible grantees or applicants.
- 1061.50-8 Eligible participants.
- 1061.50-9 Priority categories of beneficiaries.
- 1061.50-10 Eligible activities.
- 1061.50-11 Funding.
- 1061.50-12 Application process.
- 1061.50-13 Reporting requirements.
- 1061.50-14 Additional requirements.

AUTHORITY: Sec. 602, 78 Stat. 530; (42 U.S.C. 2942).

Subpart—Community Food and Nutrition Program (CSA Instruction 6132-2)

§ 1061.50-1 Applicability.

This subpart is applicable to grantees funded under Section 222(a)(5) of the Community Services Act of 1974, as amended, if the assistance is administered by the Community Services Administration.

§ 1061.50-2 Definitions.

(a) *Program.* The provision of federal funds and administrative direction to accomplish a prescribed set of objectives through the conduct of specific activities. Example: CSA's Community Food and Nutrition Program.

(b) *Project.* The implementation level of a program where resources are used to produce an end product that directly contributes to the objectives of the program. Example: The community garden project of the CAA in Philadelphia, Pennsylvania.

#### § 1061.50-3 Background.

(a) From 1967 to 1975 the Office of Economic Opportunity funded grantees to conduct Emergency Food and Medical Services Projects. During this period the agency issued funding guidelines, program memoranda and field guidances that served as the programmatic framework for this program.

(b) The technical amendments to the Community Services Act of 1974, enacted into law on July 6, 1976, amended subsection 222(a)(5) by renaming the Emergency Food and Medical Services Program the Community Food and Nutrition Program (CFNP) and eliminating the provision of medical services.

#### § 1061.50-4 Purpose.

This subpart sets forth Community Services Administration (CSA) policy for the Community Food and Nutrition Program (CFNP). It discusses the purposes of the program, funding policies, activities eligible for funding, offices to which applications will be submitted, and required application documents.

#### § 1061.50-4 Introduction.

(a) Section 201(a) of the Community Services Act of 1974 describes the purpose of Title II of the Act, under which CFNP grants are authorized. It states:

Its specific purposes are to promote, as methods of achieving a better focusing of resources on the goal of individual and family self-sufficiency—

(1) The strengthening of community capabilities for planning and coordinating Federal, State and other assistance related to the elimination of poverty, so that this assistance, through the efforts of local officials, organizations, and interested and affected citizens, can be made more responsive to local needs and conditions;

(2) The better organization of a range of services related to the needs of the poor, so that those services may be made more effective and efficient in helping families and individuals to overcome particular problems in a way that takes account of, and supports their progress in overcoming related problems;

(3) The greater use, subject to adequate evaluation, of new types of services and innovative approaches in attacking causes of poverty, so as to develop increasingly effective methods of employing available resources;

(4) The development and implementation of all programs and projects designed to serve the poor or low-income areas with the maximum feasible participation of residents of the areas and members of the groups served, so as to best stimulate and take full advantage of capabilities for self advancement and assure that those programs and projects are otherwise meaningful to and widely utilized by their intended beneficiaries; and

(5) The broadening of the resource base of programs directed to the elimination of poverty, so as to secure, in addition to the services and assistance of public officials, private religious, charitable, and neighborhood organizations and individual citizens, a more active role for business, labor, and profes-

sional groups able to provide employment opportunities or otherwise influence the quantity and quality of services of concern to the poor.

(b) In addition Section 222(a)(5) authorizes:

A program to be known as Community Food and Nutrition designed to provide, on an emergency basis, directly or by delegation of authority pursuant to the provisions of Title VI of this Act, financial assistance for the provision of such supplies and services, nutritional foodstuffs, and related services as may be necessary to counteract conditions of starvation or malnutrition among the poor. Such assistance may be provided by way of supplement to such other assistance as may be extended under the provisions of other Federal programs, and may be used to extend and broaden such programs to serve economically disadvantaged individuals and families are not now provided \* \* \*

#### § 1061.50-6 Policy.

(a) The Community Food and Nutrition Program is intended to reduce the incidence of hunger and malnutrition among the poor and to improve their nutritional status. Its programmatic activities are designed to monitor and improve the operations of existing feeding programs; develop self-help and/or alternative food production and distribution methods; and provide direct feeding support. CSA's focus is on assisting in linking the most needy poor with opportunities provided by food and nutrition programs, not to create duplicative or competing services. CSA believes that the best method to achieve this end is to facilitate and advocate for necessary changes which will improve or will achieve fuller utilization of existing food and nutrition programs.

(b) Funds may be used in a variety of ways, depending upon the needs and resources of local communities. Plans and priorities are set locally consistent with policies established by CSA. Funds are not to be used as a continuing financial commitment for food and nutrition projects eligible for Federal or other funds which have been authorized for that purpose. Funds may be used for planning and establishing community nutrition projects only if it is understood that the costs are available as seed money or for start up costs.

(c) Eligibility shall not be governed by any rules or regulations used by local governments for eligibility for food assistance programs. Due to the emergency nature of this program, individuals or families are eligible to participate upon the self-declaration of need without the delay of a "means" test or income investigation. Self-declaration makes possible immediate assistance for those suffering from hunger and in danger of malnutrition. CFNP Supervisors and outreach workers are given authority to judge whether a person meets the above conditions. If continued assistance is need evaluation of income and personal resources will be undertaken.

#### § 1061.50-7 Eligible grantees or applicants.

Community Action Agencies, migrant and seasonal farmworker organizations,

Indian organizations, tribal governments, and other public and/or private non-profit organizations and agencies that meet CSA eligibility criteria may apply.

#### § 1061.50-8 Eligible participants.

Individuals and families whose income falls within CSA poverty guidelines as defined in the current CSA Instruction and those persons who are eligible or potentially eligible for participation in a Federally funded food assistance program are eligible to participate in Community Food and Nutrition Projects.

#### § 1061.50-9 Priority categories of beneficiaries.

Certain categories of beneficiaries have been designated as specially needy for purposes of Community Food and Nutrition Projects, and projects designed to serve them will be given priority. These categories are:

(a) *Indians, migrants and seasonal farmworkers.* Special emphasis within this group will be placed on the funding of organizations and tribal governments which can directly impact the migrant or Indian population, and which involve migrant and seasonal farmworkers or Indians in the governance of the projects.

(b) *Elderly poor.* The elderly poor often have unmet needs. The CFNP is not to be viewed as a permanent answer to the many nutritional deficiencies that exist. CFNP projects for the elderly poor will be funded only when CFNP funds are limited to providing minimum support costs and/or initiating feeding projects where there is a reasonable expectation that funds from other sources will assume responsibility or will maintain the service on a permanent basis.

(c) *Infants, pregnant and lactating women.* The nutritional problems of infants, pregnant and lactating women are of concern in communities experiencing high infant mortality rates. In such cases the CFNP can be utilized to mobilize non-Federal as well as Federal resources to attack the problem.

#### § 1061.50-10 Eligible activities.

All expenditures of program funds must be aimed directly at increasing the availability of food to eligible participants or otherwise remedying poor nutrition among them. To that end the following categories of projects are eligible for funding:

(a) *Monitoring and analyzing Federal programs.* Efforts to monitor or analyze particular aspects of existing Federal Food and Nutrition Programs, and development of methods to improve participation in and accessibility to these programs.

(b) *Self-help projects.* Projects designed to foster self-sufficiency through the mobilization of financial and community resources, as well as inclusion of the poverty community in their development and implementation. Examples include buying clubs, community gardens, food raising co-ops, community canneries, farmer-to-consumer sales, feeder pig projects, and greenhouse food production.

(c) *Activities supplementary to existing projects.* Projects which extend, supplement, broaden, or improve other feeding projects but are not duplicative. Examples are transportation to feeding sites, distribution of Federal or private surplus commodities, helping establish and operate a school breakfast project or a congregate feeding site for the elderly to demonstrate a need.

(d) *Crisis relief.* Provision of funds to purchase food stamps, provision of food vouchers, or provision of food-stuffs on a temporary or crisis basis.

(e) *Consumer education, advocacy and legal assistance.* Dissemination of food and nutrition information, conducting education programs relating to feeding and nutrition programs and the representation of the interests of the poor in public proceedings involving nutrition policy.

(f) *Program support.* Conduct of training and technical assistance and research and demonstration projects. R&D projects in the area of food and nutrition shall directly contribute to the accomplishment of the ends of the Community Food and Nutrition Program.

§ 1061.50-11 Funding.

(a) *Non-Federal share.* The non-Federal share requirement is waived for CFNP projects (see CSA Instruction 6802-3). However, grantees are expected to mobilize local and state resources throughout the life of the project.

(b) *Federal share.* Funds granted under section 222(a)(5) may be used to match USDA funds to support food stamp outreach projects, as well as Title XX funds.

§ 1061.50-12 Application process.

(a) *Where to submit applications.* Applications for grants under section 222(a)(5) will be submitted to the appropriate CSA Administering Office. (Administering Office address list is attached.) Applications for Research and Demonstration grants will be submitted to CSA Headquarters, 1200 19th Street NW., Washington, D.C. 20506; Attention: CFNP.

(b) *Required forms.* Research and Demonstration proposals should be submitted in accordance with OEO Instruction 7570-1. All other applications should meet the following requirements.

(1) OEO Form 419, Summary of Work Programs and Budget (See OEO Instruction 6710-1, CH 6) (NOTE.—Goals and activities must be consistent with the Standards of Effectiveness for section 222(a)(5) projects and the General Standards for Title II Programs outlined in CSA Instruction 7850-1a and the Form 419 must reflect these standards).

(2) OEO Form 394, Checkpoint Procedure for coordination (NOTE.—This is optional and may be required by funding official or by the grantee to checkpoint with other organizations in the community if the grantee so wishes). (See CSA Instruction 6710-3a).

(3) OEO Form 25, Program Account Budget (See OEO Instruction 6710-1).

(4) OEO Form 25a, Program Account Budget (See OEO Instruction 6710-1).

(5) SF 424 (Complete Sections I and II), Federal Assistance (See CSA Instruction 6710-3a).

(6) OEO Form 301, Summary of Grant Application. For new grantees only.

(7) CAP Form 5, Application for CAP-Community Information (See OEO Instruction 6710-1). For uncapped areas.

(8) CAP Form 84, Participant/Characteristics Plan (See OEO Instruction 6710-1). Required for uncapped areas.

(9) CAP Form 11, Assurance of Compliance with Civil Rights Act. (For new grantees only).

(10) Narrative proposal: The narrative project description must include the following:

(i) Identification of the present levels of service and/or potential levels for:

Participation in the Food Stamp program. Local school participation in the Free School Lunch Program and the Free School Breakfast Programs.

Participation in Federal feeding programs such as school breakfast, summer feeding, etc.

(ii) Identification of local conditions or problems that effect or relate to deficient or inadequate food and nutrition services/resources being available to the low-income population, including the elderly.

(iii) Justification of program priorities selected among the needs identified in subdivision (i) or (ii) of this subparagraph.

(iv) Brief summary description of the Work Program strategy designed to address the problem(s).

(v) Description of previous efforts and experience with the problem(s) to be addressed.

§ 1061.50-13 Reporting requirements.

Program Progress Reports (PPR) required by OEO Instruction 7031-1, Grantee Program Progress Review, are a requirement for each CFNP grant. Each PPR shall include a breakout of expenditures in Section 8, "Eligible Activities" (above) and for each activity shall list the population group served from among the following: General Population, Infants, and Children, Elderly, Migrants, Indians (Reservation/off reservation). The PPR shall indicate the number of people transported, etc. Crisis relief through vouchers or cash payment and costs of food purchased for direct feeding or distribution shall be reported separately on the PPR in a clear and distinct manner that identifies amounts received and frequency of assistance per recipient, while not identifying individuals.

§ 1061.50-14 Additional requirements.

*Evaluation.* Selected grantees may be evaluated by Regional or Headquarters office personnel as part of a nationwide sample.

ATTACHMENT NO. 1

ADMINISTERING OFFICE LIST

CSA REGIONAL OFFICE—REGION I

Director, Ivan Ashley, John K. Kennedy Federal Building, Boston, Massachusetts 02203.

CSA REGIONAL OFFICE—REGION II

Director, William A. White, 26 Federal Plaza, 32nd Floor, New York, New York 10007.

CSA REGIONAL OFFICE—REGION III

Director, W. Astor Kirk, Gateway Building, 3535 Market Street, Philadelphia, Pennsylvania 19104.

CSA REGIONAL OFFICE—REGION IV

Director, William "Sonny" Walker, 730 Peachtree Street, N.E., Atlanta, Georgia 30308.

CSA REGIONAL OFFICE—REGION V

Director, Glenwood A. Johnson, 300 South Wacker Drive, 24th Floor, Chicago, Illinois 60606.

CSA REGIONAL OFFICE—REGION VI

Director, Ben T. Haney, 1200 Main Street, Dallas, Texas 75202.

CSA REGIONAL OFFICE—REGION VII

Director, Wayne C. Thomas, 911 Walnut Street, Kansas City, Missouri 64106.

CSA REGIONAL OFFICE—REGION VIII

Director, David E. Vanderburgh, Federal Office Building, 1961 Stout Street, Denver, Colorado 80202.

CSA REGIONAL OFFICE—REGION IX

Director, Eugene Gonzales, Box 36008, 450 Golden Gate Avenue, San Francisco, California 94102.

CSA REGIONAL OFFICE—REGION X

Director, John C. Finley, Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington 98101.

[FR Doc. 77-6193 Filed 3-1-77; 8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

[General Order 22; Docket No. 76-65]

PART 503—PUBLIC INFORMATION

Pursuant to provisions of the "Government in the Sunshine Act" (Pub. L. 94-409; 5 U.S.C. §552b, September 13, 1976) the Commission published in the FEDERAL REGISTER (41 F.R. 55207, December 17, 1976) its proposed regulations implementing that Act. Interested parties were encouraged to submit comments on these proposed regulations. Four such comments were received.<sup>1</sup>

Of the four parties submitting comments, two objected to the failure of the Act and of the proposed regulations to provide as one ground upon which an interested person may seek closure of a meeting, the likelihood that the meeting will disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential. This Commission can readily understand this objection but is powerless to provide by regulation a procedure not authorized by the statute. The Commission, therefore, is compelled to disregard this objection.

Additionally, one party objected that the proposed regulations provide no opportunity for an interested party to request the Commission to withhold information from public disclosure while the Commission itself may do so. Again, we are powerless to extend the authority of

<sup>1</sup> The parties filing comments were: (1) the law firm of Graham and James; (2) Outboard Marine Corporation; (3) law firm of Casey, Lane & Mittendorf; and (4) the Honorable Jack Brooks, M.C., Chairman, House Committee on Government Operations.

the Act. The Act does not provide for the action of an interested party, as sought by the commenting party. Therefore, we may not so provide by regulation.

The third commenting party addressed our proposed regulations in more detail. This party objected to our description in our statement of policy (§ 503.70) of these regulations as setting forth "procedural requirements" designed to provide the public with information while maintaining "capabilities" of the Commission in carrying out its responsibilities. The party recommends deletion of the term "procedural." We think such a change to be unnecessary. We therefore, have not adopted this proposal. This party also urges that "capabilities" is not synonymous with the term "ability" as used in the Declaration of Policy of the Act. We can see no substantive difference between the two words in a statement of policy which would merit modification.

This party recommends changing the definition of "agency" from "Federal Maritime Commission" (§ 503.71) to "Federal Maritime Commission or a quorum thereof or any subdivision thereof authorized to act on behalf of said Commission." This change it is urged would make the definition consistent with § 522b(a)(1) of the Act. We disagree. A quorum of the FMC is not the same as the FMC nor is a quorum of the FMC an "agency" \* \* \* headed by a collegial body, \* \* \* as defined in § 552(a)(1) of the Act. Additionally, we specifically omitted reference to a subdivision of the Commission authorized to act on behalf of the Commission because there is no such entity. Reference to a non-existent entity, we feel, would be confusing and, therefore, unwise.

This party also seeks to have the definition of "information pertaining to a meeting" expanded to include meeting minutes and other information referred to in 5 U.S.C. 552b(f)(1)-(2). We think this evidences a misunderstanding of "information pertaining to a meeting" as used in the Act. The Act describes such information as being capable of exemption from the requirements of subsections (d) and (e) of the Act. Those subsections simply do not apply to the information referred to in 552b(f)(1)-(2). Therefore, in our opinion, "information pertaining to a meeting" refers to that amenable to the provisions of subsections (d) and (e) only.

Additionally the party finds fault in our use in the definition of "meeting" of the words "the deliberations of at least three of the members. \* \* \*". This party urges us to adopt the word "majority" instead. This we may not do. The Reorganization Plan 7 of 1961 (75 Stat. 840, April 12, 1961) requires in all cases the affirmative vote of not less than three members of the Commission to conduct its business irrespective of the number actually in office. Hence, our use of the word "three" rather than a "majority."

This party also objects to our specific removal in the regulations from the definition of meeting of those items of business determined seriatim by members on notation. This is explicitly per-

mitted as discussed in the legislative history of the Act (see Conference Report to accompany S. 5 at p. 11).

This party then suggests two further non-substantive word changes which are of no merit. However, the party does note an omission in our proposed regulations which clearly merits remedy. Section 503.77 of the proposed regulations was meant to provide in the second sentence of paragraph (a) that if, in the opinion of the General Counsel, a meeting or a portion thereof could properly be closed under the Act his certification of such opinion must contain certain information. Unfortunately, as proposed, the regulation provided: "If, in the opinion of the General Counsel, a portion or portions of a meeting \* \* \* is proper \* \* \*". As can be seen, we omitted the phrase "the closing of." Therefore, we amend this provision to read: "If, in the opinion of the General Counsel the closing of a portion \* \* \*" etc.

The fourth interested party filing comments was the Honorable Jack Brooks, M.C. in his capacity as Chairman of the House Committee on Government Operations on behalf of that Committee. Mr. Brooks had three suggestions of offer.

Mr. Brooks first suggests that §§ 503.73 and 503.74 be amended to make clear that there are two separate steps in any determination to close a meeting to public observation. It is noted that the Commission must decide; first, whether or not the meeting fits within one of the exemptions of the Act so as to permit the meeting to be closed; and second, notwithstanding the applicability of an exemption, whether or not the public interest requires that the meeting remain open. It is suggested by Mr. Brooks that the proposed regulations:

\* \* \* seem to suggest that the Commission need consider the public interest only if it chooses to, whereas the Act contemplates that the public interest issue will be considered in each instance where the Commission determines that a discussion comes within a specific exemption.

We agree with Mr. Brooks' view of the requirements of the Act.

Therefore, we have adopted appropriate modifications to our proposed regulations. We have amended § 503.74 by: (1) adding the following language at the end of paragraph (d) of that section:

\* \* \* That vote shall determine whether or not any portion or portions of a meeting or portion or portions of a series of meetings may be closed to public observation for any of the reasons provided in section 503.73 of this Subpart, and whether or not the public interest requires that the portion or portions of the meeting or meetings remain open, notwithstanding the applicability of any of the reasons provided in section 503.73 permitting the closing of any portion of any meeting to public observation.

(2) By amending paragraph (e) to read:

(e) In the case of a vote on a request under this section to close to public observation a portion or portions of a meeting, no such portion or portions of any meeting may be closed unless, by a vote on the issues described in paragraph (d) of this section,

a majority of the entire membership of the agency shall vote to close such portion or portions of a meeting by recorded vote. [New material italicized.]

(3) By amending paragraph (f) to read:

(f) In the case of a vote on a request under this section to close to public observation a portion or portions of a series of meetings as defined in section 503.71 of this Subpart, no such portion or portions of a series of meetings may be closed unless, by a vote on the issues described in paragraph (d) of this section, a majority of the entire membership of the agency shall vote to close such portion or portions of a series of meetings. A determination to close to public observation a portion or portions of a series of meetings may be accomplished by a single vote on each of the issues described in paragraph (d) of this section, provided that the vote of each member of the agency shall be recorded and the vote shall be cast by each member and not by proxy vote. [New material italicized.]

Further, we have amended § 503.75 by:

(1) Amending paragraph (g) thereof by adding the following language at the end thereof:

\* \* \* That vote shall determine whether or not any portion or portions of a meeting or portion or portions of a series of meetings may be closed to public observation for any of the reasons provided in paragraph (a) of this section, and whether or not the public interest requires that the portion or portions of the meeting or meetings remain open, notwithstanding the applicability of any of the reasons provided in paragraph (a) of this section permitting the closing of any portion of any meeting to public observation.

(2) Amending paragraph (h) to read as follows:

(h) In the case of the vote on a request under this section to close to public observation a portion of a meeting, no such portion of a meeting may be closed unless, by a vote on the issues described in paragraph (g) of this section, a majority of the entire membership of the agency shall vote to close such portion of a meeting by a recorded vote. [New material italicized.]

Mr. Brooks' second suggestion regards alleged inadequacy of our proposed procedures for accomplishing public announcement of forthcoming FMC meetings. Mr. Brooks notes that our proposed regulations (§§ 503.82 and 503.83) make provision only for public notice, generally, followed by publication in the FEDERAL REGISTER. These provisions are alleged to "fall considerably short of the notice envisaged under the Act, which should include publication in publications whose readers may have an interest in the Commission's operations \* \* \*" and the use of mailing lists. We understand the motivation of the Act and the necessity for the widest practicable notification of Commission meetings. Therefore, our regulations were framed in general terms to permit this agency the widest possible latitude to inform the public of its meetings by the most effective means. The Commission fully intends to publish the announcement of forthcoming meetings by appropriate methods in addition to publication in the FEDERAL REGISTER. For example, among other possible means of dissemination, notices of pending meetings will

be provided in the Commission's public reference room. It has been our experience that trade publications do promptly publish all the information made available by this Commission which is of general interest to their subscribers.

We have not further specified means of dissemination of information because we are of the opinion that the notification policy of the Act will be served more effectively by allowing us flexibility in this area. We wish to stress that we have every intent to fully implement the Act's notification policy by dissemination to the widest possible audience.

Finally, Mr. Brooks objects to the provisions of the proposed regulations regarding certification by the agency's General Counsel as not explicitly providing that such certification will precede the vote of whether or not to close a meeting. Section 503.74(d) and 503.75(g) implicitly provided for this by stating that the vote of the agency to close a meeting may be taken only "upon consideration of the certified opinion of the General Counsel of the agency provided the members under § 503.77 of the subpart. \* \* \*". Nonetheless, in the interest of absolute clarity we have amended the first sentence of paragraph (a) of § 503.77 to read:

(a) Upon any request that the agency close a portion or portions of any meeting or any portion or portions of any series of meetings under the provisions of §§ 503.74 and 503.75 of this subpart, the General Counsel of the agency shall certify in writing to the agency prior to an agency vote on that request, whether or not in his or her opinion the closing of any such portion or portions of a meeting or portion or portions of a series of meetings is proper under the provisions of this Subpart and the terms of the Government in the Sunshine Act (5 U.S.C. 552b). [New material italicized.]

In addition to the comments of the four interested parties, the Commission has reviewed these proposed regulations *sua sponte*. Our review has unveiled three difficulties which we now take the opportunity to remedy. Mr. Brook's suggestion regarding the public interest issue in any determination to close a meeting caused us to review our provisions regarding withholding from public disclosure information pertaining to a meeting. In our opinion, the introductory language of the Act providing "Except in a case where the agency finds that the public interest requires otherwise \* \* \*" applies to determinations of whether or not to withhold from public disclosure information pertaining to a meeting as well as to determinations to close a meeting.

We have, therefore, amended § 503.80 to conform to that view. As amended, § 503.80 now requires that the Commission base any determination to withhold information from disclosure on resolution of both whether or not an exception is applicable and whether or not, notwithstanding the applicability of an exception, the public interest requires disclosure. In our opinion, this amendment

conforms more precisely to the statutory scheme.

Therefore, we have amended § 503.80 by: (1) adding a sentence at the end of paragraph (c) reading as follows:

\* \* \* That vote shall determine whether or not information pertaining to a meeting may be withheld from public disclosure for any of the reasons provided in section 503.79 of this Subpart, and whether or not the public interest requires that the information be disclosed notwithstanding the applicability of any of the reasons provided in section 503.79 of this Subpart permitting the withholding from public disclosure of the information pertaining to a meeting.

(2) Amending paragraph (d) to read:

In the case of a vote on a request under this section to withhold from public disclosure information pertaining to a portion or portions of a meeting, no such information shall be withheld from public disclosure unless, *by a vote on the issues described in paragraph (c) of this section*, a majority of the entire membership of the agency shall vote to withhold such information by a recorded vote [new material italicized]; and

(3) Amending paragraph (e) to read:

In the case of a vote on a request under this section to withhold information pertaining to a portion or portions of a series of meetings, no such information shall be withheld unless, *by a vote on the issues described in paragraph (c) of this section*, a majority of the entire membership of the agency shall vote to withhold such information. A determination to withhold information pertaining to a portion or portions of a series of meetings from public disclosure may be accomplished by a single vote on the issues described in paragraph (c) of this section, provided that the vote of each member of the agency shall be recorded and the vote shall be cast by each member and not by proxy vote. [New material italicized.]

Under the provisions of § 503.75 as proposed, at the request of an interested party that a meeting or portion be closed, any agency member, the Managing Director or the General Counsel would request agency action on that proposal. (§ 503.75(d).) Upon review of the provisions of the Act, we conclude that in such circumstances, only a member of the agency may seek agency action on such a request. Therefore, we have deleted from § 503.75(d) the language: " \* \* \* the Managing Director, or the General Counsel of the agency. \* \* \*"

Additionally, our review of proposed §§ 503.86 and 503.87 has revealed wording which might have been confusing if not clarified. Section 503.86(a) originally referred to " \* \* \* all records required to be maintained by the agency under the provisions of § 503.85 of the subpart. \* \* \*". That reference was overbroad. It would have included items to which public access was not contemplated under the Act. To remedy this overbreadth we have amended that sentence to read: "All transcripts, electronic recordings or minutes required to be maintained by the agency under the provisions of § 503.85 (a) (3) and (b) of this subpart. \* \* \*". Hence, for internal consistency we necessarily amended § 503.87 (a) to conform to the language of § 503.86 regarding "transcripts, elec-

tronic recordings" and "minutes" rather than "records" generally. This revision comports with the wording of the Act which refers only to these specific items. (5 U.S.C. 552b(f) (2).)

All amendments made herein have made these regulations conform precisely to the Government in the Sunshine Act with respect to the activities of the Federal Maritime Commission.

Therefore, it is ordered, that pursuant to the Government in the Sunshine Act (Pub. L. 94-409; 5 U.S.C. 552b, September 13, 1976), Part 503 of Title 46 CFR, is hereby amended by adding a new Subpart H as set forth below:

**Subpart H—Public Observation of Federal Maritime Commission Meetings and Public Access to Information Pertaining to Commission Meetings**

- Sec.
- 503.70 Policy.
- 503.71 Definitions.
- 503.72 General rule—meetings.
- 503.73 Exceptions—meetings.
- 503.74 Procedures for closing a portion or portions of a meeting or a portion or portions of a series of meetings on agency initiated requests.
- 503.75 Procedures for closing a portion of a meeting on request initiated by an interested person.
- 503.76 Effect of vote to close a portion or portions of a meeting or series of meetings.
- 503.77 Responsibilities of general counsel of the agency upon a request to close any portion of any meeting.
- 503.78 General rule—information pertaining to meetings.
- 503.79 Exceptions—information pertaining to meetings.
- 503.80 Procedures for withholding information pertaining to a meeting.
- 503.81 Effect of vote to withhold information pertaining to meetings.
- 503.82 Public announcement of agency meetings.
- 503.83 Public announcement of changes in meetings.
- 503.84 [Reserved]
- 503.85 Agency recordkeeping requirements.
- 503.86 Public access to records.
- 503.87 Effect of provisions of this subpart on any other subpart.

**AUTHORITY:** Sec. 553 of the Administrative Procedure Act (5 U.S.C. 553) and section 552b(g), Government in the Sunshine Act (5 U.S.C. 552b)

**Subpart H—Public Observation of Federal Maritime Commission Meetings and Public Access to Information Pertaining to Commission Meetings**

**§ 503.70 Policy.**

It is the policy of the Federal Maritime Commission, under the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b, September 13, 1976) to entitle the public to the fullest practicable information regarding the decisional processes of the Commission. The provisions of this Subpart set forth the procedural requirements designed to provide the public with such information while continuing to protect the rights of individuals and to maintain the capabilities of the Commission in carrying out its responsibilities under the shipping statutes administered by this Commission.

**§ 503.71 Definitions.**

The following definitions apply for purposes of this subpart:

"Agency" means the Federal Maritime Commission;

"Information pertaining to a meeting" means, but is not limited to, the following: the record of any agency vote taken under the provisions of this Subpart, and the record of the vote of each member; a full written explanation of any agency action to close any portion of any meeting under this Subpart; lists of persons expected to attend any meeting of the agency and their affiliation; public announcement by the agency under this Subpart of the time, place, and subject matter of any meeting or portion of any meeting; announcement of whether any meeting or portion of any meeting shall be open to public observation or closed; any announcement of any change regarding any meeting or portion of any meeting; and the name and telephone number of the Secretary of the agency who shall be designated by the agency to respond to requests for information concerning any meeting or portion of any meeting;

"Meeting" means the deliberations of at least three of the members of the agency which determine or result in the joint conduct or disposition of official agency business, but does not include:

(a) individual member's consideration of official agency business circulated to the members in writing for disposition on notation; (b) deliberations by the agency in determining whether or not to close a portion or portions of a meeting or series of meetings as provided in §§ 503.74 and 503.75 of this subpart; (c) deliberations by the agency in determining whether or not to withhold from disclosure information pertaining to a portion or portions of a meeting or series of meetings as provided in § 503.80 of this subpart; or (d) deliberations pertaining to any change in any meeting or to changes in the public announcement of such a meeting as provided in § 503.83 of this subpart;

"Member" means each individual Commissioner of the agency;

"Person" means any individual, partnership, corporation, association, or public or private organization, other than an agency as defined in 5 U.S.C. 551(1);

"Public observation" means attendance at any meeting but does not include participation, or attempted participation, in such meeting in any manner;

"Series of meetings" means more than one meeting involving the same particular matters and scheduled to be held no more than thirty (30) days after the initial meeting in such series.

**§ 503.72 General rule—meetings.**

(a) Except as otherwise provided in §§ 503.73, 503.74, 503.75 and 503.76 of this subpart, every portion of every meeting and every portion of a series of meetings of the agency shall be open to public observation.

(b) The opening of a portion or portions of a meeting or a portion or portions of a series of meetings to public

observation shall not be construed to include any participation by the public in any manner in the meeting. Such an attempted participation or participation shall be cause for removal of any person so engaged at the discretion of the presiding member of the agency.

**§ 503.73 Exceptions—meetings.**

Except in a case where the agency finds that the public interest requires otherwise, the provisions of § 503.72(a) shall not apply to any portion or portions of an agency meeting or portion or portions of a series of meetings where the agency determines under the provisions of § 503.74 or 503.75 of this subpart that such portion or portions of such meeting or series of meetings is likely to:

(a) Disclose matters that are (1) specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign policy and (2) in fact properly classified pursuant to such Executive order;

(b) Relate solely to the internal personnel rules and practices of an agency;

(c) Disclose matters specifically exempted from disclosure by any statute other than 5 U.S.C. 552 (FOIA), provided that such statute (1) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (2) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(d) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(e) Involve accusing any person of a crime, or formally censuring any person;

(f) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(g) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would (1) interfere with enforcement proceedings, (2) deprive a person of a right to a fair trial or an impartial adjudication, (3) constitute an unwarranted invasion of personal privacy, (4) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (5) disclose investigative techniques and procedures, or (6) endanger the life or physical safety of law enforcement personnel;

(h) Disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(i) Disclose information the premature disclosure of which would be likely to significantly frustrate implementation

of a proposed agency action, unless the agency has already disclosed to the public the content or nature of its proposed action, or where the agency is required by law to make such disclosure on its own initiative prior to taking final agency action on such proposal; or

(j) Specifically concern the agency's issuance of a subpoena, or the agency's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the agency of a particular case of formal agency adjudication pursuant to the procedures in 5 U.S.C. 554 or otherwise involving a determination on the record after opportunity for a hearing.

**§ 503.74 Procedures for closing a portion or portions of a meeting or a portion or portions of a series of meetings on agency initiated requests.**

(a) Any member of the agency, the Managing Director, or the General Counsel of the agency may request that any portion or portions of a meeting or any portion or portions of a series of meetings be closed to public observation for any of the reasons provided in § 503.73 of this subpart by submitting such request in writing to the Secretary of the agency not later than two weeks prior to the commencement of the meeting or the commencement of the first meeting in a series of meetings.

(b) Upon receipt by him of any request made under paragraph (a) of this section, the Secretary of the agency shall schedule a time at which the members of the agency shall vote upon the request which vote shall take place not later than eight (8) days prior to the scheduled meeting of the agency.

(c) At the time the Secretary schedules a time for an agency vote as described in paragraph (b) of this section, he shall forward the request to the General Counsel of the agency who shall act upon such request as provided in § 503.77 of this subpart.

(d) At the time scheduled by the Secretary as provided in paragraph (b) of this section, the members of the agency, upon consideration of the request submitted under paragraph (a) of this section and consideration of the certified opinion of the General Counsel of the agency provided the members under § 503.77 of this subpart, shall vote upon that request. That vote shall determine whether or not any portion or portions of a meeting or portion or portions of a series of meetings may be closed to public observation for any of the reasons provided in § 503.73 of this subpart, and whether or not the public interest requires that the portion or portions of the meeting or meetings remain open, notwithstanding the applicability of any of the reasons provided in § 503.73 permitting the closing of any portion of any meeting to public observation.

(e) In the case of a vote on a request under this section to close to public observation a portion or portions of a meeting, no such portion or portions of any meeting may be closed unless, by a vote

on the issues described in paragraph (d) of this section, a majority of the entire membership of the agency shall vote to close such portion or portions of a meeting by recorded vote.

(f) In the case of a vote on a request under this section to close to public observation a portion or portions of a series of meetings as defined in § 503.71 of this subpart, no such portion or portions of a series of meetings may be closed unless, by a vote on the issues described in paragraph (d) of this section, a majority of the entire membership of the agency shall vote to close such portion or portions of a series of meetings. A determination to close to public observation a portion or portions of a series of meetings may be accomplished by a single vote on each of the issues described in paragraph (d) of this section, provided that the vote of each member of the agency shall be recorded and the vote shall be cast by each member and not by proxy vote.

**§ 503.75 Procedures for closing a portion of a meeting on request initiated by an interested person.**

(a) Any person as defined in § 503.71 of this subpart whose interests may be directly affected by a portion of a meeting of the agency may request that the agency close that portion of a meeting for the reason that matters in deliberation at that portion of the meeting are such that public disclosure of that portion of a meeting is likely to:

- (1) Involve accusing any person of a crime, or formally censuring any person;
- (2) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy; or
- (3) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel.

(b) Any person described in paragraph (a) of this section who submits a request that a portion of a meeting be closed shall submit an original and 15 copies of that request to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, and shall state with particularity that portion of a meeting sought by him to be closed and the reasons therefor as described in paragraph (a) of this section.

(c) Upon receipt by him of any request made under paragraphs (a) and (b) of this section, the Secretary of the agency shall:

(1) Furnish a copy of the request to each member of the agency;

(2) Furnish a copy of the request to the General Counsel of the agency; and

(3) Furnish a copy of the request to the Managing Director of the agency.

(d) Upon receipt of a copy of a request made under paragraphs (a) and (b) of this section, any member of the agency may request agency action upon the request to close a portion of a meeting by notifying the Secretary of the agency of that request for agency action.

(e) Upon receipt by him of a request for agency action under paragraph (d) of this section, the Secretary of the agency shall schedule a time for an agency vote upon the request of the person whose interests may be directly affected by a portion of a meeting, which vote shall take place prior to the scheduled meeting of the agency.

(f) At the time the Secretary receives a request for agency action and schedules a time for an agency vote as described in paragraph (e) of this section, he shall forward the request of the person whose interests may be directly affected by a portion of a meeting to the General Counsel of the agency who shall act upon such request as provided in § 503.77 of this subpart.

(g) At the time scheduled by the Secretary as provided in paragraph (e) of this section, the members of the agency, upon consideration of the request of the person whose interests may be directly affected by a portion of a meeting submitted under paragraphs (a) and (b) of this section, and consideration of the certified opinion of the General Counsel of the agency provided the members under § 503.77 of this subpart, shall vote upon that request. That vote shall determine whether or not any portion or portions of a meeting or portion or portions of a series of meetings may be closed to public observation for any of the reasons provided in paragraph (a) of this section, and whether or not the public interest requires that the portion or portions of the meeting or meetings remain open, notwithstanding the applicability of any of the reasons provided in paragraph (a) of this section permitting the closing of any portion of any meeting to public observation.

(h) In the case of a vote on a request under this section to close to public observation a portion of a meeting, so such portion of a meeting may be closed unless, by a vote on the issues described in paragraph (g) of this section, a majority of the entire membership of the agency shall vote to close such portion of a meeting by a recorded vote.

**§ 503.76 Effect of vote to close a portion or portions of a meeting or series of meetings.**

(a) Where the agency votes as provided in §§ 503.74 or 503.75, to close to public observation a portion or portions

of a meeting or a portion or portions of a series of meetings, the portion or portions of a meeting or the portion or portions of a series of meetings shall be closed.

(b) Except as otherwise provided in §§ 503.80, 503.81 and 503.82 of this subpart, not later than the day following the day on which a vote is taken under §§ 503.74 or 503.75, by which it is determined to close a portion or portions of a meeting or a portion or portions of a series of meetings to public observation, the Secretary shall make available at his offices: (1) a written copy of the recorded vote reflecting the vote of each member of the agency; (2) a full written explanation of the agency action closing that portion or those portions to public observation; and (3) a list of the names and affiliations of all persons expected to attend the portion or portions of the meeting or the portion or portions of a series of meetings.

(c) Except as otherwise provided in §§ 503.80, 503.81 and 503.82 of this subpart, not later than the day following the day on which a vote is taken under §§ 503.74 or 503.75 by which it is determined that the portion or portions of a meeting or the portion or portions of a series of meetings shall remain open to public observation, the Secretary shall make available at his offices a written copy of the recorded vote reflecting the vote of each member of the agency.

**§ 503.77 Responsibilities of general counsel of the agency upon a request to close any portion of any meeting.**

(a) Upon any request that the agency close a portion or portions of any meeting or any portion or portions of any series of meetings under the provisions of §§ 503.74 and 503.75 of this subpart, the General Counsel of the agency shall certify in writing to the agency, prior to an agency vote on that request, whether or not in his or her opinion the closing of any such portion or portions of a meeting or portion or portions of a series of meetings is proper under the provisions of this subpart and the terms of the Government in the Sunshine Act (5 U.S.C. 552b). If, in the opinion of the General Counsel, the closing of a portion or portions of a meeting or portion or portions of a series of meetings is proper under the provisions of this subpart and the terms of the Government in the Sunshine Act (5 U.S.C. 552b), his or her certification of that opinion shall cite each applicable particular exemptive provision of that Act and provision of this subpart.

(b) A copy of the certification of the General Counsel as described in paragraph (a) of this section together with a statement of the presiding officer of the portion or portions of any meeting or the portion or portions of a series of meetings setting forth the time and place of the relevant meeting or meetings, and the persons present, shall be maintained by the Secretary of the agency in his offices for public inspection.

**§ 503.78 General rule—information pertaining to meetings.**

As defined in § 503.71 of this subpart, all information pertaining to a portion or portions of a meeting or portion or portions of a series of meetings of the agency shall be disclosed to the public unless excepted from such disclosure under §§ 503.79, 503.80 and 503.81 of this subpart.

**§ 503.79 Exceptions—information pertaining to meetings.**

Except in a case where the agency finds that the public interest requires otherwise, information pertaining to a portion or portions of a meeting or portion or portions of a series of meetings need not be disclosed by the agency if the agency determines, under the provisions of §§ 503.80 and 503.81 of this subpart that disclosure of that information is likely to:

(a) Disclose matters that are (1) specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign policy and (2) in fact properly classified pursuant to such Executive order;

(b) Relate solely to the internal personnel rules and practices of an agency;

(c) Disclose matters specifically exempted from disclosure by any statute other than 5 U.S.C. 552 (FOIA), provided that such statute (1) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (2) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(d) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(e) Involve accusing any person of a crime, or formally censuring any person;

(f) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(g) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would (1) interfere with enforcement proceedings, (2) deprive a person of a right to a fair trial or an impartial adjudication, (3) constitute an unwarranted invasion of personal privacy, (4) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (5) disclose investigative techniques and procedures, or (6) endanger the life or physical safety of law enforcement personnel;

(h) Disclose information contained in or related to examination, operating, or

condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(i) Disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action, unless the agency has already disclosed to the public the content or nature of its proposed action, or where the agency is required by law to make such disclosure on its own initiative prior to taking final agency action on such proposal; or

(j) Specifically concern the agency's issuance of a subpoena, of the agency's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the agency of a particular case of formal agency adjudication pursuant to the procedures in 5 U.S.C. 554 or otherwise involving a determination on the record after opportunity for a hearing.

**§ 503.80 Procedures for withholding information pertaining to a meeting.**

(a) Any member of the agency, the Managing Director, or the General Counsel of the agency may request that information pertaining to a portion or portions of a meeting or to a portion or portions of a series of meetings be withheld from public disclosure for any of the reasons set forth in § 503.79 of this subpart by submitting such request in writing to the Secretary of the agency not later than two (2) weeks prior to the commencement of the meeting or the commencement of the first meeting in a series of meetings.

(b) Upon receipt by him of any request made under paragraph (a) of this section, the Secretary of the agency shall schedule a time at which the members of the agency shall vote upon the request which vote shall take place not later than eight (8) days prior to the scheduled meeting of the agency.

(c) At the time scheduled by the Secretary in paragraph (b) of this section, the Members of the agency, upon consideration of the request submitted under paragraph (a) of this section shall vote upon that request. That vote shall determine whether or not information pertaining to a meeting may be withheld from public disclosure for any of the reasons provided in § 503.79 of this subpart, and whether or not the public interest requires that the information be disclosed notwithstanding the applicability of the reasons provided in § 503.79 of this subpart permitting the withholding from public disclosure of the information pertaining to a meeting.

(d) In the case of a vote on a request under this section to withhold from public disclosure information pertaining to a portion or portions of a meeting, no such information shall be withheld from public disclosure unless, by a vote on the issues described in paragraph (c) of this section, a majority of the entire membership of the agency shall vote to withhold such information by recorded vote.

(e) In the case of a vote on a request under this section to withhold informa-

tion pertaining to a portion or portions of a series of meetings, no such information shall be withheld unless, by a vote on the issues described in paragraph (c) of this section, a majority of the entire membership of the agency shall vote to withhold such information. A determination to withhold information pertaining to a portion or portions of a series of meetings from public disclosure may be accomplished by a single vote on the issues described in paragraph (c) of this section, provided that the vote of each member of the agency shall be recorded and the vote shall be cast by each member and not by proxy vote.

**§ 503.81 Effect of vote to withhold information pertaining to meetings.**

(a) Where the agency votes as provided in § 503.80 of this subpart to withhold from public disclosure information pertaining to a portion or portions of a meeting or portion or portions of a series of meetings, such information shall be excepted from the requirements of §§ 503.78, 503.82 and 503.83 of this subpart.

(b) Where the agency votes as provided in § 503.80 of this subpart to permit public disclosure of information pertaining to a portion or portions of a meeting or portion or portions of a series of meetings, such information shall be disclosed to the public as required by §§ 503.78, 503.82 and 503.83 of this subpart.

(c) Not later than the day following the day on which a vote is taken under § 503.80 of this subpart, by which the information pertaining to a meeting is determined to be disclosed, the Secretary shall make available to the public at his offices a written copy of such vote reflecting the vote of each member of the agency on the question.

**§ 503.82 Public announcement of agency meetings.**

(a) Except as provided in §§ 503.80 and 503.81 of this subpart regarding a determination to withhold from public disclosure any information pertaining to a portion or portions of a meeting or portion or portions of a series of meetings, or as otherwise provided in paragraph (c) of this section, the Secretary of the agency shall make public announcement of each meeting of the agency.

(b) Public announcement of each meeting of the agency shall be accomplished not later than one week prior to commencement of a meeting or the commencement of the first meeting in a series of meetings, except as otherwise provided in this section, and shall disclose:

- (1) the time of the meeting;
- (2) the place of the meeting;
- (3) the subject matter of each portion of each meeting or series of meeting;
- (4) whether any portion or portions of a meeting or portion or portions of any series of meetings shall be open or closed to public observation; and
- (5) the name and telephone number of the Secretary of the agency who shall respond to requests for information about a meeting.

(c) The announcement described in paragraphs (a) and (b) of this section may be accomplished less than one week prior to the commencement of any meeting or series of meetings provided the agency determines by recorded vote that the agency business requires that any such meeting or series of meetings be held at an earlier date. In the event of such a determination by the agency, public announcement as described in (b) of this section shall be accomplished at the earliest practicable time.

(d) Immediately following any public announcement accomplished under the provisions of this section, the Secretary of the agency shall submit a notice for publication in the FEDERAL REGISTER disclosing:

- (1) the time of the meeting;
- (2) the place of the meeting;
- (3) the subject matter of each portion of each meeting or series of meetings;
- (4) whether any portion or portions of any meeting or any portion or portions of any series of meetings is open or closed to public observation; and
- (5) the name and telephone number of the Secretary of the agency who shall respond to requests for information about any meeting.

**§ 503.83 Public announcement of changes in meetings.**

(a) Except as provided in §§ 503.80 and 503.81, under the provisions of paragraphs (b) and (c) of this section, the time or place of a meeting or series of meetings may be changed by the agency following accomplishment of the announcement and notice required by § 503.82 provided, the Secretary of the agency shall publicly announce such change at the earliest practicable time.

(b) The subject matter of a portion or portions of a meeting or a portion or portions of a series of meetings, the time and place of such meeting, and the determination that the portion or portions of a meeting or portion or portions of a series of meetings shall be open or closed to public observation may be changed following accomplishment of the announcement required by § 503.82, provided:

(1) The agency, by recorded vote of the majority of the entire membership of the agency, determines that agency business so requires and that no earlier announcement of the change was possible; and

(2) The secretary of the agency publicly announces, at the earliest practicable time, the change made and the vote of each member upon such change.

(c) Immediately following any public announcement of any change accomplished under the provisions of this section, the Secretary of the agency shall submit a notice for publication in the FEDERAL REGISTER disclosing:

- (1) The time of the meeting;
- (2) The place of the meeting;
- (3) The subject matter of each portion of each meeting or series of meetings;
- (4) Whether any portion or portions of any meeting or any portion or por-

tions of any series of meetings is open or closed to public observation;

(5) Any change in (1), (2), (3), or (4) of this paragraph; and

(6) The name and telephone number of the Secretary of the agency who shall respond to requests for information about any meeting.

**§ 503.84 [Reserved]**

**§ 503.85 Agency recordkeeping requirements.**

(a) In the case of any portion or portions of a meeting or portion or portions of a series of meetings determined by the agency to be closed to public observation under the provisions of this Subpart, the following records shall be maintained by the Secretary of the agency:

(1) The certification of the General Counsel of the agency required by § 503.77 of this subpart;

(2) A statement from the presiding officer of the portion or portions of the meeting or portion or portions of a series of meetings setting forth the time and place of the portion or portions of the meeting or portion or portions of the series of meetings, the persons present at those times; and

(3) Except as provided in paragraph (b) of this section, a complete transcript or electronic recording fully recording the proceedings at each portion of each meeting closed to public observation.

(b) In case the agency determines to close to public observation any portion or portions of any meeting or portion or portions of any series of meetings because public observation of such portion or portions of any meeting is likely to specifically concern the agency's issuance of a subpoena, or the agency's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the agency of a particular case of formal agency adjudication pursuant to the procedures in 5 U.S.C. 554 or otherwise involving a determination on the record after opportunity for a hearing, the agency may maintain a set of minutes in lieu of the transcript or recording described in paragraph (a) (3) of this section. Such minutes shall contain:

(1) A full and clear description of all matters discussed in the closed portion of any meeting;

(2) A full and accurate summary of any action taken on any matter discussed in the closed portion of any meeting and the reasons therefor;

(3) A description of each of the views expressed on any matter upon which action was taken as described in subparagraph (2) of this paragraph;

(4) The record of any rollcall vote which shall show the vote of each member on the question; and

(5) An identification of all documents considered in connection with any action taken on a matter described in subparagraph (1) of this paragraph.

(c) All records maintained by the agency as described in this section shall be held by the agency for a period of

not less than two (2) years following any meeting or not less than one (1) year following the conclusion of any agency proceeding with respect to which that meeting or portion of a meeting was held.

**§ 503.86 Public access to records.**

(a) All transcripts, electronic recordings or minutes required to be maintained by the agency under the provisions of § 503.85(a)(3) and (b) of this subpart promptly shall be made available to the public by the Secretary of the agency, except for any item of discussion or testimony of any witnesses which the agency determines to contain information which may be withheld from public disclosure because its disclosure is likely to:

(1) Disclose matters that are (i) specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign policy and (ii) in fact properly classified pursuant to such Executive order;

(2) Relate solely to the internal personnel rules and practices of an agency;

(3) Disclose matters specifically exempted from disclosure by any statute other than 5 U.S.C. 552 (FOIA), provided that such statute (i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Involve accusing any person of a crime, or formally censuring any person;

(6) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(7) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel;

(8) Disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(9) Disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action, unless the agency has already disclosed to the pub-

lic the content or nature of its proposed action, or where the agency is required by law to make such disclosure on its own initiative prior to taking final agency action on such proposal; or

(10) Specifically concern the agency's issuance of a subpoena, or the agency's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the agency of a particular case of formal agency adjudication pursuant to the procedures in 5 U.S.C. 554 or otherwise involving a determination on the record after opportunity for a hearing.

(b) Requests for access to the records described in this section shall be made in accordance with procedures described in subpart D of this part.

(c) Records disclosed to the public under this section shall be furnished at the expense of the party requesting such access at the actual cost of duplication or transcription.

**§ 503.87 Effect of provisions of this subpart on any other subpart.**

(a) Nothing in this subpart shall limit or expand the ability of any person to seek access to agency records under subpart D of this part except that the exceptions of § 503.86 shall govern requests to copy or inspect any portion of any transcript, electronic recordings or minutes required to be kept under this subpart.

(b) Nothing in this subpart shall permit the withholding from any individual to whom a record pertains any record required by this subpart to be maintained by the agency which record is otherwise available to such an individual under the provisions of subpart G of this part.

Effective date: These regulations shall be effective as of March 12, 1977.

By the Commission.

JOSEPH C. POLKING,  
Acting Secretary.

[FR Doc.77-6245 Filed 3-1-77; 8:45 am]

**Title 47—Telecommunication**  
**CHAPTER I—FEDERAL**  
**COMMUNICATIONS COMMISSION**  
[Docket No. 20774; FCC 76-617]

**PART 68—CONNECTION OF TERMINAL**  
**EQUIPMENT TO THE TELEPHONE**  
**NETWORK**

**Standard Plugs and Jacks; Meeting on**  
**Petition for Reconsideration**

In a Report and Order in Docket No. 20774, 41 FR 28694, July 12, 1976, the FCC adopted standard plugs and jacks for the connection of registered telephone terminal equipment (other than key telephone and PBX systems) to the nationwide telephone network. Included in that Order were certain plug/jack configurations for data equipment.

The Order was based, in part, on the consensus opinions of the affected public, developed at informal meetings conducted at the FCC. Subsequently, the

American Telephone and Telegraph Co. filed a petition for reconsideration seeking changes to the specified plug/jack configurations for data equipment which were, in part, opposed by representatives of the data industry.

In an attempt to reach a rapid resolution in the public interest, and to retain the concept that these rules, so far as is feasible, reflect a consensus of the affected public's views, we are convening an additional meeting at the FCC's Washington, D.C. offices:

March 8, 1977, 9:30 a.m. at 1919 M St., N.W., Room 650.

to allow the affected public an opportunity to resolve its differences.

An agenda will be established at the meeting. Suggested issues for discussion are:

1. The relative merits of achieving multiple data connections through the use of a 50-position "ribbon" jack mechanical configuration, as opposed to achieving multiple data connections using a multiple array of modular data jacks, with an adapter between the modular data jacks and a single "ribbon" connector where multiple connection using the "ribbon" connector is desired.

2. The need for a "ribbon" connector alternative to the modular data jacks and plugs for single-line connection of data equipment, in view of the present and projected availability of modular plugs and jacks.

All parties attending this meeting are urged to send personnel prepared to address relevant matters. If there are any questions with respect to this notice, they should be directed to Ms. Christine Jackson, 202-632-9342.

FEDERAL COMMUNICATIONS  
COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

[FR Doc.77-6196 Filed 3-1-77; 8:45 am]

**Title 49—Transportation**  
**CHAPTER X—INTERSTATE COMMERCE**  
**COMMISSION**  
**SUBCHAPTER A—GENERAL RULES AND**  
**REGULATIONS**

[Amdt. No. 10 to Service Order No. 1131;  
Service Date Feb. 25, 1977]

**PART 1033—CAR SERVICE**

Chicago, Rock Island and Pacific Railroad Company Authorized to Operate Over Tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of February 1977.

Upon further consideration of Service Order No. 1131 (38 FR 9232, 17845, 33399; 39 FR 8327, 19218, 41853; 40 FR 8823, 40518; 41 FR 8480 and 36820), and good cause appearing therefor:

It is ordered, that:

Service Order No. 1131 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1131 Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., August 31, 1977, unless otherwise modified, changed or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., February 28, 1977.

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

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

By the Commission, Railroad Service Board, members Joel E. Burns, Lewis R. Teeple and Thomas J. Byrne.

ROBERT L. OSWALD,  
Secretary.

[FR Doc.77-6232 Filed 3-1-77; 8:45 am]

[Amdt. No. 1 to Eighth Revised Service Order No. 1234, Service Date Feb. 25, 1977]

**PART 1033—CAR SERVICE**

**Distribution of Freight Cars**

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of February 1977.

Upon further consideration of Eighth Revised Service Order No. 1234 (42 FR 5359), and good cause appearing therefor:

It is ordered, that:

Eighth Revised Service Order No. 1234 be, and it is hereby, amended by substituting the following paragraph (k) for paragraph (k) thereof:

§ 1033.1234 Distribution of Freight Cars.

(k) *Expiration date:* The provisions of this order shall expire at 11:59 p.m., March 31, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., February 28, 1977.

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

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

By the Commission, Railroad Service Board, members Joel E. Burns, Lewis R. Teeple, and Thomas J. Byrne.

ROBERT L. OSWALD,  
Secretary.

[FR Doc.77-6231 Filed 3-1-77;8:45 am]

[Amdt. No. 2 to Corrected Service Order No. 1230, Service Date Feb. 25, 1977]

**PART 1033—CAR SERVICE**

**Illinois Central Gulf Railroad Company Authorized To Operate Over Tracks of Waterloo Railroad Co.**

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of February 1977.

Upon further consideration of Corrected Service Order No. 1230 (41 FR 8347 and 36209), and good cause appearing therefor:

It is ordered, that:

Corrected Service Order No. 1230 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

§ 1033.1230 The Illinois Central Gulf Railroad Company authorized to Operate over tracks of the Waterloo Railroad Co.

(g) Expiration date: The provisions of this order shall expire at 11:59 p.m., April 30, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., February 28, 1977.

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

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

By the Commission, Railroad Service Board, members Joel E. Burns, Lewis R. Teeple, and Thomas J. Byrne.

ROBERT L. OSWALD,  
Secretary.

[FR Doc.77-6236 Filed 3-1-77;8:45 am]

[Amdt. No. 1 to Revised Service Order No. 1245, Service Date Feb. 25, 1977]

**PART 1033—CAR SERVICE**

**Missouri Pacific Railroad Co. Authorized To Operate Over Tracks of Burlington Northern Inc.**

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of February 1977.

Upon further consideration of Revised Service Order No. 1245 (41 FR 52695) and good cause appearing therefor:

It is ordered, that:

Revised Service Order No. 1245 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1245 Missouri Pacific Railroad Company authorized to operate over tracks of Burlington Northern Inc.

(e) Expiration date. The provisions of this order shall expire at 11:59 p.m., August 31, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., February 28, 1977.

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

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

By the Commission, Railroad Service Board, members Joel E. Burns, Lewis R. Teeple, and Thomas J. Byrne.

ROBERT L. OSWALD,  
Secretary.

[FR Doc.77-6229 Filed 3-1-77;8:45 am]

**Title 50—Wildlife and Fisheries**

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

**PART 611—FOREIGN FISHING**

**Correction**

In FR Doc. 77-3796 appearing in the FEDERAL REGISTER issue of February 11,

1977, and beginning at page 8813, make the following correction:

1. Page 8816, § 611.3(f) fourth line, the section "611.15" should read "611.7".  
2. Page 8817, § 611.9(a) fifth line, the word "require" should read "requirement".

3. Page 8817, § 611.10(a) second line, subparagraph "(o)" should read "(n)".

4. Page 8819, § 611.20(b) the quantity for Alaska pollock "1,175,000" should read "1,099,000".

5. Page 8827, § 611.52(e)(2) fifth line should be deleted and the words "would in effect, make it possible to fish" should be inserted.

6. Pages 8827, § 611.52(j)(2), 8830, § 611.53(j)(2), 8833, § 611.54(j)(2), first line, the word "in" following the word "Fishing" should read "is".

7. Page 8837, § 611.70(b) catch quota for Pacific hake "143,200" should read "123,200".

8. Page 8837, § 611.70(b)(2)(i) first line, the word "Seward" should read "Seaward".

9. Page 8837, § 611.70(c) twelfth line the month "March" should read "June".

10. Page 8837, § 611.70(d)(92)(iii) fifth line, delete the coordinates "32°37'37.00" N. lat., 117°49'31.00" W. long."

11. Page 8837, § 611.70(f)(2) twelfth line the words "and Vancouver (including that portion off Canada" should be deleted.

12. Page 8839, § 611.80(a) ninth line, the word "goal" should read "gold".

13. Page 8839, § 611.80(f)(4) second line, the words "Part 3.0 above" should read "paragraph (c)".

14. Page 8841, the section number "611.96" should read "611.91".

15. Page 8843, § 611.92(d)(2) first line, the word "traveling" should read "trawling".

16. Page 8843, § 611.92(d)(3)(iii) second line, the number "56°30" should read "56°00".

17. Pages 8822, § 611.50(j)(2); 8825, § 611.51(j)(2); 8827, § 611.52(j)(2); 8831, § 611.53(j)(2); 8833, § 611.54(j)(2), the broadcast time for Portsmouth (NMN) reads "1350 G.M.T.", should read "1905 G.M.T."

18. Page 8819, § 611.20 paragraph (d) should be deleted.

19. Page 8818, § 611.11(a) seventh line following the word "gear" should read "; the owner or operator of any fishing vessel shall be responsible for the reimbursements of United States citizens for any loss of, or damage to, United States fishing vessels, fishing gear, or catch which is caused by such foreign fishing vessel.

Dated: February 25, 1977.

ROBERT W. SCHONING,  
Director, National Marine Fisheries Service.

[FR Doc.77-6265 Filed 3-1-77;8:45 am]

# proposed rules

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

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 52 ]

#### FROZEN PEAS

#### United States Grade Standards; Second Proposed Revision

A notice of proposed rulemaking to revise the United States Standards for Grades of Frozen Peas was published in the FEDERAL REGISTER of July 30, 1976 (41 FR 31843). Interested persons were given until September 30, 1976 to submit written data, views, and comments regarding the proposal. Due to the substance of the comments which were received in response to the first notice of proposed rulemaking, the Department is issuing a second notice of proposed rulemaking.

These standards are issued under the authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use by producers, buyers, and consumers. Official grading services are also provided under this Act upon request of the applicant and upon payment of a fee to cover the cost of such services.

**NOTE.**—Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

All persons who desire to submit written data, views, or arguments for consideration in connection with the second proposal should file same in duplicate not later than September 30, 1977 with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

**Statement of consideration leading to the second proposal.** Comments were received from fourteen persons representing ten different frozen pea processors, two buyers of frozen peas, one association and the Defense Personnel Support Center.

Three individuals opposed the proposal in its entirety. The principal reason indicated was that the proposal was unduly complicated since it was based on statistical principles using the attributes approach.

One comment was directed solely to a computation error in the transposition of inches to centimeters for sizes of frozen peas.

The rest of the comments raised objection only to the proposed double brine requirements in Grade A and B. The basis for the objections were:

1. The maturity separator equipment is not sufficiently efficient to justify requirements for 13 percent and 15 percent brine in Grade A and 15 percent and 16 percent brine in Grade B; and

2. The extra time required to make determinations in two brines instead of one brine in Grades A and B would be too costly.

Several comments suggested a need for additional time for the industry and other interested persons to become more familiar with the proposed attributes approach. One comment suggested the double brine procedure be included as an optional procedure to be used only upon request. Comments from two persons objected to the inclusion of the Alcohol Insoluble Solids procedure.

Information received by the Department indicates that the brine flotation equipment for separation of maturities of peas used by the frozen pea industry is the same as that used by pea canning industry. Double brine requirements for the Grade A and Grade B classifications have been a part of the U.S. Standards for Grades of Canned Peas since 1941 and there has been no indication of any problem in meeting the requirements.

The Alcohol Insoluble Solids procedure is a requirement of the Federal Food and Drug Standard of Quality for Frozen Peas. USDA quality standards must comply with the FDA standards at the minimum or Grade C level.

After careful consideration of all the comments received the Department is offering a second proposal which will:

1. Give more time for users of the frozen peas standard to become familiar with the attributes approach, as suggested;

2. Delete the double brine procedure as a requirement of the standard. This procedure is, however, proposed as an optional procedure to be used only upon request;

3. Delete the allowance for deviants for the prerequisite quality factors included in the first proposal;

4. Include a compliance procedure for unofficially submitted samples;

5. Make certain editorial changes which do not affect the quality requirements; and

6. Adjust certain AQL's slightly to provide for better compatibility between stationary lot inspection and on-line inspection.

The proposed revision is as follows:

#### Subpart—United States Standards for Grades of Frozen Peas

- 52.3511 Product description.  
52.3512 Definition of terms.

- 52.3513 Sample unit sizes.  
52.3514 Size designations and compliance.  
52.3515 Grades.  
52.3516 Factors of quality and grade compliance.  
52.3517 Sample sizes.  
52.3518 Methods of analysis.  
52.3519 Lot acceptance.  
52.3520 Optional maturity tests.  
52.3521 Compliance procedure for unofficially submitted samples.

**AUTHORITY:** Agricultural Marketing Act of 1946, secs. 203, 205, 60 Stat. 1087, as amended 1090; (7 U.S.C. 1622, 1624).

#### Subpart—United States Standards for Grades of Frozen Peas

##### § 52.3511 Product description.

"Frozen Peas" is the product represented as defined in the Standards of Identity for Frozen Peas (21 CFR 50.2) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

##### § 52.3512 Definitions of terms.

(a) *Absolute limit (AL)*. Limit for maximum number of defects permitted in a sample unit.

(b) *Acceptable quality level (AQL)*. A nominal value expressed in percent defective or defects per hundred units, whichever is applicable, specified for a given class of defects such that the sampling plan will result in acceptance of 95 percent of submitted inspection lots containing that percentage of defective items or defects per hundred units.

(c) *Acceptance limit* (denoted by the symbol "L"). As used in the cumulative sum (CUSUM) sampling plans, the maximum allowable accumulation of defects exceeding the sample unit tolerance (T) in any sample unit or any consecutive number of sample units.

(d) *Blond peas*. Peas that are white, cream, or yellow in color.

(e) *Broken peas (pea fragments)*. Portions of peas, separated or individual cotyledons, crushed, partial, or broken cotyledons, and loose skins, but excluding entire intact peas with skins detached. Each of the following is considered as one defect in determining the number of broken peas:

- (1) A whole pea from which a portion has become separated;
- (2) Two detached cotyledons. Any two separated cotyledons;
- (3) Pieces of cotyledon aggregating the equivalent of one average size cotyledon;
- (4) A whole detached skin or portions of detached skin aggregating the equivalent of one average size whole skin.

(f) *Color*—(1) *Good color*. As a mass the peas are a good bright green color that is typical of the variety. Peas that

vary markedly from such typical color are considered a defect (see TABLE IV).

(2) *Reasonably good color.* As a mass the peas are a reasonably bright green color typical of the variety which may be slightly dull. Peas that vary markedly from such typical color are considered a defect (see TABLE IV).

(3) *Fairly good color.* As a mass the peas are a dull green color typical of the variety, but not off color.

(g) *Cumulative sum sampling plan (denoted by the term "CUSUM").* An on-line sampling plan which accumulates the number of defects in a sample that exceed a specified sample unit tolerance. A portion of production is acceptable (meets grade requirements) if the cumulative sum of defects does not exceed the specified acceptance limit.

(h) *Damaged.*—(1) *Blemished.* Peas that are slightly stained, spotted or otherwise discolored to the extent that the appearance or eating quality is materially affected.

(2) *Seriously blemished.* Peas that are hard, shrivelled, spotted, discolored, or otherwise blemished to the extent that the appearance or eating quality is seriously affected.

(1) *Extraneous vegetable material.*—

(1) *Flat material.* Succulent harmless vegetable material common to the pea plant such as leaves and pea pods.

(2) *Spherical material.* Spherical harmless vegetable material other than the peas.

(3) *Cylindrical material.* Cylindrical harmless vegetable material, such as stems or pieces of vine common to the pea plant.

(j) *Flavor.*—(1) *Good flavor.* A good characteristic flavor for the maturity.

(2) *Fairly good flavor.* The peas may be lacking flavor, the flavor may be bland, salty, hay-like or straw-like only to the extent that it is no more than slightly noticeable.

(k) *Sample.* The number of sample units to be used for inspection of a lot.

(1) *Sample unit.* The amount of product specified to be used for inspection. It may be:

(1) The entire contents of a container;

(2) A portion of the contents of a container;

(3) A combination of the contents of two or more containers; or

(4) A portion of unpacked product.

(m) *Sample unit tolerance (denoted by the symbol "T").* As used in the cumulative sum (CUSUM) sampling plans, the allowable number of defects in any sample unit.

(n) *Unit.* An individual pea.

§ 52.3513 Sample unit sizes.

(a) *Size designation.* 100 peas.

(b) *Maturity.* 100 peas, 50 peas, or 25 peas.

(c) *Alcohol Insoluble Solids (AIS).* The remainder of the sample unit used for evaluation of other quality factors.

(d) *Other quality factors.* 283 grams (10 ounces) of peas.

§ 52.3514 Size designations and compliance.

(a) *General.* Size of frozen peas is not incorporated in the grades of the finished product since size, as such, is not a factor of quality for the purpose of these grades. If size graded and offered for a given size, the size designations and specifications applicable thereto shall be as specified in Table I. The specifications indicate the dimension of the smallest round hole through which the peas will pass without force.

TABLE I

Size designation	Specifications	
	Inch	Millimeters
Extra small.....	Up to 0.285..	7.5
Very small.....	Up to 0.32..	8.2
Small.....	Up to 0.34..	8.7
Medium.....	Up to 0.40..	10.2
Large.....	Over 0.40..	10.2

(b) *Size defects.* For the purpose of determining compliance with requirements for size designations, defects are as classified in Table II.

TABLE II

Defect	Classification	
	Minor	Major
Next size larger than designated size.....	X	
Larger than next larger designated size.....		X

TABLE III.—Size designation compliance lot inspection

Absolute limit(A/L).....		32	10
	Number of sample units	Number of peas	Total <sup>1</sup> Major
3.....	300	69	18
6.....	600	132	32
13.....	1,300	273	64
21.....	2,100	432	99
29.....	2,900	590	133
38.....	3,800	796	172
48.....	4,800	963	214
60.....	6,000	1,190	265
Acceptable quality level (AQL).....		19.0	4.0

<sup>1</sup> Total equal minor plus major.

TABLE IIIa.—Cusum sampling plan on-line inspection

	Total <sup>1</sup>		Major	
	T	L	T	L
	21	9	5	3
AQL.....	19.0		4.0	

<sup>1</sup> Total equal minor plus major.

§ 52.3515 Grades.

(a) "U.S. Grade A" is the quality of frozen peas that:

(1) Meets the following prerequisites in which the peas;

(i) Are of similar varietal characteristics;

(ii) Have a good flavor;

(iii) Have a good color as a mass; and

(2) Is within the limits for defects classified in Table IV and specified for grade A in Tables V and VI Alternate 1 and 2) in the case of lot inspection or in Tables Va and VIa (or VI Alternate 1 and 2) in the case of on-line inspection.

(b) "U.S. Grade B" is the quality of frozen peas that:

(1) Meets the following prerequisites in which the peas;

(i) Are of similar varietal characteristics;

(ii) Have a good flavor;

(iii) May have a reasonably good color as a mass; and

(2) Is within the limits for defects classified in Table IV as specified for grade B in Tables V and VI, (or VI Alternate 1 or 2) in the case of lot inspection or in Tables Va and VIa (or VI Alternate 1 or 2) in the case of on-line inspection.

(c) "U.S. Grade C" is the quality of frozen peas that:

(1) Meets the following prerequisites in which the peas;

(i) May be of dissimilar varietal characteristics;

(ii) May have a fairly good flavor;

(iii) May have a fairly good color as a mass;

(2) Is within the limits for defects as classified in Table IV and specified for grade C in Tables V and VI (or VI Alternate 1 or 2) in the case of lot inspection or in Tables Va and VIa (or VI Alternate 1 or 2) in the case of on-line inspection; and

(3) The alcohol insoluble solids, determined as specified in § 52.3518(b), does not exceed 19 percent for sweet green wrinkled varieties and 23 percent for smooth skin varieties.

(d) "Substandard" is the quality of frozen peas that fail to meet requirements for "U.S. Grade C."

§ 52.3516 Factors of quality and grade compliance.

(a) The grade of a lot of frozen peas is based on compliance with the prerequisites specified in § 52.3515 and the limits specified for the following quality factors:

- (1) Color;
- (2) Damaged;
- (3) Broken;
- (4) Extraneous vegetable material; and
- (5) Maturity.

(b) Defects are classified as minor, major, severe or critical in Table IV. Each "X" marks one defect.

TABLE IV.—Classification of defects

Quality factor	Defect	Classification			
		Minor	Major	Severe	Critical
Color <sup>1</sup>	Peas that vary markedly:				
	In grade A only		X		
	In grade B only	X			
Damaged <sup>1</sup>	Blond			X	
	Blemished		X		
	Seriously blemished			X	
Broken <sup>1</sup>	Pea fragments	X			
Extraneous vegetable material <sup>1</sup>	Flat material (each 1/16 in <sup>2</sup> ) (0.63 cm <sup>2</sup> )			X	
	Spherical material (each piece)				X
	Cylindrical material (each 1/16 in) (3 mm)			X	
Maturity <sup>2</sup>	Grade A, sinkers in: 13 pct brine	X			
	Grade B, sinkers in: 15 pct brine	X			
	Grade C, sinkers in: 16 pct brine	X			

<sup>1</sup> Use sampling plans in table V.

<sup>2</sup> Use sampling plans in table VI, (or VI alternate 1 or 2) or VIa (or VIa alternate 1 or 2) as applicable. When the optional maturity test is requested use table VIII (or VIII alternate 1 or 2) or VIIIa (VIIIa alternate 1 or 2) as applicable.

TABLE V.—Grade compliance, lot inspection, color, damaged, broken, and extraneous vegetable material

Absolute limit (AL)	Grade A				Grade B				Grade C			
	Total <sup>1</sup>	Major	Severe	Critical	Total <sup>1</sup>	Major	Severe	Critical	Total <sup>1</sup>	Major	Severe	Critical
6	173	76	22	5	322	87	47	8	328	200	76	13
13	333	144	41	8	628	167	87	13	639	388	144	24
21	702	300	82	14	1,333	348	180	25	1,356	819	300	46
29	1,119	476	128	21	2,133	552	284	38	2,170	1,308	476	71
38	1,535	650	173	28	2,930	754	386	51	2,981	1,794	650	96
48	2,001	844	223	35	3,834	981	501	65	3,892	2,339	844	123
60	2,517	1,090	278	43	4,817	1,232	628	81	4,902	2,944	1,090	153
Acceptable quality level (AQL)	3,136	1,318	344	53	6,007	1,533	780	99	6,112	3,668	1,318	189
	7.25	3.0	0.75	0.10	14.0	3.50	1.75	0.25	14.25	8.50	3.0	0.40

<sup>1</sup> Total equal minor plus major plus severe plus critical.

TABLE Va.—Cumsum sampling plan on-line inspection

AQL	Grade A				Grade B				Grade C			
	Total <sup>1</sup>	Major	Severe	Critical	Total <sup>1</sup>	Major	Severe	Critical	Total <sup>1</sup>	Major	Severe	Critical
7.25	7.25	3.0	0.75	0.10	14.0	3.50	1.75	0.25	14.25	8.50	3.0	0.40

<sup>1</sup> Total equal minor plus major plus severe plus critical.

TABLE VI.—Grade compliance, maturity lot inspection

[Sample unit size equals 100 peas]

Absolute limit (AL)	Grade A			Grade B		Grade C	
	Minor		Minor		Minor		
3	17	20	24				
6							
13							
21							
29							
38							
48							
60							
Acceptable quality level (AQL)	8.50	10.50	13.50				

TABLE VIa.—Cusum sampling plan on-line inspection

AQL	Grade A		Grade B		Grade C	
	Minor		Minor		Minor	
	T	L	T	L	T	L
8.50	10	5	12	6	15	7
13.50						

TABLE VI.—(Alternate 1) grade compliance, maturity lot inspection

[Sample unit size equals 50 peas]

Absolute limit (AL)	Grade A			Grade B		Grade C	
	Minor		Minor		Minor		
3	11	12	15				
6							
13							
21							
29							
38							
48							
60							
Acceptable quality level (AQL)	8.50	10.50	13.50				

TABLE VIa.—(Alternate 1) Cusum sampling plan on-line inspection

AQL	Grade A		Grade B		Grade C	
	Minor		Minor		Minor	
	T	L	T	L	T	L
8.50	5	3	6	4	8	4
13.50						

TABLE VI.—(Alternate 2) grade compliance, maturity lot inspection

[Sample unit size equals 25 peas]

Absolute limit (AL)	Grade A		Grade B		Grade C	
	Minor		Minor		Minor	
3	7	8	9			
6						
13						
21						
29						
38						
48						
60						
Acceptable quality level (AQL)	8.50	10.50	13.50			

TABLE VIa.—(Alternate 2) Cusum sampling plan on-line inspection

AQL	Grade A		Grade B		Grade C	
	Minor		Minor		Minor	
	T	L	T	L	T	L
8.50	3	3	3	3	4	3
13.50						

§ 52.3517 Sample sizes.

The sample sizes to determine compliance with requirements for size and for prerequisite quality factors specified in § 52.3515 and other quality factors shall be as specified in the sampling plans in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Related Products" (§ 52.1-§ 52.83).

§ 52.3518 Methods of analysis.

(a) *Maturity test.*—(1) *Explanation.* The maturity test utilizes salt solutions of various specific gravities to separate the peas according to maturity. The brine solutions are based on the percentage by weight of pure salt (NaCl) in solution at 20 degrees C. In making the test the brine solutions are standardized to the proper specific gravity equivalent to the specified percent of salt solutions at 20 degrees C by using a salometer spindle accurately calibrated at 20 degrees C. A 250 ml glass beaker or similar receptacle is filled with the brine solution to a depth of approximately 5 cm. The brine solution and sample unit must be at the same temperature and should closely approximate 20 degrees C.

(2) *Procedure.* After carefully removing the skins from the peas, place the peas into the solution in increments of 25 peas. Pieces of peas and loose skins should not be used in making the brine flotation test. If cotyledons divide, use both cotyledons in the test and consider the two separated cotyledons as one pea; and, if an odd cotyledon sinks, consider it as one pea. Only peas that sink to the bottom of the receptacle within 10 seconds after immersion are counted as "peas that sink."

(b) *Alcohol insoluble solids.* (1) *Extracting solutions:*

(i) One hundred parts of ethanol denatured with five parts of methanol volume to volume (formula 3A denatured alcohol); or

(ii) A mixture of 95 parts of formula denatured alcohol and five parts of isopropanol v/v.

(2) Eighty percent alcohol (8 liters of extracting solutions (1) (i) or (1) (ii) diluted to 9.5 liters with water).

(3) *Drying dish*—a flat-bottom dish with a tight fitting cover.

(4) *Drying oven*—a properly ventilated oven thermostatically controlled at 100±2 degrees C.

(5) *Procedure.* Transfer peas to U.S. No. 8 sieve, using an 8 inch (20 cm) diameter size for containers of less than three pounds net weight and 12 inch (30.5 cm) diameter size for larger quantities. Without shifting peas, incline sieve to aid drainage, drain for two minutes. With cloth wipe surplus water from lower screen surface. Weigh 250 g of peas into high-speed blender, add 250 g of water and blend to smooth paste. For less than 250 g sample, use entire sample with equal weight of water. Weigh 20 g ± 10 mg of the paste into 250 ml distillation flask, add 120 ml of extracting solutions specified in paragraph (b) (1) (i) or (1) (ii) of this section, and reflux 30 minutes on steam or water bath or hotplate. Fit into a buchner funnel a filter paper of appropriate size (previously prepared by drying in flat-bottom dish for two hours in drying oven, covering, cooling in desiccator and weighing). Apply vacuum to buchner funnel and transfer contents of beaker as to avoid running over edge of paper. Aspirate to dryness and wash material on filter with 80 percent alcohol until washings are clear and colorless. Transfer paper and alcohol-insoluble solids to drying dish used to prepare paper, dry uncovered for 12 hours in drying oven, cover, cool in desiccator and weigh at once. From this weight deduct weight of dish, cover, and paper. Calculate percent by weight of alcohol-insoluble solids.

## § 52.3519 Lot acceptance.

(a) *Acceptance for size designation.*—(1) *Lot inspection.* A lot of frozen peas is considered as meeting requirements for size designation if the acceptance numbers and the AL values in Table III for the applicable defect classification are not exceeded.(2) *On-line inspection.* A production or any portion of production is considered as meeting requirements for size designation if the "L" values in Table IIIa are not exceeded.(b) *Acceptance for quality.*—(1) *Lot inspection.* A lot of frozen peas is considered as meeting the requirements for quality if:

(i) The requirements for the prerequisites specified for the applicable grade in § 52.3515 are met; and

(ii) The acceptance numbers and the AL values for the applicable grades for the various defect classifications specified in Tables V and VI (or VI Alternate 1 or Alternate 2) are not exceeded.

(2) *On-line inspection.* A production or any portion of production is considered as meeting requirements for quality if:

(i) The requirements for the prerequisites specified for the applicable grade in § 52.3515 are met; and

(ii) The "L" values in Tables Va and VIa (or VIa Alternate 1 or Alternate 2) are not exceeded.

## § 52.3520 Optional maturity tests.

(a) *General.* The optional maturity tests specified in Tables VIII, VIIIa, or VIII (Alternates 1 or 2) or VIIIa (alternates 1 or 2) are not requirements of these standards. They may be performed upon request in connection with the grade determination for maturity in lieu of the brine flotation tests required by these standards.(b) *Acceptance for quality.* A lot of frozen peas will be considered acceptable for quality if the product meets requirements as specified in § 52.3519(b) except Table VIII (or VIII Alternate 1 or Alternate 2) or VIIIa (or VIIIa Alternate 1 or 2) apply in lieu of Tables VI (or VI Alternate 1 or Alternate 2) and VIa (or VIa Alternate 1 or Alternate 2).(c) *Maturity defects.* For the purpose of determining compliance with requirements of the optional brine flotation test, defects are as classified in Table VII.

TABLE VII

Quality factor	Defect	Classification	
		Minor	Major
Maturity	Grade A, sinkers in:		
	13 pct brine	×	
	15 pct brine		×
	Grade B, sinkers in:		
	15 pct brine	×	
	16 pct brine		×
Grade C, sinkers in: 16 pct brine.	×		

TABLE VIII.—Grade compliance, maturity (optional) lot inspection

[Sample size unit equals 100 peas]

Absolute limit (AL)	Number of sample units	Number of peas	Grade A		Grade B		Grade C
			17	8	20	8	24
			Minor	Major	Minor	Major	Minor
3	300	34	12	40	12	51	
6	600	63	21	75	21	96	
13	1,300	128	42	155	42	197	
21	2,100	200	64	244	64	311	
29	2,900	273	86	332	86	424	
38	3,800	353	111	430	111	550	
48	4,800	441	138	539	138	690	
60	6,000	547	170	669	170	837	
Acceptable Quality level (AQL)			8.50	2.50	10.50	2.50	13.50

TABLE VIIIa.—Cusum sampling plan (optional) on-line inspection

AQL	Grade A				Grade B				Grade C	
	Minor		Major		Minor		Major		Minor	
	T	L	T	L	T	L	T	L	T	L
	10	5	3	3	12	6	3	3	15	7
	8.50	2.50	10.50	2.50	13.50					

TABLE VIII.—(Alternate 1) grade compliance, maturity (optional) lot inspection

[Sample unit size equals 50 peas]

Absolute limit (AL)	Number of sample units	Number of peas	Grade A		Grade B		Grade C
			11	5	13	5	15
			Minor	Major	Minor	Major	Minor
3	150	19	7	22	7	28	
6	300	34	12	40	12	51	
13	650	67	23	81	23	103	
21	1,050	105	35	127	35	161	
29	1,450	142	46	171	46	219	
38	1,900	182	59	221	59	283	
48	2,400	228	73	277	73	354	
60	3,000	281	89	343	89	438	
Acceptable quality level (AQL)			8.50	2.50	10.50	2.50	13.50

TABLE VIIIa.—(Alternate 1) Cusum sampling plan (optional) on-line inspection

AQL	Grade A				Grade B				Grade C	
	Minor		Major		Minor		Major		Minor	
	T	L	T	L	T	L	T	L	T	L
	5	3	2	1	6	4	2	1	8	4
	8.50	2.50	10.50	2.50	13.50					

TABLE VIII.—(Alternate 2) grade compliance, maturity (optional) lot inspection

[Sample unit size equal 25 peas]

Absolute limit (AL)	Number of sample units	Number of peas	Grade A		Grade B		Grade C
			7	3	8	3	9
			Minor	Major	Minor	Major	Minor
3	75	11	4	13	4	15	
6	150	19	7	22	7	28	
13	325	36	13	43	13	55	
21	525	56	19	67	19	85	
29	725	74	25	90	25	114	
38	950	95	32	115	32	147	
48	1,200	119	39	143	39	183	
60	1,500	149	47	177	47	228	
Acceptable quality level (AQL)			8.50	2.50	10.50	2.50	13.50

TABLE VIIIa.—(Alternate 2) *Cusum sampling plan (optional) on-line inspection*

	Grade A				Grade B				Grade C	
	Minor		Major		Minor		Major		Minor	
	T	L	T	L	T	L	T	L	T	L
	3	3	1	1	3	3	1	1	4	3
AQL.....	8.50		2.50		10.50		2.50		13.50	

§ 52.3521 Compliance for unofficial samples.

(a) *General.* Compliance for unofficial sample units submitted for quality evaluation will be treated individually and each sample unit must comply with the allowance values for size designation in paragraph (b) and for grade in paragraph (c) and (d) of this section. The sample unit size shall be as specified in § 52.3513 and in paragraph (d) of this section.

(b) Compliance for size designation.

TABLE IX.—*Size designation compliance*

	Number of peas	Total <sup>1</sup>	Major
Each sample unit.....	100	21	5

<sup>1</sup> Total equals minor plus major.

(c) Compliance for color, damaged, broken, and extraneous vegetable material.

TABLE X.—*Grade compliance*

Weight of product (ounces)	Grade A				Grade B				Grade C				
	Total <sup>1</sup>	Major	Severe	Critical	Total <sup>1</sup>	Major	Severe	Critical	Total <sup>1</sup>	Major	Severe	Critical	
Each sample unit.....	10	54	23	6	1	102	28	14	2	104	63	23	3

<sup>1</sup> Total equals minor plus major plus severe plus critical.

(d) Compliance for maturity.

TABLE XI.—*Grade compliance*

Number of peas	Grade A	Grade B	Grade C	
	Minor	Minor	Minor	
Each sample unit.....	100	10	12	15

Table XII.—*Optional maturity grade compliance*

Number of peas	Grade A		Grade B		Grade C	
	Minor	Major	Minor	Major	Minor	
Each sample unit.....	100	10	3	12	6	15

Dated: February 24, 1977.

WILLIAM T. MANLEY,  
Deputy Administrator,  
Program Operations.

[FR Doc. 77-6054 Filed 3-1-77; 8:45 am]

[ 7 CFR Part 932 ]

[Docket No. AO-352-A3]

OLIVES GROWN IN CALIFORNIA

Hearing on Proposed Amendment of Marketing Agreement, as Amended, and Order, as Amended

Notice is hereby given of a public hearing to be held April 5, 1977, in the Assembly Room (Room 1036), First Floor, State of California Building, 2550 Mariposa Street, Fresno, California, beginning at 9:00 a.m., local time, with respect to proposed amendment of the marketing agreement, as amended, and Order No. 932, as amended, regulating the handling of olives grown in California.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendment, hereinafter set forth, and any appropriate modifications thereof, of the marketing agreement, as amended, and the order, as amended.

The proposed amendment, set forth below, has not received the approval of the Secretary of Agriculture.

PROPOSED BY THE OLIVE ADMINISTRATIVE COMMITTEE

PROPOSAL NO. 1

Revise § 932.12 to read as follows:

§ 932.12 Size.

Size means the classification of olives as to length, diameter, weight or volume established pursuant to the provisions of this part.

PROPOSAL NO. 2

Revise § 932.18 to read as follows:

§ 932.18 Committee.

"Committee" means the California Olive Committee established pursuant to § 932.25.

## PROPOSAL NO. 3

Revise § 932.23a to read as follows:

## § 932.23a Limited use.

"Limited use" means the use of processed olives in the production of packaged olives of the halved, segmented, sliced, chopped, or minced styles, as defined in the then current U.S. Standards for Grades of Canned Ripe Olives (§§ 52.3751-52.3766 of this title), including modifications of the requirements for such styles pursuant to this part, and such additional styles (and the requirements applicable thereto) as may be specified pursuant to § 932.52(a) (17).

## PROPOSAL NO. 4

Revise § 932.25 to read as follows:

## § 932.25 Establishment and membership.

A California Olive Committee consisting of 16 members, with an alternate for each such member who shall have the same qualifications as the member for whom he is an alternate, is hereby established to administer the terms and provisions of this part. Eight of the members and their alternates shall be producers or officers or employees of producers, and eight of the members and their alternates shall be handlers or directors, officers, or employees of handlers. The eight members of the committee who are producers or officers or employees of producers are referred to in this subpart as "producer members" of the committee; and the eight members of the committee who are handlers or directors, officers, or employees of handlers are referred to in this subpart as "handler members" of the committee. In addition to the members stated above there may be a "public member" who shall not be a producer or handler nor an officer or employee or director of any producer or handler. District representation of the producer members shall be two from District 1, four from District 2, and two from District 3. Allocation of the handler members shall be four members to represent cooperative marketing organizations, herein referred to as "cooperative handlers," and four members to represent handlers who are not cooperative marketing organizations, herein referred to as "independent handlers": *Provided*, That whenever during the crop year in which nominations are made and in the preceding crop year, the cooperative handlers or the independent handlers handled as first handler 65 percent or more of the total quantity of olives so handled by all handlers, allocation shall be five members to represent the group which so handled 65 percent or more of such olives and three members to represent the group which handled 35 percent or less. The "public member" or "alternate public member" shall be selected from any place within the area. The committee may, with the approval of the Secretary provide such other allocation of producer or handler membership, or

both, as may be necessary to assure equitable representation.

## PROPOSAL NO. 5

Revise § 932.28 to read as follows:

## § 932.28 Eligibility.

Each producer member of the committee shall, at the time of his selection and during his term of office, be a producer in the district for which selected and, except for producers who are members of cooperative handlers, shall not be engaged in the handling of olives either in a proprietary capacity, or as a director, officer, or employee. Each handler member of the committee shall, at the time of his selection and during his term of office, be a handler in the group he represents or a director, officer, or employee of such handler. Each public member and alternate public member of the committee shall at the time of selection and during the term of office not be engaged in the production of any agricultural product nor be engaged with the buying, grading or processing of any agricultural product nor shall such public member or alternate public member be a director or officer or employee of any firm in the production or processing of any agricultural product.

## PROPOSAL NO. 6

Revise § 932.29(a) (2) and add a new paragraph (c) to this section, to read as follows:

## § 932.29 Nominations.

(a) \* \* \*

(2) Only producers, including duly authorized officers or employees of producers, who are present shall participate in the nomination of producer members and alternate members. Each producer in attendance shall be entitled to cast only one vote, regardless of the number of business units he may represent, for each nominee to be selected in the district in which he produces olives. No producer shall participate in the selection of nominees in more than one district. If a producer produces olives in more than one district, he shall select the district in which he will so participate and notify the committee of his choice.

(c) *Public member.* (1) Nominations for public member and alternate public member of the committee shall be made at a meeting called by the committee. The names of the nominees shall be submitted to the Secretary prior to April 16 of the year in which nominations are made. The committee shall prescribe such procedure for the selection and voting for each candidate as shall be fair to all persons concerned.

## PROPOSAL NO. 7

Revise § 932.30 to read as follows:

## § 932.30 Alternates.

An alternate for a member of the committee shall act in the place and stead of such member (a) during his absence,

and (b) in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified. Except as otherwise specifically provided in this subpart, the provisions of this part applicable to members also apply to alternate members. The committee or the chairman of the committee may request one or more alternates to attend any or all meetings notwithstanding the expected or actual attendance of the respective member.

## PROPOSAL NO. 8

Revise § 932.36 to read as follows:

## § 932.36 Procedure.

Decisions of the committee shall be by majority vote of the members present and voting and a quorum must be present: *Provided*, That decisions requiring a recommendation to the Secretary on matters pertaining to grade or size regulations shall require at least five affirmative votes from producer members and five affirmative votes from handler members. A quorum shall consist of at least 10 members of whom at least 5 shall be producer members and at least 5 shall be handler members. Except in case of an emergency, a minimum of 5 days advance notice shall be given with respect to any meeting of the committee. In case of an emergency, to be determined within the discretion of the chairman of the committee, as much advance notice of a meeting as is practicable in the circumstances shall be given. The committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram to all members. When voted on by such method, at least 14 affirmative votes, 7 of which shall be producer votes and 7 of which shall be handler votes, shall be required for adoption.

## PROPOSAL NO. 9

Revise § 932.37 to read as follows:

## § 932.37 Compensation and expenses.

The members of the committee and alternates when acting as members or at the request of the committee or its chairman shall serve without compensation, but shall be reimbursed for necessary expenses, as approved by the committee, incurred by them in the performance of their duties under this part.

## PROPOSAL NO. 10

Revise § 932.39 by adding a new paragraph (c) to read as follows:

## § 932.39 Assessments.

(c) If a handler does not pay his assessment within the time prescribed by the committee, the unpaid assessment may be subject to an interest charge at rates prescribed by the committee, with the approval of the Secretary.

PROPOSAL NO. 11

Revise § 932.45(e) to read as follows:

§ 932.45 Production research, and marketing research and development projects.

(e) The committee shall as soon as practicable prepare and mail current research and marketing reports to the Secretary and make a copy available for examination by producers, handlers, or other interested persons at the committee office.

PROPOSED BY LINDSAY OLIVE GROWERS, LINDSAY, CALIFORNIA

PROPOSAL NO. 12

Revise § 932.21 to read as follows:

§ 932.21 District.

"District" means any of the following geographic areas of the State of California:

- (a) "District 1" shall include all counties not included in District 2.
- (b) "District 2" shall include the counties of Mono, Mariposa, Merced, San Benito, Monterey, Madera, Fresno, Tulare, and all counties to the south thereof.

PROPOSAL NO. 13

Revise § 932.25 to read as follows:

§ 932.25 Establishment and membership.

An Olive Administrative Committee consisting of 16 members, with an alternate for each such member who shall have the same qualifications as the member for whom is an alternate, is hereby established to administer the terms and provisions of this part. Eight of the members and their alternates shall be producers or officers or employees of producers, and eight of the members and their alternates shall be handlers or directors, officers, or employees of handlers. The eight members of the committee who are producers or officers or employees of producers are referred to in this subpart as "producer members" of the committee; and the eight members of the committee who are handlers or directors, officers, or employees of handlers are referred to in this subpart as "handler members" of the committee. District representation of producer members shall be three from District 1 and five from District 2. Allocation of the handler members shall be four members to represent cooperative marketing organizations, herein referred to as "cooperative handlers," and four members to represent handlers who are not cooperative marketing organizations, herein referred to as "independent handlers": *Provided*, That whenever during the crop year in which nominations are made and in the preceding crop year, the cooperative handlers or the independent handlers handled as first handler 65 percent or more of the total quantity of olives so handled by all handlers, allocation shall be five members to represent the group which so handled 65 percent or more of such olives and three members to repre-

sent the group which handled 35 percent or less. The committee may, with the approval of the Secretary, provide such other allocation of producer or handler membership, or both, as may be necessary to assure equitable representation.

PROPOSAL NO. 14

Revised § 932.51 to provide that the minimum standards contained in that section relative to size designations for natural condition olives for processing into canned ripe olives must at all times be the size designations contained in the then current U.S. Standards for Grades of Canned Ripe Olives.

PROPOSAL NO. 15

Revise § 932.52 to provide that no handler shall use processed olives in the production of canned ripe olives, other than those of the tree-ripened type, unless they have first been inspected and grade at least U.S. Grade C, as such grade is defined in the then current U.S. Standards for Grades of Canned Ripe Olives; and canned whole and pitted ripe olives, other than those of the tree-ripened type, must also conform to the applicable size designations set forth in said U.S. Standards.

PROPOSED BY OBERTI OLIVE COMPANY, MADERA, CALIFORNIA

PROPOSAL NO. 16

Revise § 932.25 to read as follows:

§ 932.25 Establishment and membership.

An Olive Administrative Committee consisting of 16 members, with an alternate for each such member who shall have the same qualifications as the member for whom he is an alternate, is hereby established to administer the terms and provisions of this part. Eight of the members and their alternates shall be producers or officers or employees of producers, and eight of the members and their alternates shall be handlers or directors, officers, or employees of handlers. The eight members of the committee who are producers or officers or employees of producers are referred to in this subpart as "producer members" of the committee; and the eight members of the handlers are referred to in this subpart as "handler members" of the committee. District representation of the producer members shall be two from District 1, four from District 2, and two from District 3: *Provided*, That producer representation shall be so allocated that not more than two nominees for member and two nominees for alternate member positions on the committee may market their olives with the same handler. Further provided that any producer who markets his olives to more than one handler shall select the handler to which his nomination shall be charged and notify the committee of his choice. Allocation of the handler member shall be four members to represent cooperative marketing organizations, herein referred to as "cooperative handlers," and four members to represent handlers who are not cooperative marketing organizations,

herein referred to as "independent handlers": *Provided*, That whenever during the crop year in which nominations are made and in the preceding crop year, the cooperative handlers or the independent handlers handle as first handler, 65 percent or more of the total quantity of olives so handled by all handlers, allocation shall be five members to represent the group which so handled 65 percent or more of such olives and three members to represent the group which handled 35 percent or less. The committee may, with the approval of the Secretary, provide such other allocation of producer or handler membership, or both, as may be necessary to assure equitable representation.

PROPOSAL NO. 17

Revise paragraph (a) of § 932.29 to read as follows:

§ 932.29 Nominations.

(a) *Producer members.* (1) Nominations for producer members of the committee and their respective alternates shall be made by submitting the name of the nominee and the signatures of ten supporting producers from within the district on a nomination form supplied by the committee and mailed to the committee not later than February 15 (of the year in which nominations are held). Upon receipt of all nominees from each district the committee shall submit by mail ballot a list of all nominees for balloting. Such mail ballots shall be returned to the committee not later than March 15 of the year in which nominations are made. Upon receipt and tabulation of the mail ballots for each district, those having the largest number of votes shall be the nominees for member position and those with the next largest number of votes shall be the alternate member nominees. The names of nominees shall be submitted to the Secretary prior to April 16 of the year in which nominations are made. The committee shall prescribe such procedure for the conduct of such nominations and for voting on the candidates as shall be fair to all persons concerned.

(2) Only producers, including duly authorized officers or employees of producers shall participate in nomination of producer members and alternate members. Each producer shall be entitled to cast only one vote for each nominee to be selected in the district in which he produces olives. No producer shall participate in the selection of nominees in more than one district. If a producer produces olives in more than one district, he shall select the district in which he will so participate and notify the committee of his choice.

PROPOSED BY THE FRUIT AND VEGETABLE DIVISION, AGRICULTURAL MARKETING SERVICE

PROPOSAL NO. 18

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any

amendment thereto that may result from the hearing.

Copies of this notice of hearing and the order may be procured from the Fresno Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 1130 "O" Street, Room 3114, Fresno, California 93721, or from the Hearing Clerk, Room 112A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on February 25, 1977.

WILLIAM T. MANLEY,  
Deputy Administrator,  
Program Operations.

[FR Doc. 77-6219 Filed 3-1-77; 8:45 am]

## FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

### REFINER PRICE REGULATIONS—ALLOCATION OF INCREASED COSTS TO GASOLINE PRICES

#### Postponement of Hearing

The Federal Energy Administration ("FEA") hereby gives notice that the public hearing previously scheduled to be held March 8, 1977 with respect to the Notice of Proposed Rulemaking entitled "Refiner Price Regulations—Allocation of Increased Costs to Gasoline Prices" (42 FR 9675, February 17, 1977) has been postponed until March 24, 1977. The period for the receipt of comments by the FEA has also been extended to March 21, 1977.

The FEA determined that the proposed regulation amendments constituted a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107 and an Inflation Impact Statement was prepared. However, the final version of the proposed amendments differed in certain respects from the draft proposal upon which the Inflation Impact Statement was based. These differences have necessitated a reevaluation of some aspects of the Inflation Impact Statement, so that the final version of the proposed amendments can be adequately assessed. Accordingly, a revised Inflation Impact Statement will be prepared and available to the public no later than March 11, 1977.

In order to provide interested parties with a reasonable period of time to consider the Inflation Impact Statement and to provide FEA with informed comment thereon, the comment period, public hearing, and deadline for requests to speak in this proceeding are extended as follows. All comments received by March 21, 1977, before 4:30 p.m., e.s.t., will be considered by the Federal Energy Administration before final action is taken on the proposed regulations. The public hearing in this proceeding will be held at 9:30 a.m., on March 24, 1977, and will be continued, if necessary, on March 25, 1977. A request to make an oral presentation at the public hearing

must be received before 4:30 p.m., on March 10, 1977, and any person making such a request must include a phone number where he may be contacted through March 23, 1977. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., March 11, 1977, and must submit 100 copies of his statement to Regulations Management, FEA, Room 2105, 2000 M St., N.W., Washington, D.C. 20461, before 4:30 p.m., March 23, 1977. Any interested person may submit questions to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., March 21, 1977.

The rulemaking procedure set forth in the Notice of Proposed Rulemaking and Public Hearing entitled "Refiner Price Regulations—Allocation of Increased Costs to Gasoline Prices" (42 FR 9675, February 17, 1977) will govern the conduct of this proceeding.

Issued in Washington, D.C., February 28, 1977.

ERIC J. FYGI,  
Acting General Counsel.

[FR Doc. 77-6335 Filed 2-28-77; 12:12 pm]

## CIVIL AERONAUTICS BOARD

[14 CFR Part 378a]

[SPDR-56, Docket No. 29926;  
Dated: February 24, 1977]

### ONE-STOP-INCLUSIVE TOUR CHARTERS

#### Modification of Substitution or Advance Booking Requirements

Notice is hereby given that the Civil Aeronautics Board is proposing to amend Part 378a, One-stop-inclusive Tour Charters, of Title 14, Code of Federal Regulations, to allow some substitutions for canceling charter participants after the advance-booking deadline. It is also inviting comments on the possible elimination of the advance-booking requirement for such charters.

This rulemaking proceeding was initiated by petitions for rulemaking by Charter Travel Corporation (Docket 29866) and Nationwide Leisure Corporation (Docket 29926). The proceeding on the Charter Travel petition is hereby consolidated with that on the Nationwide Leisure petition in Docket 29926. The principal features of the proposed amendments are described in the attached Explanatory Statement. The amendments are proposed under the authority of sections 101, 204, 402, 407, 416 and 1102 of the Federal Aviation Act of 1958, as amended; 72 Stat. 737, 743, 754, 757, 766, 771, 797; 49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386, 1502.

Interested persons may participate in the proposed rulemaking through submission of 20 copies of written data, views, or arguments addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All comments received on or before April 18, 1977, and reply comments received on or before May 2, 1977, will be considered by the Board before taking further action. Copies of such communications will be available for examination by interested

persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt.

Those persons planning to file comments or responsive comments who wish to be served with such comments filed by others, and are willing to undertake to serve their comments on others, shall file with the Docket section at the above address by March 12, 1977, a request to be placed on the Service List in Docket 29926. The Service List will be prepared by the Docket Section and sent to the persons named on it. Those persons are to serve each other with comments or responsive comments at the time of filing.

A list of all persons filing comments will be prepared by the Docket Section and sent to the persons named on it. In addition to those on the Service List who filed comments, persons filing responsive comments should also serve any person whose comments is dealt with in their responsive comments.

Individual members of the general public who wish to express their interest as consumers by participating informally in this proceeding may do so through submission of comments in letter form to the Docket Section at the above address, without the necessity of filing additional copies.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
Secretary

#### EXPLANATORY STATEMENT

The One-stop-inclusive Tour Charter (OTC) rule<sup>1</sup> requires that participants purchase their tours at least 15 days before departure for North American OTC's and at least 30 days before departure for all others. The tour operator must file a passenger list on or before the end of the advance purchase period, and no new participants may sign up for an OTC after the advance purchase period has ended.

By petition dated October 1, 1976, Docket 29866, Charter Travel Corporation (CTC) requested that the Board amend the OTC rule to permit tour operators to find substitutes for passengers who cancel their participation after the end of the advance purchase period. CTC's petition would limit the number of substitutes, who could be solicited until the date of departure, to 15 percent of the seats contracted for.

Nationwide Leisure Corporation (Nationwide) filed a similar rulemaking petition in Docket 29926, requesting that OTC operators be allowed to find a limited number of substitutes or sell a limited number of additional seats (fill-ups) after the advance purchase period ends. Nationwide's petition would limit the number of permissible substitutions or fill-ups to 15 percent of the seats contracted for on North American OTC's and 20 percent of the seats contracted for on all others.

<sup>1</sup>14 CFR Part 378a; SPR-85, adopted August 7, 1975, 40 FR 34089.

Answers supporting one or both of these petitions were filed by the Office of the Consumer Advocate (OCA), National Air Carrier Association (NACA), ASTI Tours, Unitours, Duncan Travel, and David Travels. A joint answer opposing Nationwide's petition was filed by American Airlines, Braniff Airways, Eastern Air Lines, Pan American World Airways, Trans World Airlines, and Western Air Lines (trunklines).

Petitioners, and several of the supporting answers, stated that the existing rule forbidding substitutions or fill-ups has forced OTC operators to raise their prices and to charge participants substantial penalties for late cancellations. Nationwide estimated that the cancellation rate for participants in OTC's has been 35 percent, which it claimed was unacceptably high. Petitioners and the supporting answers argued that the Board is not legally required to limit participation in OTC's exclusively to persons whose names appear on passenger lists filed in advance. They pointed out that the Board imposed no equally stringent prohibition in its more recently adopted Advance Booking Charter (ABC) rule<sup>2</sup> despite the fact that the latter rule is generally less restrictive than the OTC rule, chiefly in that the ABC, unlike the OTC, need not include a tour package.

Several of the answers supporting the petitions suggested that, instead of merely liberalizing the OTC rule so as to allow substitutions or fill-ups, the Board should eliminate the advance purchase requirement from the OTC rule. They noted that there has never been such a requirement in the Board's other major charter rule based on a tour package, the Inclusive-Tour Charter (ITC).<sup>3</sup> NACA, for example, in urging the elimination from the OTC rule of the advance-purchase requirement, stated that it is the "root of the problem," that it "seriously impairs the marketability of OTC's while failing to serve any valid regulatory purpose," and induces "continued customer adherence to the affinity charter mode."

In their opposing answer, the trunklines argued that the allowance of any sales after the end of the advance purchase period would radically alter the Board's OTC experiment, threaten serious diversion from scheduled service, and eliminate mandatory distinctions between charter and scheduled services.

The Board is of the opinion that substantial justifications have been provided by the petitioners and the supporting answers for considering liberalization of this aspect of the OTC rule. It is true that as recently as August 1975, at the time it issued the OTC rule, the Board viewed the present set of restrictions as a "5-year experiment," and rejected the many suggestions it received in the comments to avoid advance-booking requirements or at least to allow

substitutions in OTC's, on the grounds that it wished to evaluate the "overall impact of OTC operations" under a more restrictive rule. However, developments since that time have altered the assumptions under which the rule was issued, and according to the petitions and several of the answers have threatened to interfere with the marketing of OTC's to the extent that the anticipated evaluation would be of little value.

The combination of the advance purchase requirement and the forbidding of substitutions for canceling passengers has evidently developed, to an extent that was not foreseen when the rule was issued, as a major hindrance in marketing OTC's. Furthermore, although the Board anticipated when the OTC rule was issued that tour operators would have to charge high cancellation fees because of the rule against substitutions (SPR-85, 40 FR 34089, August 14, 1975, footnotes 14 and 22), the actual retention by OTC operators of substantial cancellation fees has led to considerable public protest, particularly in hardship cases where participants are compelled to cancel. OCA noted that it had received numerous complaints from passengers who canceled for what they considered to be imperative reasons and who were required to pay cancellation fees, while Duncan Travel and ASTI Tours reported that such participants have been winning small-claims court cases to recover the fees. Thus the combination of legal and public pressures that tend to prevent tour operators from retaining substantial cancellation fees and a rule that forbids them to mitigate their losses by finding substitutes for canceling participants creates an unanticipated risk of financial loss to the operators.

Another intervening event that has changed the factual premises of the OTC rule is the issuance of the Advance Booking Charter (ABC) rule, which allows 15-percent substitution from the general public.<sup>4</sup> Since, taken together, the set of restrictions prescribed for ABC's is clearly more liberal than that for OTC's, most significantly in that the ABC rule requires no package of ground accommodations and no minimum price, there appears to be merit in petitioners' argument that it is incongruous to have the OTC rule totally forbid substitutions when 15 percent substitutions are allowed in ABC's.

The Board does not find merit in the arguments by some of the trunklines concerning the economic effects of possible diversion from scheduled service that might result from further liberalization of the charter rules. The question, in our mind, is not whether diversion takes place, but whether as a result scheduled service on particular routes is

reduced to the point that it no longer serves the convenience of the public that wishes to use it. No evidence of such a reduction of service or of other serious economic consequences has been presented to date. As the Board noted in issuing OTC rule:

"[W]e know of no evidence to support the contention that a redistribution of traffic in individual markets as between charter and scheduled service will result in increases in unit-cost levels (presumably on an available seat-mile basis) leading to corresponding fare increases \* \* \*. [B]ecause air transportation is not characterized by significant economies of scale, the fact that OTC's may mean a lower level of scheduled operations for any carrier or carriers than would obtain absent OTC's does not, in the long run, point to higher levels of unit cost or reduced return on investment." (footnote omitted.) 40 FR 34089, 34091, August 14, 1975.

In light of the foregoing, the Board finds it appropriate to grant the petitions to amend the OTC rule to permit substitutions to be made at least as freely as they may be for "non-European" ABC's. It is therefore proposed that the OTC rule be modified to allow the operator to make substitutions from the general public of up to 15 percent of the number of seats contracted for.

There may also be substantial justification for the position advanced in some of the answers, that the Board should consider going beyond the petitioners' specific requests and completely eliminate the advance purchase requirement from the OTC rule. As long as the rule includes a mandatory package of ground accommodations and a minimum price requirement, the distinction of this type of charter from regularly scheduled service appears more closely analogous to the ITC rule than to the ABC rule. Since as noted above the ITC rule has never included an advance purchase requirement, a possible method of eliminating the substitution problem from OTC's would be to permit them to be sold to participants at any time before flight departure, in the same manner as ITC's.

Commenters in this proceeding are therefore specifically invited to focus on the issue of whether the advance purchase requirement of the OTC rule should be eliminated. It should be borne in mind that, absent an OTC advance purchase requirement, the only major differences between ITC's and OTC's would be that the former requires an itinerary of at least three stops, and has a different minimum pricing formula (110 percent of the lowest scheduled fare vs. 15 dollars per night for ground accommodations). Consequently, commenters should also address the question whether, and in what manner, the remaining differences between OTC's and ITC's might be eliminated so that both could be consolidated into one simple rule. Such a development would be a major step toward achieving the previously announced intention of ultimately having only "two basic charter types, one for air transportation only and one

<sup>2</sup> 14 CFR Part 371; SPR-110, adopted September 1, 1976, 41 FR 37763.

<sup>3</sup> 14 CFR Part 378, SPR-14, adopted March 11, 1966, 31 FR 4779.

<sup>4</sup> For the reason there discussed (SPR-110, 41 FR 37763, at 37766), it was also decided that for "European" ABC's there should be allowed only 10-per cent substitution from the general public, together with another 10-per cent from a prefiled "standby" list.

for an inclusive tour constructed on charter air transportation."

Finally, it should be noted that by a recent notice the Board has proposed to allow certain ABC charter operators to charge canceling participants a substitution fee of up to 25 dollars (SPDR-54, 42 F.R. 5367, January 28, 1977). If substitution is allowed on OTC's, as hereby proposed, such fees should also be permitted for OTC operators. The amendments proposed in SPDR-54 for ABC's are therefore also hereby proposed for OTC's.

Accordingly, the Board proposes to amend 14 CFR Part 378a, One-stop-inclusive Tour Charters, as follows:

1. The Table of Contents would be amended to reflect the addition of a new § 378a.14, as follows:

**PART 378a—ONE-STOP-INCLUSIVE TOUR CHARTERS**

Sec.

§ 378a.14 Substitution for tour participants named on filed list.

2. § 378a.10(f) would be amended to read:

§ 378a.10 One-stop-inclusive tour charter general requirements.

(f) Passengers transported on the charter flight shall consist solely of persons whose names are set forth in a passenger list duly filed with the Board in accordance with § 378a.25(b), or persons substituted therefor in accordance with § 378a.14, or persons authorized to occupy unused charter space in accordance with § 378a.13.

3. A new § 378a.14 would be added to read:

§ 378a.14 Substitution for tour participants named on filed list.

Substitutes may be arranged for tour participants at any time preceding departure, only in accordance with the following:

(a) The tour participant for whom a new participant is substituted shall receive a full refund of all monies paid to the tour operator with respect to the charter, except that the tour operator may reserve the right to retain an administrative fee of not more than 25 dollars for effecting the substitution.

(b) The total number of substitutes shall not exceed 15 percent of the number of seats contracted for.

4. Paragraph (b) of § 378a.41 would be revised to read:

§ 378a.41 Direct air carrier to identify enplanements.

(b) The direct air carrier shall, at the time of enplanement, enter, on its copy of the passenger list, the documentary source of the identification required by

SPDR-42 (at p. 7); 41 F.R. 7417, February 18, 1976.

paragraph (a) of this section, including the number appearing on the documents, together with the name of any enplaning passenger whose name does not already appear on the passenger list. The total number of names on the passenger list, thus revised, shall not be greater than the number of names originally appearing on that list. The number of newly entered names shall not exceed 15 percent of the number of seats contracted for.

[FR Doc. 77-6216 Filed 3-1-77; 8:45 am]

**DEPARTMENT OF THE INTERIOR**

Mining Enforcement and Safety Administration

[30 CFR Part 57]

**NEW AND REVISED HEALTH AND SAFETY STANDARDS**

**Proposed Rulemaking Corrections**

In FR Doc. 77-2462 appearing at page 5546 in the FEDERAL REGISTER of Friday, January 28, 1977, make the following changes:

1. On page 5557 the sentence immediately below the heading "§ 57.4 [Amended]", in column 2, is corrected to read: Q. Section 57.4 "Fire prevention and control" is proposed to be amended as follows:

2. On page 5563 delete the designation "MNMSAC", in column 1, for proposed mandatory standard 57.19-67.

3. On page 5564 the last sentence of proposed mandatory standard 57.20-3, in column 1, is corrected to read: (c) Every floor, working place, and passageway shall be kept free from protruding nails, splinters, holes or loose boards, as practicable.

Dated: February 25, 1977.

WILLIAM D. BETTENBERG,  
Assistant Secretary  
of the Interior.

FR Doc. 77-6174 Filed 3-1-77; 8:45 am

**POSTAL SERVICE**

[39 CFR Part 111]

**SECOND-CLASS BULK MAILINGS**

Definition of Advertisements; Marking of Paid Reading Matter

AGENCY: U.S. Postal Service.

ACTION: Proposed Rule.

**SUMMARY:** The proposed rule would, among other things, revise 125.52 of the Postal Service Manual to simplify and more precisely define the term "advertising." It would also incorporate administrative rulings of the Postal Service to the effect that, if an advertising rate is paid for the publication of reading matter or other material in a second-class publication, such material is deemed to be "advertising." Under proposed 125.52 articles published in scientific journals would not be considered "advertising" for rate purposes, even though the author paid a fee for the publication based upon the number of printed pages. Such articles would, however, continue to fit

the definition of "advertisement" in 132.7, which requires disclosure that valuable consideration has been paid or promised for the publication of editorial or other reading matter. In this connection, 132.7, which deals with the marking of paid reading matter with the word "advertisement," would be amended by limiting the required marking to one page of a piece of reading matter, regardless of the total number of pages.

DATE: Comments must be received on or before March 31, 1977.

ADDRESS: Written comments should be directed to the General Counsel, United States Postal Service, 475 L'Enfant Plaza West, SW, Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT: Arthur Cahn, 202-245-4604.

**SUPPLEMENTAL INFORMATION:** Under the provisions of 39 CFR 111.3 the Postal Service is proposing to revise 125.52 and 132.73 of the Postal Service Manual, chapter I of which has been incorporated by reference in the FEDERAL REGISTER, see 39 CFR 111.1. Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553(b)(c)) regarding proposed rulemaking, 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revisions of the Postal Service Manual:

**PART 125—SECOND-CLASS BULK MAILINGS**

1. In 125.5 of the Postal Service Manual revise .52 to read as follows:

125.5 *Statement and Copy Filed With Mailings.*

.52 *Definition of advertising.* The term "advertising" includes all material for the publication of which a valuable consideration is paid, accepted, or promised, that calls attention to something for the purpose of getting people to buy it, sell it, seek it, or support it. Moreover, if an advertising rate is charged for the publication of reading matter or other material, such material shall be deemed to be "advertising." Articles, items, and notices in the form of reading matter inserted in accordance with a custom or understanding that a "reader" is to be given the advertiser or his products in the publication in which a display advertisement appears are deemed to be "advertising." If a newspaper or periodical promotes its own services or issues, or any other business of the publisher, whether in the form of display advertising or editorial or reading matter, this is deemed to be "advertising."

**PART 132—SECOND CLASS**

2. In 132.7 of the Postal Service Manual revise .73 to read as follows:

132.7 *Marketing of Paid Reading Matter.*

.73 Each paid editorial or other reading matter which occupies all or any part of one page, or which occupies more than one page, must be marked plainly

advertisement either on the one page or on the first page.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

(39 U.S.C. 401(2).)

LOUIS A. COX  
General Counsel.

[FR Doc. 77-6169 Filed 3-1-77; 8:45 am]

[ 39 CFR Part 111 ]

**MAILABILITY; SECOND CLASS; CONTROLLED CIRCULATION; THIRD CLASS**

**Procedures for the Appeal of Mailability and Eligibility Rulings**

AGENCY: U.S. Postal Service.

ACTION: Proposed Rule.

**SUMMARY:** The proposed rule would, among other things, revise certain regulations in the Postal Service Manual to simplify the filing of applications for second-class mail privileges and would clarify and prescribe the appeal procedures for rulings on mailability of mailable matter.

**DATE:** Comments must be received on or before March 31, 1977.

**ADDRESS:** Written comments should be directed to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260.

**FOR FURTHER INFORMATION CONTACT:** Arthur Cahn, 202-245-4604.

**SUPPLEMENTAL INFORMATION:** Under the provisions of 39 C.F.R. 111.3, the Postal Service proposes to change parts 123, 132, 133, 134, 135 and 146 of the Postal Service Manual to clarify and prescribe the ruling authorities and appeal procedures for adverse rulings on mailability of matter, and on the eligibility of mailable matter for second-class, controlled circulation, and special third-class postage rates.

The revision of these regulations was initiated by the Postal Service following the decision of the Court in *The National Rifle Association of America v. USPS*, 407 F. Supp. 83 (D.D.C. 1976). This decision concluded that the appeal officer, because of his involvement in the initial decision, "approached the subsequent proceeding with a well-defined predisposition," which the Court found was unfair to the Plaintiff. The proposed regulation changes are intended to correct this problem by providing procedures for the appeal of all mailability and classification rulings to an impartial appeal authority who did not take part in the initial decision.

In view of the changes relative to non-profit organizations made by section 1307 (a) and (d) of the Tax Reform Act of 1976, Pub. L. 94-455, U.S. Code Cong. & Admin. News, Pamphlet No. 9, October 15, 1976, and the comments of the Court in the *NRA* case regarding the Postal Service's action organization regulations, the Postal Service also proposes to delete

its regulations concerning action organizations in 134.53 (a)-(c) of the Postal Service Manual.

In addition, the Postal Service proposes to amend section 132.3 of the Postal Service Manual to allow publishers to simultaneously file applications for all additional second-class mail privileges with their application for a second-class original entry permit. This change is designed to simplify and improve the second-class application process.

Accordingly, the following sections of the Postal Service Manual would be amended:

1. Section 123.31 would be amended to make explicit that a postmaster in the first instance will give advice to a mailer on questions of mailability.

2. Section 123.33 would be amended to recommend that postmasters should consult postal services centers for guidance on mailability questions, and to refer to appellate procedures.

3. Section 123.37 would be amended to remove the reference to the Judicial Officer as the sole presiding officer for purposes of appeal from an unfavorable mailability decision, and to make certain editorial changes.

4. Section 132.31, .33 and .34 would be amended and redesignated to allow a publisher to file applications for all additional second-class privileges at the same time that he files his application for a second-class original entry permit. Section 132.35 would be redesignated 132.33.

5. Section 132.36 would be redesignated .34 and amended to revise the procedures for granting and denying of applications, and new .35 and .36 would be added to specify the procedures for revocation or suspension of second-class privileges, additional entries, special rates, reentry, and exceptional dispatch. Section 132.8 would be deleted.

6. Section 132.22 would be amended to lodge in a subordinate official the initial decision on an application for a permit to mail as a controlled circulation publication; .23 would be redesignated .24; new .23 would be added providing an appeal procedure in the event an application under .22 is denied, and new .25 would be added providing for revocation of controlled circulation privileges and appellate procedures.

7. Sections 134.2 and 135.2 would be amended by adding new .23 and .27 respectively referring to 146.141 for contested classifications.

8. Section 134.53 would be amended to delete provisions dealing with action organizations.

9. Section 134.542 would be amended dealing with requests for documentation supporting an application on Form 3624 and the possible sanction for failure to supply such information, and section 134.543 would be amended to specify the official who would issue the final decision on an appeal from a denial of such an application.

10. Section 134.56 would be amended to create new subdivisions .561 and .562 dealing with proper channels of appeal from revocation decisions.

11. Section 146.141 would be amended in a minor, editorial respect; .142 would be redesignated .143; and new .142 would be added providing an avenue of appeal for certain decisions for which there is no specified appeal procedure.

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

**PART 123—NONMAILABLE MATTER—WRITTEN, PRINTED AND GRAPHIC MATTER**

1. In 123.3 revise the first sentence of .31; and revise .33 and .37 to read as follows:

**123.3 Advice to Mailers—Mailability Decisions.**

**.31 General Advice.** When a mailer seeks advice from the postmaster as to whether particular matter may be mailed, or where the postmaster otherwise learns that matter of questionable mailability is to be mailed, it is the postmaster's responsibility to call to the mailer's attention the relevant provisions of Part 123 and 124 and any relevant guidelines issued by the Postal Service.

**.33 Mailability decision authorized.** Postmasters may decide whether articles and substances (Part 124) are nonmailable and shall, where appropriate, refuse to accept for mailing such matter determined to be nonmailable. Where necessary, it is recommended that the postmaster consult the postal services center for guidance in determining mailability. If the mailer desires review of the postmaster's decision, the postmaster shall refer a sample of the item offered for mailing or a complete statement of the facts, whichever may be appropriate, to the Director, Office of Mail Classification, Rates and Classification Department. Further appeal may be made in accordance with 123.37.

**.37 Administrative Appeals.** A mailer may appeal any unfavorable mailability decision under Part 123 or Part 124 by filing a written Notice of Appeal with the Docket Clerk U.S. Postal Service, Washington, D.C. 20260, together with a copy or description of the determination or ruling in question. Such appeals shall be governed by 39 CFR Part 953, Rules of Practice in Proceedings Relative to Mailability.

**PART 132—SECOND CLASS**

2. In 132.3 delete the heading of .31 and insert the following in lieu thereof; add new .311 heading, and new .312, .313, .314, and .315 as follows; delete .33 and .34; redesignate .35 as .33; redesignate .36 as .34 and revise to read as follows; add new .35 and .36 as follows:

**132.3 Applications for second-class privileges.**

**.31** The following applications should be filed by the publisher at the post office where the publication maintains its

known office of publication. (See 132.222.)

311 *Original entry applications for publications and news agents.*

312 *Additional entry application.* A publisher may apply for permission to mail at additional entry post offices. A written request for an additional entry must be filed by the publisher at the post office where the publication has original second-class entry. A form is not provided for an additional entry application. The request may accompany the application for original entry. See 132.33 for fees required. The request must include the following information:

- (a) Name of publication.
- (b) Frequency of issue.
- (c) Name of place where publication is printed.
- (d) Name of the additional entry post office.
- (e) Approximate number and weight of copies to be mailed at the additional entry post office.
- (f) Specific geographical area to be served from the additional entry office. (The geographical area served by the additional entry office must include the entire local delivery area of the additional entry office).

An additional entry will be authorized at a post office located in the same county in which the office of original entry is located only when the publication is entirely or partly produced or prepared for mailing at the additional entry office (see 132.315 for available exceptional dispatch privileges). An additional entry will be authorized only at a post office served by transportation facilities which will enable the mailings to be effectively and economically handled in the postal transportation patterns.

313 *Application for special rates.* A publisher may apply for permission to mail at special rates. A written request for special rates must be filed by the publisher at the post office where the publication has original second-class entry. The request may be filed jointly with the application for original entry or filed separately at the post office of original entry after a publication has been granted second-class mailing privileges.

(a) *Special rate.* Non-profit organizations and associations listed in 132.122 may apply to the postmaster for the special second-class rates. They must submit evidence to establish their non-profit status and to show that they come within one of the categories stated.

(b) *Classroom rate.* Publishers of religious, educational, or scientific publications designed for use in school classrooms or in religious instruction classes may apply to the postmaster for the classroom rate listed in 132.123. They must submit evidence showing that their publications are of this character and for the uses stated.

(c) *Science of agriculture rate.* Publishers of publications designed to promote the science of agriculture may apply to the postmaster for the special

zones 1 and 2 advertising rate listed in 132.124. They must submit evidence that their publications are of the character and for the use stated and that more than 70 percent of the copies distributed by any means for any purpose during any twelve-month period are to subscribers residing in rural areas.

314 *Application for reentry.* When the name or frequency of issuance of a publication is changed, an application for reentry must be filed on Form 3510 at the post office of original entry, accompanied by two copies of the publication showing the new name or frequency. When the location of the known office of publication is changed, an application for reentry must be filed on Form 3510 at the new office, accompanied by two copies of the publication showing the name of the new office as the known office of publication. Copies of second-class publications will be accepted for mailing at the second-class postage rates during the time applications for their reentry are pending. Copies of Form 3510 may be obtained from local postmasters. An application for reentry is not required when only the ownership is changed unless the change disqualifies the publication for an entry which was authorized under 132.23.

315 *Application for exceptional dispatch.* An application to deliver copies of a second-class publication at the publisher's expense and risk from the post office of original entry or an additional entry post office to other post offices or elsewhere may be filed by the publisher at the office of original or additional entry where the postage is paid on the copies which will be transported. Applications for exceptional dispatch may be filed jointly with applications for original entry, reentry, or special rates. A form is not provided for applications for exceptional dispatch. The postmasters at the office of original or additional second-class entry will approve or disapprove applications on the basis of whether the exceptional dispatch will improve service. They will notify other post offices concerned and the sectional center manager of approved arrangements and include a list showing how the sacks or outside bundles are to be labeled and the approximate number of copies. Only after notification by the postmaster at the entry office where the postage is paid shall copies be accepted at another office directly from the publisher. At least once each 6 months the accepting postmaster shall verify the number of copies received directly from the publisher. Any significant increase noted at the time of verification or at any other time shall be reported to the entry office where the postage is paid. Denial of an application for exceptional dispatch may be appealed to the Director, Office of Mail Classification, who will issue the final agency ruling.

34 *Granting or denial of application.* The Director, Office of Mail Classification, Rates and Classification Department, Headquarters, rules on all applications for second-class mail privileges,

special rates, additional entry, and reentry.

341 *Granting of application.* If the Director grants the application, he notifies the postmaster at the office where the application for original entry was filed, who shall notify the applicant. Before taking action, on an application, the Director may call on the publisher for additional information or evidence to support or clarify the application. Failure of the publisher to furnish the information requested may be cause for denial of the application as incomplete or, on its face, not fulfilling the requirements.

342 *Denial of application for original entry.* If the Director denies the application, he will notify the publisher specifying the reasons for the denial. A denial of second-class mail entry is effective 15 days from receipt of the notice by the publisher unless an appeal is filed with the Docket Clerk, U.S. Postal Service, Washington, D.C. 20260, in accordance with the provisions of 39 CFR § 954, Rules of Practice in Proceedings Relative to the Denial, Suspension, or Revocation of Second Class Mail Privileges. A copy of the Rules will be included with any notice of denial of an application.

343 *Denial of applications for additional entries, special rates, and reentry.* If the Director denies an application for additional entry, special rates, or reentry made in accordance with sections 132.312-314, he will notify the publisher specifying the reasons for the denial. The denial becomes effective 15 days from receipt of the notice by the publisher unless the publisher files an appeal with the Assistant Postmaster General, Rates and Classification Department, who will issue the final agency decision.

35 *Revocation or suspension of second-class privileges.*

351 The Postmaster General may revoke the entry of a publication as second-class mail whenever he finds, after a hearing, that the publication is no longer entitled to be entered as second-class mail.

352 The Director, Office of Mail Classification, makes determinations concerning the suspension or revocation of a second-class entry subject to appeal and hearing requested by the publisher. He may call on a publisher from time to time to submit information bearing on the publisher's right to retain a second-class entry for his publication. When the Director determines that a publication is no longer entitled to its second-class entry, he issues a ruling of suspension or revocation to the publisher at the last known address of the office of publication stating the reasons for his action. The ruling becomes effective 15 days from receipt of the notice by the publisher unless an appeal is filed with the Docket Clerk, U.S. Postal Service, in accordance with the provisions of 39 CFR Part 954, Rules of Practice in Proceedings Relative to the Denial, Suspension, or Revocation of Second Class Mail Privileges. A copy of the Rules will be included with any notice of revocation or suspension.

36 *Revocation for additional entries, special rates, reentry, and exceptional dispatch.* The Director shall revoke authorizations for additional entry, special rates, reentry and exceptional dispatch whenever he finds that a publication or organization is no longer entitled to such authorization. Whenever the Director revokes any such authorization, he shall notify the publisher or organization specifying the reasons for the revocation. The revocation is effective 15 days from receipt of the notice by the publisher or organization unless an appeal is filed with the Assistant Postmaster General, Rates and Classification Department, who will issue the final agency decision.

132.8 [Deleted]  
3. Delete 132.8.

**PART 133—CONTROLLED CIRCULATION PUBLICATIONS**

4. Revise the last sentence of 133.22 to read as follows: "The postmaster will submit the application and one copy of the publication to the Office of Mail Classification, Rates and Classification Department, Washington, D.C. 20260. Notice of authorization or denial will be furnished by the General Manager, Domestic Mail Classification Division."

5. Redesignate 133.23 as 133.24; add new 133.23 and 133.25 reading as follows:  
133.23 *Appeal of denial.* If the application is denied and the mailer wishes to appeal, he may submit an appeal in writing within 15 days of receipt of the notice of denial to the postmaster who will forward the appeal to the Director, Office of Mail Classification for a final ruling.

133.25 *Revocation of controlled circulation privileges.*

251 If a publication is discontinued, or fails to meet the requirements described in Part 133, the postmaster should report all the facts, including the publisher's current mailing address, to the General Manager, Domestic Mail Classification Division, so that a determination may be made as to whether action should be taken to revoke the controlled circulation mail privileges.

252 If it is determined that a publication authorized to be mailed at the controlled circulation rates is no longer qualified, the General Manager, Domestic Mail Classification Division shall notify the publisher and the postmaster at the office of entry. Controlled circulation privileges will be revoked 15 days from receipt of the notice by the publisher unless an appeal is filed with the postmaster who will forward it to the Director, Office of Mail Classification for a final agency ruling.

**PART 134—THIRD CLASS**

6. Add new 134.23 reading as follows:  
134.23 *Contested classification.* See 146.141.

7. Revise 134.53 to read as follows:  
134.53 *Examples of organizations or associations that may not qualify.* The following and similar organizations do not come within the prescribed categories

even though they may be organized on a nonprofit basis: Automobile clubs; business leagues; chambers of commerce; citizens' and civic improvement associations; individuals; mutual insurance associations; political organizations; service clubs such as Civitan, Kiwanis, Lions, Optimist, and Rotary; social and hobby clubs; associations of rural electric co-operatives; and trade associations. In general, state, county, or municipal governments are not eligible for the special rates. However, a separate and distinct state, county, or municipal governmental organization that meets the criteria for any one of the specific categories in 134.522 is eligible, notwithstanding its governmental status. For example, school districts and public libraries may be eligible under 134.522b. Nevertheless, governmental organizations will generally not be eligible under 134.522d (philanthropic) since their income is generally not derived primarily from voluntary contributions or donations.

8. Amend 134.542 by adding the following sentence at the end thereof: "Before taking action on an application or appeal, additional information or evidence may be requested to support or clarify the application. Failure of an organization to furnish the information is sufficient reason to deny an application or revoke existing authorization."

9. Revise the last sentence of 134.543 to read as follows: "The papers will be returned to the postmaster at the postal services center with the final decision on the appeal by the General Manager, Domestic Mail Classification Division."

10. Revise 134.56 to read as follows:  
134.56 *Revocation.*

561 The approval may be revoked if the authorization was given to an organization or association which was not qualified or which becomes unqualified. The postmaster will notify the organization of the pending cancellation of the authorization and of the reasons for the cancellation. The organization will be allowed 15 days within which to file a written statement appealing the pending cancellation. If no appeal is filed, the postmaster will revoke the authorization. If an appeal is filed, a decision on the continuance of the authorization will be made by the General Manager, Domestic Mail Classification Division. Notice of the decision will be given to the organization through the postmaster.

562 A review of any organization authorized to mail at the special third-class rates may be initiated or undertaken at any time by the General Manager, Domestic Mail Classification Division. If the General Manager, after a review, determines that an organization is no longer qualified, he will notify the organization, through the postmaster, of the proposed revocation of the authorization and the reasons for the revocation. The revocation becomes effective 15 days from receipt of the notice unless the organization files a written appeal, with the Director, Office of Mail Classification, who will issue the final agency decision.

**PART 135—FOURTH CLASS**

11. Add new 135.27 reading as follows:  
135.27 *Contested Classification.* See 146.141.

**PART 146—PREPAYMENT AND POSTAGE DUE**

12. Revise the last sentence of 146-141 to read as follows: " \* \* \* The postmaster will forward the appeal to the General Manager, Domestic Mail Classification Division, U.S. Postal Service, Washington, D.C. 20260, who will issue the final agency decision."

13. Redesignate 146.142 as 146.143 and add new 146.142 reading as follows:

146.142 Any mail classification decision made initially by the General Manager, Domestic Mail Classification Division, or General Manager, Special Services Division, or General Manager, International Mail Division, for which there is no specified appeal procedure may be appealed within 15 days to the Director, Office of Mail Classification, who will issue the final agency decision. If, however, the Director participated in any such decision, the appeal will be decided by the Assistant Postmaster General, Rates and Classification Department.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposals are adopted.

(39 U.S.C. 401(2).)

ROGER P. CRAIG,  
Deputy General Counsel.

[FR Doc. 77-6170 Filed 3-1-77; 8:45 am]

**DEPARTMENT OF THE INTERIOR**

Bureau of Land Management

[ 43 CFR Part 3800 ]

**HARDROCK MINING SURFACE RECLAMATION**

**Proposed Rulemaking; Public Meetings**

Notice is hereby given that three meetings on proposed regulations relating to surface management of public land under U.S. Mining Laws will be held in Nevada as follows:

Date	City	Place
Mar. 18, 1977	Elko	Stockmen's Motor Hotel.
Mar. 24, 1977	Reno	Holiday Inn (California Room), 1000 East 6th St.
Mar. 22, 1977	Las Vegas	Marina Hotel, 3805 Las Vegas Blvd., south.

Each meeting will be from 1 p.m.-5 p.m. and 6 p.m.-8 p.m.

The purpose of the meetings is to allow the public to comment on the proposed surface reclamation regulations and their possible impact before final regulations are promulgated. The proposals have been printed in the FEDERAL REGISTER (Vol. 41, No. 235, Dec. 6, 1976) (41 FR 53428-53433).

Any interested person may attend, give an oral statement or file written comments. Oral statements may not exceed 10 minutes and must be germane to the regulations under consideration. Written comments may be filed before

or after the meetings or may be sent directly to the Director (210), Bureau of Land Management, Washington, D.C. 20240. Deadline for comments is April 5, 1977.

Additional information concerning these meetings may be obtained from Carl A. Gidlund, Chief, Public Affairs, Bureau of Land Management, Nevada State Office, Room 3008, Federal Building, 300 Booth Street, Reno, Nevada 89509, telephone (702) 784-5311.

Dated: February 23, 1977.

E. I. ROWLAND,  
State Director, Nevada.

[FR Doc. 77-6178 Filed 3-1-77; 8:45 am]

## FEDERAL POWER COMMISSION

[18 CFR Parts 2, 3, 33, 34, 35, 101, 104, 125, 131, 141, 154, 201, 260]

[Docket No. RM77-11]

### EDITORIAL CHANGES

#### Proposed Corrections, Minor Revisions, and Clarifications

FEBRUARY 22, 1977.

Pursuant to 5 U.S.C. 553, Sections 3, 4, 15, 16, 301, 304, 308 and 309 of the Federal Power Act (41 Stat. 1063-1066, 1068, 1072, 1075; 49 Stat. 838, 839, 840, 841, 858-859; 82 Stat. 617; 16 U.S.C. 796, 797, 803, 808, 809, 816, 825, 825b, 825c, 825g, 825h, and Sections 8, 10 and 16 of the Natural Gas Act (52 Stat. 825-826, 830; 15 U.S.C. 717g, 717i, 717o), the Commission gives notice is proposed to amend:

A. General Rules Under the Federal Power Act, Part 1, Subchapter A, Chapter I, title 18, CFR.

B. Organization; Operation; Information and Requests; Miscellaneous Charges; Ethical Standards, Part III of the General Rules, Subchapter A, Chapter I, Title 18, CFR.

C. Regulations Under the Federal Power Act, Subchapter B, Chapter I, Title 18, CFR.

D. Uniform System of Accounts for Class A and Class B Public Utilities and Licensees, prescribed by Subchapter C, Part 101, Chapter I, Title 18, CFR.

E. Uniform System of Accounts for Class C and Class D Public Utilities and Licensees, prescribed by Subchapter C, Part 104, Chapter I, Title 18, CFR.

F. Preservation of Records of Public Utilities and Licensees, Part 125, Chapter I, Title 18, CFR.

G. Statements and Reports, prescribed by Subchapter D, Chapter I, Title 18, CFR.

H. Regulations Under the Natural Gas Act, Subchapter E, Chapter I, Title 18, CFR.

I. Uniform System of Accounts for Class A and Class B Natural Gas Companies, prescribed by Subchapter F, Part 201, Chapter I, Title 18, CFR.

J. Uniform System of Accounts for Class C and Class D Natural Gas Companies, prescribed by Subchapter F, Part 204, Chapter I, Title 18, CFR.

K. Statements and Reports, prescribed by Subchapter G, Chapter I, Title 18, CFR.

The Commission proposed in this rule-making to correct and eliminate various errors, oversights, misprints, deletions, etc., that have occurred over a period of time in the promulgation of the Commission's Regulations embodied in Title 18 of the Code of Federal Regulations. In addition, revisions are being proposed for certain sections of the Regulations governing tariff filings to provide for recognition of deferred income tax effects of research and development expenditures.

In addition, certain minor revisions and editorial changes are being proposed for clarification purposes.

The Commission wishes to solicit from respondents any oversights, misprints, deletions or other errors that may have been experienced from use of Commission regulations in addition to those already included herein.

Any interested person may submit to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, to be received no later than March 8, 1977, data, views, comments or suggestions in writing concerning all or part of the amendments proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals of the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed revisions. The staff, in its discretion, may grant or deny written requests for conference prior or subsequent to the filing of formal submittals.

The proposed amendments to the Commission's General Rules, Regulations and Uniform Systems of Accounts under the Federal Power Act would be issued under authority granted the Federal Power Commission by the Federal Power Act, particularly Sections 3, 4, 15, 16, 301, 304, 308 and 309 (41 Stat. 1063-1066, 1068, 1072, 1075; 49 Stat. 838, 839, 840, 841, 854-856, 858-859; 82 Stat. 617; 16 U.S.C. 796, 797, 803, 808, 809, 816, 825, 825b, 825c, 825g, 825h, 826i).

The proposed amendments to the Commission's General Rules, Regulations and Uniform Systems of Accounts under the Natural Gas Act would be issued under the authority granted the Federal Power Commission by the Natural Gas Act, particularly Sections 8, 10 and

16 (52 Stat. 825-826, 830; 15 U.S.C. 717g, 717i, 717o).

## PART 2—GENERAL POLICY AND INTERPRETATION

(A) The following are proposed amendments to Part 2—General Policy and Interpretations, of Subchapter A—General Rules, Chapter I, Title 18 of the Code of Federal Regulations:

(1) In § 2.9, amend paragraph (b) by deleting "825 N. Capitol St. NE," from the last sentence. As amended, this portion of § 2.9 will read:

§ 2.9 Conditions in preliminary permits and licenses—list of and citations to "P-" and "L-" Forms.

(b) \* \* \* Forms currently in use, including those which have not yet appeared in the FPC reports, may be obtained from the Office of Public Information, Federal Power Commission, Washington, D.C. 20426.

(2) In § 2.12, amend the last sentence of the text by revising the title of Account No. 282, "Accumulated Deferred Income Taxes—Liberalized Depreciation," to read as follows:

§ 2.12 Calculation of taxes for property of public utilities and licensees constructed or acquired after January 1, 1970.

\* \* \* As to balances in Account 282 of the Uniform Systems of Accounts, "Accumulated deferred income taxes—Other property," it will remain the Commission's policy to deduct such balances from rate base in rate proceedings.

(3) In § 2.13, amend the last sentence of paragraph (b) by deleting "441 G Street NW., Washington, DC 20426." As amended, this portion of § 2.13 will read:

§ 2.13 Design and construction.

(b) \* \* \* The guidelines may be obtained from the Office of Public Information, Federal Power Commission, Washington, D.C. 20426.

(4) In § 2.60, amend paragraph (c) by deleting "205" referenced parenthetically. As amended, paragraph (c) will read:

§ 2.60 Facilities and activities during an emergency—accounting treatment of defense-related expenditures.

(c) When a person, not otherwise subject to the jurisdiction of the Commission, files an application for a certificate of public convenience and necessity authorizing the construction of facilities to be used solely for operation in a national emergency for the delivery of gas to, or receipt of gas from, a person subject to the Commission's jurisdiction, the Commission will consider a request by such applicant for waiver of the requirement

to keep and maintain its accounts in accordance with the Uniform System of Accounts for Natural Gas Companies (Parts 201 and 204 of this chapter) or to file the annual reports to the Commission required by §§ 260.1 and 260.2 of this chapter.

(5) In § 2.67, amend the last sentence of text by revising the title of Account No. 282, "Accumulated Deferred Income Taxes — Liberalized Depreciation," to read as follows:

§ 2.67 Calculation of taxes for property of pipeline companies constructed or acquired after January 1, 1970.

\* \* \* As to balances in Account No. 282 of the Uniform Systems of Accounts, "Accumulated deferred income taxes—Other property," it will remain the Commission's policy to deduct such balances from the rate base of natural gas pipeline companies in rate proceedings.

(6) In § 2.67a, amend paragraphs (a) (1) (i), (a) (1) (ii) and (2) by revising the numerical reference, "Account 411.3" to read, "Account Nos. 411.4 and/or 411.5." In addition, delete the parenthesized sentence at the end of paragraph (a) (1) (i). As amended, these portions of § 2.67a will read:

§ 2.67a Policy with respect to the natural gas shortage as it relates to the Revenue Act of 1971.

(a) \* \* \*

(1) (i) When the "General Rule" is applicable to a utility, other than a natural gas pipeline company, the amount of the investment credit allowed shall be debited to Accounts 411.4, Investment Tax Credit Adjustments, Utility Operations, and/or 411.5, Investment Tax Credit Adjustments, Nonutility Operations, and credited to Account 255, Accumulated Deferred Investment Tax Credits. The amount in Account 255 shall be amortized to Account 420, Investment Tax Credits, ratably over the book service life of the related property.

(ii) Since the Commission has determined that there is a natural domestic supply of gas insufficient at this time to meet the present and future requirements, natural gas pipeline companies, at their option, may account for the investment credit by either debiting Accounts 411.4, Investment Tax Credit Adjustments, Utility Operations, and/or 411.5, Investment Tax Credit Adjustments, Nonutility Operations, and crediting Account 420, or by debiting Accounts 411.4 and/or 411.5, and crediting Account 255 with amortization from Account 255 to Account 420 over a period of time as selected by the Company.

(2) Under the "Special Rule for Ratable Flow-Through," the utility shall, when this option applies, debit Accounts 411.4 and/or 411.5 and credit Account 255. The amounts in Account 255 shall be amortized to Accounts 411.4

and/or 411.5 over the book service life of the related property.

**PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; MISCELLANEOUS CHARGES; ETHICAL STANDARDS**

(B) The following is a proposed amendment to Part 3—Organization; Operation; Information and Requests; Miscellaneous Charges; Ethical Standards, of Subchapter A—General Rules, Chapter I, Title 18 of the Code of Federal Regulations:

§ 3.6 [Amended]

In § 3.6 *Offices of the Commission; information and submittals:*

(1) Amend the first sentence of paragraph (a) by deleting "are in the General Accounting Office Building, 441 G Street NW., Washington, D.C."

(2) Amend paragraph (b) (1) by deleting "at 346 Broadway" and by changing "10013" to read "10007."

(3) Amend paragraph (b) (2) by deleting "at Peachtree—Seventh Building, 50 Seventh Street, N.E.," and by changing "30323" to read "30308."

(4) Amend paragraph (b) (3) by deleting "in the United States Custom House, 610 South Canal Street," and by changing "60607" to read "60604."

**PART 33—APPLICATION FOR SALE, LEASE OR OTHER DISPOSITION, MERGER OR CONSOLIDATION OF FACILITIES, OR FOR PURCHASE OR ACQUISITION OF SECURITIES OF A PUBLIC UTILITY**

(C) The following are proposed amendments to Part 33—Application for Sale, Lease or other Disposition, Merger or Consolidation of Facilities, or for Purchase or Acquisition of Securities of a Public Utility, of Subchapter B—Regulations Under The Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations:

§ 33.2 [Amended]

(1) Amend paragraph (1) of § 33.2 by revising "(in conformity with § 131.41 of this chapter)" to read "(in the form prescribed by the Commission's Uniform System of Accounts for Public Utilities and Licensees)."

(2) Section 33.3 is amended by revising Exhibits G, and I and by changing the word "surplus" to read "Retained Earnings" in Exhibit J. As amended, § 33.3 will read:

§ 33.3 Required exhibits.

*Exhibit G.*—Balance sheets and supporting plant schedules for the most recent 12 month period only, on an actual basis and separately on a pro forma basis in the form prescribed for statements A and B of the FPC Annual Report Form No. 1, prescribed by § 141.1 of this Chapter.

*Exhibit I.*—Income statement for the most recent 12 month period only, on an actual

and separately on a pro forma basis in the form prescribed for Statement C of the FPC Annual Report Form No. 1 prescribed by § 141.1 of this Chapter.

*Exhibit J.*—An analysis of retained earnings \* \* \*

**PART 34—APPLICATION FOR AUTHORIZATION OF THE ISSUANCE OF SECURITIES OR THE ASSUMPTION OF LIABILITIES**

(D) The following are proposed amendments to Part 34—Application for authorization of the issuance of securities or the assumption of liabilities, of Subchapter B, Regulations under the Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations:

(1) In § 34.3, revised Exhibits H and L and amend Exhibit M by changing "surplus" to "retained earnings." As amended, these exhibits will read:

§ 34.3 Required exhibits.

*Exhibit H.*—Balance sheets and supporting plant schedules for the most recent 12 month period only, on an actual basis and separately on a pro forma basis in the form prescribed for statements A and B of the FPC Annual Report Form No. 1, prescribed by § 141.1 of this Chapter.

*Exhibit L.*—Income statement for the most recent 12 month period only, on an actual and separately on a pro forma basis in the form prescribed for Statement C of the FPC Annual Report Form No. 1, prescribed by § 141.1 of this Chapter.

*Exhibit M.*—An analysis of retained earnings \* \* \*

**PART 35—FILING OF RATE SCHEDULES**

(E) The following are proposed amendments to Part 35—Filing of Rate Schedules, of Subchapter B—Regulations Under the Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations:

(1) Amend paragraph (b) (4) (iii) of § 35.13 by revising title of *Statement C—Earned Surplus Statement* to read *Statement C—Retained Earnings Statement* and revise the first sentence by revising the words, "Earned surplus" to read "Retained earnings."

(2) Amend paragraph (b) (4) (iii) of § 35.13 by adding *Statement E1* immediately following *Statement E—Accumulated Depreciation*. Commission Order No. 483, Docket No. R-482, dated April 30, 1973, added the original *Statement E1*, however, it was inadvertently left out of the Code of Federal Regulations. Also, included therein is a provision for recognition of deferred income tax effects, in accordance with the Order under Docket No. RP73-102, dated June 26, 1974.

As amended § 35.13(b) (4) (iii) reads as follows:

§ 35.13 Filing of changes in rate schedules.

- (b) \* \* \*
- (4) \* \* \*
- (iii) \* \* \*

Statement C.—Retained earnings statement. Retained earnings statement \* \* \*

Statement E.—Accumulated depreciation. \* \* \*

Statement E1.—Research and development. A statement disclosing all expenditures in Account 188, Research and Development Expenditures, showing each venture separately as of the beginning and the end of the test period, immediately followed and increased or reduced, as appropriate, by the applicable accumulated deferred income taxes. This statement shall also include all related amortization for the same period.

(3) Amend paragraph (b)(4) of § 35.22 by deleting the first three words "products containing benzpheta-" of the first sentence and substituting "R & D expenditures in Account".

(4) Amend § 35.22 by adding a new paragraph (c) following paragraph (b) thereof.

§ 35.22 Research and development clauses.

(c) In determining the balance of Account 188, Research and Development Expenditures, for purposes of this section, the balances in Account 188 shall be increased or reduced, as appropriate, by the applicable accumulated deferred income taxes.

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

(F) The following are proposed amendments to Part 101—Uniform system of accounts prescribed for class A and class B public utilities and licensees, of Subchapter C—Accounts, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations:

(1) Revise the title to Part 101 to read:

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR PUBLIC UTILITIES AND LICENSEES SUBJECT TO THE PROVISIONS OF THE FEDERAL POWER ACT (CLASS A AND CLASS B)

(2) In the preface section of Part 101, under the clarification *Applicability of system of accounts*, delete the last two sentences of the second paragraph, which make reference to §§ 102.01-1 and 104.1 and amend the first sentence of the fourth paragraph, by revising the reference to § 103.01-1" to read "§ 103."

(3) In the preface section of Part 101, delete all of the tables entitled *comparison of the uniform system of accounts prescribed for Public Utilities and Licensees effective Jan. 1, 1937, with the revised system of accounts effective Jan. 1, 1961*.

(4) In the title of Part 101 which immediately precedes the Definition section, amend the title to read as follows:

UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR PUBLIC UTILITIES AND LICENSEES SUBJECT TO THE PROVISIONS OF THE FEDERAL POWER ACT (CLASS A AND CLASS B)

(5) In the Definitions sections, amend definition number 5.A, "Associated Companies," to read "Associated (Affiliated) Companies".

(6) In the General Instructions section amend paragraph B of General Instruction 1, *Classification of Utilities* by revising the second sentence. As amended paragraph B will read:

General Instructions

1. Classification of Utilities.

B. This system of accounts applies to Class A and Class B utilities. The system of accounts, applicable to Class C and Class D utilities is issued separately.

(6) In the Electric Plant Instructions section:

(a) Amend Instruction 7, *Land and Land Right*, paragraph "H" by revising the title of Account No. 111, "Accumulated Provision for Amortization of Electric Plant in Service," referenced parenthetically.

(b) Amend Instruction 10, "Additions and Retirements of Electric Plant", paragraph (C) (3), by changing the word "appropriate" to read "appropriate" and the words "he" and "teh" to read "the." As amended, this portion of the Electric Plant Instructions will read:

Electric Plant Instructions

1. Land and Land Rights.

H. \* \* \* (See account 111, Accumulated Provision for Amortization of Electric Utility Plant, and account 404, Amortization of Limited-Term Electric Plant.)

10. Additions and Retirements of Electric Plant.

C. \* \* \* account appropriate for the item; except that if the replacement \* \* \* charged to the appropriate electric plant account.

(7) Amend the title of the chart of accounts for the "Balance Sheet Accounts," and amend the titles of "Account 203, Preferred stock liability for conversion" and "Account 210, Gain or resale on cancellation of reacquired capital stock" to read "Account 203, Common stock liability for conversion" and "Account 210, Gain or resale or cancellation of reacquired capital stock."

Balance Sheet Chart of Accounts

LIABILITIES AND OTHER CREDITS

5. PROPRIETARY CAPITAL

- 203 Common stock liability for conversion.
- 210 Gain or resale or cancellation of reacquired capital stock.

(8) In the text of the Balance Sheet Accounts:

(a) Amend the first sentence of Account 120.5, "Accumulated Provision for Amortization of Nuclear Fuel Assemblies," by adding the word "Expense" to the title of "Account 518, Nuclear Fuels."

(b) Amend the title of "Account 157, Nuclear Materials held for sale" to read "Account 157, Nuclear materials held for sale."

As amended, this portion of the Balance Sheet Accounts will read:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

120.5 Accumulated provision for amortization of nuclear fuel assemblies.

A. This account shall be credited and account 518, Nuclear Fuel Expense, \* \* \*

157 Nuclear materials held for sale.

(9) Amend the title of the chart of accounts for the "Electric Plant Accounts," to read as follows:

Electric Plant Chart of Accounts

(10) Amend the title of the chart of accounts for the "Income Accounts," to read as follows:

Income Chart of Accounts

(11) Amend the title of the chart of accounts for the "Retained Earnings Accounts," to read as follows:

Retained Earnings Chart of Accounts

(12) Amend the title of the chart of accounts for the "Operating Revenue Accounts," to read as follows:

Operating Revenue Chart of Accounts

(13) Amend the title of the chart of accounts for the "Operation and Maintenance Expense Accounts," to read as follows:

Operation and Maintenance Expense Chart of Accounts

PART 104—UNIFORM SYSTEM OF ACCOUNTS FOR PUBLIC UTILITIES AND LICENSEES (CLASS C AND CLASS D)

(G) The following are proposed amendments to Part 104—Uniform System of Accounts for Public Utilities and Licensees (Class C and Class D), of Subchapter C—Accounts, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations:

(1) Revise the title to Part 104 to read as follows:

PART 104—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR PUBLIC UTILITIES AND LICENSEES SUBJECT TO THE PROVISIONS OF THE FEDERAL POWER ACT (CLASS C AND CLASS D)

(2) In the preface section all of the of the tables entitled "Comparison of the

uniform system of accounts prescribed for Public Utilities and Licensees effective Jan. 1, 1938, with the revised system of accounts effective Jan. 1, 1961."

(3) In the title of Part 104 which immediately precedes the Definitions section, amend the title to read as follows:

**UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR PUBLIC UTILITIES AND LICENSEES SUBJECT TO THE PROVISIONS OF THE FEDERAL POWER ACT (CLASS C AND CLASS D)**

(4) In the Electric Plant Instructions section:

(a) Amend Electric Plant Instruction 9, "Additions and Retirements of Electric Plant," paragraph F, by revising the title of Account 110, "Accumulated Provision for Depreciation and Amortization of Electric Plant," to read "Accumulated Provision for Depreciation and Amortization of Electric Utility Plant."

As amended, this portion of the Electric Plant Instructions will read:

**Electric Plant Instructions**

**9. Additions and Retirements of Electric Plant.**

F. The book cost less net salvage of electric plant retired shall be charged in its entirety to account 110, Accumulated Provision for Depreciation and Amortization of Electric Utility Plant. Any amounts which, by approval or order of the Commission, are charged to account 182, Extraordinary Property Losses, shall be credited to account 110, Accumulated Provision for Depreciation and Amortization of Electric Utility Plant.

(5) Amend the title of the chart of accounts for the "Balance Sheet Accounts," to read as follows:

**Balance Sheet Chart of Accounts**

(6) Amend the title of the chart of accounts for the "Electric Plant Accounts," to read as follows:

**Electric Plant Chart of Accounts**

(7) Amend the title of the chart of accounts for the "Income Accounts," to read as follows:

**Income Chart of Accounts**

(8) Amend the title of the chart of accounts for the "Retained Earnings Accounts," to read as follows:

**Retained Earnings Chart of Accounts**

(9) Amend the title of the chart of accounts for the "Operating Revenue Accounts," to read as follows:

**Operating Revenue Chart of Accounts**

(10) Amend the title of the chart of accounts for the "Operation and Maintenance Expense Accounts," and amend

the title of section 6, "Administration and General Expenses," of the chart of accounts, to read "Administrative and General Expenses," to read as follows:

**Operation and Maintenance Expense Chart of Accounts**

6. Administrative and General Expenses.

**PART 125—PRESERVATION OF RECORDS OF PUBLIC UTILITIES AND LICENSEES**

(H) The following are proposed amendments to Part 125—Preservation of Records of Public Utilities and Licensees, of Subchapter C—Accounts, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations:

(1) Amend § 125.2, "General instructions," paragraph (g) (1) by amending subparagraph (iii), "Be stored in such a manner as to certification, when damaged," to read "Be regenerated, including proper certification, when damaged."

As amended, paragraph (g) (1) (iii) will read:

**§ 125.2 General instructions.**

(g) Media. (1) . . . . .

(iii) Be regenerated, including proper certification, when damaged. . . . .

**PART 131—FORMS**

(I) The following are proposed amendments to Part 131—Forms, of Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations:

Delete entire § 131.40, Balance sheet, § 131.41, Classification of utility plant and reserves applicable to utility plant, and § 131.42, Comparative income statement.

**PART 141—STATEMENTS AND REPORTS (SCHEDULES)**

(J) The following are proposed amendments to Part 141—Statements and Reports (Schedules), of Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations:

**§ 141.1 [Amended]**

(1) Amend paragraph (d) of § 141.1 by:

(a) Relocating "Nuclear Fuel Materials (accounts 120.1 through 120.5 and 157)" scheduled following "Attestation" to a location immediately following the schedule "Statement of Changes in Financial Position—Statement E."

(b) Immediately following "Miscellaneous Deferred Debits," deleting the schedule "Deferred Regulatory Commission Expenses."

(c) Revising the title of schedule "Rents Charged," to read "Lease Rentals Charged."

**PART 154—RATE SCHEDULES AND TARIFFS**

(K) The following are proposed amendments to Part 154—Rate Schedules and

Tariffs, of Subchapter E—Regulations Under the Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations:

(1) Under § 154.38(d) (4) in the first sentence of Footnote No. 1, amend the date "October 7, 1969," to read "October 8, 1969."

(2) Amend § 154.38 by deleting subparagraph (c) following paragraph (d) (4) (iv) (b).

(3) Amend § 154.38 by adding new paragraph (iii) following paragraph (d) (5) (ii) (g).

**§ 154.38 Composite of rate schedule.**

(d) . . . . .  
(4) . . . . . its cost of purchase gas.<sup>1</sup> . . . . .

(5) . . . . .

(iii) In determining the balance of Account 188, Research and Development Expenditures, for purposes of this section, the balances of this account shall be increased or reduced, as appropriate, by the applicable accumulated deferred income taxes.

(4) Amend § 154.63 paragraph (f) by adding a new Schedule E-4, renumbering present Schedule E-4 as E-5, and by revising the title of Account 108 referred to in the fourth sentence of Statement H(2) and by revising Schedule N-11.

As amended and revised, those sections will read:

**§ 154.63 Changes in a tariff, executed service agreement or part thereof.<sup>2</sup>**

(f) Description of statements. . . . .

*Schedule E-4.* Setting forth monthly balances included in Account 188, Research and Development Expenditures, separately for each project therein immediately followed and increased or reduced, as appropriate, by the applicable accumulated deferred income taxes. This schedule shall also include all related amortization for the same periods.

*Statement H(2)*— . . . . . The amounts of depreciable plant shall be shown by the functions specified in Paragraph C of Account 108, Accumulated Provision for Depreciation of Gas Utility Plant of the Commission's Uniform System of Accounts for Natural Gas Companies, and, if available, for each detailed plant account (300 Series) together with the rates used in computing such expenses. . . . .

*Schedule N-11.* A complete description of amounts, by venture, recorded in Account

<sup>1</sup>For the purposes of this subsection, purchased gas cost represents the cost of well-head purchases, field line purchases, plant outlet purchases, transmission line purchases, and from pipeline production that qualifies for and is being afforded area or nationwide rate treatment. . . . .

<sup>2</sup>The provisions of this section shall not be applicable to filings made pursuant to §§ 154.81 through 154.86, unless such filing results in a change in rate, charge, classification or service.

188. Research and Development Expenditures, as of the beginning and end of the test period, increased or reduced, as appropriate, by the applicable accumulated deferred income taxes. This schedule shall also include all related amortization for the same period.

**PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES**

(L) The following are proposed amendments to Part 201—Uniform System of Accounts For Natural Gas Companies, of Subchapter F—Accounts, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations:

(1) Amend the title of Part 201 to read as follows:

**PART 201—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR NATURAL GAS COMPANIES SUBJECT TO THE PROVISIONS OF THE NATURAL GAS ACT (CLASS A AND CLASS B)**

(2) In the preface section delete all of the tables entitled "Comparison of the uniform system of accounts prescribed for natural gas companies effective Jan. 1, 1940, with the revised system of accounts effective Jan. 1, 1961."

(3) In the title of Part 201 which immediately precedes the Definitions section, amend the title to read as follows:

**UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR NATURAL GAS COMPANIES SUBJECT TO THE PROVISIONS OF THE NATURAL GAS ACT (CLASS A AND CLASS B)**

(4) In the General Instructions section:

(a) Amend General Instruction 1, paragraph B "Classification of Utilities," by revising the second sentence.

(b) Amend General Instruction 16, "Significance of Commission Opinion Nos. 568 and 568A on accounting," by changing "Gas Plant in Service" to "Gas Utility Plant" in paragraph B. As amended, this portion will read:

**General Instructions**

**1. Classification of Utilities.**

B. This system of accounts applies to Class A and Class B utilities. The system of accounts applicable to Class C and Class D utilities is issued separately.

16. Significance of Commission Opinion Nos. 568 and 568A on accounting.

B. . . . among others:

108. Accumulated Provision for Depreciation of Gas Utility Plant.

(3) In the Gas Plant Instructions section:

(a) Amend Gas Plant Instruction No. 3, "Components of construction cost," first sentence of note to subparagraph

(17) by revising "Electric Plant in Service" to read "Gas Utility Plant."

As amended, this portion of the Gas Plant Instructions will read:

**Gas Plant Instructions**

**3. Components of construction cost.**

(17) . . .

NOTE— . . . as "Gas Utility Plant" and

(4) Amend the title of the Chart of Accounts for the "Balance Sheet Accounts," to read as follows:

**Balance Sheet Chart of Accounts**

Accounts 103, 105, 105.1, 106, 107, 111, 186 and 255 [Amended]

(5) In the text of Balance Sheet Accounts:

(a) Amend the text of Account 103, "Experimental Gas Plant Unclassified," last sentence of paragraph B, by deleting the word "an".

(b) Amend the text of Account 105, "Gas Plant Held for Future Use," paragraphs A and B and Note B by revising the date "on or before October 6, 1969" to read "on or before October 7, 1969."

(c) Amend the text of Account 105.1, "Production Properties Held for Future Use," paragraph A and B, by revising the date "on or after October 7, 1969." To read "on or after October 8, 1969."

(d) Amend the text of Account 106, "Completed Construction Not Classified—Gas" by revising the word "has" to read "have".

(e) Amend Note A to text of Account 107, "Construction Work in Progress—Gas," by changing "instruction 16." to "instruction 15."

(f) Amend item (5) in the second sentence in paragraph C of Account 111, "Accumulated Provision for Amortization and Depletion of Gas Utility Plant," by revising the word "local" to read "other."

(g) Amend paragraph A of Account 186, "Miscellaneous Deferred Debits," by revising "instruction 16A," to read "instruction 15A."

(h) Amend first sentence of paragraph B of Account 255, "Accumulated Deferred Investment Tax Credits" by revising "electric utility property" to read "gas utility plant."

(6) Amend the title of the chart of accounts for the "Gas Plant Accounts," to read as follows:

**Gas Plant Chart of Accounts**

(7) Amend the text of the next to the last sentence of the special instructions applicable to *B.1 Natural Gas Production and Gathering Plant* accounts, by changing Account 403, Depreciation and Depletion Expense to read Account 404.1, Amortization and Depletion of Producing Natural Gas Land and Land Rights. As amended, this instruction will read:

**Gas Plant Chart of Accounts**

**B. NATURAL GAS PRODUCTION PLANT**

**B.1 Natural Gas Production and Gathering Plant**

Special Instruction—Costs Related to Leases Acquired After October 7, 1969. . . . by debiting Account 404.1, Amortization and Depletion of Producing Natural Gas Land and Land Rights. . . .

**Account 380 [Amended]**

(8) Delete the Note following item 12 of Account 380, "Services."

(9) Amend the title of the chart of accounts for the "Income Accounts," to read as follows:

**Income Chart of Accounts**

(10) Amend the title of the chart of accounts for the "Retained Earnings Accounts," to read as follows:

**Retained Earnings Chart of Accounts**

(11) Amend the title of the chart of accounts for the "Operating Revenue Accounts," to read as follows:

**Operating Revenue Chart of Accounts**

(12) Amend the title of the chart of accounts for the "Operating and Maintenance Expense Accounts," to read as follows:

**Operation and Maintenance Expense Chart of Accounts**

**PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES (CLASS C AND CLASS D)**

(M) The following are proposed amendments to Part 204—Uniform System of Accounts for Natural Gas Companies (Class C and Class D), of Subchapter F—Accounts, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations:

(1) Amend the title of Part 204 and amend the preface section by deleting all of the tables entitled "Comparison of the uniform system of accounts prescribed for natural gas companies, effective Jan. 1, 1940, with the revised system of accounts effective Jan. 1, 1961." As amended, the title will read:

**PART 204—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR NATURAL GAS COMPANIES SUBJECT TO THE PROVISIONS OF THE NATURAL GAS ACT (CLASS C AND CLASS D)**

(2) In the title of Part 204 which immediately precedes the Definitions section, amend the parenthetical reference, "(Class C)," to read as follows:

**UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR NATURAL GAS COMPANIES SUBJECT TO THE PROVISIONS OF THE NATURAL GAS ACT (CLASS C AND CLASS D)**

(3) Amend the parenthetical material in paragraph H of Gas Plant Instruction 6, *Land and Land Rights*.

(4) Amend the title of Gas Plant Instruction 9, *Additions and Requirements of Gas Plant*, and paragraph F by revising the title of Account 110, "Accumulated Provision for Depreciation, Depletion and Amortization of Gas Plant," to read "Accumulated Provision for Depreciation, Depletion and Amortization of Gas Utility Plant."

As amended these portions of the General Plant Instruction will read:

**Gas Plant Instructions**

**6. Land and Land Rights.**

H. . . . (See account 403, Depreciation and Depletion Expense, and account 110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Utility Plant, . . . .

**9. Additions and Retirements of Gas Plant.**

F. The book cost less net salvage of gas plant retired shall be charged in its entirety to account 110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Utility Plant. Any amounts which, by approval or order of Commission, are charged to account 182, Extraordinary Property Losses, shall be credited to account 110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Utility Plant.

(5) Amend the title of the chart of accounts for the "Balance Sheet Accounts," to read as follows:

**Balance Sheet Chart of Accounts**

(6) Amend the title of the chart of accounts for the "Gas Plant Accounts," to read as follows:

**Gas Plant Chart of Accounts**

(7) Delete Note to Account 380, "Services."

(8) Amend the title of the chart of accounts for the "Income Accounts," to read as follows:

**Income Chart of Accounts**

(9) Amend the title of the chart of accounts for the "Retained Earnings Accounts," to read as follows:

**Retained Earnings Chart of Accounts**

(10) Amend the title of the chart of accounts for the "Operating Revenue Accounts," to read as follows:

**Operating Revenue Chart of Accounts**

(11) Amend the title of the chart of accounts for the "Operation and Maintenance Expense Accounts," to read as follows:

**Operation and Maintenance Expense Chart of Accounts**

**PART 260—STATEMENTS AND REPORTS (SCHEDULES)**

(N) The following are proposed amendments to Part 260—Statements and reports (schedules), of Subchapter G—Approved Forms, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations:

**§ 260.1 [Amended]**

(1) Amend paragraph C of § 260.1, by:  
 (a) Revising the title of schedule "Statement of Earned Surplus for the Year—Statement D" to read "Statement of Retained Earnings for the Year—Statement D."  
 (b) Revising title of schedule "Gas Stored Underground" to read "Gas Stored."  
 (c) Revising title of schedule "Prepaid Gas Purchases Under Purchase Agreements" to read "Gas Prepayments Under Purchase Agreements," and relocating schedule to immediately follow "Extraordinary Property Losses."  
 (d) Relocating "Advances for Gas Prior to Initial Deliveries or Commission Certification (Accounts 124, 166, and 167)." to immediately follow "Gas Pre-

payments Under Purchase Agreements,"

(e) Deleting schedule "Deferred Regulatory Commission Expenses."

(f) Revising title of schedule "Accrued and Prepaid Taxes," to read "Taxes Accrued, Prepaid and Charged During Year".

(g) Adding schedule titled "Gain or Loss on Disposition of Property," immediately following "Accumulated Deferred Investment Tax Credits."

(h) Adding schedule titled "Extraordinary Items," immediately following "Expenditures for Certain Civic, Political and Related Activities."

(i) Deleting schedule titled "Taxes Charged During Year."

(j) Adding schedule inadvertently left out, titled "Production Property Held for Future Use," immediately following "Gas Plant Held for Future Use."

(k) Revising title of schedule "Main Line Industrial Sales of Natural Gas," to read "Field and Main Line Industrial Sales of Natural Gas."

(l) Revising title of schedule "Underground Gas Storage," to read "Gas Storage."

(2) Amend § 260.2, paragraph (c), by adding schedules, "Investment Tax Credits—Generated and Utilized" and "Accumulated Deferred Investment Tax Credits,"

As amended, this portion will read:

**§ 260.2 Form No. 2-A; Annual report for natural gas companies (Class C and Class D).**

(c) This annual report contains the following schedules:

General Information Concerning Plant and Operations, Investment Tax Credits—Generated and Utilized, Accumulated Deferred Investment Tax Credits.

(O) The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,  
 Secretary.

[FR Doc.77-6007 Filed 2-28-77;8:45 am]

# notices

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

## CIVIL AERONAUTICS BOARD

[Docket No. 29998]

### EASTERN AIR LINES, INC., COMPLAINT OF VICTORIA ROBERTSON

#### Assignment of Enforcement Proceeding

This proceeding is hereby assigned to Administrative Law Judge Burton S. Kolko. Future communications should be addressed to Judge Kolko.

Dated at Washington, D.C., February 24, 1977.

HENRY M. SWITKAY,  
*Acting Chief  
Administrative Law Judge.*

[FR Doc. 77-6209 Filed 3-1-77; 8:45 am]

[Docket No. 29224]

### PAN AMERICAN WORLD AIRWAYS, INC., COMPLAINT OF MR. EDWARD M. BARKLEY

#### Assignment of Enforcement Proceeding

This proceeding is hereby assigned to Administrative Law Judge Burton S. Kolko. Future communications should be addressed to Judge Kolko.

Dated at Washington, D.C., February 24, 1977.

HENRY M. SWITKAY,  
*Acting Chief  
Administrative Law Judge.*

[FR Doc. 77-6210 Filed 3-1-77; 8:45 am]

[Docket No. 29225]

### PAN AMERICAN WORLD AIRWAYS, INC., COMPLAINT OF MRS. EDWARD M. BARKLEY

#### Assignment of Enforcement Proceeding

This proceeding is hereby assigned to Administrative Law Judge Burton S. Kolko. Future communications should be addressed to Judge Kolko.

Dated at Washington, D.C., February 24, 1977.

HENRY M. SWITKAY,  
*Acting Chief  
Administrative Law Judge.*

[FR Doc. 77-6211 Filed 3-1-77; 8:45 am]

[Docket No. 29245]

### PAN AMERICAN WORLD AIRWAYS, INC., COMPLAINT OF JULIA JO BARKLEY

#### Assignment of Enforcement Proceeding

This proceeding is hereby assigned to Administrative Law Judge Burton S. Kolko. Future communications should be addressed to Judge Kolko.

Dated at Washington, D.C., February 24, 1977.

HENRY M. SWITKAY,  
*Acting Chief  
Administrative Law Judge.*

[FR Doc. 77-6212 Filed 3-1-77; 8:45 am]

[Docket No. 29339]

### PAN AMERICAN WORLD AIRWAYS, INC., COMPLAINT OF MS. JANE L. GNUTTI

#### Assignment of Enforcement Proceeding

This proceeding is hereby assigned to Administrative Law Judge Burton S. Kolko. Future communications should be addressed to Judge Kolko.

Dated at Washington, D.C., February 24, 1977.

HENRY M. SWITKAY,  
*Acting Chief  
Administrative Law Judge.*

[FR Doc. 77-6214 Filed 3-1-77; 8:45 am]

[Docket No. 29546]

### PAN AMERICAN WORLD AIRWAYS, INC., COMPLAINT OF MR. JOHN WALTER HUCKABEE, III

#### Assignment of Enforcement Proceeding

This proceeding is hereby assigned to Administrative Law Judge Burton S. Kolko. Future communications should be addressed to Judge Kolko.

Dated at Washington, D.C., February 24, 1977.

HENRY M. SWITKAY,  
*Acting Chief  
Administrative Law Judge.*

[FR Doc. 77-6213 Filed 3-1-77; 8:45 am]

## DEPARTMENT OF COMMERCE

### Domestic and International Business Administration

#### SEMICONDUCTOR TECHNICAL ADVISORY COMMITTEE

##### Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Semiconductor Technical Advisory Committee will be held on Tuesday, March 22, 1977, at 9:30 a.m. in Room 4833, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Semiconductor 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 Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor products, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has seven parts:

#### GENERAL SESSION

- (1) Opening remarks by the Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Review of membership status and suggestions for new members.
- (4) Selection of new committee chairman.
- (5) Discussion of foreign availability for digital integrated circuits.
- (6) New business.

#### EXECUTIVE SESSION

- (7) Discussion of matters properly classified under Executive Order 11652 dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (1), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In the Sunshine Act, Pub. L. 94-409 that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have

been properly classified under Executive Order 11652. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3012, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The Complete Notice of Determination to close portions of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittees thereof is hereby published.

Dated: February 24, 1977.

**RAUER H. MEYER,**  
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

Office of the Assistant Secretary for Administration

**SEMICONDUCTOR TECHNICAL ADVISORY COMMITTEE**

Determination

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

SEMICONDUCTOR TECHNICAL ADVISORY COMMITTEE

Determination

In response to written requests of representatives of a substantial segment of the semiconductor industry, the Semiconductor Technical Advisory Committee was established by the Secretary of Commerce pursuant to section 5(c)(1) of the Export Administration Act of 1969, 50 U.S.C. App. 2404 (c)(1) (Supp. V, 1975), to advise the Department of Commerce with respect to questions involving technical matters, worldwide availability, and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductors, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee, which currently has ten members representing industry and six members representing government agencies, will terminate no later than August 29, 1978, unless extended by the Secretary of Commerce or his designee. All members of the Committee have the appropriate security clearances.

The Committee's activities are conducted pursuant to 50 U.S.C. App. 2404(c)(1), Pub. L. 94-382, 50 U.S.C. App. 5(b), Executive Order No. 11940, 15 CFR 1390.1, the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act provides, among other things, that the meetings of advisory committees are to be open to the public, and to public participation,

unless the head of the agency (or his delegate) to which the committee reports determines in writing that all, or some portion, of the agenda of the meeting of the Committee is concerned with matters listed in Section 552(b) of Title 5 of the United States Code. Section 5(c) of the Government In the Sunshine Act, Pub. L. 94-409, effective March 12, 1977, provides that advisory committee meetings or portions thereof may be exempt from the open meeting and public participation requirements of the Federal Advisory Committee Act if the President, or the head of the agency to which the Advisory Committee reports, determines that such portion of such meeting may be closed to the public in accordance with 5 U.S.C. 552(b)(c).

Section 552(b)(1) of Title 5, United States Code, provides that information may be withheld from the public if it concerns matters specifically required by Executive Order to be kept secret in the interest of national defense or foreign policy, and is in fact properly classified pursuant to such Executive Order.

5 U.S.C. 552(b)(1) provides that agency meetings or portions thereof may be closed to the public where they are likely to disclose matters that are specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order.

Notices of Determination authorizing the closing of meetings, or portions thereof, of the Semiconductor Technical Advisory Committee and its formal subcommittees, dealing with security classified matters, were approved on March 6, 1973 for the meeting of March 26, 1973; on June 18, 1973 for the meeting of June 29, 1973; on August 21, 1973, covering a series of meetings from August 21, 1973 to December 31, 1973; on December 26, 1973, for a series of meetings for the period January 1, 1974 through April 30, 1974; on May 16, 1974, covering a series of meetings from May 1, 1974 to January 3, 1975; on December 16, 1974, covering a series of meetings from January 4, 1975 to January 3, 1976; and on November 25, 1975, covering a series of meetings from January 4, 1976 to January 3, 1977.

In order to provide advice to the Department under the terms of its charter, the Committee and formal subcommittees thereof will continue to hold a series of meetings dealing with the matters set forth in the first paragraph of this Determination. These meetings will include discussions of the COCOM control list as it relates to the commodities and technical data under its purview, and with the foreign availability of these commodities and technical data. In addition, the Committee and its formal subcommittees will be preparing recommendations for the Department's consideration relating to the U.S. Government's negotiating position on COCOM-related matters. Much of the information relating to the COCOM control list, as well as proposed changes, is now or will be security classified for national defense or foreign policy reasons, pursuant to Executive Order No. 11652, 3 CFR 339 (1974). In order for the Committee and its formal subcommittees to provide required advice to the U.S. Government, it will be necessary to provide the Committee and its formal subcommittees with such classified material. Therefore, the portions of the series of meetings of the Committee and of subcommittees thereof that will involve discussions of matters specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Execu-

tive Order, must be closed to the public. The remaining portions of the series of meetings will be open to the public.

Accordingly, I hereby determine, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that those portions of the series of meetings of the Committee and of any subcommittees thereof, dealing with the aforementioned classified materials shall be exempt, for the period from the date of the signing of this determination, to August 29, 1978, from the provisions of Section 10 (a) (1) and (a) (3), relating to open meetings and public participation therein, because the Committee and subcommittee discussions will be concerned with matters listed in 5 U.S.C. 552(b)(1) and 5 U.S.C. 552(b)(c)(1). The remaining portions of the meetings will be open to the public.

Dated: January 27, 1977.

**GUY W. CHAMBERLIN, JR.,**  
Acting Assistant Secretary  
for Administration.

**ALFRED MEISNER,**  
Acting General Counsel.

[FR Doc. 77-6207 Filed 3-1-77; 8:45 am]

## COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

### PROCUREMENT LIST 1977

#### Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 77, of the proposed addition of the following commodity to Procurement List 1977, November 18, 1976 (41 FR 50975).

Class 6515

Case Ear Plug, 6515-00-299-8287.

If the Committee approves the proposed addition, all entities of the Government will be required to procure the above commodity from workshops for the blind or other severely handicapped.

Comments and views regarding the proposed addition may be filed with the Committee on or before April 4, 1977. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER (9-2-77).

By the Committee.

**C. W. FLETCHER,**  
Executive Director.

[FR Doc. 77-6167 Filed 3-1-77; 8:45 am]

## COMMISSION ON FEDERAL PAPERWORK

### PUBLIC HEARINGS

Notice is hereby given of two public hearings of the Commission on Federal Paperwork to be held in California. The hearings will be held on March 17 and 18, 1977, in Room 4203, State Capitol, Sacramento.

The first hearing will commence at 10:00 a.m., and continue until 4:00 p.m., with a recess from 12:00 a.m. to 2:00 p.m. The second hearing will commence at 9:00 a.m. and end at 1:00 p.m. At the first hearing, the Commission will receive comments about the impact of Federal paperwork upon State and local governments, large business, and small business. During the second hearing, the Commission will receive comments about the impact of Federal paperwork on public works, health, and the concept of a single application to verify eligibility for income security programs.

Testimony presented at these hearings will be used by the Commission on Federal Paperwork in making recommendations to the Congress and the President on changes which would ease the burden of Federal paperwork.

Persons wishing further information about the hearings should contact the Commission on Federal Paperwork, located at 1111 20th Street, N.W., Room 2000, Washington, D.C. 20582, telephone 202-653-5400.

FRANK HORTON,  
Chairman.

[FR Doc. 77-6277 Filed 3-1-77; 8:45 am]

## CONSUMER PRODUCT SAFETY COMMISSION

[CP-76-16]

### CROSS-CONNECTION CONTROL FOR HOSE-TYPE OR HOSE-CONNECTED CONSUMER PRODUCTS

#### Denial of Petition

The purpose of this notice is to announce the decision of the Consumer Product Safety Commission to deny a petition requesting the Commission to develop a consumer product safety rule with respect to hose-type or hose-connected consumer products which transmit water as their purpose or function, and which might cause illness or disease because of backflow through cross-connections.

Section 10 of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1217; 15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for the issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies such a petition, it shall publish in the FEDERAL REGISTER its reasons for denial.

On July 9, 1976, the Commission received a petition from S. G. Wood, then of Roanoke, Virginia, requesting the commencement of a proceeding for the issuance of a consumer product safety rule which would require precautionary labeling for "consumer products that depend on water for their purpose or function," and which might cause illness or disease because of backflow through cross-connections. In a later communication, Mr. Wood stated that the risks of injury raised by the petition exist primarily with regard to hoses or certain consumer products connected to hoses. For purposes of this petition, a cross-

connection is defined as any connection or structural arrangement between a public or consumer's potable water system through which backflow can occur. Backflow is defined as the flow of any foreign liquids, gases, or substances into the distributing pipe lines of a potable supply of water.

Mr. Wood has subdivided hose-type and hose-connected consumer products addressed in the petition into the three following classes:

1. Threaded fit hose products, such as garden hoses, which are designed to be screwed onto a threaded faucet;

2. Friction-fit hose products, such as some hand-held shower attachments, which are pushed onto a faucet and easily removed, and;

3. Tubing which is cut to specific sizes as needed.

The petitioner contends that a labeling requirement is necessary to address unreasonable risks of injury which he states can occur when a cross-connection exists between drinking water supplies and contaminated waters resulting from backflow associated with the use of the three specified classes of consumer products. The petitioner has suggested that people become ill from diseases or toxic substances introduced into their water supplies by backflow and treat themselves or seek medical attention without knowing the source of the illness. The specific labeling requested in the petition is as follows:

This product should only be used in conjunction with a backflow prevention device and should under no circumstances be connected to an unprotected water source.

In assessing the question of unreasonable risk of injury or injury potential, the Commission weighs the degree, nature, and frequency of injury or potential injury associated with the consumer product against the potential effect of the rule on the cost, utility, and availability of the product. The Commission also considers the relative priority of the risk of injury associated with the product and the Commission's resources available for rulemaking activities with respect to that risk of injury. (Procedures for Petitioning for Rulemaking under section 10 of the CPSA, 16 CFR 1110.11(b).) The CPSC policy on establishing priorities for Commission action, 16 CFR 1009.8, sets forth the criteria upon which Commission priorities are based.

After careful consideration of the petition, information furnished by the petitioner, and data and information collected by the Commission staff, the Commission has denied the petition, in accordance with the criteria discussed above, for the reasons detailed in the following paragraphs.

While it is possible to postulate many scenarios for backflow through cross-connections that could lead to serious consequences, available statistics show that their actual occurrence is low. For example, according to EPA records, during the period 1946-1970, there were some 335 instances of water borne disease; however, of these, only 22 appeared to

have been caused by backflow through cross-connections. It is not known how many of these 22 instances in 24 years actually involved backflow through cross-connections using hose-type devices (the subject of this petition). The Commission believes that available data do not support an assertion that cross-connections involving hoses, as they are actually used by consumers pose an unreasonable risk of injury. Apparently the low likelihood of the necessary circumstances to get backflow as well as existing practices (such as the model code requirement that outdoor hosecocks and others to which hoses may be expected to be connected should have backflow prevention devices), are keeping the number of serious backflow incidents very low.

The Commission is also of the opinion that the labeling requirement suggested by the petitioner would not substantially reduce the number of these incidents. It would appear that the lack of permanence of labels, consumer habits concerning the use of hoses and the general lack of understanding of backflow in cross-connections would tend to minimize the effectiveness of labeling as a remedy.

Therefore, pursuant to section 10(d) of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1217, 15 U.S.C. 2059 (d)), notice is hereby given of the Commission's denial of the above-described petition.

Dated: February 25, 1977.

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

[FR Doc. 77-6220 Filed 3-1-77; 8:45 am]

#### MEETING

This notice announces a meeting at which the staff of the Consumer Product Safety Commission will brief the Commission on certain matters of agency business. In accordance with requirements of the Government in the Sunshine Act and the Commission's Proposed and Interim Rules for Meetings (16 CFR Part 1012), this notice sets forth the agenda of that meeting, the subject matter, and notes whether all or part of the meeting is closed.

Staff briefings of the Commission are not intended as a forum for decision-making by the Commission—this is done at formal Commission Meetings. Briefings are scheduled on an as-needed basis for a variety of purposes; to provide the Commission with a status report on an agency activity, to review issues on which the staff is seeking Commission direction for proceeding on a matter, and/or to provide an overview discussion on a matter pending Commission action. Depending on needs that may arise, therefore, the announced agenda for staff briefings is subject to change. For additional information on possible changes or on specific items, interested persons can contact Sheldon D. Butts, Assistant Secretary, Consumer Product Safety Commission, Suite 300, 1111 18th

St., N.W., Washington, D.C., 20207, telephone (202) 634-7700.

Dated: February 18, 1977.

SADYE E. DUNN,  
Secretary.

Commission Briefing Meeting, March 9, 1977, 3rd Floor Hearing Room, 1111 18th Street, N.W., Washington, D.C.

#### AGENDA

All three matters will be discussed in open session unless otherwise noted.

#### 9:30 A.M. CONVENIENCE MEETING

1. *Briefing on Bureau of Information and Education (BIE) activities.* In this briefing, the staff will report on three information and education programs: (1) the 1976 Holiday Safety Program; (2) the Poison Prevention Program, which will focus on National Poison Prevention Week, March 20-26, 1977; and (3) the Outdoor Power Equipment Evaluation Project currently underway. The staff will also present a brief discussion of other programs planned for the year.

2. *Briefing on Generic Regulations for Toys and Other Children's Articles.* In December, 1976, the Commission gave guidance to the staff on completing work on generic regulations for toys and other children's articles under the Federal Hazardous Substances Act (FHSA). The regulations would deal with sharp points, sharp edges and small parts of these articles. The staff will brief the Commission on issues which have arisen as a result of this guidance, and will discuss the staff proposal that the Commission consider issuing "technical guidelines" enforced by individual banning of hazardous articles, rather than self-executing banning regulations under the FHSA.

3. *Briefing on Consolidation of CPSC's Acts into an Amended Consumer Product Safety Act.* In this briefing, the Office of the General Counsel will brief the Commission on what it sees as major implications of consolidating into a single, amended Consumer Product Safety Act portions of the acts transferred to the administration of CPSC: the Federal Hazardous Substances Act (FHSA), the Poison Prevention Packaging Act (PPPA) and the Refrigerator Safety Act (RSA).

Adjournment.

[FR Doc. 77-6337 Filed 3-1-77; 8:45 am]

## DEPARTMENT OF DEFENSE

Department of the Air Force  
SCIENTIFIC ADVISORY BOARD  
Meeting

FEBRUARY 16, 1977.

The USAF Scientific Advisory Board ad hoc Committee on Cruise Missile Technology will hold a meeting on March 22, 1977 from 8:30 a.m. to 4:30 p.m. at Offutt AFB, Nebraska.

The Committee will receive classified briefings on the Strategic Air Command concept of operations vis-a-vis cruise missiles.

The meeting concerns matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly the meeting will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-4648.

FRANKIE S. ESTEP,  
Air Force Federal Register  
Liaison Officer, Directorate of  
Administration.

[FR Doc. 77-6147 Filed 3-1-77; 8:45 am]

## ENERGY POLICY AND PLANNING OFFICE

### NATIONAL ENERGY POLICY Invitation for Public Comment

The Energy Policy and Planning Office seeks the comments and recommendations of the public about appropriate goals and actions for inclusion in a comprehensive national energy plan, scheduled for release on April 20, 1977. This invitation requests assistance from the public in the formulation of a comprehensive, workable, and equitable program to meet short- and long-term energy needs of the United States.

The Nation's current experiences with natural gas supplies in a severe winter and the oil embargo of 1973 have provided sharp and unpleasant evidence of the country's heavy dependence on certain nonrenewable energy resources. However, the Nation still lacks a coherent and balanced set of energy goals, programs, and actions. Having built an economy and a way of life based on cheap and abundant energy resources, the Nation has yet to adjust to the real and growing cost of energy and the depletion of many low-price resources. Inadequate information on and understanding of the problems, conflicts among competing and legitimate goals, pricing and regulatory practices that no longer make sense and institutions that have been poorly structured or have failed to respond have contributed to the current problems. Whatever these shortcomings have been however, the United States now needs to set itself firmly on a course that:

Places appropriate priority on conservation as a key element in energy policy;  
Minimizes the harmful impact of possible supply disruptions and adverse weather conditions;

Takes account of the relative availability and provides for the proper use of our non-renewable resources—coal, gas, and oil;

Assesses realistically the technical and economic potential of new energy technology together with its availability and safety;

Provides for proper protection of the environment;

Makes sure that the burdens of any national energy policy are shared fairly by all citizens; and

Initiates firm measures toward energy utilization that makes social and economic sense with due regard for timing needed to prevent serious dislocations and consequences.

Toward this end, all interested individuals, groups, and organizations are invited to submit their views and recommendations on appropriate goals, and the actions necessary to achieve those goals, and to resolve important policy issues. While the following is neither a complete

list of issues nor is intended in any way to limit the scope of responses, comments are particularly solicited on:

*Conservation.* The United States per capita energy consumption and growth rate exceeds that of many other industrialized nations. Opportunities for significant conservation or improvements in the energy efficiency of homes and offices, in industry, and in transportation have been identified such as better insulation, better industrial practices, and more fuel efficient cars and trucks. How should these and other possibilities for improvements be pursued vigorously?

Voluntary means?

Financial incentives (benefits or taxes)?

Mandatory standards/or other direct government action?

*Imported energy.* How should the United States seek to reduce vulnerability to supply disruption?

Should a substantial reserve stockpile be built and, if so, how large?

Should the country count on voluntary measures during a crisis?

Other measures?

*Supply development.* What emphasis should be given to the development and use of coal, oil, gas, nuclear power, hydroelectric, synthetic fuels, solar power, geothermal, and other energy sources?

Which one or group of resources should be given highest priority?

Which of these resources can be developed with minimum environmental damage?

What should be the Federal role in research and development?

How deeply should the Federal Government become involved in financing supply development?

*Environment.* What new approaches or improved processes, if any, should be used to ensure proper consideration of air, water, and land use impacts to achieve appropriate reclamation in surface mining? Should any sacrifices be made in environmental quality in order to develop new energy resources?

*Federal regulation.* What is the appropriate Federal role and approach in the regulation of oil, natural gas, leasing of public lands and the outer continental shelf, nuclear power plants, electric utilities and fuel allocation?

What new approaches should be taken or stimulated?

For each area, should policy move toward greater controls over prices and other matters or toward greater reliance on market forces?

What kinds and types of regulatory protections should be adopted to protect consumers?

*Intergovernmental relationships.* What is the appropriate division of responsibilities and roles among Federal, state, and local governments in all dimensions of the development and implementation of energy policies?

*Citizen participation.* How can the public, and various organizations and interested groups best participate in the continuing evolution and implementation of energy policies?

*Hardships.* How can the economic hardships of a severe weather or an unanticipated sharp rise in energy prices best be alleviated?

Interested persons are invited to submit written comments and recommendations, together with any supporting data and analyses, to Post Office Box 2709, Washington, D.C. 20013. Submissions should be identified on the outside of the envelope in which they are transmitted with the designation "National

Energy Policy Recommendations." No material submitted in response to this notice can be returned. All submissions must be received on or before March 21, 1977, if they are to be considered in formulating a proposed national energy policy.

Any information or data considered by the person furnishing it to be confidential must be so identified and be submitted in writing, one copy only. The Federal Government reserves the right to determine the confidential status of the information or data and treat it according to its determination.

JAMES R. SCHLESINGER,  
Assistant to the President.

[FR Doc.77-6471 Filed 3-1-77;10:19 am]

## ENVIRONMENTAL PROTECTION AGENCY

[FRL 694-1]

### MANAGEMENT ADVISORY GROUP TO THE MUNICIPAL CONSTRUCTION DIVISION

#### Postponement of Meeting

Pursuant to Pub. L. 92-463, notice of postponement for the Management Advisory Group Meeting to the Municipal Construction Division on March 10-11, 1977, published in the FEDERAL REGISTER on February 10, 1977, is rescheduled for March 31 and April 1, 1977 at 9:00 a.m. On March 31 the meeting will be held at Crystal Mall No. 2, Room 112, Conference Room A, 1901 Jefferson Davis Highway, Arlington, Virginia. On April 1 the meeting will be held at Waterside Mall, Room 3906-3908, 401 M Street, S.W., Washington, D.C.

The purpose of the meeting is to develop the advice and comment of the Management Advisory Group on proposed amendments to the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500), especially the recommendations of the National Commission on Water Quality. Other matters of urgency will also be on the agenda.

The meeting will be open to the public. Any member of the public wishing to attend should contact the Executive Secretary, Mr. Harold Cahill, Director, Municipal Construction Division, EPA, Washington, D.C. 20460. The telephone number is area code 202-426-8986.

ANDREW W. BREIDENBACH,  
Assistant Administrator for  
Water and Hazardous Materials.

FEBRUARY 25, 1977.

[FR Doc.77-6273 Filed 3-1-77;8:45 am]

## FEDERAL ENERGY ADMINISTRATION

### FUEL OIL 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 Fuel Oil Marketing Advisory Committee will meet Monday, March 28, 1977 at 9 a.m. at the Drake Hotel, 140 East Walton Place, Chicago, Illinois.

The Committee was established to provide the Administrator, FEA, with expert and technical advice concerning the trade of selling fuel oil.

The agenda for the meeting is as follows:

1. Old Business; Discussion of Requests and Commitments from the Prior Committee Meeting.
2. Trigger Mechanism Effectiveness.
3. Auditing Procedures for Auditors.
4. Projected Supply Situation for Summer and Next Winter.
5. Entitlements Program.
6. New Business.
7. 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 the Director, Advisory Committee Management, 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.

The transcript of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, Room 2107, FEA, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C., February 25, 1977.

ERIC J. FYGI,  
Acting General Counsel.

[FR Doc.77-3488 Filed 2-25-77;2:21 pm]

## FEDERAL MARITIME COMMISSION

[Agreement 10259]

### AMERICAN WEST AFRICAN FREIGHT CONFERENCE

#### Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the

Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 14, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

#### Notice of Agreement Filed by:

John K. Cunningham, Chairman, American West African Freight Conference, 67 Broad Street, New York, New York 10004.

Notice of the filing of Agreement No. 10259 was published in the FEDERAL REGISTER of August 10, 1976, (Vol. 41, No. 155, Page 33586).

Agreement No. 10259 was refiled, in part, on February 4, 1977, for the purpose of (1) amending Article 10 to provide that any adjustments in allocated berth positions may be changed only by two-thirds majority vote, rather than majority vote, of the parties; (2) revising Article 12 to provide that Agreement No. 10259 shall continue in effect for fourteen (14) months, instead of ninety days, and thereafter for additional ninety day periods upon the affirmative vote of two-thirds of the parties; (3) adding a new Article 14 to provide that any member line of the American West African Freight Conference may become a party to Agreement No. 10259 within a period of time not to exceed twelve (12) months following the date of its written application for membership, and by paying \$5,000.00 as a contribution to the costs of the administration of said agreement and (4) adding Nopal West African Line and Mid-Ocean Lines, Inc. as parties to Agreement No. 10259.

By order of the Federal Maritime Commission.

Dated: February 25, 1977.

JOSEPH C. POLKING,  
Acting Secretary.

[FR Doc.77-6243 Filed 3-1-77;8:45 am]

## FEDERAL POWER COMMISSION

[Docket No. C873-36, etc.]

**JAMES D. MULLINS AND ROBERT L. PRICHARD, d/b/a MULLINS AND PRICHARD, ET AL.**

**Applications for "Small Producer" Certificates<sup>1</sup>**

FEBRUARY 22, 1977.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and §157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 8, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificate is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

**KENNETH F. PLUMB,**  
Secretary.

<sup>1</sup>This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Applicant
C873-36	Jan. 19, 1977 <sup>1</sup> Feb. 2, 1977 <sup>2</sup>	James D. Mullins and Robert L. Prichard, d.b.a. Mullins & Prichard, 416 Oil and Gas Bldg., New Orleans, La.
C874-292	Jan. 31, 1977 <sup>3</sup>	E. B. Duke, 1400 Wilco Bldg., Midland, Tex. 79701.
C877-87	Nov. 10, 1976 <sup>4</sup>	Cordillera Corp., 233 East 3rd Ave., Denver, Colo. 80202.
C877-315	Feb. 1, 1977	Dolph Anderson, R.F.D. No. 1, Fleming, Ohio 45762.
C877-316	Feb. 3, 1977	Amelia R. Jency, 2014 Northwest 62d St., Oklahoma City, Okla. 73112.
C877-317	Feb. 2, 1977	McCormick 1974 Oil and Gas Program, 1100 Millam Bldg., suite 2600, Houston, Tex. 77002.
C877-318	.....do.....	McCormick 1975 Oil and Gas Program.
C877-319	.....do.....	Do.
C877-320	Feb. 4, 1977	D. A. and Vaughn E. Null, 11undred, W. Va. 26375.
C877-321	Feb. 7, 1977	Viking Resources Corp., 2900 DuBois Tower, Cincinnati, Ohio 45202.
C877-322	.....do.....	R. K. O'Connell, P.O. Box 2003, Casper, Wyo. 82602.
C877-323	.....do.....	Ernest D. Cox, Route 1, Box 149, Ramona, Okla. 74061.
C877-324	.....do.....	Hawthorn Oil Co., P.O. Box 2603, Casper, Wyo. 82602.
C877-325	Feb. 9, 1977	Jean C. Lindsay, P.O. Box 2766, Laurel, Miss. 39440.
C877-326	.....do.....	Margaret A. Chisholm, P.O. Box 2766, Laurel, Miss. 39440.
C877-327	.....do.....	Cynthia C. Saint-Amand, P.O. Box 2766, Laurel, Miss. 39440.
C877-328	.....do.....	Mary Summers Walton, 1500 Beck Bldg., Shreveport, La. 71101.
C877-329	.....do.....	John W. Grant and Myrtle L. Grant, 1502 North Chambers Terr., Claremore, Okla. 74017.
C877-330	.....do.....	Gene Price, Independent executrix of estate of Guy Wetzel, deceased, 1 Brownwood Pl., Longview, Tex. 75601.
C877-331	.....do.....	J. E. Price, 1 Brownwood Pl., Longview, Tex. 75601.
C877-332	Feb. 10, 1977	Whitland Oil & Gas, Inc., 14th floor, 125 North Market, Wichita, Kans. 67202.
C877-333	.....do.....	James P. Linn, 410 Fidelity Plaza, Oklahoma City, Okla. 73102.
C877-334	.....do.....	J. D. Helms, Box 1294, Oklahoma City, Okla. 73101.
C877-335	Feb. 14, 1977	Bayne Oil Co., 808 Lincoln Tower Bldg., 1860 Lincoln St., Denver, Colo. 80303.
C877-336	Feb. 11, 1977	Jefferson-Williams Energy Corp., 924 Park Central II, 7540 LBJ Freeway, Dallas, Tex. 75251.
C877-337	.....do.....	David D. Read, Jr., 803 Bank of the Southwest Bldg., Amarillo, Tex. 79109.
C877-338	.....do.....	John Evans, 6306 Elder Grove, Dallas, Tex. 75232.
C877-339	Feb. 14, 1977	Rockingham Exploration Co., 103 South Elmer Ave., Sayre, Pa. 18840.
C877-340	.....do.....	Z Bar Cattle Co. (formerly David - Noland - Merrill Grain Co.), suite 1220, 127 West 10th St., Kansas City, Mo. 64105.

<sup>1</sup> Applicant filed to request succession in interest. Applicant acquired title to a one-well field in Shell Island Pass Field, St. Mary Parish, La. which was previously covered under a large producer certificate issued to Chevron Oil Co. (The California Co.) in Docket No. C169-152.

<sup>2</sup> Applicant requests a waiver of section 157.40(c) of FPC regulations in order that subject acreage covered in Docket No. C169-152 may be covered under Mullins & Prichard's small producer certificate in Docket No. C873-36.

<sup>3</sup> Applicant is filing to request that gas sales by Dugo Enterprises, a partnership comprised of E. R. Duke and Alton C. Goodrich, which recently took over operations of a small property in Reagan County, Tex., be covered by its small producer certificate in Docket No. C874-292.

<sup>4</sup> Cordillera has recently entered into a contract with Western Transmission Corp. to sell gas produced from a well acquired from a large producer. Applicant requests a waiver of section 157.40(c) of the Commission's regulations. Applicant also states that it is willing to accept a condition which would limit the rate received for gas sold from such well to the Commission's large producer ceiling rate which may be applicable.

[FR Doc. 77-6006 Filed 3-1-77; 8:45 am]

[Docket No. E77-21]

## COLUMBIA GAS TRANSMISSION CORP.

**Emergency Natural Gas Act of 1977;  
Supplemental Emergency Order**

On February 15, 1977, Columbia Gas Transmission Corporation (Columbia), on behalf of itself and UGI Corporation (UGI), filed, pursuant to section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), an application for authorization to purchase up to 100,000 Mcfd of natural gas from Pacific Gas and Electric Company (PG&E) with 75 percent of the volumes accruing to Columbia and 25 percent to UGI. On February 18, 1977, I approved the proposed transaction on the condition that PG&E agree to amend its contract with Columbia and UGI to state the carrying charges on the delivered gas volumes in monetary terms rather than additional gas volumes to be redelivered to PG&E. By letter filed February 23, 1977, Columbia stated that:

- (i) PG&E has agreed to a carrying charge of 1.8 cents per Mcf of gas delivered;
- (ii) El Paso Natural Gas Company (El Paso) will charge 1.0 cent per Mcf for gas delivered by El Paso for Columbia's account and for any volumes returned to PG&E through El Paso; and
- (iii) El Paso will deliver gas to Oasis Pipeline Company (Oasis) on an Mcf, not a Btu, basis.

Columbia requests that I find the above charges to be fair and equitable.

In "Southern Natural Gas Company", Docket No. E77-5 (February 20, 1977), I found PG&E's proposed carrying charge of 1.8 cents per Mcf delivered and El Paso's charge of 1.0 cent per Mcf for each Mcf delivered and for each Mcf redelivered through its system to PG&E to be fair and equitable. I find such charges to be fair and equitable in this proceeding and Columbia may pay these charges.

The February 18, 1977 order in this proceeding is hereby amended to state that El Paso will deliver gas to Oasis for the account of Columbia and UGI on an Mcf basis. To the extent not inconsistent with the provisions of this order, the provisions of the February 18, 1977 order remain in full force and effect.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Columbia, UGI, PG&E, El Paso, Oasis, Bronco Pipeline Company, Tennasco, Inc., Tennessee, and Columbia Gulf. This order shall also be published in the FEDERAL REGISTER.

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

**RICHARD L. DUNHAM,**  
Administrator.

FEBRUARY 24, 1977.

[FR Doc. 77-6159 Filed 3-1-77; 8:45 am]

[Docket No. E77-1]

**TRANSCONTINENTAL GAS PIPE LINE  
CORP. ET AL.**

**Emergency Natural Gas Act of 1977;  
Supplemental Emergency Order**

On February 17, 1977, Transcontinental Gas Pipe Line Corporation (Transco), as agent for certain of its customers, filed, pursuant to section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), an application for supplemental authorization to purchase up to an additional 80,000 Mcfd from six distributor customers of Northwest Pipeline Corporation (Northwest).<sup>1</sup> Transco states that the prices for the increased volumes will be the same as the prices for the volumes currently being purchased by Transco.<sup>2</sup>

Transco has previously certified that these prices satisfy the requirements of Paragraph (3) of Order No. 2. Accordingly, I find the prices for all volumes to be fair and equitable as provided by Order No. 2.

Because LoVaca's facilities utilized in the initial transaction do not have sufficient capacity to transport the increased volumes, further transportation arrangements have been agreed upon for the additional volumes. Northwest will deliver about 60,000 Mcfd per day to El Paso, which in turn will deliver the gas available to Delhi Gas Pipeline Corporation's (Delhi) Pecos Gas Gathering System at the Waha Field, Texas. Delhi will deliver equivalent quantities to LoVaca's 36-inch West Texas Pipeline for delivery of an equivalent volume to Delhi's Blessing-Victoria System. Delhi will deliver equivalent volumes to United Gas Pipe Line Company (United) in Victoria County, Texas, for redelivery to Transco at an existing interconnection in Victoria County, Texas. The remaining volumes of up to 20,000 Mcfd per day will be transported from Northwest's system

to Transco's system through the interstate facilities of Colorado Interstate Gas Company (CIG) and Natural Northwest will deliver such volumes to CIG, which will deliver equivalent quantities to Natural at an existing interconnection in Texas County, Oklahoma. Natural, in turn, will deliver to Transco at the Mobil Cameron Meadows Plant.

Transco has agreed to pay the transportation charges set forth below for volumes transported: (i) Under the original authorization through LoVaca: LoVaca—18 cents per Mcfd plus 2 percent of the volumes transported; (ii) under the original authorization by El Paso and Natural: El Paso—1.0 cent per Mcfd; Natural—15.0 cents per Mcfd plus 9 percent of the volumes transported; (iii) transported by LoVaca and Delhi: El Paso—1.0 cent per Mcfd; LoVaca—20 cents per Mcfd plus 2 percent of the volumes transported; Delhi—12 cents per Mcfd; (iv) by CIG and Natural: CIG—17.35 cents per Mcfd; Natural—16.5 cents per Mcfd plus 3 percent of the volumes transported.

Pursuant to section 6(c) (1) of the Act (91 Stat. 4, 8), I hereby authorize and order (i) El Paso, Northwest, Natural CIG, LoVaca, Delhi, and United to transport gas for Transco on the terms and at the charges set forth above and (ii) Transco to pay the agreed upon charges. Because the parties have agreed on the transportation charges to be paid, I find no reason to fix other charges at this time. If the transportation networks proposed herein and authorized become inadequate at any time during this transportation, the parties are hereby authorized to make alternative arrangements and notify the Administrator of such changes within seventy-two hours of the commencement of deliveries under new arrangements.

LoVaca and Delhi have agreed to transport a portion of this additional gas and advised that the deliveries can be accomplished through existing intrastate pipeline facilities. Thus, I find no reason to require the construction and operation of facilities as permitted under section 6(c) (1) of the Act. LoVaca and Delhi have agreed to transport up to 60,000 Mcfd per day for Transco subject to available line capacity on a best efforts basis. Upon the commencement of deliveries, LoVaca and Delhi shall advise the Administrator of their available line capacities.

In the course of such transportation by LoVaca and Delhi from point of origin to destination, there may be a commingling of interstate natural gas with LoVaca's or Delhi's normal system gas supplies or with volumes of gas owned by third parties. This order shall be considered as applying to all such commingled gas, and, under the provisions of Pub. L. 95-2, the producers, transporters and other suppliers of such gas, which is so commingled, may not terminate existing contracts with such other parties, nor shall such other parties thereby become subject to the Natural Gas Act or to regulation as a common carrier under any provision of State law. Contractual termination or prohibition provisions in

any such contracts as referred to above are not enforceable by reason of Section 9 of Public Law 95-2 since LoVaca and Delhi are transporting gas for Transco pursuant to section 6(a) of that Act. LoVaca, Delhi and any third person whose gas is commingled with Transco's gas shall refer all relevant information concerning any attempt to terminate existing contracts to the Administrator for appropriate action.

According to the official files of the Federal Power Commission, LoVaca and Delhi are not classified as Natural Gas Companies within the meaning of the Natural Gas Act. Section 6(b) (1) (A) of Pub. L. 95-2 (91 Stat. 4, 8) provides that the provisions of the Natural Gas Act shall not apply to any sale of natural gas to an interstate pipeline or a local distribution company made pursuant to Section 6(a) or to any transportation of such gas by an intrastate pipeline in connection with such sale. Section 6(c) (2) provides:

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

Thus, LoVaca and Delhi will not become subject to any provision of the Natural Gas Act as a result of this sale and transportation and LoVaca and Delhi shall not be subject to regulation as common carriers under State law because of their transportation of these gas volumes.

Transco states that it is attempting to secure such supplies which may be available from Northwest's distributor-customers for the full term of the Emergency Natural Gas Act of 1977, i.e., through July 31, 1977, and to obtain transportation for such supplies. Transco further states that Delhi has agreed to transport for the full term on a best efforts basis subject to available capacity, and LoVaca has agreed to transport for sixty days and on a best efforts basis thereafter, subject to termination on one week's notice. Accordingly, Transco requests that any order issued be effective for the full term in order to avoid the necessity for additional authorizations in the event that Transco finalizes the purchase arrangements for that length of time. I find this request to be reasonable and so order.

Transco shall submit weekly reports as required by Order No. 4. In addition, Transco's purchase of these volumes is conditioned on Transco's submission of a sworn statement that neither Transco nor any of its pipeline and distribution company customers are serving any of the uses defined in 18 CFR §§ 2.78 (a) (1) (iv)-(ix), as required by Order No. 6.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served on Transco, Northwest, El Paso, LoVaca, Delhi, United, CIG and Natural. This order shall also be published in the FEDERAL REGISTER.

This order and the authorization herein granted are subject to the continuing authority of the Administrator

<sup>1</sup>Transco's filing indicates that, at the present time, about 145,000 Mcfd per day is flowing through LoVaca Gas Gathering Company (LoVaca) pursuant to the February 3, 1977 order herein; an additional 10,000 Mcfd per day is being transported to Transco through a wholly interstate pipeline network involving Northwest, El Paso Natural Gas Company (El Paso) and Natural Gas Pipeline Company of America (Natural). These volumes are delivered to Transco by Natural at an existing interconnection at Mobil Oil Corporation's Cameron Meadows Plant, Cameron Parish, Louisiana. For such transportation, El Paso is charging 1.0 cent per Mcfd and Natural is charging 15.0 cents per Mcfd plus 9 percent of the volumes transported for fuel.

<sup>2</sup>Transco originally commenced purchases from three distributor customers of Northwest at a price of \$2.76 per MMBtu. Subsequently, Southwest Gas Corporation (Southwest) was added as a party-seller. Southwest is selling at a price of \$2.41 per MMBtu. Transco states that Northwest has advised that two additional distributor-customers, California Pacific Utilities Company and Intermountain Gas Company, will be added to the arrangement and that their respective sales will be made at \$2.76 per MMBtu. These prices are inclusive of a 1.0 cent per MMBtu charged by Northwest.

under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,  
*Administrator.*

FEBRUARY 24, 1977:

[FR Doc. 77-6160 Filed 3-1-77;8:45 am]

[Docket No. RP73-99]

**TRANSCONTINENTAL GAS PIPE LINE  
CORP.**

**Extension of Time**

FEBRUARY 23, 1977.

On February 14, 1977, Transcontinental Gas Pipe Line Corporation (Transco) filed a motion requesting an extension of time for complying with Ordering Paragraph (B) of Opinion No. 778-A, issued December 8, 1976, in the above-designated proceeding.

Upon consideration, notice is hereby given that an extension of time is granted to and including March 1, 1977, within which Transco shall comply with Ordering Paragraph (B).

KENNETH F. PLUMS,  
*Secretary.*

[FR Doc. 77-6162 Filed 3-1-77;8:45 am]

[Project No. 459]

**UNION ELECTRIC CO.**

**Issuance of Annual License(s)**

FEBRUARY 23, 1977.

On February 20, 1973, the Union Electric Company, Licensee for the Osage Project No. 459, located on the Osage River, in Benton, Camden, Miller and Morgan Counties, Missouri, filed an application for a new license pursuant to the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 459 was issued effective February 25, 1926, for a period ending February 24, 1976. Since expiration of the original license, the project has been maintained and operated under an annual license which will expire February 24, 1977. In order to authorize the continued operation and maintenance of the project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to the Union Electric Company.

Take notice that an annual license is issued to the Union Electric Company for the period February 25, 1977, to February 24, 1978, or until Federal takeover, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Osage Project No. 459 subject to the terms and conditions of the original license. Take further notice that if Federal takeover or issuance of a new license does not take place on or before February 24, 1978, a new annual license will be issued each year thereafter, effective February 25 of each year, until such time as Federal takeover takes place or a new license is issued, without

further notice being given by the Commission.

KENNETH F. PLUMS,  
*Secretary.*

[FR Doc. 77-6163 Filed 3-1-77;8:45 am]

[Docket No. ER77-61]

**INTERSTATE POWER CO.**

**Filing of Superseding Rate Schedule**

FEBRUARY 24, 1977.

Take notice that Interstate Power Company, on November 15, 1976, tendered for filing proposed changes in its Federal Power Commission electric service rate schedule No. 106. The proposed change expands the scope of service available to the city of Bellevue, Iowa by providing firm power service to that City.

The City of Bellevue requested firm power service from Interstate to supplement the capacity of Bellevue's municipal utility system. Interstate is able to provide the firm power from its system and consequently a contract including such service was executed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 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 March 4, 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. PLUMS,  
*Secretary.*

[FR Doc. 77-6272 Filed 3-1-77;8:45 am]

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

**National Institutes of Health**

**TUMOR VIRAL IMMUNOLOGY  
WORKSHOP**

**Amended Notice of Meeting**

Notice is hereby given of a change in the meeting place of the Tumor Viral Immunology Workshop which was published in the FEDERAL REGISTER on January 25, 1977 (42 FR 4542).

This workshop was to have convened March 8 and 9, 1977, from 9 a.m. to 5 p.m. each day at the King and Prince Hotel, St. Simon Island, Georgia, but has been changed to the Twin Bridges Marriott Hotel, U.S. 1 and I-95, Arlington, Virginia. Only the location has been changed. The dates and times remain the same.

The main purpose of the workshop is to review the current knowledge and present state of research regarding on-cornaviral antigens and immune re-

sponses to these antigens. Particular emphasis will be placed on establishing the nomenclature for these antigens. This is not an advisory committee meeting. The workshop will be open to the public but attendance will be limited to available space.

For additional information contact Dr. Wilna Woods, National Cancer Institute, Landow Building, Room C306, 7910 Woodmont Avenue, Bethesda, Maryland 20014, (301) 496-6085.

Dated: February 24, 1977.

SUZANNE L. FREMEAUX,  
*Committee Management Officer,  
National Institutes of Health.*

[FR Doc. 77-6202 Filed 3-1-77;8:45 am]

**NATIONAL LARGE BOWEL CANCER  
PROJECT WORKING CADRE**

**Amended Notice of Meeting**

Notice is hereby given of a change in the meeting March 4-5, 1977 of the National Large Bowel Cancer Project Working Cadre, National Cancer Institute, which was published in the FEDERAL REGISTER on February 11, 1977, (42 FR 8718).

This Working Cadre was to have convened at 7:30 p.m. on March 4, 1977, but has been changed to 3 p.m., March 4, 1977, at the Anderson Mayfair Hotel, 1600 Holcombe Boulevard, Houston, Texas.

The meeting will be open to the public from 3 p.m. to 3:30 p.m.

Dated: February 24, 1977.

SUZANNE L. FREMEAUX,  
*Committee Management Officer,  
National Institutes of Health.*

[FR Doc. 77-6303 Filed 3-1-77;8:45 am]

**Office of Education**

**EMERGENCY SCHOOL AID ACT**

**Interpretation Regarding Desegregation  
Plans; Correction**

On January 21, 1977, at 42 FR 3900, a notice entitled "Interpretation Regarding Desegregation Plans" was published. Typographical errors in that notice are hereby corrected as set forth below.

Approved: February 22, 1977.

WILLIAM F. PIERCE,  
*Acting U.S. Commissioner  
of Education.*

FR Doc. 77-1871 (42 FR 3900, Jan. 21, 1977) is reprinted as follows:

The purpose of this notice is to clarify for local educational agencies ("LEA's") seeking financial assistance under the Emergency School Aid Act ("ESAA"; Title VII of Pub. L. 92-318, as amended (20 U.S.C. 1601-1619)) the characteristics of plans for "desegregation" as that term is used in section 706(a)(1)(A) of the statute.

**BACKGROUND**

Section 706(a)(1)(A) authorizes financial assistance to a local educational agency which is implementing a plan—

(i) Which has been undertaken pursuant to a final order issued by a court of the United States or a court of any State, or any other State agency or official of competent jurisdiction, and which requires the desegregation of minority group segregated children or faculty in the elementary and secondary schools of such agency \* \* \* ; or

(ii) Which has been approved by the Secretary (of HEW) as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority group segregated children or faculty in such schools \* \* \* (Italics supplied.)

Program regulations adopted under the ESAA define "desegregation," at 45 CFR 185.02, as follows:

(k) The term "desegregation" means the assignment of children or faculty to public schools and within such schools without regard to their membership in a minority group, but "desegregation" does not mean the assignment of such persons to or within public schools in order to overcome racial imbalance.

Information sought by local educational agencies indicates that there remains some uncertainty as to whether particular plans are "desegregation" plans within the meaning of these statutory and regulatory provisions. Questions have arisen as to the applicability of these provisions in the case of LEA's implementing plans to improve the quality of educational services to minority group children where no finding of illegal conduct respecting those children has been made, or plans undertaken in response to a finding of illegal conduct (particularly violations of title VI of the Civil Rights Act of 1964) other than the illegal separation of minority group children or faculty from their nonminority group counterparts. Therefore, the Commissioner has determined that publication of an interpretation of section 706(a)(1)(A) will aid LEA's in assessing their eligibility for ESAA assistance, and will help to ensure the uniform administration of programs under the ESAA throughout the country.

#### INTERPRETATION

1. It is the Commissioner's interpretation that a plan for the "desegregation of minority group segregated children or faculty" under section 706(a)(1)(A), unlike other qualifying plans described in section 706(a), must arise out of a legal obligation to remedy illegal conduct. This reading of the statute is in accord with the distinction, in the above-quoted regulatory definition of "desegregation," between assignments without regard to minority group membership ("desegregation") and assignments to overcome racial imbalance (not "desegregation"). It is, furthermore, consistent with the legislative history of the statute. The House Report on the bill which became the ESAA (H.R. 2266, 92nd Cong.) states as follows regarding categories of eligibility:

The first category of eligibility includes those districts implementing plans to desegregate or integrate under mandate from Federal or State courts or from the Department of Health, Education, and Welfare (under authority of title VI of the Civil Rights Act of 1964). (H.R. Rep. No. 92-576, 92nd Cong., 1st Sess. 12 (1971); italics supplied.)

The report on the Senate counterpart to the same bill (S. 1557, 92nd Cong.) also makes that point in the following language:

In ascertaining the eligibility of any local educational agency on the basis of its implementation of a plan in compliance with the categories provided in [clauses (i) and (ii) of section 706(a)(1)(A)], the end requirement of the plan and the origin of the requirement must be considered. (Sen. Rep. No. 92-61, 92nd Cong., 1st Sess. 35 (1971); italics supplied.)

For these reasons, the Commissioner will consider as a "desegregation" plan under section 706(a)(1)(A) (i) or (ii) only a plan which is premised on a finding of illegal conduct, and which consists of the steps required by the pertinent court, agency, or official to remedy that illegal conduct. In particular, a plan under clause (ii) of that section, relating to title VI of the Civil Rights Act of 1964, will be deemed to include only steps approved as adequate to remedy a violation of that statute. Where an LEA has not violated title VI, it must look to other provisions of section 706(a) as a basis for its eligibility for ESAA assistance.

(20 U.S.C. 1605(a)(1)(A))

2. In addition, the Commissioner interprets the phrase "desegregation of minority group segregated children or faculty" in section 706(a)(1)(A) to refer to the reassignment of children or faculty in order to overcome the illegal separation of minority group children or faculty from their nonminority group counterparts in a local educational agency's schools. Under this interpretation the terms "desegregation" and "segregated" in the quoted phrase are given the meanings they are understood to have in ordinary usage, and meanings which are in accord with the regulatory definition of "desegregation" set out at 45 CFR 185.02(k). This interpretation is also consistent with expressions of the Congressional purpose in enacting the statute. The House report on H.R. 2266 states as follows:

The rationale for the reported bill is best expressed in the President's words: "This Act deals specifically with problems which arise from racial separation, whether deliberate or not, and whether past or present."

(H.R. Rep. No. 92-576, 92d Cong., 1st Sess. 3 (1971); emphasis supplied.)

(Undeliberate separation is treated in this bill, and in the statute as enacted, in provisions dealing with plans affecting "minority group isolation".)

The Senate report on S. 1557 indicates that a similar need was addressed by that bill:

Whether or not it is deliberate, racial, ethnic, and socio-economic separation in our schools and school systems have serious and often irreparable adverse effects on the education of all children, be they from deprived or from advantaged backgrounds. (Sen. Rep. No. 92-61, 92d Cong., 1st Sess. 6 (1971); italics supplied.)

In the light of this legislative history, as well as the language of the statute, the Commissioner will consider as a "de-

segregation" plan under section 706(a)(1)(A) (i) or (ii) only those plans, or parts of plans, which provide for the reassignment of illegally separated children or faculty to or within the schools of a local educational agency.

(20 U.S.C. 1605(a)(1)(A))

#### EFFECTIVE DATE

Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), this document has been transmitted to the Congress concurrently with its publication in the FEDERAL REGISTER, and becomes effective on the forty-fifth day following transmission, subject to the provisions in section 431(d) concerning Congressional action and adjournment.

Dated: January 17, 1977.

EDWARD AGUIRRE,  
United States Commissioner  
of Education.

Approved:

VIRGINIA Y. TROTTER,  
Assistant Secretary for Educa-  
tion.

[FR Doc. 77-6338 Filed 3-1-77; 8:45 am]

Assistant Secretary for Education

#### EDUCATION STATISTICS

#### Comments on Collection of Information and Data Acquisition Activity

Pursuant to section 406(g)(2)(B), General Education Provisions Act, notice is hereby given as follows:

The U.S. Office of Education has proposed collections of information and data acquisition activities which will request information from educational agencies or institutions.

The purpose of publishing this notice in the FEDERAL REGISTER is to comply with paragraph (g)(2)(B) of the "Control of Paperwork" amendment which provides that each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative organizations shall have an opportunity, during a 30-day period before the transmittal of the request to the Director of the Office of Management and Budget, to comment to the Administrator of the National Center for Education Statistics on the collection of information and data acquisition activity.

Descriptions of the proposed collections of information and data acquisition activities follow below.

Written comments on the proposed activities are invited. Comments should refer to the specific sponsoring agency and form number and must be received on or before April 1, 1977, and should be addressed to Administrator, National Center for Education Statistics, Attn.: Manager, Information Acquisition, Planning, and Utilization, Room 3001, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Further information may be obtained from Elizabeth M. Proctor of the Na-

National Center for Education Statistics,  
202-245-1022.

Dated: February 24, 1977.

DAVID ORR,  
Acting Administrator, National  
Center for Education Statistics.

DESCRIPTION OF A PROPOSED COLLECTION OF  
INFORMATION AND DATA COLLECTION  
ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Development of Reporting System and  
Case Studies of Non-Instructional Services  
in Title I, ESEA.

2. AGENCY/BUREAU/OFFICE

U.S. Office of Education, Office of Planning,  
Budgeting and Evaluation.

3. AGENCY FORM NUMBER

OE513-1, OE513-2, OE513-3, OE513-4. OE  
513-5.

4. LEGISLATIVE AUTHORITY FOR THIS  
ACTIVITY

"The Commissioner shall provide \* \* \*  
models for evaluations of all programs \* \* \*  
which shall \* \* \* outline techniques \* \* \*  
for producing data which are comparable  
on a statewide and nationwide basis. \* \* \*  
The Secretary shall transmit (to specified  
committees of the Congress) an annual eval-  
uation report which evaluates the effective-  
ness of applicable programs \* \* \* such  
report shall (among other things) \* \* \* set  
forth the goals and specific objectives \* \* \*  
of such program \* \* \* contain information  
of the progress \* \* \* toward the achievement  
of such goals \* \* \* describe the \* \* \* bene-  
fits \* \* \* and identify which sectors of the  
public receive the benefits \* \* \*"  
(Pub. L. 93-380, Sec. 151 (d), (f); Part B,  
Subpart 2, Sec. 417(a) of the General Educa-  
tion Provisions Act as amended; 20 U.S.C.  
1226c.)

5. VOLUNTARY/OBLIGATORY NATURE OF  
RESPONSE

Voluntary.

6. HOW INFORMATION TO BE COLLECTED  
WILL BE USED

One purpose of the project is to explore  
the feasibility of extending the Financial  
and Performance Report Forms for Title I,  
ESEA (OE Forms 380-1 and 380-2) to in-  
clude a finer delineation of the non-instruc-  
tional services being provided. If such an  
extension proves feasible, changes in the  
Financial and Performance Reports will be  
proposed. A second purpose of the project is  
to conduct exploratory case studies of non-  
instructional services in 25 Title I commu-  
nities. The results of the studies will be  
used in revising the proposed reporting forms  
and will be summarized in the Annual Eval-  
uation Report to Congress (20 U.S.C. 1226c).

7. DATA ACQUISITION PLAN

- (a) Method of collection: Personal in-  
terview and mail.  
(b) Time of collection: Spring 1977.  
(c) Frequency: Single time.

8. RESPONDENTS

- (a) Type: Principals.  
(b) Number: 100.  
(c) Estimated average man-hours per re-  
spondent: 0.75.  
(a) Type: Title I Non-Instructional Ser-  
vice Providers.  
(b) Number: 200.  
(c) Estimated average man-hours per re-  
spondent: 1.00.

(d) Type: Administrators of Non-Instruc-  
tional Services.

(e) Number: 50.

(f) Estimated average man-hours per re-  
spondent: 0.75.

(g) Type: Title I Directors.

(h) Number: 25.

(i) Estimated average man-hours per re-  
spondent: 4.00.

9. INFORMATION TO BE COLLECTED

Respondent type: Principals. Types of  
non-instructional services provided within  
school. How non-instructional services are  
chosen.

Respondent type: Title I Non-Instruc-  
tional Service Providers. Types of non-  
instructional services provided. How services  
are coordinated with community agencies  
and within school.

Respondent type: Administrators of Non-  
Instructional Services. Types of non-  
instructional services provided by regular  
school program. How services are coordinated  
with community agencies. How non-  
instructional services are chosen.

Respondent type: Title I Directors. Ob-  
jectives and purposes of non-instructional  
services. Types of non-instructional staff em-  
ployed. Types of services offered in a typical  
week. How services are coordinated within  
school.

DESCRIPTION OF A PROPOSED COLLECTION OF  
INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Incentive Grant Application for Fiscal Year  
1978 under Part B of the Education of the  
Handicapped Act as amended by Pub. L. 94-  
142.

2. AGENCY/BUREAU/OFFICE

U.S. Office of Education/Bureau of Educa-  
tion for the Handicapped.

3. AGENCY FORM NUMBER

OE 9055-1.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

Section 619 of Pub. L. 94-142 states:  
"(a) The Commissioner shall make a grant  
to any State which—  
"(1) Has met the eligibility requirements  
of (the Act);  
"(2) Has a State plan approved under (the  
Act); and  
"(3) Provides special education and related  
services to handicapped children aged three  
to five, inclusive, who are counted for the  
purposes of (the Act).  
"(b) Each State which—  
"(1) Has met the eligibility requirements  
of (the Act).  
"(2) Has a State plan approved under (the  
Act), and  
"(3) Desires to receive a grant under this  
section, shall make an application to the  
Commissioner at such time, in such manner,  
and containing or accompanied by such in-  
formation, as the Commissioner may reason-  
ably require.  
"(c) The Commissioner shall pay to each  
State having an application approved under  
subsection (b) of this section the amount to  
which the State is entitled under this sec-  
tion, which amount shall be used for the  
purpose of providing the services specified  
in clause (3) of subsection (a) of this sec-  
tion." \* \* \*  
(Pub. L. 94-142; 20 U.S.C. 1419.)

The proposed regulation state further:  
Section 121m.5. An application must in-  
clude the following materials:  
(a) A description of the State's goals and  
objectives for meeting the educational needs  
of handicapped children ages three through

five. These goals and objectives must be con-  
sistent with the State's full educational op-  
portunity goal under § 121.23 of this chapter.

(b) A description of the objectives to be  
supported by the grant in sufficient detail to  
determine what will be achieved with the  
grant.

(c) A description of the activities to be  
supported by the grant in sufficient detail to  
determine how the grant will be used.

(d) A description of the impact the pro-  
posed activities will have on handicapped  
children ages three through five. This de-  
scription must include evidence that the pro-  
posed activities are of sufficient size, scope,  
and quality to warrant the amount of the  
expenditure. The application must indicate  
the number of children who will be benefi-  
ted indirectly. If children are to be benefi-  
ted indirectly, there must be a rationale that  
demonstrates the benefit.

(e) The number of local educational agen-  
cies or intermediate education units, and  
the number and names of other agencies  
which will provide contractual services under  
the grant, the activities they will carry out,  
and the reasons for selecting these agencies.

(f) The dollar amounts that will be spent  
for each major activity described.

(g) A description of the procedures the  
State will use to evaluate the extent to  
which the activities met the objectives de-  
scribed under paragraph (b) of this section.

5. VOLUNTARY/OBLIGATORY NATURE OF  
RESPONSE

Required to obtain benefits.

6. HOW INFORMATION COLLECTED WILL BE USED

The Incentive Grant Application will be  
used to determine whether a State Educa-  
tion Agency is eligible to receive an incen-  
tive grant award under Pub. L. 94-142 for  
the education of handicapped children ages  
three through five who are counted for the  
purposes of EHA-B funding. The information  
collected in the application will be used to  
measure and evaluate the impact of the pro-  
gram authorized and the effectiveness of  
State efforts to assure the free appropriate  
public education of all handicapped children.

7. DATA ACQUISITION PLAN

- (a) Method of Collection: By Mail.  
(b) Time of Collection: Spring.  
(c) Frequency: Annually.

8. RESPONDENTS

- (a) Type: State and "Territorial" Educa-  
tion Agency.  
(b) Number: 57 (Universe).  
(c) Estimated Average Man Hours per  
Respondent: 6 (six).

9. INFORMATION TO BE COLLECTED

The standard non-construction applica-  
tion found in the "Federal Management  
Circular 74-7" (formerly Office of Manage-  
ment and Budget Circular No. A-102) and  
the standard face page (SF 424) will be used.  
The program narrative for the standard  
application will highlight the points under  
"4. Legislative Authority" above.

DESCRIPTION OF A PROPOSED COLLECTION OF IN-  
FORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

National Needs Assessment of Media and  
Materials for the Handicapped.

2. AGENCY/BUREAU/OFFICE

U.S. Office of Education, Bureau of Educa-  
tion for the Handicapped.

3. AGENCY FORM NUMBER

OE 9059-1 through OE 9059-10.

## 4. LEGISLATIVE HISTORY FOR THIS ACTIVITY

"Sec. 651.(a) The purposes of this part are to promote \* \* \* (2) the educational advancement of handicapped persons by (A) Carrying on research in the use of educational media for the handicapped, (B) producing and distributing educational media for the use of handicapped persons, their parents, their actual or potential employers, and other persons directly involved in work for the advancement of the handicapped, and (C) training persons in the use of educational media for the instruction of the handicapped".

(Pub. L. 91-230, 20 U.S.C. 1451.)

## 5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Voluntary.

## 6. HOW INFORMATION TO BE COLLECTED WILL BE USED

The purpose of the National Needs Assessment of Educational Media and Materials for the Handicapped is to document the media and materials needs of handicapped children and training needs of related personnel as identified by special education teachers and supervisors. This project will provide special education teachers and supervisors an opportunity to express specific instructional media and materials needs, based upon their actual classroom experiences in educating handicapped children. The information will provide education agencies, at several levels, with a basis for affecting Federal State initiatives to provide planning assistance, fiscal resources, and/or direct services to the special education classroom teachers. More specifically the information will provide a basis for Federal and State determination of program priorities and directions related to: instructional material development, media and material information, instructional material distribution and media and material training.

## 7. DATA ACQUISITION PLAN

- (a) Method of collection: Mail.  
(b) Time of collection: Spring, 1977.  
(c) Frequency: Single time.

## 8. RESPONDENTS

- (a) Type: Teacher, Elementary/Secondary.  
(b) Number: The universe in 35 participating states (estimated  $n=87,000$ ).  
(c) Estimated average man-hours per respondent: ½.  
(d) Type: Special Education Supervisors.  
(e) Number: The universe in 35 participating states (estimated  $n=12,000$ ).  
(f) Estimated average man-hours per respondent: ½.

## 9. INFORMATION TO BE COLLECTED

- Teachers, Elementary/Secondary:  
(a) Characteristics and number of students being served: Chronological age, functional level, type of handicap.  
(b) Characteristics of existing and needed media and materials: Curriculum area, physical properties, useability with different groups, amount of teacher time required.  
(c) Areas of needed training related to media and materials: Selection, design and adaptation, evaluation, operation.  
(d) Access to and availability of media and materials: Sources from which they are obtained, method of delivery, timeliness of delivery.  
(e) Available and needed sources of information related to media and materials: Catalog, information retrieval systems.

(f) Available and needed types of information related to materials and media: Available materials, new materials, training packages, research and evaluation.

(g) Demographic information: Highest level of formal education, professional experience, primary role, where employed, size of community, type of facility.

## Special Education Supervisors:

(a) Characteristics and number of students being served: Chronological age, functional level, type of handicap.

(b) Characteristics of existing and needed media and materials: curriculum area, physical properties, useability with different groups, amount of teacher time required.

(c) Areas of needed training related to media and materials: Selection, design and adaptation, evaluation operation.

(d) Access to and availability of media and materials: Sources from which they are obtained, method of delivery, timeliness of delivery.

(e) Available and needed sources of information related to media and materials: Catalog, information retrieval systems.

(f) Available and needed types of information related to media and materials: Available materials, new materials, training packages, research and evaluation.

(g) Demographic information: Highest level of formal education, professional experience, primary role, where employed, size of community, type of facility.

[FR Doc.77-6180 Filed 3-1-77;8:45 am]

## DEPARTMENT OF THE INTERIOR

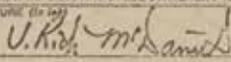
## Fish and Wildlife Service

## ENDANGERED SPECIES PERMIT

## Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant, Arkansas State University, Division of Biological Science, State University, Arkansas 72467, V. Rick McDaniel.

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE  FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		1. APPLICATION FOR LICENSE ONLY AND <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT									
		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.  Salvage of occasional specimens of gray and Indiana bats when brought in to this office dead for identification. Specimens to be available permanently for scientific and educational purposes.									
3. APPLICANT, (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)  V. Rick McDaniel Division of Biological Science Arkansas State University State University, Ark. 72467 501-972-3082/ home 501-935-0096											
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: <table border="1"> <tr> <td>MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MR.</td> <td>HEIGHT 5ft. 9"</td> <td>WEIGHT 175lbs</td> </tr> <tr> <td>DATE OF BIRTH 29 Oct. 1945</td> <td>COLOR HAIR Brown</td> <td>COLOR EYES Blue</td> </tr> <tr> <td>PHONE NUMBER WHERE EMPLOYED 501-972-3082</td> <td colspan="2">SOCIAL SECURITY NUMBER 456 72 7455</td> </tr> </table> OCCUPATION Professor of Zoology, Curator Mammals		MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MR.	HEIGHT 5ft. 9"	WEIGHT 175lbs	DATE OF BIRTH 29 Oct. 1945	COLOR HAIR Brown	COLOR EYES Blue	PHONE NUMBER WHERE EMPLOYED 501-972-3082	SOCIAL SECURITY NUMBER 456 72 7455		5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION.  NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.  IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED:
MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MR.	HEIGHT 5ft. 9"	WEIGHT 175lbs									
DATE OF BIRTH 29 Oct. 1945	COLOR HAIR Brown	COLOR EYES Blue									
PHONE NUMBER WHERE EMPLOYED 501-972-3082	SOCIAL SECURITY NUMBER 456 72 7455										
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED Bats are frequently brought in by the public for identification. They would come from northern Arkansas, but would not be collected, merely salvaged with pertinent data when possible.											
7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If yes, list license or permit numbers)		8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If yes, list jurisdictions and type of approval) Sci. Collecting Permits Nos. 476 & 418, and verbal approval by Andrew Hickey, Dir. Ark Game & Fish.									
9. CERTIFIED CHECK OR MONEY ORDER (IF APPLICABLE) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF \$ 17.22											
10. ATTACHMENTS, THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (SEE 50 CFR 17.12) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.  17.22		11. DURATION NEEDED Indefinite for salvage only									
<b>CERTIFICATION</b>											
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17 OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS OF SUBCHAPTER B OF CHAPTER 1 OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.											
SIGNATURE (In ink) 		DATE 3 Jan. 1977									

ATTACHMENTS: PERMIT APPLICATION,  
V. RICK McDANIEL

No. 17.22

(1) A salvage only permit is requested for possession of preserved (skin and skeleton, skeleton only, skull only, or alcoholic) specimens of the grey bat, *Myotis grisescens*, and the Indiana bat, *Myotis sodalis*. No specimens would actually be collected under the permit. However, specimens of both species are at times brought into my office by the public for identification. Under the provisions of the permit, dead specimens could be permanently preserved for future scientists, and would immediately provide data on existing populations. Any live specimens would be immediately returned to the site of capture. Numbers of specimens possessed would be quite low as few per year are brought in.

(2) At the time of application, no specimens under protection are in possession.

(3) Not applicable.

(4) Not applicable.

(5) All specimens would be permanently catalogued and housed in the Collection of Recent Mammals (Applicant is Curators), Division of Biological Science, Arkansas State University, State University, Arkansas 72467. 501-972-3082.

(6) Not applicable.

(7) Not applicable.

(8) I, The applicant, in addition to teaching duties including courses in Mammalogy and Vertebrate Natural History, is Curator of Mammals for the Collection at ASU. This collection now numbers in excess of 3000 curated specimens and has received visitations by several scientists in the course of their research. In addition, the Collection recently underwent an on-site inspection by the Committee on Systematic Collections of the American Society of Mammalogists. These facts support the contention, that dead specimens could be made available permanently to the scientific community under the provisions of the permit. Currently any dead specimen brought in is refused (resulting in destruction) since no permit for possession is on hand.

ii. A permit is requested only for salvage and possession of dead specimens brought into this office. No actual collection is at any time intended under this permit. Specimens would be preserved in the most appropriate and complete form possible with respect to the state of decay of the specimen.

iii. The preservation rather than loss and destruction of dead specimens of these two endangered bats is the primary objective of this application. The Indiana bat is rare in Arkansas and potential specimens could greatly improve our understanding of the distribution and status of this bat. The grey bat is presently common in north central Arkansas, however, specific data on distribution, location of maternity colonies, migratory routes, etc. is extremely limited. Data would be aquired concerning the status of both of these bats in Arkansas.

iv. In the extremely unlikely event that ASU should decide in the future that support for the Collection of Recent Mammals should be curtailed, provisions have been made for the transfer of the entire collection and associated records to some other suitable institution (including the obtainment of necessary permits from the U.S. Fish and Wildlife Service) to ensure perpetuity of this important scientific resource.

## ENDANGERED SPECIES PERMIT

### Receipt of Application

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-594-07; please refer to this number when submitting comments. All relevant comments received on or before April 1, 1977, will be considered.

Dated: February 25, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, Fish  
and Wildlife Service.

[FR Doc.77-6182 Filed 3-1-77;8:45 am]

## ENDANGERED SPECIES PERMIT

### Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Chincoteague National Wildlife Refuge, P.O. Box 62, Chincoteague, Virginia 23336. J. C. Appel, Refuge Manager.

DWS NO. 40-6182

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE			1. APPLICATION FOR (indicate only one)		
			<input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT		
			2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED: Permit to live trap, ear tag and/or ear tattoo Delmarva Fox Squirrels ( <i>Sciurus niger cinereus</i> ). Up to 4 individuals will be held temporarily in a large cage to observe them for pelage change characteristics, all other individuals will be released immediately at trap site. Permit is also requested to radio tag selected individuals.		
3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested) Chincoteague National Wildlife Refuge P.O. Box 62 Chincoteague, VA 23336			5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION National Wildlife Refuge		
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: <input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> ME.      HEIGHT      WEIGHT DATE OF BIRTH      COLOR HAIR      COLOR EYES PHONE NUMBER WHERE EMPLOYED      SOCIAL SECURITY NUMBER OCCUPATION ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT			6. NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. J. C. Appel, Refuge Mgr. 801-336-6122 or 5600 IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED N/A		
7. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED Chincoteague National Wildlife Refuge Assateague Island, Virginia			8. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? (If yes, list license or permit number) 6312		
9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF N/A			10. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSED? (If yes, list jurisdiction and type of document) A copy of a State of Virginia permit is attached.		
11. DESIRED EFFECTIVE DATE Jan. 1, 1977			12. EXPIRATION NEEDED December 31, 1977		
13. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (by 50 CFR 22.2210) MUST BE ATTACHED; IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.					
<b>Endangered Species - Scientific Research</b> <b>CERTIFICATION</b>					
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.					
SIGNATURE (in ink) J.C. Appel					DATE 8/27/76

3-22  
10/74

017-111-11

The Delmarva Fox Squirrel (*Sciurus niger cinereus*) was first transplanted onto Chincoteague in 1968 and has since become well established. To our knowledge this is the only Delmarva Fox Squirrel transplant outside of the state of Maryland that has become established.

The study activities listed on the permit application will yield valuable information for future transplants.

ENDANGERED SPECIES HANDLING PERMIT  
APPLICATION ATTACHMENT

(1) Delmarva Fox Squirrels (*Sciurus niger cinereus*). This permit is requested to live trap, ear tag and/or ear tattoo as many squirrels as possible on Chincoteague Refuge. Up to four individuals will be held temporarily in a large cage to observe and study them for peltage change characteristics. One possibly, two squirrels will have radio transmitters attached to them and then released, all other individuals will be released immediately at the site of capture.

(2) These animals will be taken from the wild population found on the refuge.

(3) Since this population was developed from a nucleus of individuals trapped and transported from Eastern Neck and Blackwater Refuges the refuge has considerable knowledge on the trapping and handling of these squirrels.

These animals will be captured in nesting boxes and by using live traps. To eliminate losses due to shock while handling, the anesthetic, methoxyflourane, will be used. When traps are used they will be set only during daylight hours and they will be checked hourly.

(4) It is not anticipated that any animals previously removed from the wild will be used, however, occasionally law enforcement personnel seize individuals that are being held captive illegally. These individuals would be adapted to living in captivity and would fit into our plans.

(5) These animals will be held in an enclosure located on Chincoteague National Wildlife Refuge.

The Refuge contains 9,500 acres on an island located on the Virginia coast.

Chincoteague National Wildlife Refuge P.O.  
Box 82 Chincoteague, VA 23336

(6) I. The squirrels will be held in a cage located behind the refuge office where it can be observed daily while conducting routine activities. It will be constructed of 1"x2" galvanized welded wire. This will be placed over a pipe frame. The dimensions will be 10 feet wide by 20 feet long by 7 feet high. A galvanized welded wire floor will be placed in the cage to keep the squirrels from digging out and predators from digging in. Necessary containers will be provided to keep fresh water and food for the squirrels. A large tree stump of suitable height for the squirrels to exercise on will be placed in each corner. A nest box will be placed on each of these stumps to provide protection from the elements.

II. Refuge personnel have limited experience in the care and handling of squirrels while they were catching and transporting them from Blackwater and Eastern Neck and no problems are anticipated.

III. These individuals will be closely observed and all information will be recorded and appropriate reports written up. These

reports will be made available to anybody having need for such information.

IV. It is not anticipated that any of these individuals will be transported or housed in temporary cages.

V. For five years preceding the date of this application a detailed description of any mortalities involving this covered species will be provided.

(7) Refuge personnel will handle all activities concerning this species, therefore no contracts or agreements will be made to cover this activity.

(8) I. Individuals will be live trapped, ear tagged and/or ear tattooed. Up to 4 young individuals will be held in a large cage to observe for peltage change characteristics. Two individuals will have radio transmitters attached to determine range. All other individuals will be released at capture site.

II. All squirrels will be captured utilizing nest boxes or by using live traps. The anesthetic, methoxyflourane, will be used to minimize the shock of being handled. Traps will be set only during daylight hours and will be run daily.

When squirrels are held in the observation cage refuge personnel will be permanently assigned to check the cage daily to make sure that they always have fresh water and food.

To reduce the time it will take for the squirrels to become accustomed to being near people, only young squirrels taken near the office will be used.

III. Thirty-two Delmarva Fox Squirrels were first transplanted onto Chincoteague Refuge in 1968. This population has expanded to approximately 80 individuals covering a range of 900 acres. By moving across a quarter of a mile of open dike the squirrels will be able to occupy another area of 500 acres. By marking and observing squirrels, information on the age and sex will be obtained on the first squirrels to move into this new area. The size and types of habitat used by a squirrel as home range can be determined. Data on the type of habitat squirrels occupy first when they are moving into a new location will be obtained.

On Chincoteague Refuge work has been done on the censusing of Delmarva Fox Squirrels by using peltage characteristics. A study to see if the peltage of an individual changes from season to season and as the individual gets older will yield data on the effectiveness of this type of survey. The best way to gather this peltage information is by holding squirrels in a pen over a 4 to 5 year period of time.

IV. Upon completion of the peltage study these individuals will be released back into the wild either on the refuge or a new release site.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-374-07; please refer to this number when

submitting comments. All relevant comments received on or before April 1, 1977, will be considered.

Dated: February 25, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, Fish  
and Wildlife Service.

[FR Doc.77-6183 Filed 3-1-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Richard C. Crews, ADTC/DLV,  
Eglin Air Force Base, Florida.

OWS NO. 42-91070

 <p>DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE  FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION</p>		<p>1. APPLICATION FOR (Indicate only one)</p> <p><input type="checkbox"/> IMPORT OR EXPORT LICENSE      <input checked="" type="checkbox"/> PERMIT</p>										
<p>2. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)</p> <p>Richard C. Crews ADTC/DLV Eglin Air Force Base, Florida 32542 882-3468/3431</p>		<p>3. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED: (Indicate 15 U.S.C. Federal Civil Service employee (US Air Force), whose responsibility it is to generate supporting environmental data for documenting potential environmental effects of research, development, and testing of Air Force conventional munitions at Eglin Air Force Base, Florida.</p>										
<p>4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:</p> <table border="1"> <tr> <td><input checked="" type="checkbox"/> MALE   <input type="checkbox"/> FEMALE   <input type="checkbox"/> MISS   <input type="checkbox"/> MS.</td> <td>HEIGHT</td> <td>WEIGHT</td> </tr> <tr> <td>DATE OF BIRTH</td> <td>COLOR HAIR</td> <td>COLOR EYES</td> </tr> <tr> <td>PHONE NUMBER WHERE EMPLOYED</td> <td colspan="2">SOCIAL SECURITY NUMBER</td> </tr> </table> <p>OCCUPATION Aquatic Biologist</p> <p>ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT None</p>		<input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT	WEIGHT	DATE OF BIRTH	COLOR HAIR	COLOR EYES	PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER		<p>5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:</p> <p>EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION</p> <p>N/A</p> <p>NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.</p> <p>IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED</p>	
<input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT	WEIGHT										
DATE OF BIRTH	COLOR HAIR	COLOR EYES										
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER											
<p>6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED</p> <p>Eglin Air Force Base Reservation, Florida</p>		<p>7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT?   <input type="checkbox"/> YES   <input checked="" type="checkbox"/> NO (If yes, list license or permit number)</p> <p>8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE?   <input checked="" type="checkbox"/> YES   <input type="checkbox"/> NO (If yes, list jurisdiction and type of document)</p> <p>Scientific Collectors Permit-#101 State of Florida</p>										
<p>9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF</p> <p>N/A</p>		<p>10. DESIRED EFFECTIVE DATE</p> <p>1 March 1977</p> <p>11. DURATION NEEDED</p> <p>One year with renewal rights</p>										
<p>12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 17.22) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.</p> <p>50 CFR 17.22 (See Atch)</p>												
<p><b>CERTIFICATION</b></p>												
<p>I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.</p>												
<p>SIGNATURE (In ink)</p> <p><i>Richard C. Crews</i></p>		<p>DATE</p> <p><i>Feb 25 1977</i></p>										

ITEM No. 12-50 CFR 17.22

The Air Force Armament Laboratory (AFATL) is engaged in research, development, test and evaluation of conventional munitions. Testing of these munitions is conducted on various ranges located on the Eglin AFB reservation, Florida. Prior to initiation of each test, an environmental assessment is conducted and documented to determine the impact of the proposed action.

An essential component of any assessment is a description of the test site. To meet the Council of Environmental Quality (CEQ) guidelines and Air Force regulation requirements (AFR 19-2) work is being done by AFATL to establish site characteristics data

for the various Eglin AFB test ranges. In view of the large number of streams that originate on and flow through the ranges, a very important aspect of any site description is establishment of an aquatic baseline. Of additional importance is the fact that several of the streams to be surveyed on Eglin serve as the habitat of an endangered species, the Okaloosa darter (*Etheostoma okaloosae* Fowler). For these reasons this survey is being conducted to generate aquatic baseline data for use in evaluating the impact of proposed actions on the environment. The survey is to be conducted annually during the summer months and the species diversity indices calculated. These

data will be compared annually with data from the previous year in an effort to monitor change in the species diversity of each stream. It is the intention of this organization, if granted a permit, to collect all aquatic specimens except the Okaloosa darter. All Okaloosa darter specimens will be examined in the field using a small mesh seine and released unharmed. Special attention will be given to those streams designated as Okaloosa darter habitat to minimize habitat disruption. In addition, all information gathered pertaining to the Okaloosa darter will be provided to the Okaloosa darter recovery team and Mr. Edward Crittenden, U.S. Fish and Wildlife Service, who is currently monitoring Okaloosa darter streams.

The survey will be conducted by myself and one other professional biologist, Ms. Sandra Lefstad. During the past year I have worked with Mr. Crittenden on his effort to monitor the Okaloosa darter and am qualified to identify Okaloosa darter specimens in the field. Additionally, I have worked with several universities conducting baseline surveys.

Information gathered through this effort will be meaningful to the Okaloosa darter recovery team and will be a valuable service by the United States Air Force to the US Fish and Wildlife Service.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-561-07; please refer to this number when submitting comments. All relevant comments received on or before April 1, 1977, will be considered.

Dated: February 25, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, Fish  
and Wildlife Service.

[FR Doc. 77-6184 Filed 3-1-77; 8:45 am]

### ENDANGERED SPECIES PERMIT

#### Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant, Metroparks Zoological Park, Brookside Park, Cleveland, Ohio 44109, Dr. Leonard J. Goss, Zoo Director.

METROPARKS ZOOLOGICAL PARK,  
BROOKSIDE PARK,  
CLEVELAND, OHIO, January 25, 1977.

DIRECTOR,  
U.S. Department of Interior, Fish and Wildlife Service, Wildlife Permit Office, ADM 7-02M, Washington, D.C. 20240

DEAR DIRECTOR: Below is listed additional information which you requested in order to

process our Endangered Species permit for 2.2 Hawaiian Geese (*Branta sandvicensis*).

(8.) The Metroparks Zoo feels a deep responsibility for protecting and propagating all Endangered Species. We feel that our expertise and facilities for waterfowl propagation are such that we could increase the growing captive population of Hawaiian Geese. We also feel that breeding loans are of great importance to further specie propagation when few specimens are available. There is, however, a surplus of Hawaiian Geese large enough to sell or give to responsible individuals or institutions for self propagation. This, therefore, also removes the long term responsibility of loaner and places it with the buyer. The fact also remains that a person or institution becomes very aware and protective of something that has cost them part of their already small budget.

(1) Cleveland Metroparks Zoo seeks this permit to purchase for propagation 2.2 Hawaiian Geese (*Branta sandvicensis*).

(ii) and (iii) The acquisition of these geese has been secured through a breeding loan with the option to purchase if permit is granted. Planned propagation will be as follows: because the Hawaiian Goose starts laying eggs in Cleveland's winter months, indoor facilities have been provided, see (6i). Incubation of the eggs would take place in one of the following ways: artificially by a forced-air incubator or by bantam hen (chicken) or domestic goose or by the Hawaiian goose which laid the eggs. Upon hatching the goslings will be placed in a brooder or in the case of bantam- or goose-hatched eggs, the family group will be placed in a protected area to prevent loss by predation.

(iv) Upon maturing of surplus offspring, we would trade or sell with other approved institutions to secure "new blood" to enhance our percentage of fertility. Surplus

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		1. APPLICATION FOR (Indicate only one)	
		<input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT	
		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.  To purchase 2 male and 2 female Hawaiian Geese ( <i>Branta sandvicensis</i> ) captive hatched for public display and propagation.	
3. APPLICANT (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)  Metroparks Zoological Park Brookside Park Cleveland, Ohio 44109 (216) 661-6500		4. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION  Public display and propagation of many types of wildlife.	
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: <input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.      HEIGHT      WEIGHT DATE OF BIRTH      COLOR HAIR      COLOR EYES PHONE NUMBER WHERE EMPLOYED      SOCIAL SECURITY NUMBER OCCUPATION		5. IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED  NA	
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT		NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. (216) 661-6500 Dr. Leonard J. Goss, Zoo Director,	
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED  Metroparks Zoological Park Brookside Park Cleveland, Ohio 44109		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If yes, list license or permit number)  3-SC-163	
8. CERTIFIED CHECK OR MONEY ORDER (if available) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF \$		9. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If yes, list jurisdiction and type of document)  NA	
10. DESIRED EFFECTIVE DATE  1/1/77		11. DURATION NEEDED  Annual - renewable	
12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (SEE CFR (172)M) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 36 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.			
<b>CERTIFICATION</b>			
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.			
SIGNATURE (In ink) 		DATE 2/26/77	

would also be made available for restocking purposes at approved locations.

Yours truly,

DONALD J. KUENZER,  
Curator,  
METROPARKS ZOO,  
BROOKSIDE PARK,

CLEVELAND, OHIO, December 13 1976.

SPECIAL AGENT-IN-CHARGE,  
U.S. Fish and Wildlife Service, P.O. Box 45,  
Federal Building, Fort Snelling, Twin  
Cities, Minnesota 55111.

DEAR SIR: Enclosed is one application (Form 3-200) and attachments for a permit to purchase four (4) Hawaiian Geese (*Branta sandvicensis*) which are classed as Endangered Species. Information listed below is in accordance with rules and regulations found in the FEDERAL REGISTER, Vol. 40, No. 188—Friday, September 26, 1975, Section 17.22.

(1) Description, number, sex, age, activity sought:

(a) Hawaiian Goose (NeNe) *Branta sandvicensis*.

(b) and (c) Two male and two female.

(d) Hatched 1976.

(e) Permit to purchase for display and propagation.

(2) Status of wildlife at time of application: (a) The geese involved in this application were captive hatched in Oyster Bay, New York by Mr. Winston Guest.

(3) N.A.

(4) Same as (3).

(5) Description and address of institution displaying wildlife: (a) The Cleveland Metroparks Zoological Park (formerly Cleveland Zoological Park). Mailing address: Cleveland Metroparks Zoo, Brookside Park, Cleveland, Ohio 44109. The Metroparks Zoo is owned and operated by the Cleveland Metropolitan Park District, a separate political subdivision of the State of Ohio.

(6) Live wildlife permit. (a) Yes.

(1) Description of facilities: (a) The geese will be displayed in an outside moated exhibit approximately 76 feet long by 71 feet wide. The gunite moat surrounding this exhibit is five (5) feet wide by six (6) feet high. The ground area has established grass covering and three oak trees were planted for shade. There is also a gunite pool approximately 45 feet in diameter with a continuous flow of potable city water. In the summer months this pool is drained, cleaned, and disinfected bi-weekly. Winter cleaning is regulated by water condition and weather. Three hollow gunite rocks have been provided for outside shelter. Free access to an inside shelter is also available. This area consists of 112 square feet. It is located in a concrete block building with poured concrete floor and asphalt shingle roof. The floor has a covering of wood chips and hay. Two side walls are made of two (2) inch rough-cut planks, the other two (2) of eight inch concrete block with doors at either end. This building is also equipped with potable city water and electricity. Diagram enclosed.

(ii) Technical expertise for propagation: (a) This year (1976) the Metroparks Zoo has hatched over one hundred ducks, geese and swans. Of this number, two were *Branta canadensis hutchinsii* and four *Branta c. canadensis*. Our veterinarian Dr. Wallace Wendt has been with the Zoo since 1945. His avocation is waterfowl, which he has been successfully propagating for over ten years. The curator Donald J. Kuenzer has been with the Zoo for 14 years and has worked directly with waterfowl for the last two years. Donald Ehlinger, Head Keeper of Birds, including waterfowl, has been with the Zoo since May 1, 1967 and before that a former game protector for the State of Ohio.

(iii) Statement of cooperation: (a) The Metroparks Zoo will cooperate in any breeding program which will enhance the propagation of any specie, providing we have the

expertise and facilities to do so. The Metroparks Zoo at present does contribute to several studbooks and will continue to do so in the future.

(iv) Shipping details: (a) N.A. The geese at present are on loan to the Metroparks Zoo with the option to purchase if a permit is granted.

(v) Proceeding five year's death in genus *Branta*:

Barnacle Goose (*Branta leucopsis*), received sometime before 1-1-59. Died 9-15-74. Autopsy: not posted, carcass partially eaten by fly larva.

Red-breasted Goose (*Branta ruficollis*), leg band No. 16-36. Received sometime before 1-1-59. Died 7-28-72. Autopsy: stress, cranial hemorrhage, cystic ovaries.

Canada Goose (*Branta canadensis*), wing band No. 368. Received 9-22-65. Disappeared 6-4-72.<sup>1</sup>

Canada Goose (*Branta canadensis*), wing band No. 370. Received 9-22-65. Died 7-8-71. Autopsy: No positive diagnosis (N.P.D.).

Richardson Goose (*Branta c. hutchinsii*), wing band No. 612. Received 5-6-68. Killed 12-30-73. Autopsy: N.P.D. Killed by predator.<sup>1</sup>

Red-breasted Goose (*Branta ruficollis*), wing band No. 813. Received 6-3-70. Died 9-2-75. Autopsy: C.N.S. circulatory, old bird.

Canada Goose (*Branta canadensis*), hatched 5-15-70. Died 5-17-71. Autopsy: N.P.D.

Canada Goose (*Branta canadensis*), received 1-23-71. Donation. Destroyed 5-17-71. Injury not noted on file card.

Canada Goose (*Branta canadensis*), hatched 5-26-71. Killed by camel 5-27-71. Autopsy: N.P.D.

3 Canada Geese (*Branta canadensis*), hatched 5-26-71. Disappeared 6-15-71.<sup>1</sup>

Yours truly,

DONALD J. KUENZER,  
Curator,  
Metroparks Zoological Park.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-563-07; please refer to this number when submitting comments. All relevant comments received on or before April 1, 1977, will be considered.

Dated: February 25, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, Fish  
and Wildlife Service.

[FR Doc.77-6185 Filed 3-1-77;8:45 am]

#### ENDANGERED SPECIES PERMIT

##### Receipt of Application

Notice is hereby given that the following application for a permit is deemed to

<sup>1</sup> If a bird is taken by a predator, a live trap is moved into the area the following day. If possible, the Birds are locked in until predator is captured. Live traps are set in heavily concentrated waterfowl areas most of the year.

## NOTICES

have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Museum of Vertebrate Zoology, University of California, Berkeley, California 94720. Kristine Tollestrup.

DEPARTMENT OF THE INTERIOR U. S. FISH AND WILDLIFE SERVICE		FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION																									
		1. APPLICATION FOR (Indicate with check) <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT																									
3. APPLICANT (Check, county address and phone number of residence, business, agency, or institution for which permit is requested) Kristine Tollestrup Museum of Vertebrate Zoology University of California Berkeley, California 94720 (415) 642-3567		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. To collect Blunt-nosed Leopard Lizards on lands that are being developed for studies on reproduction and protein evolution.																									
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: <table border="1" style="width: 100%;"> <tr> <td><input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input checked="" type="checkbox"/> MS.</td> <td>HEIGHT</td> <td>WEIGHT</td> </tr> <tr> <td></td> <td>5'6"</td> <td>120</td> </tr> <tr> <td>DATE OF BIRTH</td> <td>COLOR HAIR</td> <td>COLOR EYES</td> </tr> <tr> <td>January 3, 1951</td> <td>brown</td> <td>hazel</td> </tr> <tr> <td>PHONE NUMBER WHERE EMPLOYED</td> <td colspan="2">SOCIAL SECURITY NUMBER</td> </tr> <tr> <td>(415) 642-3567</td> <td colspan="2">571-78-6714</td> </tr> <tr> <td colspan="3">OCCUPATION</td> </tr> <tr> <td colspan="3">Student - zoologist</td> </tr> </table>		<input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input checked="" type="checkbox"/> MS.	HEIGHT	WEIGHT		5'6"	120	DATE OF BIRTH	COLOR HAIR	COLOR EYES	January 3, 1951	brown	hazel	PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER		(415) 642-3567	571-78-6714		OCCUPATION			Student - zoologist			5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION MVZ is involved in the study of systematics and the life history of vertebrate species. It houses a large collection and is both a research and teaching organization.	
<input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input checked="" type="checkbox"/> MS.	HEIGHT	WEIGHT																									
	5'6"	120																									
DATE OF BIRTH	COLOR HAIR	COLOR EYES																									
January 3, 1951	brown	hazel																									
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER																										
(415) 642-3567	571-78-6714																										
OCCUPATION																											
Student - zoologist																											
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE LICENSE TO BE GRANTED BY THIS LICENSE/PERMIT Museum of Vertebrate Zoology University of California Berkeley, California		NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. (415) 642-3567 Dr. David B. Wake, Director																									
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED Selected areas in the southern San Joaquin Valley, California		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If yes, list license or permit number)																									
8. CERTIFIED CHECK OR MONEY ORDER OF AMOUNT PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF		9. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If yes, list jurisdiction and type of approval) Calif. Dept. of Fish and Game Memorandum of Understanding																									
10. ATTACHMENTS, THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED IS IN CFR 17.22. ATTACHMENTS MUST BE ATTACHED TO CONSTITUTE AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. 17.22 - attachments A, D		11. DESIRED EFFECTIVE DATE March 1977																									
12. DURATION NEEDED October 1977		13. IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED																									
<b>CERTIFICATION</b>																											
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.																											
SIGNATURE (in ink) Kristine Tollestrup		DATE Mar 5, 1976																									

**FEDERAL PERMIT APPLICATION: ATTACHMENT A--INFORMATION RELATING TO SECTION 17.22**

- (a) (1) Request authorization to take 64 (32 of each sex) adult specimens of the blunt-nosed leopard lizard (*Crotaphytus vilus*).
- (2) Subject specimens will be taken from the wild.
- (3) Information on reproductive parameters such as clutch size, age at maturity, and reproductive potential cannot be determined by using only a marked population. Samples must be collected throughout the breeding season.
- (4) Not applicable.
- (5) Museum of Vertebrate Zoology, 2593 Life Sciences Building, University of California, Berkeley, California 94720. (415) 642-3567.
- (6) Not applicable.
- (7) Not applicable.
- (8) Since 1973, I have been studying the ecology of the blunt-nosed leopard lizard, *Crotaphytus vilus*, in the San Joaquin Valley,

California. A population has been marked on the Pixley National Wildlife Refuge and has been monitored for the past four years (Attachment B). Information gathered includes data on sex ratio, mortality and birth rates, structure of the population, growth rates, behavioral patterns, territory size, and foraging patterns. In addition, I need to determine reproductive parameters including clutch size, age at maturity, and reproductive potential. Gathering this data necessitates sacrificing animals. I plan to collect specimens from areas which are scheduled to be cultivated. Collecting specimen from these areas would constitute a valuable scientific use of animals which would otherwise be lost. Four adult specimens (two of each sex) will be collected at 2-week intervals throughout the breeding season (March-October). Information gathered from this study will be important in developing recovery and management plans for this species. All specimen collected will be deposited in the herpetological collection at the Museum

of Vertebrate Zoology and will thus be available for use by other researchers.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's Office in Room 512, 1717 H Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-597-07; please refer to this number when submitting comments. All relevant comments received on or before April 1, 1977, will be considered.

Dated: February 25, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, Fish  
and Wildlife Service.

[PR Doc. 77-6186 Filed 3-1-77; 8:45 am]

**ENDANGERED SPECIES PERMIT**  
Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant, Patuxent Wildlife Research Center, U.S. Fish and Wildlife Service, Laurel, Maryland 20811, Lucille F. Stickel, Director.

PATUXENT WILDLIFE RESEARCH CENTER—ENDANGERED SPECIES PERMIT APPLICATION

ATTACHMENT

17.22(a)

(1) Common and scientific names of the species sought to be covered: Brown pelican (*Pelecanus occidentalis*). Number, age and sex: cannot be determined. Activities sought to be authorized include the following:

(a) Visit breeding colonies and assess productivity of brown pelicans on Anacapa and Santa Cruz Islands, California; Carroll and Pelican Islands, Texas; and other colonies that may be occupied between February and August each year.

(b) Collect non-viable eggs and dead young in numbers as present at colonies for environmental contaminant residue analysis.

(c) Band young birds (produced in the colonies) with U.S. Fish and Wildlife Service bands and mark young with standard colored plastic marking tags or streamers.

(d) Retrieve carcasses of brown pelicans in numbers as found dead on the Pacific and Gulf Coasts in order to analyze them for residues of environmental contaminants.

(e) Transport or ship eggs, carcasses, and body tissues from their points of collection to the Patuxent Wildlife Research Center or other laboratories.

(f) Hold eggshells, skins, skulls and body parts at those locations (including the Pacific Coast and Gulf Coast Field Stations).

(2) The wildlife sought to be covered is in the wild. There will be no collection of brown pelican specimens other than salvage of dead birds or non-viable eggs for chemical analysis.

(3) See (2), above.

(4) Not applicable.

(5) No live birds or viable eggs will be taken. Samples that are salvaged for study will be maintained at the Patuxent Wildlife Research Center, Laurel, Maryland, at the Pacific Coast or Gulf Coast Field Stations, or sent to contract laboratories for chemical analysis.

(6) See (2), above.

(7) The activities sought to be authorized will not be carried out under contract or agreement with other persons. However, copies of authorizations by the states of California and Texas are attached.

(8) This permit is necessary to continue certain activities in our investigations of the relationships between environmental contaminants, food availability, and the population status of the brown pelican on the Pacific and Gulf Coasts of North America. These studies have been underway since 1969. There has been some improvement in reproductive success in California in recent years, but overall productivity there, as in Texas, remains too low to maintain the populations of the species. Our biologists are highly qualified to study the effects of environmental contaminants on wildlife and their habitat and are experienced in studying brown pelicans. Laboratories at the Center are well equipped with facilities and staff to perform residue analyses.

Activities will be carried out as follows:

(a) Early in the breeding season, California colonies will be observed from a boat offshore at a distance that is sufficient to minimize disturbance to the birds. After the young are 8-10 weeks old, biologists will enter the colonies to band young birds, assess productivity, and salvage dead birds and unhatched (addled) eggs. There will be no handling of birds except for banding. Available food samples, regurgitated by the young, will be saved for study, but no efforts will be made to intentionally cause the birds to regurgi-

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE		FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION	
			
1. APPLICATION FOR (check only one) <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT		GMB NO. 42-1615	
2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. Continuation of brown pelican (endangered species) population studies formerly conducted by the Denver Wildlife Research Center under permit number PRT 8-187-C. Activities include population surveys, assessment of reproductive success, banding of young birds, and salvage of dead birds and non-viable eggs.			
3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested) Patuxent Wildlife Research Center U. S. Fish and Wildlife Service Laurel; Maryland 20811			
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:		5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:	
<input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS. DATE OF BIRTH: _____ PHONE NUMBER WHERE EMPLOYED: _____ OCCUPATION: _____	HEIGHT: _____ COLOR HAIR: _____ COLOR EYES: _____ SOCIAL SECURITY NUMBER: _____	EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION Wildlife research to enhance the status of endangered and threatened species; also to determine the effects of environmental pollutants on wildlife and their habitat. NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. Lucille F. Stickel, Director, 301-776-4880	
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED Gulf Coast of Texas and the Pacific Coast of California		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? (If yes, list license or permit number) PRT 8-85-C, PRT 8-169-C, PRT 2-913-BA, PRT 8-86-B-C, PRT 2-197	
8. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF \$		9. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSED? (If yes, list jurisdiction and type of document) Endangered Species Permits issued by the states of California and Texas, copies attached.	
10. DESIRED EFFECTIVE DATE April 1, 1977		11. DURATION NEEDED December 31, 1979	
12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 17.22(a) and (b)) BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. 17.22			
<b>CERTIFICATION</b>			
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER 8 OF CHAPTER 1 OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.			
SIGNATURE (In ink) <i>Lucille F. Stickel</i>		DATE 2/1/77	
5100 N-798	GPO 512-042	501-1115-24	

tate. Other activities have been described under (1), above.

(b) Texas colonies will be visited approximately once every two weeks from April through August to count birds and assess reproductive success. To minimize the risk of nest desertion, biologists will not enter the colonies until incubation is well underway. This method of study has previously proven successful in these colonies. Eggs in the nests will be counted during the early visits; later, the reproductive success will be determined by counting the number of young produced. Unhatched (addled) eggs and dead birds will be salvaged for analysis. Available food samples, regurgitated by the young, will be saved for study, but no efforts will be made to intentionally cause the birds to regurgitate. Other activities have been described under (1), above.

Some pelican tissues and egg contents will be destroyed during the analyses. Others, as well as skins, skulls, and eggshells will be maintained in our collections for future study.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-627-07, B; please refer to this number when submitting comments. All relevant comments received on or before April 1, 1977, will be considered.

Dated: February 25, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, Fish  
and Wildlife Service.

[FR Doc. 77-6187 Filed 3-1-77; 8:45 am]

### ENDANGERED SPECIES PERMIT

#### Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant, Patuxent Wildlife Research Center, U.S. Fish and Wildlife Service, Laurel, Maryland 20811. Lucille F. Stickel, Director.

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		1. APPLICATION FOR (ENGL. only) (SEE)																									
		<input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT																									
		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. Monitoring population trends, reproductive success, and residues of pollutants in eggs and tissues of brown pelicans (endangered species) in the southeastern United States, including collection of eggs for chemical analysis.																									
3. APPLICANT (Name, complete address and phone number of individual, business, agency, or institution to which permit is requested) Patuxent Wildlife Research Center U. S. Fish and Wildlife Service Laurel, Maryland 20811																											
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: <table border="1" style="width: 100%;"> <tr> <td><input type="checkbox"/> MIL</td> <td><input type="checkbox"/> MRS.</td> <td><input type="checkbox"/> MISS</td> <td><input type="checkbox"/> MS.</td> <td>HEIGHT</td> <td>WEIGHT</td> </tr> <tr> <td colspan="2">DATE OF BIRTH</td> <td colspan="2">COLOR HAIR</td> <td colspan="2">COLOR EYES</td> </tr> <tr> <td colspan="3">PHONE NUMBER WHERE EMPLOYED</td> <td colspan="3">SOCIAL SECURITY NUMBER</td> </tr> <tr> <td colspan="6">OCCUPATION</td> </tr> </table>		<input type="checkbox"/> MIL	<input type="checkbox"/> MRS.	<input type="checkbox"/> MISS	<input type="checkbox"/> MS.	HEIGHT	WEIGHT	DATE OF BIRTH		COLOR HAIR		COLOR EYES		PHONE NUMBER WHERE EMPLOYED			SOCIAL SECURITY NUMBER			OCCUPATION						5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION Wildlife research to enhance the status of endangered and threatened species; also to determine the effects of environmental pollutants on wildlife and their habitat.	
<input type="checkbox"/> MIL	<input type="checkbox"/> MRS.	<input type="checkbox"/> MISS	<input type="checkbox"/> MS.	HEIGHT	WEIGHT																						
DATE OF BIRTH		COLOR HAIR		COLOR EYES																							
PHONE NUMBER WHERE EMPLOYED			SOCIAL SECURITY NUMBER																								
OCCUPATION																											
ANY BUSINESS, AGENCY, OR INSTITUTIONAL APPLICATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT		NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. Lucille F. Stickel, Director, 301-776-4880																									
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED Florida and South Carolina		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <i>(If yes, list license or permit number(s).)</i> PRT 8-75-C, PRT 8-169-C; PRT 2-913-BA, PRT 8-86-B-C, PRT 2-197																									
8. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF \$		9. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSED? <input type="checkbox"/> YES <input type="checkbox"/> NO <i>(If yes, list jurisdiction and type of approval.)</i> All necessary state and refuge permits will be obtained prior to commencing collections.																									
10. OBTAINED EFFECTIVE DATE April 1, 1977		11. DURATION NEEDED December 31, 1981																									
12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (BY 50 CFR 22.122) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. 17.22																											
<b>CERTIFICATION</b>																											
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER 1 OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.																											
SIGNATURE (In ink)		DATE																									
Lucille F. Stickel		2/14/77																									

PATUXENT WILDLIFE RESEARCH CENTER—EN-  
DANGERED SPECIES PERMIT APPLICATION

## ATTACHMENT

17.22(a)

(1) Common and scientific name of species sought to be covered: Brown pelican (*Pelecanus occidentalis*). Number, age, and sex of such species, and the activity sought to be authorized:

(a) Collection of up to 50 viable and 50 added eggs (as well as salvage dead pelicans) in South Carolina for chemical analysis each year for five years, beginning in 1977.

(b) Collection of up to 50 viable and 100 added eggs (total) from 10 colonies in Florida in 1979.

(2) The wildlife sought to be covered is in the wild. There will be no collection of brown pelicans other than salvage of dead birds and collection of eggs as described under (1), above.

(3) See (2), above.

(4) Not applicable.

(5) No live birds will be taken. Samples that are collected for study will be maintained at the Patuxent Wildlife Research Center, Laurel, Maryland, or sent to contract laboratories for chemical analysis.

(6) See (2), above.

(7) The activities sought to be authorized will not be carried out under contract or agreement with other persons. Whenever appropriate, our biologists will be accompanied by National Wildlife Refuge, National Audubon Society, or state game agency personnel.

(8) Populations of brown pelicans at the Cape Romain National Wildlife Refuge in South Carolina were studied in detail from 1971 through 1975. The work was a joint project with the Cape Romain Refuge through the Atlanta Office. The primary objectives of the study were (1) To assess the populations, behavior and reproductive status of the brown pelican and associated bird species at the Cape Romain Refuge and nearby areas in South Carolina, and to gather as much data as possible on the brown pelican colonies in North Carolina and Louisiana; (2) To inventory and assess the kinds and degrees of organochlorine pollutant contamination in estuarine birds, their eggs and their food; and (3) To integrate these findings into an evaluative appraisal of the pollution ecology of the Cape Romain Refuge and surrounding areas.

The intensive study of pelicans in South Carolina was terminated in 1975, as planned. However, because of the findings in that study, we wish to continue monitoring the pelican population for another five years. The objectives of the proposed study will be to monitor population trends, reproductive success, residues of pollutants in eggs and tissues, and adverse effects induced by pollutants or other factors.

Our studies of brown pelicans in Florida began in 1969. The work in 1979 represents the third collection of eggs in Florida colonies.

Studies on the relationship between organochlorine compounds, particularly DDT, and pelicans have been instrumental in the evaluation of the detrimental effects of toxic chemicals on wild birds. The almost total reproductive failure of the pelican colonies in Southern California was attributed to the detrimental effects of DDT and its metabolites. This problem generated public awareness of the effects of these chemicals upon avian reproduction and damage to the environment in general. Data gained from field studies of pelicans in relation to environmental pollutants contributed to the case against DDT. Since the ban on DDT, declines in DDT metabolites have been monitored in pelican eggs. Continuing studies will help

pinpoint other chemicals that are potentially harmful to pelicans and other species as well. Data gained from these studies will have long-range beneficial effects on pelican populations.

Collection of eggs from the colonies will have a negligible effect on the status of the brown pelican in the Southeast. Whenever feasible, eggs will be taken from those nests that are more likely to be lost to flooding or other natural hazards.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-633-07; please refer to this number when submitting comments. All relevant comments received on or before April 1, 1977, will be considered.

Dated: February 25, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, Fish  
and Wildlife Service.

[FR Doc. 77-6188 Filed 3-1-77; 8:45 am]

## MARINE MAMMAL PERMIT

## Receipt of Request for Amendment

A permit authorizing capture, hold, attach radio telemetry equipment anesthetic, color mark and make scientific studies on Sea otters was issued on August 29, 1975, to the University of California, Santa Cruz, California (Mr. Daniel Paul Costa).

A notice containing the application for the permit was published in the FEDERAL REGISTER on June 27, 1975, (40 FR 27272-73-74), soliciting public comments for a period of 30 days.

A notice of the issuance of the permit was published on September 24, 1975 (40 FR 43935).

Under date of October 11, 1976, Mr. Daniel Paul Costa has submitted a request for an amendment to the permit. Published herewith are copies of the request which will be considered as an amendment to this permit. This request is being considered pursuant to § 13.23, Title 50 Code of Federal Regulations (see 39 FR 1162).

UNIVERSITY OF CALIFORNIA,  
SANTA CRUZ,  
Santa Cruz, Calif., January 6, 1977.

FEDERAL WILDLIFE PERMIT OFFICE,  
U.S. Fish and Wildlife Service,  
Washington, D.C., 20240.

DEAR PEOPLE: In response to your letter of December 22 requesting more information concerning my amendment request to Permit PRT 9-22-C. The blood will be taken from the femoral vein complex under the supervision of Dr. Thomas Williams, D.V.M. We have used this technique on 7 animals to date without apparent ill effect. No more than 15cc of blood will be sampled from an ani-

mal at any one time. This volume represents approximately 0.6% of the total blood volume of a 25 kg animal and should have no ill effect.

The 10 animals requested for blood samples only, will not be held in captivity. They will be captured, blood sampled and immediately released. The 15 animals captured for free ranging metabolic studies will be held in captivity for no longer than 10 days. I had assumed in the amendment request that all of the provisions as set out in the original permit would apply to the additional 25 animals requested. If there is any more information that you may need please call or write.

Respectfully yours,

DANIEL COSTA,  
Research Assistant.

UNIVERSITY OF CALIFORNIA,  
SANTA CRUZ,  
Santa Cruz, Calif., October 11, 1976.

U.S. DEPARTMENT OF THE INTERIOR,  
Fish and Wildlife Service, Federal Wildlife  
Permit Office, P.O. Box 19183, Wash-  
ington, D.C. 20036.

DEAR PEOPLE: I would like to request an amendment to my U.S. Fish and Wildlife permit No. PRT 23-C as follows:

1. Increase the total number of animals allotted to 34 (25 additional animals) with 5 permitted deaths.

2. Allow capture of California sea otters with a trammel net device.

Reasons for the amendment request:

To date five sea otters have been captured and worked on under the auspices of this permit; three of these animals gave minimal information due to the death of one and the inability to recapture the other two. However, the work carried out to date has been very productive. As a result of the permitted research, a paper has been given at the American Society of Mammalogists 56th annual meeting (copy enclosed) detailing the water balance and energetics of four captive sea otters. Inroads have been made into methods of attachment of radio telemetry transmitters (flipper attachment). Preliminary data has been obtained on the safety and dosage of Ketamine Hydrochloride as an anesthetic for sea otter, and baseline blood chemistry parameters have been collected on all animals captured. Four of the five animals captured to date have been resighted on many occasions and appear to be in excellent condition without any apparent ill effects from the permitted research.

The five animals remaining on the permit will be worked on within two months, thereby using up the allotted 10 animals. All of these will be studied under captive conditions to measure their assimilation efficiency and water balance. Fifteen of the new animals requested would be used to measure the field energy metabolism of sea otters as outlined in the original permit request. The necessity for this number of animals is that there is no assurance that any particular sea otter can be recaptured. The radiotracer tagging of 15 otters will assure that a significant number can be recaptured for the metabolic measurement. The remaining 10 animals will be used to collect baseline blood parameters such as the complete blood count, differential blood count, and 19 blood enzyme and metabolite levels. This data will then be published and can be used as a basis to diagnose ill or injured sea otters.

The trammel net capturing device is being requested due to the inability of the diver-held capture device to recapture free swimming or "spooky" otters. The trammel net would be deployed from a fast, small boat while encircling a sleeping or swimming otter. Once the net surrounds the otter it will be pursed at the bottom or just pulled

in, dependent on what is necessary to insure capture of the otter. Divers will be on hand to aid in the recovery of the otter and to insure that the otter is immediately removed or untangled from the net to prevent drowning.

All work carried out under this permit has been and will continue to be under the supervision of Dr. Thomas Williams, D.V.M. who has been on contract with the California Department of Fish and Game to treat ill or injured sea otters. Dr. Williams is one of the most knowledgeable veterinarians with sea otters.

Sincerely,

DANIEL COSTA,  
Coastal Marine Studies.

In keeping with the spirit of the Marine Mammal Protection Act of 1972 this notice is being published to allow public comment on the request for an amendment. Interested persons may comment on this amendment by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO) U.S. Fish and Wildlife Service, Washington, D.C. 20240.

This application has been assigned File Number PRT 9-22; please refer to this number when submitting comments. All relevant comments received on or before April 1, 1977, will be considered.

Dated: February 25, 1977.

DONALD G. DONAHO, Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc.77-6189 Filed 3-1-77;8:45 am]

#### MARINE MAMMAL APPLICATION Receipt of Request for Amendment

An application and supporting documents for a Federal Fish and Wildlife permit requesting permission to collect Sea otters from the State of California and display them at the Vancouver Public Aquarium, Vancouver, B.C., was received on June 24, 1976.

A notice containing the application for the permit was published in the FEDERAL REGISTER on July 16, 1976 (41 FR 29449-50), soliciting public comments for a period of 30 days.

Under date of January 17, 1977, the Vancouver Public Aquarium submitted a request for significant changes in the conditions of this application. Published herewith is a copy of the terms of the application, and the request for these changes which will be considered as an amendment to this application. This request is being considered pursuant to § 13.23, Title 50 Code of Federal Regulations (see 39 FR 1162).

VANCOUVER PUBLIC AQUARIUM,  
Vancouver, B.C., Canada, January 17, 1977.

Re: Your file PRT-2-263-11

MR. DONALD G. DONAHO, Chief, Permit Branch, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240

DEAR MR. DONAHO: In regard to your letter of December 1, 1976, the Vancouver Public

Aquarium wishes to continue in its efforts to obtain a permit from your department to obtain 5 sea otters, *Enhydra lutris*.

Therefore, I request an amendment to the present application No. INT-40 (see attached). As per your enclosed copy of a letter from John R. Twiss, Executive Director, to Mr. Lynn A. Greenwalt, facilities for quarantining the animals have been built beside the aquarium's research pool. The quarantine facility is private, quiet, and allows for the animals to be observed without being disturbed. Water supply is an open system to provide a constant supply of new seawater. Good skimming has been provided for in addition to individual haul out and access doors for each animal. The facility is designed such that it may be adapted for individual enclosures or any combination of group enclosures. Quarantined animals will have visual contact with each other if separated, should this be deemed necessary.

As regards inspection officers, Dr. A. C. MacNeill, D.V.M. of the Canada Department of Agriculture Health of Animals Branch, Animal Pathology Laboratory, has agreed to inspect the facilities prior to the acquisition of the animals, review transport and maintenance procedures for the sea otters and according to your department's requirements, perform periodic inspection of the facilities and animals covered by the permit and report to your department as to the health and condition of the animals.

Sincerely,

K. G. HEWLETT,  
Curator.

AMENDMENT TO ITEM OF THE DEPARTMENT OF THE INTERIOR, U.S. FISH AND WILDLIFE SERVICE, FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATIONS No. INT-40

6. Location where proposed activity is to be conducted: Alaska, Prince William Sound. Exact location to be specified by Alaska Department of Fish and Game.

AMENDMENT TO ITEM 12 OF ABOVE, AS PER 50 CFR 13.12(b)

1. Dates requested for permit validity: March 1977 to August 1977.

Manner of capture: With the help of Alaska Fish and Game (Asel Johnson) in Prince William Sound, to be held in floating pens prior to transfer to Cordova for flight to Seattle.

3. Manner of transportation. Surface truck and air carrier Cordova to Seattle via Alaska Airlines (1st Class section is special cargo area, temperature may be regulated) flying time: 4 hours, Seattle to Vancouver via truck (truck will be equipped for ventilation and cooling) travel time: 2 hours. Clean sea water and ice will be provided in Seattle prior to road trip to Vancouver. Cages will be those currently used by Alaska Fish and Game: open mesh type: 36" x 24" x 24".

In keeping with the spirit of the Marine Mammal Protection Act of 1972 this notice is being published to allow public comment on the request for an amendment. Interested persons may comment on this amendment by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO) U.S. Fish and Wildlife Service, Washington, D.C. 20240.

This application has been assigned File Number PRT 2-263; please refer to this number when submitting comments.

All relevant comments received on or before April 1, 1977 will be considered.

Dated: February 25, 1977.

DONALD G. DONAHO,  
Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc.77-6190 Filed 3-1-77;8:45 am]

Office of Hearings and Appeals

[Docket No. M 77-108]

LITTLE BILL COAL COMPANY, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Little Bill Coal Company, Inc., Kimper, Kentucky 41539, has filed a petition to modify the application of 30 CFR 75.1710, canopies or cabs; electrical face equipment, to its No. 3 Mine, located in Pike County, Kentucky.

The substance of Petitioner's statement is as follows:

1. Petitioner's mine has the following equipment: three S & S scoops; one 16 RB Joy cutting machine; and one Galis 300 roof bolter.

2. The height of the coal at this mine averages 38 inches. Due to the coal height and the rolling bottom, Petitioner feels that it would be extremely hazardous to operate this equipment with canopies. The canopies would create a safety hazard to the equipment operators due to the cramped position and obstruction of vision of the operators. Petitioner feels that the canopies would not be in the best interest of safety and would in fact contribute to accidents, not only to the operators but to other employees in the mine.

3. A copy of this petition will be posted at the mine.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition for furnish comments on or before April 1, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia, 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,  
Acting Director,  
Office of Hearings and Appeals.

FEBRUARY 17, 1977.

[FR Doc.77-6150 Filed 3-1-77;8:45 am]

[Docket No. M 77-109]

TRIPLE M & K COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c)

of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Triple M & K Coal Company, Box 14, Elkhorn City, Kentucky 41522, has filed a petition to modify the application of 30 CFR 75.1710, canopies or cabs; electrical face equipment, to its No. 30 Mine, located in Pike County, Kentucky.

The substance of Petitioner's statement is as follows:

1. Petitioner feels that the installation of canopies on its equipment is creating a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of two Messer battery tractors, model 102. Other face equipment is one Epling loader, model XP-1466, and one Paul's roof bolter, model mark 4.

3. The mine is in the 3½ Elkhorn seam and ranges from 34 to 38 inches in height. The coal seam has consistent ascending and descending grades creating dips in the coalbed. As a result of these dips, the canopies have to be installed in such a manner as to prevent the canopies from hitting against the roof and possibly destroying roof support. This allows only a 4-inch vertical clearance in the operating compartment thus limiting the vision of the equipment operator and creating a hazard to him as well as to the other employees in the mine.

4. Petitioner feels that since the equipment operator's vision is limited and because of the position required in order to be seated in the decks, the installation of canopies could be a contributing factor in any accidents which may arise.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 1, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBOTT,  
Acting Director,

Office of Hearings and Appeals.

FEBRUARY 17, 1977.

[FR Doc.77-6151 Filed 3-1-77; 8:45 am]

[Docket No. M77-107]

#### WOLFGANG BROS. COAL CO.

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Wolfgang Bros. Coal Co., 339 Martin St., Tower City, Pennsylvania 17980, has filed a petition to modify the application of 30 CFR 75.301 air quality, quantity, and velocity, to its Diamond Slope Mine, located in Schuylkill County, Pennsylvania.

The substance of Petitioner's statement is as follows:

1. Petitioner requests that 30 CFR 75.301 be modified for its mine to require, in part, that the minimum quantity of air reaching each working face shall be 1,500 cubic feet a minute, that the minimum quantity of air reaching the last open crosscut in any pair or set of developing entries shall be 5,000 cubic feet a minute, and that the minimum quantity of air reaching the intake end of a pillar line shall be 5,000 cubic feet a minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

2. This petition requesting modification of 30 CFR 75.301 is submitted for the following reasons:

a. The air sample analysis history reveals that harmful quantities of methane are nonexistent in the mine.

b. An ignition, explosion and mine fire history are nonexistent for the mine.

c. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

d. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

e. Extremely high velocities in small cross sectional areas of airways and manways required in friable anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.

f. High velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the already uncomfortable, wet mine.

g. Difficulty in keeping miners on the job and securing additional mine help is due primarily to the condition cited.

3. Petitioner states that this modification will in no way provide less than the same measure of protection afforded the miners as would be provided by 30 CFR 75.301.

4. A copy of this petition will be posted at the mine by Petitioner.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 1, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBOTT,  
Acting Director,  
Office of Hearings and Appeals.

FEBRUARY 17, 1977.

[FR Doc.77-6152 Filed 3-1-77; 8:45 am]

#### Bureau of Land Management

#### FOREST MANAGEMENT, OREGON AND WASHINGTON

#### Redelegation of Authority

Pursuant to the authority contained in section 1.1(a) of Bureau Order No. 701 as amended, the following redelegations of

authority are authorized and approved.

(1) The duly designated representative of the authorized officer is authorized to sell timber in accordance with the additional sale provision of timber sale contracts. Such authority is limited to sales of not more than 50,000 board feet for each additional timber sale.

(2) District Managers in Oregon and Washington are authorized to redelegate to designated qualified employees the authority to dispose of timber and other vegetative materials where the value of such materials does not exceed \$500.

MURL W. STORMS,  
State Director.

Approved: February 18, 1977.

GEORGE L. TURCOTT,  
Associate Director.

[FR Doc.77-6149 Filed 3-1-77; 8:45 am]

#### Office of the Secretary

[Secretary's Order 2999]

#### AERIAL HUNTING OF WOLVES IN ALASKA

#### Closure of BLM-Administered Public Lands

This Notice is issued in accordance with the provisions of 5 U.S.C. 552(a) (1). The Secretary of the Interior has issued Order No. 2999 dated February 17, 1977, closing BLM-administered public lands to aerial hunting of wolves by the State of Alaska. The Order is published in its entirety below.

Further information regarding the Order may be obtained from Ms. Ann Vance, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202-343-4444.

Dated: February 18, 1977.

RICHARD R. HITE,  
Deputy Assistant Secretary  
of the Interior.

[Order No. 2999]

#### CLOSURE OF BLM-ADMINISTERED PUBLIC LANDS TO AERIAL HUNTING OF WOLVES BY THE STATE OF ALASKA

Pursuant to the Order of the United States District Court for the District of Columbia, issued February 14, 1977, by Judge Gasch in the case entitled "Defenders of Wildlife, et al., v. Cecil D. Andrus, et al." Civil No. 77-0212, it is ordered that all the public lands of the United States under the jurisdiction of the Bureau of Land Management in the State of Alaska within the boundaries of State of Alaska Game Management Units numbered 23, 24 and 26 are hereby closed to the aerial hunting of wolves by any and all persons acting as agents or permittees of the State of Alaska. This Order shall remain in effect until further notice.

CECIL D. ANDRUS,  
Secretary of the Interior.

[FR Doc.77-6153 Filed 3-1-77; 8:45 am]

## INTERNATIONAL TRADE COMMISSION

[Investigation No. TA-203-2]

### CERTAIN ALLOY TOOL STEEL

#### Report to the President

FEBRUARY 14, 1977.

In accordance with section 203(i) of the Trade Act of 1974 (88 Stat. 1978), the United States International Trade Commission herein reports the results of an investigation conducted under section 203(i)(2) of that act with respect to to certain alloy tool steel.

The investigation to which this report relates was undertaken for the purpose of advising the President as to the probable economic effect on the domestic industry concerned if the relief provided by Presidential Proclamation No. 4445 of June 11, 1976, as modified by Proclamation No. 4477 of November 16, 1976, was terminated in part by excluding from the quantitative restrictions imposed thereunder the alloy tool steel covered by item 923.25 of the Appendix to the Tariff Schedules of the United States (TSUS).

The investigation was instituted on January 12, 1977, following receipt on December 7, 1976, of a request from the Special Representative for Trade Negotiations.

Notice of the investigation and hearing was duly given by publishing the original notice in the FEDERAL REGISTER of January 19, 1977 (42 FR 3715).

A public hearing in connection with the investigation was held on January 31, 1977, in the Commission's Hearing Room in Washington, D.C. All interested parties were afforded an opportunity to be present, to produce evidence, and to be heard.

The information contained in this report was obtained from fieldwork and from the Commission's files, other Government agencies, and evidence presented at the hearing and in briefs filed by interested parties.

In view of the limited nature of the Special Trade Representative's request, it was not believed necessary to obtain and examine customs entry documents (as was suggested in the Special Trade Representative's letter), in order to gather the import information required to enable the Commission to make its determination in this investigation.

Issued: February 25, 1977.

By order of the Commission.

KENNETH R. MASON,  
Secretary.

[FR Doc.77-6276 Filed 3-1-77;8:45 am]

[Investigation No. 337-TA-29]

### CERTAIN WELDED STAINLESS STEEL PIPE AND TUBE

#### Preliminary Conference

Notice is hereby given that a Preliminary Conference will be held in connection with investigation No. 337-TA-29, Certain Welded Stainless Steel Pipe and Tube, at 10:00 a.m. on Monday,

March 7, 1977, in Room 331 of the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Notice of this investigation was published in the FEDERAL REGISTER on February 22, 1977 (42 FR 10348). The purposes of this preliminary conference are to establish a discovery schedule, to discuss the procedures to be followed in pursuing such discovery, to set the dates for the Pre-hearing Conference and Hearing, and to resolve any other matters necessary to the conduct of this investigation.

If any questions should arise not covered by these instructions, the parties or their counsel shall call the chambers of the undersigned Presiding Officer.

The Secretary shall serve a copy of this notice upon all parties, and upon such counsel as represented the parties in proceedings before the Commission prior to the formal institution of this investigation, and shall publish this notice in the FEDERAL REGISTER.

Issued: February 25, 1977.

MYRON R. RENICK,  
Presiding Officer.

[FR Doc.77-6275 Filed 3-1-77;8:45 am]

### GOVERNMENT IN THE SUNSHINE

#### Additional Agenda Item and Closing of Portion of Meeting

In deliberations held February 24, 1977, the United States International Trade Commission, acting on the authority of 19 U.S.C. 1335 in conformity with 19 CFR 201.37, voted to add the following item to its agenda for the meeting of February 24, 1977:

5. Sugar (Inv. TA-201-16)—discussion of U.S. Court of Appeal decision of February 23, 1977, in *FTO v. Teraco*, including possible reconsideration of the Commission's vote not to appeal Judge Pratt's decision.

Commissioners Leonard, Moore, Bedell, and Ablondi determined by recorded vote that Commission business requires the change in subject matter by addition of the agenda item, and affirmed that no earlier announcement of the addition to the agenda was possible, and directed the issuance of this notice at the earliest practicable time. Commissioners Minchew and Parker abstained.

Additionally, pursuant to the specific exemptions of 5 U.S.C. 552b(c)(6), on the authority of 19 U.S.C. 1335, and in conformity with 19 CFR 201.36(b)(6), Commissioners Parker, Moore, Bedell, and Ablondi voted to hold the portion of February 24, 1977, meeting with respect to a decision with a candidate for the position of PIO, to be part of reorganization (Agenda item No. 4) in closed session. Commissioners Minchew and Leonard voted against closing this portion to the public.

A majority of the entire membership of the Commission felt that this portion of the meeting should be closed to the public since the information discussed in such portion would be likely to disclose information of a personal nature which could constitute a clearly unwarranted invasion of personal privacy.

Those persons expected to be present at this closed portion, and their corresponding affiliations, are listed as follows:

Daniel Minchew, Chairman.  
Joseph O. Parker, Vice Chairman.  
Will E. Leonard, Commissioner.  
George M. Moore, Commissioner.  
Catherine Bedell, Commissioner.  
Italo H. Ablondi, Commissioner.  
Kenneth R. Mason, Secretary.  
E. Bernice Morris, Staff Assistant.  
Bruce N. Hatton, Assistant to Commissioner Leonard.  
Claude L. Gingrich, Assistant to Commissioner Parker.  
Sterling G. Slappey, Candidate for the position of Public Information Officer, United States International Trade Commission.

The General Counsel to the Commission certified that it is his opinion that the Commission's action in closing this portion of its meeting of February 24, 1977, was properly taken by a vote of 5 U.S.C. 552(d)(1) and in conformity with 19 CFR 201.36(d). The discussion to be held in closed session is within the specific exemptions of 5 U.S.C. 552 b(c)(6) and 19 CFR 201.36(b)(6).

Issued: February 24, 1977.

By order of the Commission.

KENNETH R. MASON,  
Secretary.

RUSSELL N. SHEWMAKER,  
General Counsel.

[FR Doc.77-6274 Filed 3-1-77;8:45 am]

## LEGAL SERVICES CORPORATION

### INLAND COUNTIES LEGAL SERVICES, RIVERSIDE, CALIF.

#### Grants and Contracts

FEBRUARY 25, 1977.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996f. Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project \* \* \*"

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Inland Counties Legal Services, Riverside, California to serve San Bernardino County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

San Francisco Regional Office, 690 Market Street, San Francisco, California 94104.

THOMAS EHRLICH,  
President.

[FR Doc.77-6191 Filed 3-1-77;8:45 am]

## NATIONAL SCIENCE FOUNDATION ADVISORY PANEL FOR LAW AND SOCIAL SCIENCE

### Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Law and Social Science

Date and time: March 18 and 19, 1977; 9 a.m. to 5 p.m. each day.

Place: Seminar Room A, University of Chicago Law School, 111 East 60th Street, Chicago, Illinois.

Type of meeting: Closed.

Contact person: Dr. H. Lawrence Ross, Program Director, Law and Social Sciences, Room 314, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-5816.

Purpose of panel: To provide advice and recommendations concerning support for research in Law and Social Sciences.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed included information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,  
Acting Committee  
Management Officer.

FEBRUARY 25, 1977.

[FR Doc. 77-6145 Filed 3-1-77; 8:45 am]

## SPECIAL ADVISORY COMMITTEE ON THE SACRAMENTO PEAK OBSERVATORY

### Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Special Advisory Committee on the Sacramento Peak Observatory.

Date: March 14-15, 1977.

Time: 9:00 a.m. each morning.

Place: Lunar Science Institute, NSA Road One, Houston, Texas.

Type of meeting: Open.

Contact person: Mr. R. H. La Count, Head, Astronomy Centers Section, Division of Astronomical Sciences, National Science Foundation, Washington, D.C. 20550 telephone (202) 632-5712.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Room 248, National Science Foundation, Washington, D.C. 20550.

Purpose of advisory committee: To review the present activity of the Sacramento Peak Observatory (SPO) and the contribution of the SPO to solar physics; also to advise on the future role of the SPO in the overall NSF program of support of solar research, including consideration of the

desirable characteristics of the contractor-operator needed to manage the SPO for the NSF.

Reason for late notice: Meeting originally planned for later date. However, this was the only time these conference facilities were available.

Agenda: Will include the following discussions and presentations:

#### MARCH 14, 1977

- 9 a.m. to 12 m. Review of draft report.
- 1 to 3 p.m. Review of operations of 3 consortia.
- 3 to 4 p.m. Tour of Lunar Science Institute.
- 4 to 5 p.m. Discussion on the relative advantages of universities and consortia as contractors for SPO.

#### MARCH 15, 1977

- 9 to 10 a.m. Recommendations on the optimum type of SPO contractor.
- 10 a.m. to 12 m. Discussion on the strengths of the potential contractors and the characteristics of an ideal contractor.
- 1 to 2 p.m. Open discussion.
- 2 to 5 p.m. Final review of completed draft report.

M. REBECCA WINKLER,  
Committee Management Officer.

FEBRUARY 24, 1977.

[FR Doc. 77-6144 Filed 3-1-77; 8:45 am]

## ADVISORY COMMITTEE FOR MINORITY PROGRAMS IN SCIENCE EDUCATION

### Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Minority Programs in Science Education.

Date and time: March 21-22, 1977; 9:00 a.m. each day.

Place: Room 651, 5225 Wisconsin Avenue, N.W., Washington, D.C.

Type of Meeting: Open.

Contact person: Ms. Fran Watts, Staff Assistant, Science Education Directorate, National Science Foundation, Room W-600, Washington, D.C. 20550, Telephone (202) 282-7930.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, National Science Foundation, Room 212, Washington, D.C. 20550.

Purpose of advisory committee: To assist in the evaluation and assessment of activities within the Minority Centers for Graduate Education Program and other ethnic minority-focused Foundation programs.

Agenda: March 21: Orientation and Organizational Session, Highlights of Minority-Focused Programs within the National Science Foundation, Discussion of the Minority Institutions Science Improvement Program; March 22: Continuation of Discussion of Minority-Focused Programs within the National Science Foundation, Discussion and Planning Session.

Dated: February 25, 1977.

M. REBECCA WINKLER,  
Acting Committee  
Management Officer.

[FR Doc. 77-6241 Filed 3-1-77; 8:45 am]

## ADVISORY PANEL FOR SOCIOLOGY

### Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Sociology.

Date and time: March 24-25, 1977; 9:00 a.m. to 5:00 p.m.

Place: Room 517, National Science Foundation, 1800 G Street, Washington, D.C.

Type of meeting: Closed.

Contact person: Mr. Garry Wallace, Program Director for Sociology, Room 312, National Science Foundation, Washington, D.C., telephone (202) 632-4204.

Purpose: To provide advice and recommendations concerning support research in sociology.

Agenda: to review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed included information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

Dated: February 25, 1977.

M. REBECCA WINKLER,  
Acting Committee  
Management Officer.

[FR Doc. 77-6242 Filed 3-1-77; 8:45 am]

## OFFICE OF SCIENCE AND TECHNOLOGY POLICY

### INTERGOVERNMENTAL SCIENCE, ENGINEERING, AND TECHNOLOGY ADVISORY PANEL

#### Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

Name: Intergovernmental Science, Engineering, and Technology Advisory Panel, Processes Task Force.

Date: March 24, 1977.

Time: 9:00 a.m.-3:00 p.m.

Place: New Executive Office Building, 726 Jackson Place, N.W., Room 3104, Washington, D.C.

Type of meeting: Open.

Contact person: Mr. Louis H. Blair, Office of Science and Technology Policy, Executive Office of the President; telephone (202) 395-4506. Anyone who plans to attend should contact Mr. Blair by March 21, 1977.

Purpose of the Panel. The Intergovernmental Science, Engineering, and Technology Advisory Panel was established on November 4, 1976. The Panel is to identify State, regional and local government problems which research and technology may assist in resolving or ameliorating and to help develop policies to transfer research and development findings. The Processes Task Force

was formed on December 7, 1976. It is responsible for identifying steps that the Federal government might take to increase the utilization of intergovernmental research findings in State and local governments and to increase the applications of science and technology products and processes in governments.

Minutes of the meeting: Executive minutes of the meeting will be available from Mr. Blair.

#### TENTATIVE AGENDA

Discussion of Draft Report: Compendium of Problems and Approaches for Improving Intergovernmental Research Utilization.

Preparation of a report on Task Force Findings and Recommendations to be presented to the Full Panel Meeting, March 24, 1977.

Discussions of Future Task Force Activities.

WILLIAM J. MONTGOMERY,  
Executive Officer, Office of  
Science and Technology Policy.

FEBRUARY 24, 1977.

[FR Doc.77-6164 Filed 3-1-77;8:45 am]

#### INTERGOVERNMENTAL SCIENCE, ENGINEERING, AND TECHNOLOGY ADVISORY PANEL

##### Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

Name: Intergovernmental Science, Engineering, and Technology Advisory Panel. Priority Problem Identification Task Force.

Date: March 24, 1977.

Time: 9:30 a.m.-3:30 p.m.

Place: New Executive Office Building, 726 Jackson Place, N.W., Room 2008, Washington, D.C.

Type of meeting: Open.

Contact person: Mr. Louis H. Blair, Office of Science and Technology Policy, Executive Office of the President; telephone (202) 395-4596. Anyone who plans to attend should contact Mr. Blair by March 21, 1977.

*Purpose of the Panel.* The Intergovernmental Science, Engineering, and Technology Advisory Panel was established on November 4, 1976. The Panel is to identify State, regional and local government problems which research and technology may assist in resolving or ameliorating and to help develop policies to transfer research and development findings. The purposes of the Problem Identification Task Force are to identify high priority areas for more Federally supported research attention and to recommend processes for systematic identification of high priority problems of State and local governments that require R&D.

Minutes of the meeting: Executive minutes of the meeting will be available from Mr. Blair.

#### TENTATIVE AGENDA

Discussion of Task Force Actions to Strengthen Federal Capacity Building Efforts.

Preparation of Presentation for the Full Panel Meeting on March 25, 1977.

Discussions of Future Task Force Activities.

WILLIAM J. MONTGOMERY,  
Executive Officer, Office of  
Science and Technology Policy.

FEBRUARY 24, 1977.

[FR Doc.77-6165 Filed 3-1-77;8:45 am]

#### INTERGOVERNMENTAL SCIENCE, ENGINEERING, AND TECHNOLOGY ADVISORY PANEL

##### Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

Name: Intergovernmental Science, Engineering, and Technology Advisory Panel.

Date: March 25, 1977.

Time: 9:00 a.m.-3:30 p.m.

Place: New Executive Office Building, 726 Jackson Place, N.W., Room 2008, Washington, D.C.

Type of meeting: Open.

Contact person: Mr. Louis H. Blair, Office of Science and Technology Policy, Executive Office of the President; telephone (202) 395-4596. Anyone who plans to attend should contact Mr. Blair by March 21, 1977.

*Purpose of the Panel.* The Intergovernmental Science, Engineering, and Technology Advisory Panel was established on November 4, 1976. The Panel is to identify State, regional and local government problems which research and technology may assist in resolving or ameliorating and to help develop policies to transfer research and development findings.

*Minutes of the meeting:* Executive minutes of the meeting will be available from Mr. Blair.

#### TENTATIVE AGENDA

Discussion of Organization Plans for the Panel.

Report of the Steering Committee.

Report of the Processes Task Force.

Report of the Problem Priorities Identification Task Force.

Discussions of Future Panel Activities.

WILLIAM J. MONTGOMERY,  
Executive Officer, Office of  
Science and Technology Policy.

FEBRUARY 24, 1977.

[FR Doc.77-6166 Filed 3-1-77;8:45 am]

#### POSTAL RATE COMMISSION

[Docket No. RM77-5]

#### RULES OF PRACTICE AND PROCEDURE

Petition for Rulemaking and Request for Comments on Commission's Proposal To Treat it as a Request for a Rule 22 Waiver

FEBRUARY 24, 1977.

On February 18, 1977, the United States Postal Service (Postal Service or Service) filed a "Petition to Initiate Rulemaking" for the purpose of amending section 54(f) (2) of the Commission's

<sup>1</sup> If adopted conforming changes would also be made in rules 54(h), 54(j) (1), 54(j) (2), 54(j) (5) (iv), and 54(j) (5) (v).

rules of practice (39 CFR 3001.54(f) (2)) which defines the test period in rate proceedings. The Postal Service requests that the test year be defined so that it is not limited to a fiscal year.

In support of its proposal the Service states that as originally proposed, in Docket No. RM73-1, rule 54(f) (2) did not contain a fiscal year limitation. However, the Postal Service had objected on the basis that the cost and budget systems inherited from the old Post Office Department were not sufficiently advanced to permit non-fiscal year cost estimations. It is also stated that, with the integration of the Revenue and Cost Analysis System and the budget process, expense prediction can now feasibly be based on a non-fiscal year period.

The Service further observes that the present test year definition is overly restrictive since it limits the Service's options in choosing a test period. Rule 54(f) (2) requires that the fiscal year chosen as the test year begin not more than twelve months subsequent to the filing date of the formal request. Thus, if the Service wishes to file a case toward the close of the fiscal year, the rules require that the next fiscal year be the test period, rather than the year after next. This, according to the Service, will result in a large segment of the test year becoming historical as hearings continue—a situation not reconcilable with the statutory necessity that total postal costs be "estimated" for rate purposes. The Service contends that with more flexibility in choosing the test period, there is greater assurance that the test year will be prospective in relation to the filing date.

#### DISCUSSION

The situation outlined by the Postal Service was recognized by the Commission in its Opinion and Recommended Decision, Docket No. R76-1, Appendix B. In that appendix, entitled "Test Year Concepts", the Commission expressed concern that the test year period truly reflect future costs and we discussed the fact that this goal had not been achieved in R76-1. We discussed various methods for assuring test year prospectiveness and we stated that our rate filing rules were not inflexible, but guidelines for the Service to follow. Finally, we invited interested parties to file petitions for rulemaking to explore various test year proposals which might require a change in the rules.<sup>2</sup>

While we believe that the Service has made a prima facie case for some type of relief we believe that a rulemaking proceeding under 5 U.S.C. 553 is not appropriate at this time. A rulemaking proceeding requires sufficient opportunity for parties to comment on the proposal as well as an opportunity to offer alternatives. The Service alleges that time is of the essence here since its preparation for a rate filing must go forward. Even if we expedited the proceeding, substantial time could be required before any rule change could be effectuated. Con-

<sup>2</sup> The proposal now before us was noted as one possible variation of our present rules. See Appendix B, page 8, footnote 2.

sequently, under the circumstances, it would be more appropriate to treat the Service's petition as a request for an immediate waiver of our rules.<sup>3</sup> It appears that the Postal Service's filing meets the minimum requirements for granting such a waiver since it sets out adequate reasons why the rule should be modified, does not impede, and might promote, our statutory obligations. See *United States v. Storer Broadcasting Co.*, 351 U.S. 192; 205 (1956); *Rio Grande Family Radio Fellowship, Inc. v. FCC*, 406 F.2d 664, 686 (D.C. Cir. 1968). Such a waiver would also be sufficient to deal with the Postal Service's immediate problem as described in its pleading.

Furthermore, if we grant the waiver, such treatment will afford the Commission and the parties an opportunity to gain experience with a "floating" test year.<sup>4</sup> We anticipate that in the next rate case we would learn whether deviations from a fiscal year test period will create data problems. For example, what will the effect be on time series analyses where all the data is not exactly comparable? At some future time, perhaps during the next rate case, we intend to start a new rulemaking proceeding, when we will have an opportunity to explore in depth this and other proposals to change the test year. In the meantime, however, we request that parties confine their comments to the specific proposal before us and our intention to treat it as a request for a one-time waiver of rule 54(f)(2).

The Commission also notes that the revision of temporary rate authority<sup>5</sup> has cast the test year problem in a new light. Under the old law (former 39 U.S.C. 3641) the Service was permitted to implement new rates 100 days after a rate filing. The fact that the test year might actually commence shortly after a rate filing was not a threat to the Service's revenue position since the Service did not have to await the outcome of the rate proceeding before implementing new rates. Under the new law this is changed. The Service must now await action by the Board of Governors after a 10-month hearing and recommended decision or, if the Commission has not met the 10-month statutory deadline for completing rate cases (Pub. L. 94-421, section 5(c)) temporary rates may be implemented.<sup>6</sup> With the increased potential for rate lag, and its resulting negative impact on the Service's financial integrity, some action by the Commission appears necessary at this juncture.

We are also mindful of the potential inherent in the Service's proposal for reducing litigation. As we previously noted, if the test year is not sufficiently prospec-

ively, the Postal Service will not be able to break even and we will find ourselves in a situation of litigating one rate case after another, with costs forever outpacing revenue. (Opinion and Recommended Decision, Docket R76-1, Appendix B, page 1.)

If the Service's proposal,<sup>7</sup> or any other test year proposal, results in increased rate stability, we believe the public will be benefited. Litigation is both expensive and time consuming. The Commission feels obliged to seriously consider any proposal which might decrease that burden.

In order to expedite this matter, we are setting an abbreviated briefing schedule. Comments will be due on March 14, 1977, with reply comments due on March 21, 1977. We are also directing that this notice and the Postal Service's petition (which is attached hereto) be mailed to all parties on the Commission's Docket No. R76-1 service list. This notice will also be placed in the FEDERAL REGISTER.

By the Commission.

DAVID F. HARRIS,  
Secretary.

POSTAL SERVICE PETITION TO INITIATE  
RULEMAKING PROCEEDING

With this filing, the Postal Service asks the Postal Rate Commission to initiate a rulemaking proceeding, for the purpose of amending Commission rule of practice 54(f)(2).<sup>8</sup> Rule 54(f)(2) is the provision of the rules which defines the test period in rate proceedings. The Postal Service requests that the test year be defined so that it is not limited to comprising a fiscal year. This change is needed to allow the fundamental estimate of the postal revenue requirement to be more consistent with the Postal Reorganization Act's definition of total estimated costs, stated in 39 U.S.C. §3621.

BACKGROUND

Rule 54(f)(2) now reads in part as follows: Estimated accrued costs referred to in subdivision (ii) of this paragraph shall be for a fiscal year beginning not more than 12 months subsequent to the filing date of the formal request.

This section has within it two key limitations. First, the test period cannot be overly "future." Its initial or starting date cannot be more than 12 months ahead of the filing date of a proceeding. Second, the test period must be a fiscal (or government) year. It cannot be a "regular" 12-month period.

It is the latter restriction we believe should be changed. As originally proposed, rule 54(f)(2) did not contain a fiscal year limitation. Indeed, the Commission staff suggested the rule without a fiscal constraint. The Postal Service objected, on the basis that its cost and budget system (which had been constructed under the Post Office Department) were not sufficiently advanced to permit non-fiscal year cost estimation.

The previous objection no longer holds. With the integration of the Revenue and Cost Analysis system and the budget process,

<sup>3</sup> It should be noted that the Service's proposal is still circumscribed by the 12-month limitation, i.e., the test year must begin within 12 months after the date of filing. See 39 CFR 3001.54(f)(2).

<sup>4</sup> And making conforming changes in other sections of the rules of practice linked to rule 54(f)(2).

more flexibility—and accuracy—in cost estimation has been gained. Specifically, expense prediction can now feasibly be based on a non-fiscal year period.<sup>9</sup>

PROPOSAL

The Postal Service suggests that the part of rule 54(f)(2) quoted above be modified to read in the following manner:

Estimated accrued costs referred to in subdivision (ii) of this subparagraph shall be for a year beginning not more than 12 months subsequent to the filing date of the formal request.

In order to make certain other portions of the rules mesh with the above modification, we suggest that conforming changes be made in associated rule sections. Thus, the adjective "fiscal" should be deleted from sections 54(h), 54(j)(1), 54(j)(2), 54(j)(5)(iv), and 54(j)(5)(v). This will insure consistency of reference within the rules as a whole.

RATIONALE

The present test year definition is overly restrictive. This can be seen with a simple hypothetical example. Assume that the current fiscal year is A, the succeeding fiscal year is B, and the following fiscal year is C. If the Postal Service wishes to make a rate filing toward the close of year A, it now (i.e., under the phrasing of the present rules) must use fiscal year B as the test period. By definition, fiscal year C cannot be used; it is too "future," in that it begins or will begin more than 12 months subsequent to the intended filing date. But, the forced choice of year B is a poor one. Even if litigation of the proceeding takes only 10 months, a large segment of the test year will become past as hearings continue. When permanent rates are put in place, almost all of the test year will be historical. This development simply cannot be reconciled with the statutory necessity that total postal costs be "estimated" for rate purposes.<sup>10</sup> Under section 3621, rates should be set on total expenses which are estimated to occur when rates are to be effective. The Commission recognized this precept in Docket No. R76-1 in stating that "[i]t is a well recognized principle of contemporary ratemaking that the test year should cover a time span representative of the period in which the rates will be in effect." Docket No. R76-1 Opinion and Recommended Decision, Appendix B ("Test Year Concepts") at 1, citing *American Public Power Ass'n v. FPC*, 522 F.2d 142 (D.C. Cir. 1975).

The use of historical costs is therefore not only wholly at variance with the thrust of the statute, but is conducive to rate instability. That is, if inflationary factors continue to affect Postal Service operations, the use of stale costs in the rate base will produce rates which are almost automatically deficient or non-compensatory. The result is lengthy and expensive rate litigation without the period of rate level stability which regulation should yield if it works efficiently.

It should be noted that the proposed language change does not lengthen the test period. However, it does make the test year more prospective—and appropriately so—in relation to the date of the filing of a request under 39 U.S.C. 3622.

The Court of Appeals for the District of Columbia Circuit recently issued an order

<sup>9</sup> Other necessary calculations, involving volume and revenue forecasting, can also be made on this basis.

<sup>10</sup> Estimated costs should of course include necessary amounts for recoupment of past losses and debt service.

<sup>5</sup> See 39 CFR 3001.22.

<sup>6</sup> Since the Service collects cost data quarterly, we assume the Service would file on the basis of four consolidated quarters and not any random 12-month period.

<sup>7</sup> See Pub. L. 94-421 (Sept. 24, 1976).

<sup>8</sup> 39 U.S.C. 3624(c)(1), 3641(a), as amended (Sept. 24, 1976).

in *National Association of Greeting Card Publishers v. United States Postal Service*<sup>11</sup> which spoke of the possible "immediate institution" of new rate proceedings. Since new or "restarted" rate proceedings are a possibility, we urge the Commission to give expedited consideration to review of rule 54 (f) (2). Prompt action will allow preparation to proceed with certainty and will ultimately shorten future litigation.

For these reasons, we request the Commission to initiate and timely complete a rule-making proceeding directed to change in rule 54(f) (2) and related rule modification, as outlined here.

Respectfully submitted,  
UNITED STATES POSTAL SERVICE,  
DONALD J. ENGLEMAN,  
Attorney.

FEBRUARY 18, 1977.

[FR Doc.77-6197 Filed 3-1-77; 8:45 am]

## POSTAL RATE COMMISSION

### VISIT TO POSTAL FACILITIES

#### Reviewing Available Data for Demand Studies

FEBRUARY 24, 1977.

Notice is hereby given that employees of the Postal Rate Commission will be visiting the Rate Economics Division, U.S. Postal Service Headquarters, L'Enfant Plaza, on March 4, 1977, for the general purpose of reviewing available data for demand studies.

No particular matter at issue in contested proceedings before the Commission nor the substantive merits of a matter that is likely to become a particular matter at issue in contested proceedings before the Commission will be discussed.

A report of the visit will be on file in the Commission's Docket room.

By direction of the Commission.

DAVID F. HARRIS,  
Secretary.

[FR Doc.77-6200 Filed 3-1-77; 8:45 am]

[Docket No. RM77-5]

## RULES OF PRACTICE AND PROCEDURE

### Designating the Officer of the Commission To Represent the Interests of the General Public

FEBRUARY 24, 1977.

Notice is hereby given that, pursuant to § 3603 of the Postal Reorganization Act, the Commission designates Norman D. Schwartz, Assistant General Counsel, Litigation Division, as the officer of the Commission who shall represent the interests of the general public in the above-entitled proceeding. The title of this officer during the course of the proceeding will be "Officer of the Commission" (OOC).

In accordance with the principles enunciated in § 8 of the Commission's rules of practice (39 CFR 3001.8), the Officer of the Commission will be prohibited from participating or advising

<sup>11</sup> Docket Nos. 76-1611, 76-1612, 76-1646, 76-1653, 76-1667, 76-1670, and 76-1704.

the Commission in its deliberations concerning this matter.

By the Commission.

DAVID F. HARRIS,  
Secretary.

[FR Doc.77-6198 Filed 3-1-77; 8:45 am]

## RAILROAD RETIREMENT BOARD

### RETIREMENT SUPPLEMENTAL ANNUITY PROGRAM

#### Determination of Quarterly Rate of Excise Tax

In accordance with directions in Section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. § 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such Section 3221(c) on every employer, with respect to having individuals in his employ, for each man-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning April 1, 1977, shall be at the rate of twelve and one-half cents.

In accordance with directions in Section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning April 1, 1977, 13.5 percent of the taxes collected under Sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 86.5 percent of the taxes collected under such Sections 3211(b) and 3221(c) plus one hundred percent of the taxes collected under Section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

By authority of the Board.

Dated: February 22, 1977.

R. F. BUTLER,  
Secretary of the Board.

[FR Doc.77-6205 Filed 3-1-77; 8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 19896; 70-5972]

### OHIO EDISON CO. AND PENNSYLVANIA POWER CO.

#### Proposed Issue and Sale of Pollution Control Notes; Request for Exception From Competitive Bidding

FEBRUARY 22, 1977.

Notice is hereby given that Ohio Edison Company ("Ohio Edison"), 76 South Main Street, Akron, Ohio 44308, an electric utility company and a registered holding company, and its electric utility subsidiary, Pennsylvania Power Company ("Pennsylvania"), 1 East Washington Street, New Castle, Pennsylvania 16103, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6, 7 and 12(d) and Rules 44(b) (3) and 50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Ohio Edison, Pennsylvania, The Cleveland Electric Illuminating Company, Duquesne Light Company and The Toledo Edison Company (collectively referred to as the "CAPCO companies") are joining in the construction of three coal-fired generating units, Bruce Mansfield Plant Units Nos. 1, 2 and 3 ("units") to be located on the Ohio River near Shippingport, Pennsylvania, which will be owned by them as tenants in common, except that The Toledo Edison Company will not share in the ownership of Unit No. 1. Under present allocations, Ohio Edison will own 60% of Unit No. 1, 39.3% of Unit No. 2 and 35.6% of Unit No. 3 and Pennsylvania will own 4.2% of Unit No. 1, 6.8% of Unit No. 2 and 6.28% of Unit No. 3.

Under the Pennsylvania Industrial and Commercial Development Law, the Beaver County Industrial Development Authority ("Authority") is authorized to enter into agreements providing for the construction and financing by it of industrial development projects and the sale thereof to industrial occupants. The CAPCO companies have entered into such an agreement (the "agreement") with the Authority with respect to the construction and financing of pollution control and waste disposal equipment and facilities for the units ("facilities").

Under the agreement the CAPCO companies will transfer to the Authority their respective interests in the facilities, subject to the liens of their respective first mortgage indentures, and will be reimbursed for their cost of acquiring and constructing the property so transferred. During the course of construction of the facilities, title thereto will be in the Authority. Upon the completion of each such portion, title to that portion will vest in the CAPCO companies.

In order to finance the project, the Authority has heretofore issued and sold four series of its Pollution Control Revenue Bonds with respect to Ohio Edison and Pennsylvania. It is now expected that a fifth and sixth series of bonds (the "Series E Bonds" and the "Series F Bonds", respectively, and collectively, the "Bonds") will be issued by the authority. The Series E Bonds are expected to be issued in amounts of \$26,500,000 and \$3,500,000 regarding Ohio Edison and Pennsylvania, respectively. The Series E Bonds are to be issued separately with respect to each company and the issuance of either company's Series E Bonds is not dependent on the issuance of the other company's Series E Bonds. The proceeds of each Company's Series E Bonds will be used to finance that Company's share of the additional costs in connection with the construction of the pollution control facilities at The Bruce Mansfield Plant. The Series F Bonds will be issued at a presently undetermined time in the future and therefore the authority to issue the concomi-

tant pollution control notes will be requested at that time by a further filing in this proceeding.

The Series E Bonds will be issued pursuant to indentures supplemental to separate trust indentures between the Authority and The Cleveland Trust Company, as Trustee ("Trustee") dated as of June 1, 1973. The Series E Bonds will be sold at such time, in such amounts, at such interest rates and for such prices as Ohio Edison and Pennsylvania, respectively, may approve. Although the Authority will be the issuer of the Series E Bonds, as required to exempt the interest thereon from federal income taxation, the credit of the Authority will not be pledged to the payment on the Series E Bonds.

Concurrently with the issuance and delivery by the Authority of the Series E Bonds, Ohio Edison and Pennsylvania respectively will each execute and deliver its pollution control note ("note") payable directly to the Trustees. The installments of principal due and payable on such notes will correspond in date and amount to the stated maturities and mandatory sinking fund payments, if any, on the Series E Bonds. Interest on such notes will be at the rates and will be payable at the times corresponding to the rates of interest and times of payment on the bonds. The notes provide, among other things, that the amounts due thereunder must be paid whether or not the facilities are completed or performed satisfactorily and whether or not they are damaged or destroyed. The notes will be secured by a second lien on each company's interest in the facility.

The Series E Bonds, are to be sold directly, by the Authority, to a commercial bank, the Morgan Guaranty Trust Company of New York (the "Bank"), and are presently expected to have a maturity of twenty-four months. However, pursuant to the Supplemental Indentures, if the Authority and the Bank agree, such maturity could be extended up to an additional sixty months. No such agreement would be effective without the consent of the Company to which the affected Series E Bonds relate but both Ohio Edison and Pennsylvania would propose to give their consent to such an extension of maturity if at the time, such extension was in their judgment desirable. Interest on the Series E Bonds will be at the rate of four and three-quarters per centum (4¾%) per annum. However, if interest on the Series E Bonds is, or becomes, taxable for Federal income tax purposes or if agreements pursuant to which the Bank is purchasing the Series E Bonds, or the Series E Bonds themselves, are found to be unconstitutional, invalid or unenforceable, the interest rate will be retroactively adjusted to equal 130% of the Bank's prime rate in effect from time to time, plus any interest or penalties that may be due to the Internal Revenue Service from the Bank because of having treated the interest on the Series E Bonds as tax exempt.

In conjunction with the issuance of the Series E Bonds with respect to each

of them, Ohio Edison and Pennsylvania, in addition to issuing their respective secured pollution control notes as outlined above, will each also execute and deliver a Guaranty and Purchase Agreement to the Bank. The major purpose of this document will be to afford the means by which the Bank will be placed in the position it would have found itself in had it made direct loans to Ohio Edison and Pennsylvania in the amount of the Series E Bonds, in the event that the interest on the Series E Bonds is not tax exempt.

The proceeds of the Series E Bonds with respect to Ohio Edison and Pennsylvania will be placed in separate escrow accounts for use in connection with the acquisition, construction and financing of the particular Company's interest in the pollution control facilities at the Bruce Mansfield Plant. Ohio Edison and Pennsylvania intend to account for the transactions related to the issuance of their respective pollution control notes as described herein in conformity with the Uniform System of Accounts.

The fees and expenses to be incurred by Ohio Edison and Pennsylvania in connection with the transaction will be supplied by amendment.

Ohio Edison and Pennsylvania claim an exception from the competitive bidding requirements of Rule 50 for the issuance and sale of the pollution control notes pursuant to Rule 50(a)(2).

It is stated that the Public Utilities Commission of Ohio and the Pennsylvania Public Utility Commission have jurisdiction over certain aspects of the proposed transaction and that no other state or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 16, 1977, 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-declaration, 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. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. 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 Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.77-6278 Filed 3-1-77; 8:45 am]

[Release No. 13287; SR-PSE-76-35]

**PACIFIC STOCK EXCHANGE, INC.**

**Order Approving Proposed Rule Change**

FEBRUARY 22, 1977.

On November 16, 1976, the Pacific Stock Exchange, Inc. ("PSE"), 618 South Spring Street, Los Angeles, California 90014, 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 amend PSE rules regulating the registration of Floor Representatives, and would require that PSE Floor Representatives be members or nominee members of the Exchange. The rule change proposal is related to another PSE filing submitted pursuant to Rule 19b-4 (File No. SR-PSE-77-1).

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. 13009, (November 26, 1976)) and by publication in the FEDERAL REGISTER (41 FR 53150 (December 3, 1976)).

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 sections 6 and 11 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.77-6281 Filed 3-1-77; 8:45 am]

[Release No. 13288; SR-PSE-77-1]

**PACIFIC STOCK EXCHANGE, INC.**

**Order Approving Proposed Constitutional Change**

FEBRUARY 22, 1977.

On January 10, 1977, the Pacific Stock Exchange, Inc. ("PSE"), 618 South Spring Street, Los Angeles, California 90014, 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 constitutional change. The proposed constitu-

tional change would amend Article VIII, Section 2(b) of the PSE Constitution to permit the establishment, under PSE rules, of a requirement that PSE Floor Representatives be members or nominee members of the Exchange. On January 20, 1977, the PSE membership voted to approve the proposed constitutional change. The proposed constitutional change is related to another PSE filing submitted pursuant to Rule 19b-4 (File No. SR-PSE-76-35).

Notice of the proposed constitutional change together with the terms of substance of the proposed constitutional change was given by publication of a Commission Release (Securities Exchange Act Release No. 13206, (January 26, 1977)) and by publication in the FEDERAL REGISTER (42 FR 6660 (February 3, 1977)).

The Commission finds that the proposed constitutional 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 Sections 6 and 11 and the rules and regulations thereunder.

Further, the Commission finds good cause for approving the proposed constitutional change prior to the thirtieth day after the date of publication of notice of filing thereof. The constitutional changes proposed by SR-PSE-77-1 are necessary only to permit the approval of rule changes proposed previously by a related filing SR-PSE-76-35. The periods for public comment on both filings have expired, with no comments having been received by the Commission, and in light of this, further delay in the implementation of SR-PSE-76-35 appears unnecessary.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed constitutional 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. 77-6282 Filed 3-1-77; 8:45 am]

[Release No. 13290; (SR-PHLX-76-20)]

**PHILADELPHIA STOCK EXCHANGE, INC.**  
**Order Approving Proposed Rule Change**

FEBRUARY 23, 1977.

On December 22, 1976, the Philadelphia Stock Exchange, Incorporated, 17th Street and Stock Exchange Place, Philadelphia, Pennsylvania 19103 ("PHLX") 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 rescind PHLX Rules 1042 ("Member Trading Reports") of trades of five or more contracts during a session for the member's account and 1050 ("Reports of Open Exercise Positions").

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. 13158, January 13, 1977) and by publication in the FEDERAL REGISTER (42 FR 3915, January 21, 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.

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. 77-6283 Filed 3-1-77; 8:45 am]

[Files Nos. 2-33471 (22-5586),  
2-55597 (22-8757)]

**STANDARD OIL CO.**

**Application and Opportunity for Hearing**

FEBRUARY 22, 1977.

Notice is hereby given that the Standard Oil Company (an Ohio corporation) (the "Company") has filed an application clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission that the trusteeships of Manufacturers Hanover Trust Company under six indentures, four heretofore qualified under the Act and two which were not qualified under the Act because of the exemption contained in Section 304(a)(4) of the Act, 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 Manufacturers Hanover Trust Company from acting as trustee under any of such indentures.

Section 310(b) of the Act provides, inter alia, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the Section), it shall within ninety days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of this Section provides, with certain exceptions, that a trustee is deemed to have a conflicting interest if it is acting as trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing thereon, that trusteeship under the indentures 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 trustee under any of such indentures.

The Company alleges that:

1. The Company has issued and outstanding \$100,000,000 in aggregate principal amount of its 7.60 percent Debentures Due 1999 (the "Debentures") under an Indenture, dated as of July 1, 1969 (the "1969 Indenture"), between the Company and Chemical Bank, Trustee. The Company Indenture was filed as Exhibit 2(a) to Registration Statement No. 2-33471 of the Company under the Securities Act of 1933 and has been qualified under the Trust Indenture Act of 1939. On December 2, 1975, Manufacturers Hanover Trust Company succeeded Chemical Bank as Trustee under the 1969 Indenture. The Company has also issued and outstanding (a) \$200,000,000 in aggregate principal amount of its 7.10 percent Notes Due October 1, 1977; (b) \$50,000,000 in aggregate principal amount of its 7.60 percent Notes Due April 1, 1979; and (c) \$75,000,000 in aggregate principal amount of its 8 percent Notes Due April 1, 1981 (collectively the "Notes") under, respectively, three Indentures, each dated as of April 1, 1976 (collectively the "1976 Indentures"), between the Company and Manufacturers Hanover Trust Company, Trustee. The 1976 Indentures were filed as Exhibits 2(a), 2(b) and 2(c) to Registration Statement No. 2-55597 of the Company under the Securities Act of 1933 and have been qualified under the Trust Indenture Act of 1939. The Debentures and the Notes are hereinafter sometimes referred to collectively as the "Company Securities" and the 1969 Indenture and the 1976 Indentures are hereinafter sometimes referred to collectively as the "Company Indentures".

2. The Delaware County Industrial Development Authority, a public instrumentality of the Commonwealth of Pennsylvania (the "Authority"), has issued and outstanding \$34,800,000 aggregate principal amount of its Environmental Improvement Revenue Bonds, Series A (BP Oil Project) (the "Bonds") under a Trust Indenture, dated as of April 1, 1973 (the "Authority Indenture"), between the Authority and Manufacturers Hanover Trust Company, Trustee. In a Guaranty Agreement, also dated as of April 1, 1973, between the Company and Manufacturers Hanover Trust Company, Trustee, the Company unconditionally guaranteed the holders of the Bonds the full and prompt payment of the principal of, any premium on, and the interest on, each Bond when and as the same shall have become due. Copies of the Authority Indenture and the Guaranty Agreement are annexed hereto. The Authority also has issued and outstanding \$10,000,000 aggregate principal amount of its Environmental Improvement Revenue Bonds, Series (Sohio Petroleum Company Project) (the "Bonds"), under a supplemental Trust Indenture, dated as of December

15, 1976 (the "Supplemental Authority Indenture") between the Authority and Manufacturers Hanover Trust Company, Trustee. In a Guaranty Agreement, also dated as of December 15, 1976, between the Company and Manufacturers Hanover Trust Company, Trustee, the Company unconditionally guaranteed the holders of the Bonds the full and prompt payment of the principal of, any premium, and the interest on, each Bond when and as the same shall become due. Copies of the Supplemental Authority Indenture and the Guaranty Agreement are annexed hereto. Inasmuch as the 1973 and 1976 Bonds were issued by a public instrumentality of the Commonwealth of Pennsylvania, the Bonds were not registered under the Securities Act of 1933 and the Authority Indenture was not qualified under the Trust Indenture Act of 1939.

3. As required by Section 310(b) of the Trust Indenture Act of 1939, the 1969 Indenture, in Section 7.08, provides in applicable part as follows:

(a) If the Trustee has or shall acquire any conflicting interest, as defined in this Section 7.08, it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign in the manner and with the effect specified in Section 7.10.

(b) In the event that the Trustee shall fail to comply with the provisions of subsection (a) of this Section 7.08, the Trustee shall, within ten days after the expiration of such ninety-day period, transmit notice of such failure to all holders of Debentures, as the names and addresses of such holders appear upon the registry books of the Company.

(c) For the purposes of this Section 7.08 the Trustee shall be deemed to have a conflicting interest if:

(1) The Trustee is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities, of the Company, are outstanding, unless such other indenture is a collateral trust indenture under which the only collateral consists of Debentures issued under this Indenture, provided that there shall be excluded from the operation of this paragraph any other indenture or indentures under which other securities, or certificates of interest or participation in other securities of the Company are outstanding if (i) this Indenture and such other indenture or indentures are wholly unsecured and such other indenture or indentures are hereafter qualified under the Trust Indenture Act of 1939, unless the Securities and Exchange Commission shall have found and declared by order pursuant to Subsection (b) of Section 305 of Subsection (c) of Section 307 of the Trust Indenture Act of 1939 that differences exist between the provisions of this Indenture and the provisions of such other indenture or indentures which are 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 the Trustee from acting as such under this Indenture and such other indenture or indentures, or (ii) the Company shall have sustained the burden of proving, on application to the Securities and Exchange Commission and after opportunity for hearing thereof, that the trusteeship under this 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 the Trustee from acting as such under one of such indentures.

Section 6.08 of each of the 1976 Indentures is substantially the same as Section 7.08 of the 1969 Indenture, except that each of the 1976 Indentures explicitly exclude from the operation of paragraph (c) (1) thereof the other two 1976 Indentures and the 1969 Indenture.

4. Manufacturers Hanover Trust Company has ascertained that it has a conflict of interest within the meaning of Section 7.08 of the 1969 Indenture and Section 6.08 of the 1976 Indentures because the Authority Indenture is not qualified under the Trust Indenture Act of 1939 and is not the subject of any other proceeding of the Securities and Exchange Commission.

5. The Company's guaranty of the Bonds under the Guaranty Agreement and the Company Securities issued pursuant to the Company Indentures are both wholly unsecured and of equal rank. Accordingly, in the opinion of the Company the trusteeship of Manufacturers Hanover Company under the Authority Indenture and its trusteeships under the Company Indentures are not so likely to involve a material conflict of interest as to make it necessary in the public interest all for the protection of investors that Manufacturers Hanover Trust Company be disqualified from acting as trustee under both the Authority Indenture and the Company Indentures and resign its trusteeship under the Authority Indenture or its trusteeships under the Company Indentures.

The Company has waived notice of hearing, hearing and any and all rights to specify procedures under the Rules of Practice of the Securities and Exchange Commission in connection with the matter referred to herein.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at the Public Reference Room, 1100 L Street, N.W., Washington, D.C.

Notice is further given that any interested person may, not later than March 25, 1977, 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 law or fact raised by such 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 the Commission may deem 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. 77-6279 Filed 3-1-77; 8:45 am]

[File No. 24LA-0011]

**VARICON CORP.**

**Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing**

FEBRUARY 1, 1977.

**I**

Varicon Corporation ("Varicon" or "issuer"), 5131 B Santa Fe Street, San Diego, Cal. 92109, is a Delaware corporation located at 5131 B Santa Fe Street, San Diego, California, 92109. It was organized on October 2, 1975. Its purpose is the development and exploitation of a variable geometry combustion engine.

On March 19, 1975, Varicon filed a notification pursuant to Regulation A in connection with the proposed public offering of 100,000 shares of its \$.01 par value common stock at \$5.00 per share. The offering was to be conducted on a "best efforts" basis, by DMR Securities, Inc. No commencement date for the offering has been established.

**II**

The Commission, on the basis of information reported to it by its staff, has reasonable cause to believe:

A. The Regulation A exemption is not available to the issuer because an Order of Permanent Injunction in connection with the purchase or sale of securities was issued by the United States District Court for the Central District of California on April 3, 1976, against James C. Monroe, a promoter of the issuer, who continues to be active in its affairs.

B. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading in the following respects:

1. The failure to disclose in Item 3 of the notification and in the offering circular that Monroe is a promoter of the issuer;

2. The failure to disclose in Item 6 of the notification and in the offering circular that Monroe is subject to an order, judgment or decree of the type specified in Rule 252(d)(2);

3. The failure to disclose in Item 2 of the notification and in the offering circular that Monroe is an affiliate of the issuer;

4. The failure to accurately disclose the nature of Monroe's relationship with the issuer;

5. The failure to make adequate disclosure concerning the suspension of trading of the securities of TRI and of the lack of availability of current financial information with respect to TRI; and

6. The failure to accurately disclose the plan of distribution of the Varicon securities to the public.

C. By misrepresenting certain material facts and omitting to state other material facts, Varicon failed to comply with the terms and conditions of the Regulation A exemption.

D. The offering, if made, would be made in violation of Section 17 of the Securities Act of 1933, as amended.

### III

It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of Varicon Corporation under Regulation A be temporarily suspended:

It is ordered, pursuant to Rule 261 of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and hereby is, temporarily suspended.

It is further ordered, pursuant to Rule 7 of the Commission's Rules of Practice, that the issuer file an answer to the allegations contained in the order within thirty days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for the said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

GEORGE A. FITZSIMMONS,  
*Secretary.*

[FR Doc. 77-6280 Filed 3-1-77; 8:45 am]

### SMALL BUSINESS ADMINISTRATION

[License No. 06/10-0088]

#### ADMIRAL INVESTMENT COMPANY, INC.

#### Approval of the Transfer of Control of a Small Business Investment Company

On January 21, 1977, a notice was published in the FEDERAL REGISTER (42 FR 3943) stating that Admiral Investment Company, Inc., 2200 West Loop South, Suite 210, Houston, Texas 77027, had filed an application with the Small Business Administration (SBA), pursuant to Section 107.701 of the SBA Rules and Regulations governing small business investment companies (13 CFR 107.701 (1976)), for the transfer of control of this company to MMC Investors Services, Inc.

Interested parties were given to the close of business February 7, 1977, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other data, SBA approved this application for transfer of control effective February 10, 1977.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: Feb. 24, 1977.

PETER F. MCNEISH,  
*Deputy Associate Administrator  
for Investment.*

[FR Doc. 77-6240 Filed 3-1-77; 8:45 am]

[Declaration of Disaster Loan Area No. 1297]

### DELAWARE

#### Declaration of Disaster Loan Area

The State of Delaware constitutes a disaster area because of physical damage caused by ice and snow conditions on the Delaware River, Delaware Bay and the Atlantic Coast beginning about January 1, 1977 through February 9, 1977.

Eligible persons, firms and organizations may file applications for loans for physical damage as a result of the ice and snow conditions until the close of business on April 25, 1977, and for economic injury until the close of business on November 23, 1977, at:

Small Business Administration, Branch Office, Federal Building, Room 5207, 844 King Street, Lockbox 16, Wilmington, Delaware 19801.

or other locally announced locations.

Dated: February 23, 1977.

MITCHELL P. KOBELINSKI,  
*Administrator.*

[FR Doc. 77-6237 Filed 3-1-77; 8:45 am]

[License No. 06/06-0187]

### GROGERS SMALL BUSINESS INVESTMENT CORP.

#### Issuance of License To Operate as a Small Business Investment Company

On November 10, 1976, a notice was published in the FEDERAL REGISTER (41 FR 49687) stating that Grocers Small Business Investment Corporation, Suite 101, 3131 East Holcombe Boulevard, Houston, Texas 77021, had filed an application with the Small Business Administration (SBA), pursuant to § 107.102 of the rules and regulations governing small business investment companies (13 CFR 107.102 (1976)) for a license to operate as a small business investment company (SBIC).

Interested parties were given to the close of business November 26, 1976, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other information, SBA has issued License No. 06/06-0187 to Grocers Small Business Investment Corporation pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: February 24, 1977.

PETER F. MCNEISH,  
*Deputy Associate Administrator  
for Investment.*

[FR Doc. 77-6239 Filed 3-1-77; 8:45 am]

[Declaration of Disaster Loan Area No. 1291, Amdt. 1]

### NEW JERSEY

#### Declaration of Disaster Loan Area

The above numbered Declaration (see 42 FR 9737) is amended in accordance with the President's declaration of February 10, 1977, to include Burlington, Camden, Gloucester and Middlesex Counties within the State of New Jersey. The Small Business Administration will accept applications for disaster relief loans from disaster victims in the above-named counties, and adjacent counties within the State of New Jersey. All other conditions remain the same.

Dated: February 16, 1977.

MITCHELL P. KOBELINSKI,  
*Administrator.*

[FR Doc. 77-6235 Filed 3-1-77; 8:45 am]

[Declaration of Disaster Loan Area No. 1296]

### NEW YORK

#### Declaration of Disaster Loan Area

Bronx, Kings, Nassau, New York, Queens, Richmond, Suffolk and adjacent counties in the State of New York constitute a disaster area because of damage resulting from ice conditions on the Atlantic Ocean, bays, sounds, rivers and tributaries, beginning about December 1, 1976 through January 31, 1977.

Eligible persons, firms and organizations may file applications for loans for physical damage caused by the ice, until the close of business on April 25, 1977, and for economic injury until the close of business on November 23, 1977, at:

Small Business Administration, District Office, 26 Federal Plaza, Room 3100, New York, New York 10007.

or other locally announced locations.

Dated: February 23, 1977.

MITCHELL P. KOBELINSKI,  
*Administrator.*

[FR Doc. 77-6236 Filed 3-1-77; 8:45 am]

### PRIVACY ACT OF 1974

#### Proposed New Systems of Records

In 40 FR 42132, 41 FR 7601, and 41 FR 41647, the Small Business Administration published notices of systems of records in compliance with The Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a(o)).

Notice is hereby given that the SBA has submitted four proposed new sys-

tems of records pursuant to the provisions of the Office of Management and Budget (OMB) Circular No. A-108, Transmittal Memorandum No. 1, which provides supplemental guidance to Federal Agencies regarding the preparation and submission of reports of their intention to establish or alter systems of records as required by the Privacy Act of 1974.

Any person interested in commenting on the following proposed additional systems may do so by submitting comments in writing to Administrator, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416. Comments must be submitted on or before April 1, 1977.

Dated: February 16, 1977.

**MITCHELL P. KOBELINSKI,**  
*Administrator.*

**SBA425**

**System name:**

Federal Personnel Career Administration Program Files—SBA425.

**System location:**

Central Office.

**Categories of individuals covered by the system:**

SBA employees.

**Categories of records in the system:**

Civil Service Commission Standard 171 forms and SBA mobility forms.

**Authority for maintenance of the system:**

5 U.S.C. 301, 44 U.S.C. 3101, 15 U.S.C. 634(b) (6).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

To provide Program Evaluation Staff with information to help place qualified individuals in appropriate vacancies, and to determine what areas in Personnel need to be stressed in the individual's orientation.

**Storage:**

Information is maintained in notebooks in locked steel cabinets.

**Retrievability:**

Records are coded according to grade.

**Safeguards:**

Information released to authorized personnel on a need to know basis.

Records are maintained until employee leaves the Agency, then destroyed.

**Systems Manager(s) and address:**

Director of Personnel, Central Office. See Appendix A for address.

**Notification procedure:**

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the manager listed above.

**Record access procedures:**

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the system manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:**

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:**

Forms submitted directly by employees.

**SBA430**

**System name:**

Executive Inventory Record—SBA430.

**System location:**

Central Office.

**Categories of individuals covered by the system:**

SBA employees at GS-15 to GS-18.

**Categories of records in the system:**

Executive Inventory Record (Application of Employment).

**Authority for maintenance of the system:**

5 U.S.C. 301, 44 U.S.C. 3101, 15 U.S.C. 634(b) (6).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

To provide a system for maintaining records of SF-161's submitted to the Civil Service Commission when considering candidates for supergrade vacancies from Executive Inventory Register. To be used by Employment Division and by Civil Service Commission.

**Storage:**

Information is stored in steel file cabinet.

**Retrievability:**

Records are listed alphabetically as Executive Inventory Records.

**Safeguards:**

Information released to authorized personnel only.

**Retention and Disposal:**

Records are maintained until employee leaves the Agency.

**System Manager(s) and address:**

Chief, Employment Division, Central Office. See Appendix A for address.

**Notification procedure:**

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing

a request in person or in writing to the manager listed above.

**Record access procedures:**

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the system manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:**

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:**

Applicants.

**SBA435**

**System name:**

Executive Development Records—SBA435.

**System location:**

8115 Fenton Street, Silver Spring, Maryland, 20910.

**Categories of individuals covered by the system:**

Applicants and participants in The Executive Development Program.

**Categories of records in the system:**

SBA forms 1036 and 1038, SBA 171, SBA 1075A, miscellaneous forms evaluating assignments, and certificates of training completed.

**Authority for maintenance of the system:**

5 U.S.C. 301, 44 U.S.C. 3101, 15 U.S.C. 634(b) (6).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

To provide records, back-up information and all pertinent information on participants in SBA Executive Development Program in one place for reference purposes. To be used by members of training staff, members of The Executive Manpower Resources Board, and their supervisors.

**Storage:**

Information is maintained in file folders in locked steel cabinet.

**Retrievability:**

Records are filed alphabetically.

**Safeguards:**

Files are locked when not in use, and are released to authorized personnel only.

**Retention and disposal:**

In accordance with SOP-00-41.

**System manager(s) and address:**

Chief, Training Division, 8115 Fenton Street, Silver Spring, Maryland 20910.

**Notification procedure:**

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the manager listed above.

**Record access procedures:**

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the system manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:**

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:**

Primarily from employee completion of Forms 1036 and their supervisors' completion of Form 1037.

SBA440

**System name:**

Documentation of Supervisor Training—SBA440.

**System location:**

8115 Fenton Street, Silver Spring, Maryland, 20910.

**Categories of individuals covered by the system:**

Persons occupying first-level supervisory positions in the Agency.

**Categories of records in the system:**

SBA Form 1138.

**Authority for maintenance of the system:**

5 U.S.C. 301, 44 U.S.C. 3101, 15 U.S.C. 634(b) (6).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

To determine who must receive training and to plan and schedule such training in order to meet Agency Supervisory training needs. To be used by employee, supervisor, and Office of Personnel.

**Storage:**

Information is maintained in file folders in steel file cabinet.

**Retrievability:**

Filed alphabetically by employee name.

**Safeguards:**

Information released only to authorized personnel on need to know basis.

**Retention and disposal:**

In accordance with SOP-06-41.

**System manager(s) and address:**

Chief, Training Division, 8115 Fenton Street, Silver Spring, Maryland 20910.

**Notification procedure:**

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the manager listed above.

**Record access procedures:**

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the system manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:**

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:**

Primarily from employee completion of Form 1138, and review of their Official Personnel Folder.

[FR Doc.77-6047 Filed 3-1-77;8:45 am]

[License No. 01/01-0287]

**S.B.I.C. OF VERMONT, INC.****Application for a License to Operate as a Small Business Investment Company**

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1976)), under the name of S.B.I.C. of Vermont, Inc., (Applicant) for a license to operate as a Small Business Investment Company under the provisions of the Small Business Investment Act of 1958, as amended, and the Rules and Regulations promulgated thereunder.

The Applicant was incorporated under the laws of the State of Vermont on January 5, 1977, and it will commence operations with a capitalization of \$1,055,000.

One hundred percent (100%) of the Applicant's \$1.00 par value capital shares to be initially issued and outstanding have been subscribed for by thirteen (13) banking and savings institutions located and doing business within the State of Vermont.

The proposed officers, directors and holders of ten percent (10%) or more of the capital stock of the Applicant are:

Name and proposed title or relationship to applicant:

Robert B. Manning, President, General Manager and Treasurer, North Road, Castleton, Vermont 05735.

Andrew R. Field, Secretary and Counsel, Spring Hollow Lane, Montpelier, Vermont 05602.

Sheldon M. Dimick,<sup>1</sup> Chairman of the Board, Brook Street, Randolph, Vermont 05660.

John Hunter, Jr.,<sup>2</sup> Director, 71 Western Avenue, Brattleboro, Vermont 05301.

Stephen G. Moore,<sup>3</sup> Director, Charlotte, Vermont 05445.

Paul N. Wormwood,<sup>4</sup> Director, 20 Hillside Road, Rutland, Vermont 05701.

Fred W. Yeadon, Jr.,<sup>5</sup> Director, Orchard Avenue, Brattleboro, Vermont 05301.

Chittenden Trust Co., Shareholder, 2 Burlington Square, Burlington, Vermont 05401.

First Vermont Bank and Trust Company, Shareholder, 215 Main Street, Brattleboro, Vermont 05301.

Vermont National Bank, Shareholder, 100 Main Street, Brattleboro, Vermont 05301.

The Applicant's office will be located at 121 West Street, Rutland, Vermont 05701, and it will conduct operations principally in the State of Vermont and will serve small to medium size firms in that area.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the Applicant under their management, including adequate profitability and financial soundness in accordance with the Act and SBA Regulations.

Notice is hereby given that any person may, within 15 days after the date of publication of this Notice, submit written comments on the Applicant to the Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper of general circulation in Rutland, Vermont.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: February 24, 1977.

PETER F. McNEISH,  
Deputy Associate  
Administrator for Investment.

[FR Doc.77-6238 Filed 3-1-77;8:45 am]

**DEPARTMENT OF STATE**

[Public Notice CM-7/33]

**ADVISORY COMMITTEE ON  
TRANSNATIONAL ENTERPRISES****Meeting**

The Department of State Advisory Committee on transnational Enterprises will hold its seventh meeting on Thurs-

<sup>1</sup> President of Randolph National Bank, which bank will be a shareholder.

<sup>2</sup> President of Vermont National Bank, which bank will be a shareholder.

<sup>3</sup> Vice President of Merchants Bank, which bank will be a shareholder.

<sup>4</sup> President of Proctor Trust Company, which company will be a shareholder.

<sup>5</sup> President of First Vermont Bank and Trust Company, which bank will be a shareholder.

day, March 17 at 9:30 a.m. in Room 1107 of the Department of State, 2201 C Street, NW., Washington, D.C. The meeting will be open to the public.

The purpose of the meeting will be to discuss the ongoing work in international fora in regard to questionable payments, and codes of conduct relating to transfer of technology and transnational enterprises.

Requests for further information on the meeting should be directed to Stephen Bond, Department of State, 2201 C Street, NW., Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632-0349.

Members of the public wishing to attend the meeting must contact Mr. Bond's office in order to arrange entrance to the State Department building.

The Chairman will, as time permits, entertain oral comments from members of the public attending the meeting.

Dated: February 18, 1977.

STEPHEN R. BOND,  
Executive Secretary.

[FR Doc. 77-6156 Filed 3-1-77; 8:45 am]

#### STUDY GROUP 4 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

##### Meeting

The Department of State announces that Study Group 4 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on March 22, 1977, at 10:00 a.m. in the First Floor Auditorium of the ConSat Building, 950 L'Enfant Plaza SW., Washington, D.C.

Study Group 4 deals with matters relating to systems of radiocommunications for the fixed service using satellites. The purpose of the meeting will be a review of all proposed contributions to the international meeting of Study Group 4 in October 1977.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Dated: February 23, 1977.

GORDON L. RUFFCUTT,  
Chairman,  
U.S. CCIR National Committee.

[FR Doc. 77-6206 Filed 3-1-77; 8:45 am]

#### Agency for International Development BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

##### Amended Notice of Meeting

In Volume 42 F.R. 8254, February 9, 1977, A.I.D. announced a meeting of the Board for International Food and Agricultural Development to be held in Room 5951, State Department Building on March 14, 1977 from 9:00 a.m. to 5:00 p.m. The purpose of this notice is to indicate that the place of the meeting has been changed to Room 250 in the Na-

tional Academy of Sciences building, 2101 Constitution Avenue NW., Washington, D.C.

Dated: February 25, 1977.

ERVEN J. LONG,  
Federal Officer, Board for International Food and Agricultural Development.

[FR Doc. 77-6264 Filed 3-1-77; 8:45 am]

#### DEPARTMENT OF TRANSPORTATION

##### Federal Railroad Administration

[FRA Waiver Petition No. HS-77-2]

#### MASSENA TERMINAL RAILROAD CO.

##### Petition for Exemption From the Hours of Service Act

The Massena Terminal Railroad Company has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64 a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, as amended, 45 U.S.C. 61-64(b).

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS-77-2, Room 5101, 400 7th Street SW., Washington, D.C. 20590. Communications received before April 5, 1977, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 7th Street SW., Washington, D.C. 20590.

Issued in Washington, D.C. on February 23, 1977.

DONALD W. BENNETT,  
Chairman,  
Railroad Safety Board.

[FR Doc. 77-6168 Filed 3-1-77; 8:45 am]

#### DEPARTMENT OF THE TREASURY

##### Office of the Secretary

[Supplement to Department Circular, Public Debt Series No. 6-77]

#### TREASURY NOTES SERIES H-1981

##### Interest Rate

FEBRUARY 24, 1977.

The Secretary of the Treasury announced on February 23, 1977, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 6-77, dated February 16, 1977 (42 FR 10382, Feb. 22, 1977), will be 6% percent per annum. Accordingly, the notes are hereby redesignated 6% percent Treasury Notes of Series H-1981. Interest on the notes will be payable at the rate of 6% percent per annum.

DAVID MOSSO,  
Fiscal Assistant Secretary.

[FR Doc. 77-6157 Filed 3-1-77; 8:45 am]

#### VETERANS ADMINISTRATION STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

##### Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on Wednesday, March, 30, 1977 at 10:00 a.m. E.S.T., the White River Junction Station Committee on Educational Allowances shall at Room 124, Administration Building, Veterans Administration Center, White River Junction, VT conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Harold Johnson Electric, Inc., Bennington, VT should be discontinued, as provided in 38 C.F.R. 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: February 23, 1977.

W. A. YASINSKI,  
Director, VA Center,  
White River Junction, Vt.

[FR Doc. 77-6201 Filed 3-1-77; 8:45 am]

#### INTERSTATE COMMERCE COMMISSION

[Notice No. 336]

##### ASSIGNMENT OF HEARINGS

FEBRUARY 25, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 142497 (Sub-No. 1), Atlanta Charter Bus Service, Inc. now being assigned April 18, 1977 (1 week) at Norfolk, Virginia in a hearing room to be later designated.

MC 127198 (Sub-No. 2), C. F. Hearn, d.b.a. C. F. Hearn Trucking Co. now being assigned April 18, 1977 (1 week) at Raleigh, North Carolina in a hearing room to be later designated.

MC-F-12822, Overnite Transportation Co.—Purchase—O'nan Transportation Co., Inc., and MC 109633 (Sub-75), Overnite Transportation Co. now assigned February 28, 1977 at Nashville, Tennessee is cancelled and reassigned for March 15, 1977 (9 days) at Louisville, Kentucky and will be held at Stouffers Louisville Inn, 120 West Broadway.

MC 2229 (Sub-192), Red Ball Motor Freight, Inc., now being assigned April 12, 1977 (9 days) at Atlanta, Georgia, in a hearing room to be later designated.

MC 134922 (Sub-200), B. J. McAdams, Inc., now assigned March 31, 1977 at Washington, D.C., is canceled.

AB 83 (Sub-No. 2), Maine Central Railroad Company Abandonment Between Livermore Falls, and Farmington in Androscoggin and Franklin Counties, Maine, now assigned March 23, 1977 at Farmington, Maine, has been postponed to March 30, 1977 (3 days) at Farmington, Maine, in a hearing room to be later designated.

MC 110686 (Sub-51), McCormick Dray Line, Inc. now being assigned April 14, 1977 at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 73185 (Sub-392), Eagle Motor Lines, Inc. now being assigned April 12, 1977 at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 134681 (Sub-4), Vulcraft Carrier Corporation now being assigned April 12, 1977 at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC-C-8917, Dignan Trucking, Inc., ET AL V. Southern Maryland Transportation Co., now being assigned PHC on March 3, 1977, at the Office of the Interstate Commerce Commission, Washington, D.C.

MC 80430 (Sub-158), GATEWAY TRANSPORTATION CO., INC. now being assigned May 15, 1977 (1 week) at Tupelo, Mississippi in a hearing room to be later designated. Also this proceeding will be heard the 23rd day of May 1977 (1 week) at Atlanta, Georgia in another hearing room to be later designated.

MC 65626 (Sub-32), Fredonia Express, Inc. and MC 78887 (Sub-45), Lott Motor Lines, Inc., now being assigned March 17, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

ROBERT L. OSWALD,  
Secretary.

[PR Doc.77-6227 Filed 3-1-77; 8:45 am]

#### IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

##### Elimination of Gateway Letter Notices

FEBRUARY 25, 1977.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission by March 14, 1977. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protest, if any, must refer to such letter-notices by number.

No. MC 21170 (Sub-No. E184) (partial correction), filed February 3, 1975, published in the FEDERAL REGISTER issue of May 2, 1975, and republished, as corrected, this issue. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative:

Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, restricted to such commodities as are dealt in by wholesale, retail, or chain grocery stores, (A) (2) between points in Illinois on and north of a line beginning at Lake Michigan and extending along Interstate Highway 55 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Illinois Highway 2, thence along Illinois Highway 2 to junction Illinois Highway 92, thence along Illinois Highway 92 to the Illinois-Iowa State line, on the one hand, and, on the other, points in Missouri on, north and west of a line beginning at the Iowa-Missouri State line and extending along Missouri Highway 5 to junction Missouri Highway 139, thence along Missouri Highway 139 to junction unnumbered highway near Sumner, thence south along unnumbered highway to junction Missouri Highway 11 at Mendon, thence south along unnumbered highway to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Missouri Highway 41, thence along Missouri Highway 41 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-Kansas State line. The purpose of this filing is to eliminate the gateways of Vinton, Iowa and points within 15 miles of Vinton and Sac City, Storm Lake, La Porte City, Garrison, and Shellsburg, Iowa.

NOTE.—The purpose of this partial correction is to state the correct territorial description. The remainder of the letter-notice remains as previously published.

No. MC 107107 (Sub-No. E11) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of June 16, 1975, and republished, as corrected, this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery, and related advertising materials*, from Hackettstown, N.J., to points in Louisiana, those in Georgia on and south of a line beginning at Valona, Ga., and extending along Georgia Highway 99 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Alabama-Georgia State line, and those in Mississippi and Alabama on and south of U.S. Highway 80. The purpose of this filing is to eliminate the gateway of Jacksonville, Fla.

NOTE.—The purpose of this correction is to add the word "to" in order to correct the destination territory.

No. MC 107107 (Sub-No. E22) (Partial Correction), filed April 6, 1975, published in the FEDERAL REGISTER issue of June 16, 1975, republished, as corrected, this issue. Applicant: ALTERMAN TRANSPORT

LINES, INC., P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (2) *frozen seafood*, from Norfolk, Va., to points in Louisiana and Texas, those in Georgia on and south of a line beginning at the Atlantic Ocean and extending along U.S. Highway 84 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Georgia-Alabama State line, and those in Alabama on and south of U.S. Highway 80 (Florida). The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

NOTE.—The purpose of this partial correction is to state the correct territorial description. The remainder of this letter-notice remains as previously published.

No. MC 107107 (Sub-No. E29) (Correction), filed April 6, 1975, published in the FEDERAL REGISTER issue of June 13, 1975, and republished, as corrected, this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, as defined by the Commission, from Kansas City, Kans.-Mo., to those points in Alabama on and south of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 84 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Alabama Highway 10, thence along Alabama Highway 10 to the Alabama-Mississippi State line and those in Georgia on and south of U.S. Highway 280, restricted to the transportation of commodities requiring temperature control in transit when moving to Savannah, Ga. The purpose of this filing is to eliminate the gateways of Florida and Jacksonville, Fla.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 107107 (Sub-No. E30) (Correction), filed April 6, 1975, published in the FEDERAL REGISTER issue of June 13, 1975, and republished, as corrected, this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, as defined by the Commission, from Wichita, Kans., to those points in Alabama on and south of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 8 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Alabama-Mississippi State line, and those in Georgia on and south of U.S. Highway 280, restricted to commodities requiring temperature control in transit when moving to Savannah, Ga. The purpose of this filing is to eliminate the

gateways of Florida and Jacksonville, Fla.

**NOTE.**—The purpose of this correction is to state the correct territorial description.

No. MC 107107 (Sub-No. E37) (Correction), filed April 16, 1975, published in the FEDERAL REGISTER issue of September 4, 1975, and October 16, 1975, and republished, as corrected, this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (3) *Meats, meat products, and meat by-products, and dairy products*, as defined by the Commission, and frozen foods, from New York, N.Y., and points within 15 miles thereof, to those points in Georgia on and south of U.S. Highway 280 (except Savannah), and those in Alabama on and south of U.S. Highway 80 (Florida)\*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

**NOTE.**—The purpose of this correction is to state the correct commodity description in Part (3) above. The remainder of this letter is to remain as previously published.

No. MC 112070 (Sub-No. E91), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Nowata, Craig, Ottawa, Rogers and Delaware Counties, Okla., on the one hand, and, on the other, points in San Juan and Rio Arriba Counties, N. Mex. The purpose of this filing is to eliminate the gateway of Denver, Colo., and points within 10 miles thereof, and Northeastern Colorado (between points in that part of Colorado on, east and north of a line beginning at the Colorado-Wyoming State line and extending along U.S. Highway 87 to Wellington, Colo., thence along Colorado Highway 1 (formerly U.S. Highway 87) to junction U.S. Highway 287, thence along U.S. Highway 287 (formerly U.S. Highway 87) to Denver, Colo., thence along U.S. Highway 36 to the Colorado-Kansas State line.)

No. MC 112070 (Sub-No. E92), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, on the one hand, and, on the other, points in Utah and New Mexico. The purpose of this filing is to eliminate the gateway of points in Illinois, Missouri and Denver, Colo., and points within 10 miles thereof.

No. MC 114868 (Sub-No. E45), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 N. Nelson Street, Arlington, Va. 22201. Appli-

cant's representative: H. E. Newlon, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Maryland within 125 miles of Washington, D.C., on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of Washington, D.C. (2) (a) between points in Maryland (except Allegany and Garrett counties), on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of Washington, D.C. (2) (b) between points in Maryland, on the one hand, and, on the other, points in Kentucky on and west of a line beginning at the Tennessee-Kentucky State line and extending along Interstate Highway 75 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Kentucky Highway 53, thence along Kentucky Highway 53 to the Kentucky-Indiana State line. The purpose of this filing is to eliminate the gateway of points in Kentucky within 125 miles of Nashville.

No. MC 117574 (Sub-No. E49), filed June 6, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dredges, component parts of dredges, and dredging equipment*, which is also *industrial machinery and attachments, accessories and parts of such industrial machinery*, (a) between points in Berks, Carbon, Lehigh, Monroe, Northampton, and Schuylkill counties, Pa., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin and Wyoming, and in points in the following described states: points in Maryland on and south and west of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 15 to the Maryland-Virginia State line; points in North Carolina on and south and west of a line beginning at the Virginia-North Carolina State line and extending along Interstate Highway 95 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Atlantic Ocean; points in Pennsylvania on and south and west of a line beginning at the Lake Erie and extending along U.S. Highway 19 to junction U.S. Highway 30.

Thence along U.S. Highway 30 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-Maryland State line; points in Virginia on and south and west of a line beginning at the

Maryland-Virginia State line and extending along U.S. Highway 15 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction Interstate Highway 95, thence along Interstate Highway 95 to the Virginia-North Carolina State line; (b) between points in Alameda, Alleghany, Amherst, Botetourt, Buckingham, Charlotte, Clarke, Craig, Cumberland, Fairfax, Fauquier, Fluvanna, Frederick, Grayson, Halifax, Loudoun, Lunenburg, Mecklenburg, Nelson, Pittsylvania, Prince Edward, Prince William, Smyth, Stafford, and Wythe, Counties, Va., on the one hand, and, on the other, points in California, Colorado, Connecticut, Idaho, Maine, Massachusetts, Minnesota, Montana, Nevada, New Hampshire, New York, North Dakota, Oregon, Rhode Island, South Dakota, Utah, Vermont, Washington, and Wyoming, and in points in the following described states; points in Arizona on and north and west of a line beginning at the Arizona-Mexico boundary line and extending along U.S. Highway 80 to the Arizona-New Mexico State line; points in Iowa on and north and west of a line beginning at the Nebraska-Iowa State line and extending along U.S. Highway 30 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 24, thence along Iowa Highway 24 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Iowa-Minnesota State line; points in Kansas on and north and west of a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 56 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Nebraska State line; points in Michigan on and north of a line beginning at the Wisconsin-Michigan State line and extending along U.S. Highway 2 between Escanaba and Iron Mountain to Lake Michigan, to points on and north of a line beginning at Lake Michigan and extending along U.S. Highway 10 to Lake Erie; points in Nebraska on and north and west of a line beginning at the Kansas-Nebraska State line along U.S. Highway 77 to junction with Nebraska Highway 91 to the Nebraska-Iowa State line; points in New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 46 to junction New Jersey Highway 31.

Thence along New Jersey Highway 31 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Interstate Highway 287, thence along Interstate Highway 287 to the Atlantic Ocean; points in New Mexico on and north and west of a line beginning at the Arizona-New Mexico State line and extending along U.S. Highway 80 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 56, thence along U.S. Highway 56 to the New Mexico-Oklahoma State line;

points in Ohio beginning at Lake Erie and extending along U.S. Highway 20 to the Ohio-Pennsylvania State line except the Counties of Ashtabula and Lake; points in Oklahoma on and north of a line beginning at the New Mexico-Oklahoma State line and extending along U.S. Highway 56 to the Oklahoma-Kansas State line; points in Pennsylvania on and east and north of a line beginning at Lake Erie and extending along Interstate Highway 79 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-New Jersey State line; points in Wisconsin on and north and west of a line beginning at the Iowa-Wisconsin State line and extending along U.S. Highway 53 to junction Wisconsin Highway 95, thence along Wisconsin Highway 95 to junction with Wisconsin Highway 73, thence along Wisconsin Highway 73 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 97, thence along Wisconsin Highway 97 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction Wisconsin Highway 52, thence along Wisconsin Highway 52 to junction U.S. Highway 8, thence along U.S. Highway 8 to the Wisconsin-Michigan State line. The purpose of this filing is to eliminate the gateway of Carlisle, Pa.

No. MC 123407 (Sub-No. E311), filed December 2, 1976. Applicant: SAWYER TRANSPORT INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* used as a building material, from Cloquet, Minn., to points in Pennsylvania, restricted to the transportation of traffic originating at the facilities of Northwest Paper Company, at Cloquet, Minn. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123407 (Sub-No. E313), filed December 2, 1976. Applicant: SAWYER TRANSPORT INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* used as a building material, from Cloquet, Minn., to points in Butler, Stoddard, Cape Girardeau, Scott, New Madrid, Dunklin, Pemiscot, and Mississippi Counties, Mo., restricted to the transportation of traffic originating at the facilities of Northwest Paper Company at Cloquet, Minn. The purpose of this filing is to eliminate the gateway of L'Anse, Mich.

No. MC 123407 (Sub-No. E314), filed December 2, 1976. Applicant: SAWYER TRANSPORT INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* used as a building material (except commodities in bulk), from Cloquet, Minn., to points in

and east of Kenton, Pendleton, Harrison, Scott, Fayette, Jessamine, Garrard, Lincoln, Pulaski, and McCreary Counties, Ky., points in and east of Pickett, Fentress, Cumberland, Bledsoe, and Hamilton Counties, Tenn., points in and east of Jackson, De Kalb, Etowah, Calhoun, Talladega, Coosa, Elmore, Montgomery, Butler, and Covington Counties, Ala., restricted to the transportation of traffic originating at the facilities of Northwest Paper Company at Cloquet, Minn. The purpose of this filing is to eliminate the gateway of Port Clinton, Ohio.

No. MC 123407 (Sub-No. E315), filed December 2, 1976. Applicant: SAWYER TRANSPORT INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Cloquet, Minn., to points in Maine, Kentucky, Tennessee, South Carolina, Georgia, New Jersey, Pennsylvania, West Virginia, Rhode Island, New York, Florida, Alabama, Massachusetts, Connecticut, New Hampshire, Vermont, Delaware, Maryland, Virginia, North Carolina, and the District of Columbia, restricted to the transportation of traffic originating at the facilities of Northwest Paper Company at Cloquet, Minn. The purpose of this filing is to eliminate the gateway of Dollar Bay, Mich.

No. MC 123407 (Sub-No. E316), filed December 2, 1976. Applicant: SAWYER TRANSPORT INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except commodities in bulk), from Cloquet, Minn., to points in Florida and points in and south of Sumter, Marengo, Dallas, Lowndes, Montgomery, Bullock, and Barbour Counties, Ala., restricted to the transportation of traffic originating at the facilities of Northwest Paper Company at Cloquet, Minn. The purpose of this filing is to eliminate the gateways of the plantsite of certain-Teed Products, Corp., at East St. Louis, Ill. and the plantsites of Georgia-Pacific Corporation at Taylorsville, Miss.

By the Commission.

ROBERT L. OSWALD,  
Secretary.

[FR Dec. 77-6226 Filed 3-1-77; 8:45 am]

[Notice No. 28]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 24, 1977.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be

filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 51146 (Sub-No. 486TA) filed February 14, 1977. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Perry and Des Moines, Iowa, to Philadelphia, Pa.; Edison, N.J.; Baltimore, Md.; Landover, Md.; Jamaica, Long Island, N.Y.; Jersey City, N.J.; Elizabeth, N.J.; Williamsport, Pa., and Goodlettsville, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Oscar Mayer & Co., Inc., 910 Mayer Ave., Madison, Wis. 53704. Send protests to: Gall Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg. and Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 67210 (Sub-No. 9TA) filed February 14, 1977. Applicant: GLENNON TRANSPORTS, INC., 1000 N. 14th St., St. Louis, Mo. 63106. Applicant's representative: Allen W. Rohlfing (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the

Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Evansville, Ind., and Cave In Rock, Ill., over Indiana Highway 62 to Illinois-Indiana State Line, thence over Illinois Highway 141 to junction Illinois Highway 1, thence over Illinois Highway 1 and the off-route point of Ridgeway, Ill.; between junction Illinois Highway 1 and Illinois Highway 13, and Harrisburg, Ill., over Illinois Highway 13; between Harrisburg, Ill., and Rosclaire, Ill., over Illinois Highway 34; between Harrisburg, Ill., and Vienna, Ill., over Illinois Highway 145 to junction U.S. Highway 45, thence over U.S. Highway 45; between junction Illinois Highway 1 and Illinois Highway 146 and Vienna, Ill., over Illinois Highway 146; between junction Illinois Highway 1 and Illinois Highway 13 and Shawneetown, Ill., over Illinois Highway 13; between junction Illinois Highway 1 and Illinois Highway 141 and Norris City, Ill., over Illinois Highway 1; between junction of Illinois Highway 13 and Illinois Highway 142 and Eldorado, Ill., over Illinois Highway 142, serving all intermediate points along the above routes in Illinois. Applicant intends to interline at Evansville, Ind., for 180 days. Supporting shippers: There are approximately 19 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: J. P. Werthmann, District Supervisor, 210 N. 12th St., Room 1465, St. Louis, Mo. 63201.

No. MC 106674 (Sub-No. 222TA), filed February 14, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnston (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propane, liquid*, in bulk, from Conway, McPherson, Little River and Hutchinson, Kans.; Princeton, Ind.; Mentor, Middletown, Ashatabula and Painesville, Ohio; Port Huron and St. Clair, Mich., and Hattiesburg, Miss., to points in Kentucky, Ohio, Indiana, Illinois, Tennessee, Pennsylvania; and Birmingham, Ala.; Ft. Atkinson, Wis.; Milwaukee, Wis.; Weirton, W. Va., and New Brunswick, N.J., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 9 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 111401 (Sub-No. 477TA), filed February 14, 1977. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla.

73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling tower, water and boiler treating compounds* (not petroleum-based) in bulk, in tank vehicles, from Odessa, Tex., to points in New Mexico, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dearborn Chemicals (U.S.), 300 Genesee St., Lake Zurich, Ill. 60047. Send protests to: Joe Green, District Supervisor, Room 240, Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 114004 (Sub-No. 165TA), filed February 15, 1977. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72209. Applicant's representative: Winston Chandler, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles (except travel trailers and recreational vehicles), and *buildings*, in sections (except pre-fabricated buildings), in initial movements in truck-away service, from points in Corona, Marysville, and Riverside, Calif.; and points in their commercial zones, to points in Alaska, Arizona, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Oklahoma, Texas, Utah, Washington and Wyoming, for 180 days. Supporting shipper: Lancer Homes, Inc., 1101 Dove St., Newport Beach, Calif. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 114004 (Sub-No. 166TA), filed February 15, 1977. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72209. Applicant's representative: Winston Chandler, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles (except travel trailers or recreational vehicles), and *buildings*, in sections (except pre-fabricated buildings), in initial movements, in truck-away service, from Marysville and Corona, Calif.; Auburndale, Fla.; Henderson, N.C.; Caldwell, Ohio; Bend, Ore.; Phoenix, Ariz.; Booneville, Mo.; and Ruston, La.; to points in the United States, including Alaska, but excluding Hawaii, for 180 days. Supporting shipper: Fuqua Homes, Inc., 7100 S. Cooper, Arlington, Tex. 76015. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 114004 (Sub-No. 167TA), filed February 15, 1977. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72209. Applicant's representative: Winston Chandler, Jr. (same address as applicant). Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles (except travel trailers and recreational vehicles), and *buildings*, in sections (except pre-fabricated buildings), in initial movements, in truck-away service, from points in Decatur, Ala.; Casa Grande, Ariz.; Woodland and Hemet, Calif.; Ocala and Sarasota, Fla.; Goshen, Elkhart and Howe, Ind.; Arkansas City and Halstead, Kans.; Booster City, La.; New Ulm, Minn.; Kinderhook, N.Y.; Mocksville, N.C.; McMinnville, Ore.; Ephrata and Leola, Pa.; Lancaster, Wis.; and now presently under construction, Mt. Angel, Ore., and Schaefferstown, Pa.; and points in their commercial zones, to points in the United States, including Alaska, but excluding Hawaii, for 180 days. Supporting shipper: Skyline Corporation, 2520 By-Pass Road, Elkhart, Ind. 46514. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 114897 (Sub-No. 124TA), filed February 14, 1977. Applicant: WHITFIELD TANK LINES, INC., 821 E. Pasadena St., P.O. Box 7676, Phoenix, Ariz. 85001. Applicant's representative: J. D. Rose (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Phelps Dodge Smelter, located in Hidalgo County, N. Mex., to Salida, Monte Vista and Denver, Colo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Van Waters & Rogers, 4300 Holly St., Denver, Colo. 80216. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

No. MC 116763 (Sub-No. 363TA), filed February 14, 1977. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, Ohio 43580. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured animal and poultry feeds, and ingredients therefor* (except commodities in bulk), from Tupelo, Miss., and Red Bay, Ala., to points in Wisconsin, for 180 days. Supporting shipper: Sunshine Feed Mills, Inc., P.O. Box S, Red Bay, Ala. 35562. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Bldg., 550 Main St., Cincinnati, Ohio 45202.

No. MC 11819 (Sub-No. 1TA), filed February 14, 1977. Applicant: GLEN A. LEA, North Tryon, Prince Edward Island, Canada C0B1A0. Applicant's representative: Glen A. Lea (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices and fruit juices*, in mixed

loads with *bananas and fresh fruits and vegetables*, from Boston, Mass., to the port of entry on the International Boundary line between the United States and Canada, at or near Houlton, Maine, for 180 days. Supporting shipper: Atlantic Wholesalers, 4 Charlotte St., Sackville, New Brunswick. Send protests to: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 307, 76 Pearl St., Portland, Maine 04111.

No. MC 118292 (Sub-No. 36TA), filed February 14, 1977. Applicant: BALLENTINE PRODUCE, INC., New Hwys 64 and 71, P.O. Box 312, Alma, Ark. 72921. Applicant's representative: Barry Roberts, 888 17th St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Little Rock, Ark., to points in Texas, Oklahoma, Nebraska, Iowa, Missouri, Kansas, Colorado, Arizona, New Mexico, Oregon, California, Washington, Kentucky, Maryland, Virginia, Illinois, Indiana, Wisconsin, Michigan and the District of Columbia, for 180 days. Supporting shipper: Good Old Days Food, Inc., P.O. Box 9918, Little Rock, Ark. 72209. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 125433 (Sub-No. 95 TA), filed February 11, 1977. Applicant: F-B TRUCK LINE COMPANY, 1945 S. Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: Michael J. Norton, P.O. Box 2135, Suite 404, Boston Bldg., Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite and shipping facilities of Armco Steel Corporation, at or near Kansas City, Mo., to points in Arizona, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Armco Steel Corporation, 7000 Roberts St., Kansas City, Mo. 64125. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 S. State St., Salt Lake City, Utah 84138.

No. MC 125433 (Sub-No. 96TA), filed February 11, 1977. Applicant: F-B TRUCK LINE COMPANY, 1945 S. Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: Michael J. Norton, P.O. Box 2135, Suite 404, Boston Bldg., Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bar joists; trusses; painted galvanized, or uncoated decking and siding; and accessories; and iron and steel articles* as described in Appendix V to the *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Norfolk, Nebr., and its commercial zone, to points in Colorado, Wyoming, Montana, Washington, Utah, Idaho, California, Oregon, Arizona and Nevada, restricted to movements originating at the plantsite of Vul-

craft, a Division of Nucor Corporation, for 180 days. Supporting shipper: Vulcraft, Division of Nucor Corporation, P.O. Box 59, Norfolk, Nebr. 68701. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 S. State St., Salt Lake City, Utah 84138.

No. MC 133099 (Sub-No. 4TA3), filed February 16, 1977. Applicant: THE GLASGOW & DAVIS CO., P.O. Box 1717, Salisbury, Md. 21801. Applicant's representative: William T. Davis, S. Division St. Ext., Salisbury, Md. 21801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Detroit, Mich., and a radius of 50 miles thereof, to points in Maryland, Delaware, Virginia and the District of Columbia, for 180 days. Supporting shipper: Carey Distributors, Inc., 707 Brown St., Salisbury, Md. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th and Constitution Ave., N.W., Room 1413, Washington, D.C. 20423.

No. MC 134467 (Sub-No. 16TA), filed February 14, 1977. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, Ark. 72764. Applicant's representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packing-houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the plantsite and storage facilities of Monfort Packing Company, at or near Greeley, Colo., to points in Maine, New Hampshire, Vermont, New York, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, Ohio, Michigan, and the District of Columbia, restricted to transportation of shipments originating at the named origins and destined to the named destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Monfort Packing Company, Box G, Greeley, Colo. 80613. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock Ark. 72201.

No. MC 134484 (Sub-No. 10TA), filed February 14, 1977. Applicant: EDWARD BROS., INC., P.O. Box 1684, Idaho Falls, Idaho 83401. Applicant's representative: Dennis M. Olsen, 485 "E" St., Idaho Falls, Idaho 83401. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Fresh meat and meat packinghouse products* (except commodities in bulk), from Toppenish, Wash., to Los Angeles, Vernon, Stockton, San Jose, Oakland, San Francisco, Yuba City, Santa Cruz and Santa Fe Springs, Calif., for 180 days. Applicant has also filed an underlying

ETA seeking up to 90 days of operating authority. Supporting shipper: Flavorland Industries, Inc., P.O. Box 16345, Denver, Colo. 80226. Send protests to: Barney L. Hardin, District Supervisor, 550 W. Fort St., P.O. Box 07, Boise, Idaho 83724.

No. MC 134518 (Sub-No. 5TA), filed February 14, 1977. Applicant: CHEESE HAULING, INC., P.O. Box 12, R.R. No. 4, Mandan, N. Dak. 58554. Applicant's representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, Iowa 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baler or binder twine*, from Milwaukee, Wis., to points in Minnesota, Nebraska, North Dakota and South Dakota, for 180 days. Supporting shipper: Dubuque Twine Co., Jones and Terminal Streets, Dubuque, Iowa 52001. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 134734 (Sub-No. 33TA), filed February 14, 1977. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, Omaha, Nebr. 68137. Applicant's representative: Joseph Winter, 33 N. LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prune and grapefruit products, and barbeque sauce*, from the plantsite and facilities of Ocean Spray Cranberries, Inc., at Kenosha, Wis., to points in Alabama, Arkansas, Colorado, Georgia, Kansas, Louisiana, Mississippi, Nebraska, Oklahoma, Tennessee, Texas, and points in Missouri on and west of U.S. Highway 65, under a continuing contract with Ocean Spray Cranberries, Inc., for 180 days. Supporting shipper: Neal J. Ingenito, Traffic Manager, Ocean Spray Cranberries, Inc., Hanson, Mass. 02341. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 140596 (Sub-No. 1TA), filed February 11, 1977. Applicant: NEWPORT AIR FREIGHT, INC., Airport Road, Newport, Vt. 05855. Applicant's representative: S. Arnold Smith, Craftsbury, Vt. 05826. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electronic connectors and allied components* required in generation, transmission and distribution of electricity for consumer and industrial consumption, all on a priority basis with prior or subsequent movement by air, under a continuing contract with Burndy Corporation of St. Johnsbury, Vt., between the facilities of Burndy Corporation, at or near St. Johnsbury, Vt., on the one hand, and, on the other, Logan International Airport, at or near East Boston, Mass., for 180 days. Supporting shipper: Burndy Corporation, St. Johnsbury, Vt. 05819. Send protests to: David A. Demers, District Supervisor, Interstate Commerce Commission, P.O. 548, 87 State St., Montpelier, Vt. 05602.

No. MC 142647 (Sub-No. 1TA), filed February 8, 1977. Applicant: STAN ANDERSON AND W. T. TULLOS, III, doing business as A & T TRANSPORTATION COMPANY, Pace, Miss. 38764. Applicant's representative: Arthur McIntosh, 120 N. Pearman Ave., Cleveland, Miss. 38732. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum slab products*, used in the production of aluminum coil and sheet, (a) from Frederick, Md. to New Johnsonville, Tenn.; Omal, Ohio; Lancaster, Pa.; Burlington and Winston-Salem, N.C.; Milford, Va.; Westbury, N.Y.; Parlin, N.J.; Lawrence and Taunton, Mass.; and Baltimore, Md.; (b) from Baltimore, Md., to Lancaster, Pa.; Shelbyville, Ky.; New Johnsonville, Tenn.; Omal, Ohio; Magnolia, Ark.; and Rockwell, Tex.; and (c) from New Johnsonville, Tenn., to Shelbyville, Ky.; Lancaster, Pa.; Magnolia, Ark.; and Rockwell, Tex.; and (2) *Aluminum scrap*, (a) from Bryan, Tex., to Magnolia, Ark., and Rockwell, Tex.; (b) from Sherman, Tex., to Magnolia, Ark., and Rockwell, Tex.; (c) from McComb and Magnolia, Miss., to Magnolia, Ark., and Rockwell, Tex.; (d) from Lumber Bridge, N.C., to Lancaster, Pa.; Baltimore, Md.; Magnolia, Ark.; and Rockwell, Tex.; and (e) from Alexandria, Minn., to Magnolia, Ark., and Rockwell, Tex., under a continuing contract with Howmet Aluminum Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Howmet Aluminum Corporation, 475 Steamboat Road, Greenwich, Conn. 06830. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 E. Amite Bldg., Jackson, Miss. 39201.

No. MC 142777 (Sub-No. 1TA), filed February 14, 1977. Applicant: ROAD AMERICA FREIGHT SYSTEMS, INC., P.O. Box 3756, Ontario, Calif. 91761. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, 611 Church St., Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned fruits and vegetables*, from Eugene, Ore., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Nebraska, Ohio, Oklahoma, Texas and Utah; and (2) *Paints, paint compounds, wood fillers, adhesives, caulking and glazing compounds, solvents and related compounds and painting materials and supplies*, from Dayton and Tipp City, Ohio, to points in California, Oregon and Washington, for 180 days. Supporting shippers: (1) Agripac, Inc., P.O. Box 5346, Salem, Ore. 97304. (2) DAP, Inc., P.O. Box 277, Dayton, Ohio 45401. Send protests to: Mary A. Francy, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 142897TA, filed February 11, 1977. Applicant: KENNEDY FREIGHT LINES, INC., P.O. Box 332, Lapel, Ind. 46051. Applicant's representa-

tive: Paul F. Beery, 8 E. Broad St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mufflers, tailpipes, shock absorbers and shipping containers*, between Toledo, Ohio, Pinola, Ind., and Grandhaven, Mich., on the one hand, and, on the other, points in Kentucky, West Virginia, Virginia, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Indiana and Illinois, under a continuing contract with Questor, Inc., for 180 days. Supporting shipper: Questor, Inc., 1801 Spielbusch Ave., Toledo, Ohio 43601. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 142906TA, filed February 11, 1977. Applicant: SUNWARD TRUCKING INCORPORATED, 808 S. 14th, Worland, Wyo. 82401. Applicant's representative: Calvin A. Calton, 226 Hedden-Empire Bldg., 208 N. 29th St., Billings, Mont. 59101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Unassembled steel buildings and components parts thereof and unassembled steel sheeting, pre-cut lumber and components for pole barns*; and (2) *Galvanized steel coils and flats, including colored flats and black flat steel and galvanized and colored corrugated sheets and other associated steel products and components for steel buildings and for pole barns, and rot-resistant treated dimensional lumber and other associated lumber and components for pole barns*; (1) from Jamestown, N. Dak., to points in the continental United States (except Alaska and Hawaii); and (2) from points in the continental United States (except Alaska and Hawaii), to Jamestown, N. Dak., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Marvel Brute Steel Building, Inc., 900 15th Ave., S.E., Jamestown, N. Dak. 58401. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Room 105 Federal Bldg., Courthouse, 111 S. Wolcott St. Casper, Wyo. 82601.

No. MC 142907TA, filed February 14, 1977. Applicant: BRUCE H. DAY AND ANN D. DAY, Co-Partners, 602 W. Hemlock St., Coos Bay, Ore. 97420. Applicant's representative: J. B. Bedingfield, P.O. Box 29, 243 W. Commercial Ave., Coos Bay, Ore. 97420. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bonded liquors, bonded tobacco*, and general ship's stores, in the operation of a ship chandlering business, from the Port of Coos Bay, Coos Bay, Ore., to the Port of Newport on Yaquina Bay, Ore., and the Port of Eureka on Humboldt Bay, Del Norte County, Calif., under a continuing contract with Day Ship Supply, Inc., for 180 days. Supporting shipper: Day Ship Supply, Inc., 602 Hemlock St., Coos Bay, Ore. 97420. Send protests to: A. E. Odoms, District

Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 S.W. Yamhill St., Portland, Ore. 97204.

By the Commission.

ROBERT L. OSWALD,  
Secretary.

[FR Doc. 77-8224 Filed 3-1-77; 8:45 am]

[Notice No. 29]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 25, 1977.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 1846 (Sub-No. 10TA), filed February 8, 1977. Applicant: W. D. KIBLER TRUCKING COMPANY, 60 S. State St., Indianapolis, Ind. 46201. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business*, between Columbus, Ohio, on the one hand, and, on the other, points in Indiana, points in Kentucky within the Cincinnati, Ohio Commercial Zone and Louisville, Ky., and

points in Illinois, in the County of Iroquois, Ford, Vermilion, Champaign, Edgar, Douglas, Cumberland, Clark and Coles, under a continuing contract with The Great Atlantic & Pacific Tea Company, Inc., for 180 days. Supporting shipper: The Great Atlantic & Pacific Tea Company, Inc., Two Paragon Drive, Montvale, N.J. 07645. Send protests to: William S. Ennis, Interstate Commerce Commission, Federal Bldg., and U.S. Courthouse, 46 E. Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 11592 (Sub-No. 17TA), filed February 17, 1977. Applicant: BEST REFRIGERATED EXPRESS, INC., 4050 Dahlman Ave., Omaha, Nebr. 68107. Applicant's representative: F. E. Myers (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible animal feed ingredients* (except in bulk, in tank vehicles), from the plantsite and storage facilities utilized by Jet Meat By-Products, Inc., at or near Omaha, Nebr., to Allentown and Bloomsburg, Pa., and Zanesville, Ohio, and from the plantsite and storage facilities utilized by Richland Foods, Inc., at or near Estherville, Iowa, to Allentown and Camp Hill, Pa.; Kansas City, Mo.; and Zanesville, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Mary LaFleur, Jet Meat By-Products, Inc., P.O. Box 7182, 4801 S. 38th St., Omaha, Nebr. 68107. Mary LaFleur, Richland Foods, Inc., P.O. Box 104, 20 N. 4th St., Estherville, Iowa 51334. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 51004 (Sub-No. 6TA), filed February 9, 1977. Applicant: PAUL H. LISKEY, Kearneysville, W. Va. 25430. Applicant's representative: Daniel B. Johnson, 1123 Munsey Bldg., 1329 E St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and fertilizer ingredients*; (1) from Baltimore, Md., to points in Maryland; Berkeley, Morgan, Jefferson, Hardy and Hampshire Counties, W. Va.; Frederick, Clarke, Loudoun, Warren, Fauquier, Shenandoah, Page, Rockingham and Augusta Counties, Va.; and Adams, York and Franklin Counties, Pa.; and the District of Columbia; (2) from Mt. Jackson, Va., to Frederick, Washington, Howard, Montgomery and Carroll Counties, Md.; Berkeley, Hardy, Jefferson, Morgan and Hampshire Counties, W. Va.; Adams, York and Franklin Counties, Pa.; and the District of Columbia; and (3) from Ranson, W. Va., to points in Maryland; Adams, York and Franklin Counties, Pa.; Frederick, Loudoun, Shenandoah, Page, Fauquier, Warren, Rockingham, Augusta and Clarke Counties, Va.; and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Sup-

porting shipper: Miller Chemical & Fertilizer Corporation, 300 N. Preston St., Ranson, W. Va. 25438. Send protests to: Interstate Commerce Commission, 12th and Constitution Ave., N.W., Room 1413, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 114004 (Sub-No. 168TA), filed February 17, 1977. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Btnton Highway, Little Rock, Ark. 72209. Applicant's representative: Winston Chandler, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles (except travel trailers), and *buildings*, in sections, mounted on wheeled undercarriages (except prefabricated buildings), from points in Colton, Woodland, and Santa Fe Springs, Calif.; Leesburg, Fla.; Rome, Ga.; Bourbon, Ind.; Ottawa, Kans.; Worthington, Minn.; Brookhaven, Miss.; Clarion, Pa.; McMinnville, Oreg.; and Texarkana, Tex., to points in the United States, including Alaska, but excluding Hawaii, for 180 days. Supporting shipper: Bendix Home Systems, Inc., 61 Perimeter Park, Atlanta, Ga. 30341. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 118159 (Sub-No. 197TA), filed February 17, 1977. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366-Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Warren Taylor (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, from Des Moines, Iowa, to points in Arizona, California, Oregon, Utah and Washington, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Meredith, Corporation, P.O. Box 1394 Des Moines, Iowa 50305. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 119789 (Sub-No. 324TA), filed February 17, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared animal food*, from Los Angeles, Calif., to points in Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kal Kan Foods, Inc., 3386 E. 44th St., Vernon, Calif. 90058. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 128276 (Sub-No. 172TA), filed February 18, 1977. Applicant: PAST MOTOR SERVICE, INC., 9100 Plainfield

Road, Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 33 N. LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mult containers and metal container ends*, from Danville, Ill., to Franklin, Ky.; Jeffersonville, Ind.; and Memphis, Tenn., under a continuing contract with The Continental Group, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Continental Group, Inc., James R. Jandora, Analyst-Traffic and Distribution, 150 W. Wacker Drive, Chicago, Ill. 60606. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 127812 (Sub-No. 24TA), filed February 18, 1977. Applicant: TYSON TRUCK LINES, INC., 185 5th Ave., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, W. St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles*, dealt in by wholesale and retail grocery chain houses (except commodities in bulk), from points in the Minneapolis-St. Paul, Minn., Commercial Zone, to points in Minnesota and points in Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Iron, Jackson, LaCrosse, Oneida, Pepin, Pierce, Polk, Price, Sawyer, Rusk, St. Croix, Trempealeau, Washburn and Vilas Counties, Wis. Applicant intends to interline at Minneapolis-St. Paul and points in Minneapolis-St. Paul Commercial Zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 21 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 133119 (Sub-No. 112TA), filed February 15, 1977. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, P.O. Box 206, Akron, Iowa 51001. Applicant's representative: A. J. SWANSON, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouses products* (except hides and commodities in bulk), from Fargo, N. Dak., and its commercial zone, to points in Alabama, Louisiana, Mississippi, Tennessee, Georgia, Florida, South Carolina and North Carolina, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Richard

Loose, Corporate Traffic Manager, Flavorland Industries, Inc., P.O. Box 16345, Denver, Colo. 80216. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 135170 (Sub-No. 17TA), filed February 18, 1977. Applicant: TRI-STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, Md. 21632. Applicant's representative: James C. Hardman, 33 N. LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Milltown, N.J., to Frederick, Md., under a continuing contract with the Clorox Company, for 180 days. Supporting shipper: G. William Junginger, Reg. Traffic Mgr., the Clorox Company, 1221 Broadway, Oakland, Calif. 94612. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 136079 (Sub-No. 8TA), filed February 17, 1977. Applicant: COIN DEVICES CORP., 1130 Chestnut St., Elizabeth, N.J. 07201. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coins, currency, checks and food stamps*, between Easton, Pa., on the one hand, and, on the other, Fidelity Union Bank, Newark, N.J., under a continuing contract with Village Super Market, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Village Super Market, Inc., 733 Mountain Ave., Springfield, N.J. 07081. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 139132 (Sub-No. 7TA), filed February 16, 1977. Applicant: HOE H. TIDWELL, doing business as, NORTH-EAST TRUCK BROKERS, P.O. Box 826, Pharr, Tex. 78577. Applicant's representative: Thomas R. Kingsley, 1819 H St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe fittings, including threaded pipe* (except those commodities the transportation of which by reason of size or weight require the use of special equipment); (1) from Blossburg, Tioga County, Pa., to points in Louisiana and Texas; and (2) from Waynesboro, Franklin County, Pa., to points in Illinois and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: J. P. Ward Foundries, Inc., 333 S. Williams Road, Blossburg, Pa. 16912. Waynesboro Pipe Products Co., Hamilton and Madison Avenues, Waynesboro, Pa. 17268. Send protests to: Richard H. Dawkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission,

Room B-400 Federal Bldg., 727 E. Du-rango Blvd., San Antonio, Tex. 78206.

No. MC 140266 (Sub-No. 6TA), filed February 17, 1977. Applicant: BAKER TRUCK SERVICE, 2906 29th St., North, P.O. Box 535, Lewiston, Idaho 83501. Applicant's representative: George R. La-Bissoniere, 1100 Norton Bldg., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the plantsite of Boise Cascade, at or near La Grande, Oreg., on the one hand, to Tacoma, Wash., on the other, for 180 days. Supporting shipper: Pickering Industries, 1930 E. D St., Tacoma, Wash. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 140389 (Sub-No. 12TA), filed February 18, 1977. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Highway 77, Gadsden, Ala. 35902. Applicant's representative: Larry Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and warehouse facilities of Montfort Packing Company, at or near Greeley, Colo., to points in Alabama, Florida, Georgia, North Carolina, South Carolina and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Montfort of Colorado, P.O. Box G, Greeley, Colo. 80631. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 141914 (Sub-No. 6TA), filed February 17, 1977. Applicant: FRANKS & SON, INC., P.O. Box 108A, Big Cabin, Okla. 74332. Applicant's representative: Gary Brasel, Mezzanine Floor, Beacon Bldg., Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products* such as plastic eating utensils and ice cream spoons; *wood products* such as clothespins and toothpicks; *sporting goods* such as sleds and croquet sets, from the plantsite at Wilton and Strong, Maine, to points in the United States (except Alaska and Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Forster Manufacturing Co., Inc., Wilton, Maine 04294. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 142118 (Sub-No. 3TA), filed February 18, 1977. Applicant: VALLEY

TRUCKING, INC., R.R. No. 2, Box 55, Fargo, N. Dak. 58102. Applicant's representative: Edward A. O'Donnell, 1004 29th St., Sioux City, Iowa 51104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Fargo and West Fargo, N. Dak., to Duluth, Minn., under a continuing contract with Flavorland Industries, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Flavorland Industries, P.O. Box 16345, 5590 High St., Denver, Colo. 80216. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

#### WATER CARRIER APPLICATION

No. W-1288 (Sub-No. 1TA). By order entered February 23, 1977, the Motor Carrier Board granted Reynolds Metals Company, Richmond, Va., 60 day temporary authority to engage in the business of transportation by *water vessel*, in interstate commerce, in the transportation of *boiling water reactor core structure shrouds*, for the account of Bingham-Willamette Co., from Portland, Oreg., to New Orleans, La., via the Panama Canal. John H. Caldwell, Attorney-at-Law, 900 17th Street, N.W., Washington, D.C. 20006, applicant's representative. Any interested person may file a petition for reconsideration within 20 days of the date of this publication. Within 20 days after the filing of such petition with the Commission, any interested person may file and serve a reply thereto.

By the Commission.

ROBERT L. OSWALD,  
Secretary.

[FR Doc. 77-6225 Filed 3-1-77; 8:45 am]

#### SURETY BONDS AND POLICIES OF INSURANCE

##### North American Van Lines, Inc.

At a Session of the Interstate Commerce Commission, the Insurance Board, held at its office in Washington, D.C., on the 23rd day of February 1977; Service date February 25, 1977.

In the matter of North American Van Lines, Inc. (MC-107012) to self-insure (with respect to automobile bodily injury and property damage liability and cargo liability) under the provisions of section 215, Interstate Commerce Act, and the rules and regulations prescribed thereunder governing the filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by motor carriers and brokers.

It appearing, that on September 21, 1956, the Commission, Division 1, approved the application for authority to self-insure for North American Van Lines, Inc., subject, among other things, to the maintenance of excess insurance in excess of \$50,000 per occurrence;

It further appearing, that North American Van Lines, Inc., has requested

that it be permitted to increase its self-insured retention from \$50,000 per occurrence to \$250,000 per occurrence;

And it further appearing, that this request has been considered and has been found to be reasonable;

It is ordered, that North American Van Lines, Inc., is hereby authorized to increase its self-insured retention from

\$50,000 per occurrence to \$250,000 per occurrence effective April 1, 1977, provided that reasonable and adequate excess insurance be maintained.

By the Commission, Insurance Board  
Members Burns, Teeple and Schloer.

ROBERT L. OSWALD,  
*Secretary.*

[FR Doc. 77-6228 Filed 3-1-77; 8:45 am]

**federal register**

WEDNESDAY, MARCH 2, 1977

PART II



---

**ENVIRONMENTAL  
PROTECTION  
AGENCY**

■  
**ASBESTOS**

**Hazardous Air Pollutants Proposed  
National Emission Standards**

## ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 61]

[FRL 694-9]

### NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

#### Proposed Amendments to Asbestos Standard

Notice is hereby given that under the authority of section 112 of the Clean Air Act, as amended, the Administrator is proposing to amend the national emission standard for asbestos.

#### SUMMARY OF PROPOSED AMENDMENTS

The proposed amendments would extend coverage of the demolition and renovation provisions (40 CFR 61.22(d)) to all materials which are friable and contain more than one percent asbestos by weight. The current provisions apply only to insulation and fireproofing materials. The proposed amendments similarly would extend the coverage of the asbestos spraying provisions (40 CFR 61.22(e)) by prohibiting all materials sprayed on buildings, structures, structural members, pipes and conduits which contain more than one percent asbestos by weight. The proposed amendments specify that materials sprayed on structural members are covered.

#### DISCUSSION

On April 6, 1973, under Section 112 of the Clean Air Act, as amended, the Administrator promulgated the national emission standard for asbestos. Amendments to this standard were promulgated on May 3, 1974 (39 FR 15396) and on October 14, 1975 (40 FR 48292). One of the provisions of the standard limits asbestos emissions from the spraying of materials to insulate or fireproof buildings, structures, pipes and conduits. The standard prohibits the use of such materials which contain more than one percent asbestos on a dry weight basis. At the time the standard was promulgated, EPA did not know of uses other than fireproofing and insulation for asbestos-containing spray-on materials that were major sources of asbestos emissions during application or later removal through renovation or demolition. Recently it has come to EPA's attention that certain types of decorative spray-on materials which contain from 29 to 64 percent asbestos by weight have been sprayed on ceilings in residential buildings and may be applied in the same manner in the future. These materials are sometimes friable and therefore would be a major source of asbestos emissions during renovation and demolition operations. The use of such spray-on materials is considered a major source of asbestos emissions because: (1) There are asbestos emissions resulting from over-spray during the spray-on application of such materials which could be emitted to the atmosphere directly and cause exposure to the general public; (2) this over-spray

material could contaminate the building ventilation air and therefore pose a health hazard to persons who breathe it; (3) the spray-on materials may deteriorate with time and thereby contaminate the ventilation air when they fall off points of application; and (4) if the materials become friable after application, they would cause asbestos emissions to the atmosphere when the building or structure is renovated or demolished.

For these reasons EPA is proposing to prohibit the spraying of all materials which contain asbestos in excess of one percent by weight on buildings, structures, structural members, pipes, and conduits. This prohibition includes spray-on application of paints, decorative sprays, and weatherproofing.

An amendment is also being proposed which would extend the coverage of the demolition and renovation provisions to include the proper removal of all friable materials which contain in excess of one percent asbestos prior to renovation or demolition of buildings, structures, facilities, or installations. Currently, the standard applies only to the removal of fireproofing or insulation which is friable and contains greater than one percent asbestos. Proper removal of such materials is considered necessary to reduce asbestos emission during renovation and demolition operations to a minimum.

EPA feels that it is urgent that the persons or firms who still apply or manufacture asbestos-containing spray-on materials be advised as early as possible of EPA's intent to regulate such application and of the potential hazard associated with the use of such products. In order to fully investigate all aspects and possible impacts of the proposed amendments, EPA is requesting that all interested persons submit factual information related to the proposed requirements during the comment period. Factual information is specifically requested on the following areas of interest:

1. Information about spray-on materials which contain greater than one percent asbestos by weight; asbestos substitutes for use in spray-on materials; the availability of spray-on materials which contain less than one percent asbestos; and technical and economic impacts which could result from implementing the proposed amendments.

2. Information concerning the magnitude of potential emissions of asbestos during spray application of asbestos-containing materials; methods of reducing emissions of asbestos during application; and the friability of spray-on materials after they have been applied.

3. Information on the renovation or demolition of buildings, structures, facilities, or installations which contain friable asbestos materials (containing greater than one percent asbestos); and methods of removal and wetting of the friable asbestos materials.

It is expected that the requested information will allow EPA to assess the economic effects and technical aspects of the proposed requirements. The final

amendments will reflect the conclusions drawn from evaluation of all available factual information. EPA will limit the scope of coverage of the final amendments if the data obtained during the comment period justify such a change.

The proposed amendments are as follows:

1. The definitions of the terms "renovation," "removing," and "stripping" would be changed by deleting the phrases "to insulate or fireproof" and "for insulation or fireproofing." This would broaden the applicability of the terms to cover all friable asbestos materials.

2. The paragraphs under the demolition and renovation provisions would be changed by deleting the phrases "insulated or fireproofed," "insulate or fireproof," "insulation and fireproofing," "insulation or fireproofing," and the word "insulate." This would broaden the applicability of the provisions to cover all friable asbestos materials.

3. The spraying provision would be changed by deleting the phrase "to insulate or fireproof." This would broaden the applicability of the spraying regulation to cover the spraying of all asbestos-containing materials.

#### PUBLIC PARTICIPATION

Interested persons may participate in this rulemaking by submitting written comments (in triplicate) to the Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Mr. Don R. Goodwin. The Administrator will welcome comments on all aspects of the proposed amendments. All relevant comments received on or before May 2, 1977, will be considered. Comments received will be available for public inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, SW., Washington, D.C. 20460.

#### OTHER ACTION

Elsewhere in this issue of the FEDERAL REGISTER, EPA is issuing a final rule-making action which clarifies that the renovation and demolition provisions of the asbestos standard apply to materials which contain greater than one percent asbestos, are friable, and were used for fireproofing or insulation on non-load-supporting structural members, such as some ceilings and walls, as well as on load-supporting structural members. This amendment consists of adding a definition for the term "structural member."

(Sec. 112, Clean Air Act as added by sec. 4(a) of Pub. L. 91-604, 84 Stat. 1685 (42 U.S.C. 1857c-7); sec. 114, Clean Air Act, as added by sec. 4(a) of Pub. L. 91-604, 84 Stat. 1687, and amended by Pub. L. 93-319, sec. 6(a)(4), 88 Stat. 259 (42 U.S.C. 1857c-9); sec. 301(a), Clean Air Act, as amended by sec. 15(c)(2) of Pub. L. 91-604, 84 Stat. 1713 (42 U.S.C. 1857g(a)).)

Dated: February 23, 1977.

JOHN QUARLES,  
Acting Administrator.

It is proposed to amend Part 61 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

**Subpart B—National Emission Standard for Asbestos**

1. Section 61.21 is amended by revising paragraphs (m), (q) and (r) to read as follows:

**§ 61.21 Definitions.**

(m) "Renovation" means the removing or stripping of friable asbestos materials used on any pipe, duct, boiler, tank, reactor, turbine, furnace, or structural member. Operations in which load-supporting structural members are wrecked or taken out are excluded.

(q) "Removing" means taking out friable asbestos materials used on any pipe, duct, boiler, tank, reactor, turbine, furnace, or structural member from any building, structure, facility, or installation.

(r) "Stripping" means taking off friable asbestos materials from any pipe, duct, boiler, tank, reactor, turbine, furnace, or structural member.

2. Section 61.22 is amended by revising paragraphs (d), (d) (1) (i), (d) (1) (ii), (d) (2) (iii), (d) (4) (i), (d) (4) (ii), (d) (4) (iii), (d) (4) (iv), (e), and (e) (2) to read as follows:

**§ 61.22 Emission standard.**

(d) *Demolition and renovation.* The requirements of this paragraph shall apply to any owner or operator of a demolition or renovation operation who intends to demolish any institutional, commercial, or industrial building (including apartment buildings having more than four dwelling units), structure, facility, installation, or portion thereof which contains any pipe, duct, boiler, tank, reactor, turbine, furnace, or structural member that is covered or coated with friable asbestos materials, except as provided in paragraph (d) (1) of this section; or who intends to renovate any institutional, commercial, or industrial building, structure, facility, installation, or portion thereof where more than 80 meters (ca. 260 feet) of pipe covered or coated with friable asbestos materials are stripped or removed, or more than 15 square meters ca. 160 square feet) of friable asbestos materials used to cover

or coat any duct, boiler, tank, reactor, turbine, furnace, or structural member are stripped or removed.

(1) (A) The owner or operator of a demolition operation is exempted from the requirements of this paragraph: *Provided*, (a) The amount of friable asbestos materials in the building or portion thereof to be demolished is less than 80 meters (ca. 260 feet) used on pipes, and less than 15 square meters (ca. 160 square feet) used on any duct, boiler, tank, reactor, turbine, furnace, or structural member, and (B) the notification requirements of paragraph (d) (1) (ii) are met.

(ii) Written notification shall be post-marked or delivered to the Administrator at least 20 days prior to commencement of demolition and shall include the information required by paragraph (d) (2) of this section, with the exception of the information required by paragraphs (d) (2) (iii), (vi), (vii), (viii), and (ix) of this section, and shall state the measured or estimated amount of friable asbestos materials which is present. Techniques of estimation shall be explained.

(2) \* \* \*

(iii) Description of the building, structure, facility, or installation to be demolished or renovated, including the size, age, and prior use of the structure, and the approximate amount of friable asbestos materials used.

(4) \* \* \*

(i) Friable asbestos materials, used on any pipe, duct, boiler, tank, reactor, turbine, furnace, or structural member, shall be removed from any building, structure, facility or installation subject to this paragraph. Such removal shall occur before wrecking or dismantling of any portion of such building, structure, facility, or installation that would break up the friable asbestos materials and before wrecking or dismantling of any other portion of such building, structure, facility, or installation, that would preclude access to such materials for subsequent removal. Removal of friable asbestos materials used on any pipe, duct, or structural member which are encased in concrete or other similar structural material is not required prior to demolition, but such materials shall be adequately wetted whenever exposed during demolition.

(ii) Friable asbestos materials used on pipes, ducts, boilers, tanks, reactors, turbines, furnaces, or structural members shall be adequately wetted during strip-

ping, except as provided in paragraphs (d) (4) (iv), (d) (4) (vi), or (d) (vii) of this section.

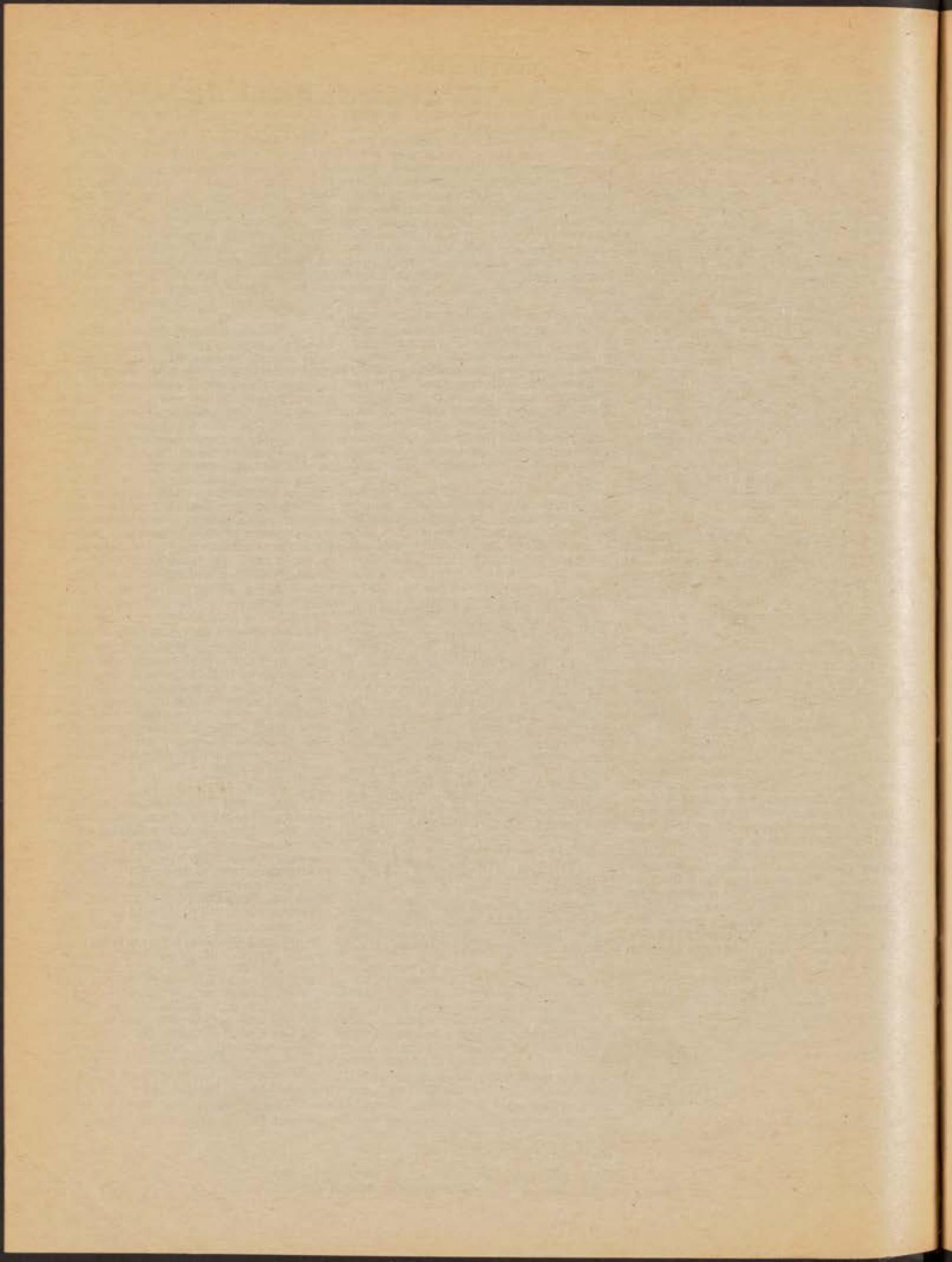
(iii) Pipes, ducts, boilers, tankers, reactors, turbines, furnaces, or structural members that are covered or coated with friable asbestos materials may be taken out of any building, structure, facility, or installation subject to this paragraph as units or in sections provided the friable asbestos materials exposed during cutting or disjoints are adequately wetted during the cutting or disjoints operation. Such units shall not be dropped or thrown to the ground, but shall be carefully lowered to ground level.

(iv) The stripping of friable asbestos materials used on any pipe, duct, boiler, tank, reactor, turbine, furnace, or structural member that has been removed as a unit or in sections as provided in paragraph (d) (4) (iii) of this section shall be performed in accordance with paragraph (d) (4) (ii) of this section. Rather than comply with the wetting requirement, a local exhaust ventilation and collection system may be used to prevent emissions to the outside air. Such local exhaust ventilation systems shall be designed and operated to capture the asbestos particulate matter produced by the stripping of friable asbestos materials. There shall be no visible emissions to the outside air from such local exhaust ventilation and collection systems except as provided in paragraph (f) of this section.

(e) *Spraying.* There shall be no visible emissions to the outside air from the spray-on application of materials containing more than 1 percent asbestos, on a dry weight basis, used on equipment and machinery, except as provided in paragraph (f) of this section. Materials sprayed on buildings, structures, structural members, pipes, and conduits shall contain less than 1 percent asbestos on a dry weight basis.

(2) Any owner or operator who intends to spray asbestos materials which contain more than 1 percent asbestos on a dry weight basis on equipment and machinery shall report such intention to the Administrator at least 20 days prior to the commencement of the spraying operation. Such report shall include the following information: \* \* \*

[FR Doc. 77-5980 Filed 3-1-77; 8:45 am]



**Federal Register**

WEDNESDAY, MARCH 2, 1977

PART III



---

**ENVIRONMENTAL  
PROTECTION  
AGENCY**



**ASBESTOS**

Hazardous Air Pollutants National  
Emission Standards

1971

1971

ENVIRONMENTAL  
PROTECTION  
AGENCY

WASHINGTON

U.S. GOVERNMENT PRINTING OFFICE  
1971

## Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL  
PROTECTION AGENCY

[FRL 684-4]

## PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

## Amendment to Asbestos Standard

• *Purpose.* The purpose of this amendment is to clarify that the demolition and renovation provisions of the asbestos standard apply when friable asbestos materials used for insulation and fireproofing are removed from non-load-supporting structural members, such as non-supporting walls and ceilings, as well as from load-supporting structural members. •

Under section 112 of the Clean Air Act, as amended, 42 U.S.C. 1857c-7, (the "Act"), the Administrator of the Environmental Protection Agency promulgated the national emission standard for the hazardous air pollutant asbestos on April 6, 1973 (38 FR 8820). Amendments to this standard were promulgated on May 3, 1974 (39 FR 15396) and on October 14, 1975 (40 FR 48292). The standard does not include a definition for the term "structural member", and questions have arisen concerning what constitutes a structural member. The definition of "structural member" is therefore being added to 40 CFR 61.21 to clarify that the standard applies to both load-supporting

and non-load-supporting structural members. The latter category includes such items as ceilings and non-load-supporting walls.

The preamble to the proposed amendments (39 FR 38064, October 25, 1974) that were promulgated on October 14, 1975, clearly stated that EPA intended to cover non-load-supporting structural members. No contrary intent was expressed at the time of final promulgation. The amendment promulgated below clarifies EPA's intent and should answer future questions on the applicability of the standard.

The Administrator finds that a pre-promulgation public comment period on this amendment would be "impracticable, unnecessary, or contrary to the public interest" within the meaning of 5 U.S.C. 553(b) (B) because the rulemaking clarifies and interprets an existing regulation, does not alter the intended content of that regulation, and enables EPA to enforce the existing standard in a consistent and proper manner. Also, the Administrator finds that this rulemaking should be effective upon promulgation without a 30-day deferral within the meaning of 5 U.S.C. 553(d), because of the immediate effectiveness required by section 112(b) (1) (C) of the Act and the interpretive nature of this rulemaking.

Other questions have been raised recently about the applicability of the

asbestos standard to decorative coatings. The words of the current standard do not apply to such coatings. EPA is proposing amendments to the asbestos standard elsewhere in this issue of the FEDERAL REGISTER to regulate such coatings.

(Sec. 112, Clean Air Act as added by sec. 4(a) of Pub. L. 91-604, 84 Stat. 1685 (42 U.S.C. 1857c-7); sec. 114, Clean Air Act, as added by sec. 4(a) of Pub. L. 91-604, 84 Stat. 1687, and amended by Pub. L. 93-319, sec. 6(a) (4), 88 Stat. 259 (42 U.S.C. 1857c-9); sec. 301 (a), Clean Air Act, as amended by sec. 15 (c) (2) of Pub. L. 91-604, 84 Stat. 1713 (42 U.S.C. 1857g(a)).)

Dated: February 23, 1977.

JOHN QUARLES,  
Acting Administrator.

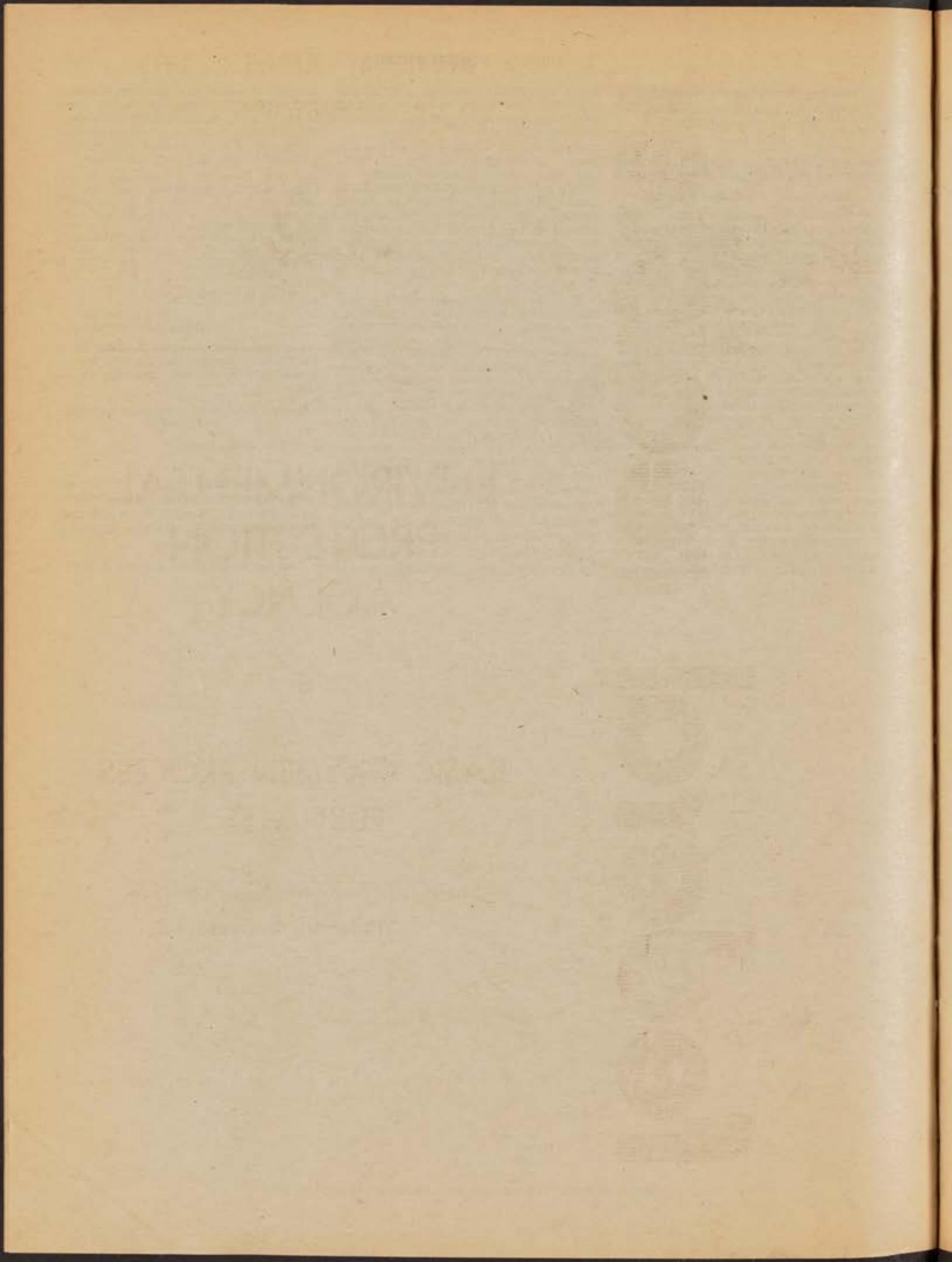
In Part 61 of Chapter I, Title 40 of the Code of Federal Regulations, § 61.21 is amended by adding paragraph (x) as follows:

Subpart B—National Emission Standard  
for Asbestos

## § 61.21 Definitions.

(x) "Structural member" means any load-supporting member, such as beams and load-supporting walls; or any non-load-supporting member, such as ceilings and non-load-supporting walls.

[FR Doc.77-5981 Filed 3-1-77;8:45 am]



WEDNESDAY, MARCH 2, 1977

PART IV



---

**ENVIRONMENTAL  
PROTECTION  
AGENCY**

■

**BASIC OXYGEN PROCESS  
FURNACES**

Standards of Performance For New  
Stationary Sources

**Federal Register**

## ENVIRONMENTAL PROTECTION AGENCY

[ 40 CFR Part 60 ]

[ FRL 684-5 ]

### STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

#### Iron and Steel Plants: Basic Oxygen Process Furnaces

Notice is hereby given that under sections 111, 114, and 301 of the Clean Air Act, as amended, the Administrator is proposing amendments to the standards of performance for basic oxygen process furnaces (BOPF).

#### SUMMARY OF PROPOSED AMENDMENTS

The proposed amendments to the standards of performance for BOPF facilities would limit the opacity of emissions from the control device, require monitoring of operations of the control device, and clarify the term "startup" as it applies to BOPF facilities. Compliance with the proposed opacity limits would be determined by conducting observations in accordance with Reference Method 9. The continuous monitoring of operations is specific to venturi scrubber emission control equipment because all presently planned facilities will be controlled by venturi scrubbers. The proposed monitoring provisions require continuous monitoring of the pressure loss across the throat of the scrubber and the water supply pressure to the scrubber. As the provisions of 40 CFR 60.11(c) apply to BOPF facilities, "startup" means the setting into operation of a BOPF which has been out of production for a continuous time period of eight hours or the setting into operation of a relined BOPF.

#### BACKGROUND

On June 11, 1973 (38 FR 15406), the Administrator proposed as Subpart N to 40 CFR Part 60, standards of performance for new basic oxygen process furnaces (BOPFs). The proposed standards limited particulate matter emissions to no more than 50 mg/dscm (0.022 gr/dscf) and to less than 10 percent opacity except for two minutes in any one hour. Commenters on the proposed standards pointed out the inappropriateness of the two minutes per hour exemption for the cyclic steel production process and the unachievability of the level of the proposed opacity standard. Evaluation of the comments on the proposed standard led EPA to conclude that further study was required for development of adequate provisions. On March 8, 1974 (39 FR 9308), the Administrator promulgated the standard of performance limiting emissions from new BOPFs to less than 50 mg/dscm; however, the opacity standard and the attendant continuous monitoring requirement were not promulgated at that time. The opacity standard was reserved pending study of (1) the reasons for the observed variations in the opacity of emissions from well-controlled facilities and (2) the effect that exempting periods of startup, shutdown, and malfunction from applicability of opacity standards would

have on the level of the opacity standard and the need for a time exemption.

On November 12, 1974 (39 FR 39872), EPA revised Reference Method 9 and the general provisions applicable to opacity standards of performance. Reference Method 9, the method for determining compliance with opacity standards, was revised to require that opacity observations be recorded at 15-second intervals with a minimum of 24 observations (six minutes), to obtain sufficient observations to ensure acceptable accuracy. The use of sets of opacity observations (or six-minute average opacity values) precludes a single high reading from being considered a violation. In addition, § 60.11(e) was added to the general provisions to provide a means for an owner or operator to petition EPA to obtain a higher opacity standard for any facility that demonstrates compliance with the mass standard concurrent with failure to achieve the opacity standard. Section 60.11(e) allows opacity standards to be established at levels which reflect the maximum expected effects of the normal range of operating variables and stack diameters at well-controlled new facilities.

In light of the Method 9 revisions and the questions on the appropriate emission limitation and format for the opacity standard, additional opacity data were obtained and the bases and rationale for an opacity standard for BOPFs were thoroughly reevaluated. The reevaluation included consideration of the effects on opacity of process variations, of variations in performance characteristics of control devices, and of definition of startup periods for BOPFs. The proposed opacity standards are established at levels which are achievable by well-maintained and properly operated control equipment capable of reducing emissions to the level of the concentration standard, 50 mg/dscm (0.22 gr/dscf). Copies of the report on the data bases and rationale for the proposed opacity standard may be obtained upon written request from the EPA Public Information Center (PM-215), Environmental Protection Agency, Washington, D.C. 20460 (specify: Background Information for an Opacity Standard of Performance for Basic Oxygen Process Furnaces in Iron and Steel Plants).

#### ENVIRONMENTAL AND INFLATIONARY IMPACT

Opacity standards are set at levels which ensure proper operation and maintenance of the control system, but which do not require use of a more efficient system. The opacity standards and the continuous monitoring requirements proposed herein do not impose any additional significant requirements or costs over those required to comply with the concentration standard. Therefore, this proposal is not considered a major action under the Inflationary Impact Statement (IIS) program and no IIS is required. The environmental impacts of the standards of performance for BOPFs also are incurred in complying with the concentration standard. During the development of the concentration stand-

ard, the intermedia effects of the standard were assessed and determined to be negligible. No additional intermedia effects would be incurred in complying with opacity standards for BOPFs. Therefore, a formal environmental impact statement has not been prepared. The environmental impact of the proposed opacity standards is beneficial as the standards would ensure compliance of new BOPFs with the concentration standard throughout their operational life.

#### DATA BASE FOR A STANDARD

The standard of performance limits emissions from all new basic oxygen process furnaces to less than 50 mg/dscm (0.22 gr/dscm). Emissions from basic oxygen process furnaces can be controlled to this level by use of a well-designed and operated high energy venturi scrubber or an electrostatic precipitator. In the development of an opacity standard for BOPFs, opacity observations were conducted at six facilities according to the procedures of Method 9 (39 FR 39872). Because of a known difference between the particle size distributions, and hence light scattering properties, of emissions from bottom blown BOPFs and top blown BOPFs, the opacity of emissions from both type furnaces were investigated in the background study on a standard.

The facilities observed in the study were representative of several control levels based on available particulate matter emission data and an engineering judgment of the current condition of the control system. The condition of the control system was assessed on the basis of review of operating parameters, design parameters, and maintenance condition of the control system. From the observation of six facilities, it was noted that higher emissions occurred at the beginning of the steel production cycle for both types of control systems. The higher opacity emissions are attributable to the greater evolution rate of particulate matter and the lower gas temperature at the start of the oxygen blow as well as a lag in the response of the control device. For scrubber-controlled top or bottom blown BOPFs the six minute average opacity levels observed at the start of oxygen blow were less than 20 percent, and the six minute average opacity levels during the remainder of the cycle were less than 10 percent opacity. Electrostatic precipitator controlled facilities exhibited opacity levels less than 30 percent during the start of oxygen blow and levels less than 16 percent during the remainder of the cycle. The difference between the opacity levels observed for the two types of control systems primarily reflects differences in diameter of discharge stacks rather than significant differences in the performance.

#### RATIONALE FOR THE PROPOSED STANDARD

Section 111 of the Act requires EPA to set emission standards which reflect "the degree of emission limitation achievable through application of the best system of emission reduction which (taking into account the cost of achieving such re-

duction) the Administrator determines has been adequately demonstrated." The standards of performance require an owner or operator to conduct a performance test after the initial startup of an affected facility to ensure that the control system was properly designed and installed. Section 111(e) of the Act requires that new sources continue to be in compliance with the standards throughout their operational life. Opacity standards are established in conjunction with mass or concentration standards as a means of ensuring that control equipment is adequately maintained and properly operated at all times between performance tests.

In EPA's judgment, the opacity levels associated with well-designed and operated facilities differed by type of control system due to design features. Therefore, selection of the emission limitation for the standard required consideration of whether the level would ensure proper operation and maintenance of all facilities. In the development of the proposed standard EPA considered several alternative regulatory approaches. The alternatives considered included opacity levels based on data from electrostatic precipitator-controlled facilities, separate opacity limitations for electrostatic precipitator-controlled and scrubber-controlled facilities, and an opacity level based on data from scrubber-controlled facilities. An opacity standard based on performance of electrostatic precipitator-controlled systems was not selected because the standard would not require proper operation and maintenance of venturi scrubber-controlled facilities. In addition, the steel industry currently has no plans for the construction of any new electrostatic precipitator-controlled BOPF facilities, thus this standard would not accomplish its intended purpose. Setting separate opacity standards for the two control systems was also rejected because only one of the control systems is expected to be used. Thus the proposed opacity standard is based on the performance of scrubber-controlled facilities. Should any affected BOPF be controlled with an electrostatic precipitator and comply with the particulate limit of 50 mg/dscm but not the opacity limits, a separate opacity limit would be established for that facility under 40 CFR 60.11(e). The provisions of 40 CFR 60.11(e) allow owners or operators of sources which exceed the opacity standard while concurrently achieving the concentration standard to request establishment of a specific opacity standard for that facility.

The proposed standard would limit peak opacity which occurs at the beginning of the cycle and the opacity over the remainder of the cycle. The opacity limit for the beginning of the cycle is necessary because of the increased particulate loading and gas density at the startup of the operation. Emissions during the period of startup of the production cycle are not excluded from the opacity standard as a "startup" under the provisions of 40 CFR 60.11(c) be-

cause emissions during this period are subject to the concentration standard and are controllable.

The proposed standard would limit emissions during the beginning of the production cycle to less than 20 percent opacity and emissions over the remainder of the cycle to less than 10 percent opacity. To simplify enforcement, the opacity standard would allow the period of higher opacity emissions to occur once per steel production cycle. Restriction of the higher opacity emission period to the beginning of the production cycle would require the observer to synchronize observations with shop operations. In addition, the proposed standard could be enforced more readily at facilities with several furnaces ducted to a single, common control system.

Standards of performance for new sources established under section 111 of the Clean Air Act reflect emission limits achievable with the best adequately demonstrated systems of emission reduction considering the cost of such systems. State implementation plans (SIP's) approved or promulgated under section 110 of the Act, on the other hand, must provide for the attainment and maintenance of national ambient air quality standards (NAAQS) designed to protect public health and welfare. For that purpose SIP's must in some cases require greater emission reductions than those required by standards of performance for new sources. In addition, States are free under section 116 of the Act to establish more stringent emission limits than those established under section 111 or those necessary to attain or maintain the NAAQS under section 110. Thus, new and existing sources may in some cases be subject to limitations more stringent than EPA's standards of performance under section 111.

PUBLIC PARTICIPATION

In accordance with section 117(f) of the Act, publication of these proposed amendments to 40 CFR Part 60 was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies. Interested persons may participate in this rulemaking by submitting written comments (in triplicate) to the Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina, 27711, Attention: Mr. Don R. Goodwin. Comments on all aspects of the proposed amendments to the regulation are welcome, including economic and technological issues. All comments received not later than May 2, 1977, will be considered. Comments received will be available for public inspection at the EPA Public Information Reference Unit (EPA Library), Room 2922, 401 M. Street, SW., Washington, D.C. 20460.

(Sec. 111, 114, 301(a), Clean Air Act, as amended, Pub. L. 91-604, 84 Stat. 1678 (42 U.S.C. 1857c-6, 1857c-9, 1857g(a)).)

NOTE.—The Environmental Protection Agency has determined that this document does not contain a major proposal requiring

preparation of an Economic Impact Statement under Executive Order 11949.

Dated: February 23, 1977.

JOHN QUARLES,  
Acting Administrator.

It is proposed to amend Part 60 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

1. The table of sections is amended by revising Subpart N as follows:

Subpart N—Standards of Performance for Iron and Steel Plants

Sec.  
60.143 Monitoring of operations.

2. Section 60.3 is amended by adding a new abbreviation as follows:

§ 60.3 Abbreviations.

Pa—pascal.

Subpart N—Standards of Performance for Iron and Steel Plants

3. Section 60.142 is amended by adding paragraph (a) (2) and (b) as follows:

§ 60.142 Standard for particulate matter.

(a) \* \* \*

(2) Exit from a control device and exhibit 10 percent opacity or greater, except that an opacity of greater than 10 percent but less than 20 percent may occur once per steel production cycle.

(b) For purposes of this subpart, "startup" means the setting into operation of a BOPF which has been out of production for a minimum continuous time period of eight hours or the setting into operation of a relined BOPF

4. A new § 60.143 is added as follows:

§ 60.143 Monitoring of operations.

(a) The owner or operator of an affected facility shall maintain daily records of the time and duration of each steel production cycle.

(b) The owner or operator of any affected facility that uses venturi scrubber emission control equipment shall install, calibrate, maintain, and continuously operate the following monitoring devices:

(1) A monitoring device for the continuous measurement of the pressure loss through the venturi construction of the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ±250 Pa (±1 inch water).

(2) A monitoring device for the continuous measurement of the water supply pressure to the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ±5 percent of the design water supply pressure. The pressure sensor or tap must be located close to the water discharge point. The Administrator may be consulted for approval of alternative locations for the pressure sensor or tap.

(c) All monitoring devices required under paragraph (b) of this section are

## PROPOSED RULES

to be recalibrated annually, and at other times as the Administrator may require, in accordance with the procedures under § 60.13(b) (3).

(d) Any owner or operator subject to requirements under paragraph (b) of this section shall report for each calendar quarter all measurement results that are more than 10 percent below the average levels maintained during the most recent performance test conducted under § 60.8 which the affected facility demonstrated compliance with the standard under § 60.142(a) (1). The accuracy of the respective measurements, not to exceed the values specified in paragraphs (b) (1) and (b) (2) of this section, may be taken into consideration when determining the measurement results that must be reported.

(Secs. 111, 114, 301(a), Clean Air Act, as amended, Pub. L. 91-604, 84 Stat. 1678 (42 U.S.C. 1857c-6, 1857c-9, 1857g(a)).)

[FR Doc.77-5982 Filed 3-1-77;8:45 am]

**Register  
Federal Order**

**WEDNESDAY, MARCH 2, 1977**

**PART V**



---

**FEDERAL ENERGY  
ADMINISTRATION**



**DOMESTIC CRUDE OIL  
ALLOCATION PROGRAM**

**Entitlement Notice For December 1976**

**FEDERAL ENERGY  
ADMINISTRATION**

**DOMESTIC CRUDE OIL ALLOCATION  
PROGRAM**

**Entitlement Notice for December 1976**

In accordance with the provisions of 10 CFR 211.67 relating to FEA's domestic crude oil allocation program the monthly notice specified in § 211.67(d) is hereby published.

Based on reports for December 1976 submitted to FEA by refiners and other firms as to crude oil receipts, crude oil runs to stills, eligible product imports and imported naphtha utilized as a petrochemical feedstock in Puerto Rico, application of the entitlement adjustment for residual fuel oil production for sale in the East Coast market provided in § 211.67(d) (4), and application of the entitlement adjustment for small refiners provided in § 211.67(e), the national domestic crude oil supply ratio for December 1976 is calculated to be .263350.

In accordance with § 211.67(b) (2), to calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for the month of December 1976, each barrel of old oil is equal to one barrel of deemed old oil and each barrel of upper tier crude oil is equal to .183245 of a barrel of deemed old oil.

The issuance of entitlements for the month of December 1976 to refiners and other firms is set forth in the Appendix to this notice. The Appendix lists the name of each refiner or other firm to which entitlements have been issued, the number of barrels of deemed old oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR 211.67(d) (4), FEA hereby fixes the price at which entitlements shall be sold and purchased for the month of December 1976 at \$7.97, which is the exact differential as reported for the month of December between the weighted average per barrel costs to refiners of old oil and of imported and exempt domestic crude oil, less the sum of 21 cents.

In accordance with 10 CFR 211.67(b), each refiner that has been issued fewer entitlements for the month of December 1976 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of December 1976 equal to the difference between the number of barrels of deemed old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of December 1976

in excess of the number of barrels of deemed old oil included in their adjusted crude oil receipts for that month and other firms issued entitlements shall sell such entitlements to refiners required to purchase entitlements. In addition, certain refiners are required to purchase or sell entitlements to effect corrections for reporting errors for the months September 1975 through November 1976 pursuant to 10 CFR 211.67(j) (1).

Pursuant to § 211.67(j) (2), the December 1976 installments of the amounts representing corrections for reporting errors for months prior to September 1975 are shown in a separate column in the listing and these installments will continue to be shown in entitlement notices through the notice for February 1977. As set forth in the revised special correction notice issued on September 21, 1976, the total dollar amounts of the special corrections have been divided into eight substantially equal installments for reflection in each firm's entitlement position for each of the months July 1976 through February 1977, based on the particular month's entitlement price.

The listing of refiners' old oil receipts contained in the Appendix reflects any adjustments made by FEA pursuant to § 211.67(h).

The listing contained in the Appendix identifies in a separate column additional entitlements issued to refiners pursuant to relief granted by FEA's Office of Exceptions and Appeals. Also set forth in this column are the adjustments for relief granted by the Office of Exceptions and Appeals for 1975, which adjustments are being reflected in monthly installments commencing with the September 1976 entitlement notice. The number of installments is dependent on the magnitude of the adjustment to be made. For a full discussion of the issues involved, see "Beacon Oil Company, et al.," 4 FEA par. 87,024 (November 5, 1976).

Pursuant to "Beacon Oil Company et al.," Delta Refining Company (Delta) was required to satisfy an entitlement obligation of \$4,559,585.32, pro-rated over a twelve-month period in installments of approximately \$379,965.44 each. The first installment was reflected on the September 1976 entitlement notice; however, the required payment of additional installments for October and November 1976 was temporarily stayed by the United States District Court in "Delta Refining Co. v. FEA et al.," Civ. Action No. 76-2267 (D.D.C., filed December 10, 1976). On February 22, 1977 the Court issued a final decision on the merits which upheld FEA's authority to conduct the year-end review but also afforded Delta partial relief, thereby affecting the amount of the current adjustments for Delta's 1975 exception relief. The precise amount of relief to which Delta may ultimately be entitled has been remanded to

FEA for further consideration consistent with the Court's decision. FEA has modified, on a provisional basis pending further agency review consistent with court order, Delta's 1975 exception relief adjustment, which reduces the total entitlement obligation of Delta in this regard by \$1.8 million. The revised total purchase requirement is \$2,759,585.32, in twelve installments of approximately \$229,965.44 each. Amounts attributable to the adjustment for Delta's 1975 exception relief in the listing in the Appendix reflect a credit for a provisional reduction in the September 1976 entitlement obligation and provisionally revised pro-rated amounts for the months of October, November and December 1976. Any additional adjustments required by the agency pursuant to court order will be reflected in future entitlement notices.

For purposes of the adjustments to refiners' crude run volumes under § 211.67(d) (4), total production of residual fuel oil for sale in the East Coast market (in excess of the first 5,000 barrels per day thereof for each refiner reporting such production) was 12,906,053 barrels for December 1976. For that month, imports of residual fuel oil eligible for entitlement issuances totaled 44,988,044 barrels.

The total number of entitlements required to be purchased and sold under this notice is 23,775,007.

Payment for entitlements required to be purchased under 10 CFR 211.67(b) for December 1976 must be made by February 28, 1977.

On or prior to March 10, 1977, each firm which is required to purchase or sell entitlements for the month of December 1976 shall file with FEA the monthly transaction report specified in 10 CFR 211.66(i) certifying its purchases and sales of entitlements for the month of December. FEA has mailed the monthly transaction report forms for the month of December to reporting firms. FEA requests that firms which have been unable to locate other firms for required entitlement transactions by February 28, 1977 contact FEA at 202-254-6296 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to February 28, 1977, FEA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR 211.67(k).

This notice is issued pursuant to Subpart G of FEA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with FEA's Office of Exceptions and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before April 1, 1977.

Issued in Washington, D.C. on February 23, 1977.

ERIC J. FYGI,  
Acting General Counsel.

APPENDIX  
ENTITLEMENTS FOR DOMESTIC CRUDE OIL  
PAGE: 7

REPORTING FIRM SHORT NAME	DEEMED OIL OIL ADJUSTED RECEIPTS	***** TOTAL ISSUED	***** EXCEPTIONS AND APPEALS	E N T I T L E M E N T PRODUCT ENTITLEMENTS	P U S I T I O N 10 MONTH CLEAN-UP	T I U N REQUIRED TO BUY	***** REQUIRED TO SELL
A-Johnson	0	154,544	790	9,432	-5,936	0	154,544
AGWAY	0	774	797	0	-23	0	774
ALLIED	24,053	151,097	0	0	-66	0	107,044
AMER-PETROFINA	1,819,010	1,808,541	0	0	60,742	211,269	0
AMERADA-HESS	1,736,768	4,542,034	0	225,945	-29,480	0	2,605,246
AMUCU	11,699,337	7,840,490	0	6,313	-16,626	4,058,847	0
APCU	485,824	470,752	0	0	-1,344	15,072	0
APEX	0	-9	0	0	-9	9	0
ARCU	6,016,535	5,990,553	4,743*	0	-139,939	25,982	0
ARIZONA	64,953	56,167	17,742	0	342	6,766	0
ASAMERA	79,759	199,694	0	0	260	0	119,935
ASHLAND	1,368,556	2,825,620	0	0	-23,169	0	1,457,264
ASIATIC	0	275,487	0	276,334	-2,847	0	275,487
ATLANTIC-CEMENT	0	194	0	0	194	0	194
AUGSBURY	0	-4	0	0	-4	4	0
BASIN	719	69,748	0	0	.0	0	89,029
BAYOU	43,293	50,828	0	0	57	0	7,535
BEACON	224,442	176,846	6,565	0	-5,131	47,596	0
BELCHEM	0	164,565	0	165,034	-469	0	184,565
BI-PETRO	8,576	21,306	0	0	0	0	12,730
BLUE-RIDGE	0	9,153	0	9,457	-304	0	9,153
C&H	0	148,704	0	0	-12	0	148,704
CALUMET	163,756	143,786	0	0	-209	39,970	0
CANAL	68,916	62,319	0	0	102	0	28,279
CARIBOU	65,555	113,634	4,458	0	-1,331	6,597	44,132
CASTLE	0	44,132	0	44,592	-260	0	19,609
CENTRAL	0	19,609	0	19,795	-166	0	0
CHAMPLIN	1,664,688	1,624,611	0	0	12,562	39,277	0
CHARLEM	821,902	528,298	28,309	0	12,156	293,604	0
CIRILLO	0	29,287	0	30,301	-1,014	0	29,287
CITIGU	5,199,371	2,094,662	0	0	-4,132	1,104,709	0
CLAIBORNE	32,020	48,501	0	0	17,429	0	16,481
CLARK	297,667	963,812	0	0	-2,366	0	666,145
COASTAL	324,142	1,400,255	0	0	26,533	0	1,071,113

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	***** TOTAL ISSUED	***** EXCEPTIONS AND APPEALS	E N T I T L E M E N T PRODUCT ENTITLEMENTS	***** 10 MONTH CLEAN-UP	I U N R E Q U I R E D T O B U Y	***** R E Q U I R E D T O S E L L
COLONIAL	0	101,391	0	101,764	-373	0	101,391
CON-ED	0	-2,164	0	0	-2,164	2,164	0
CON-REF	0	-11,740	-11,795**	0	55	11,740	0
CONUCU	3,502,619	3,029,367	0	57,903	8,443	473,432	0
CONSUMERS-POWER	0	-442	0	0	-442	442	0
CORCU	0	1,115,992	0	120,721	-3,822	0	1,115,992
CRA-FARMLAND	406,167	609,615	0	0	-2,366	0	203,448
CROSS	55,924	151,348	0	0	2,906	0	95,424
CROWN	339,637	720,392	0	0	-2,101	0	380,755
CRYSTAL-OIL	267,467	175,401	0	0	-12,177	92,086	0
CRYSTAL-REF	774	57,704	0	0	-531	0	56,930
DEEPWATER	0	15,232	0	15,321	-89	0	15,232
DELTA	475,166	295,013	-67,741****	0	794	180,093	0
DEMENNO	-7,979**	67,647	0	0	0	0	95,626
DETROIT-ED	0	728	0	0	728	0	728
DIAMOND	682,974	499,341	0	0	4,058	183,633	0
DILLMAN	8,006	4,359	2,632	0	0	3,647	0
DORCHESTER	6,070	16,495	0	0	-56	0	8,425
DUM	64,906	143,425	0	0	133	0	128,517
E-SEABOARD	0	91,001	0	91,970	-969	0	91,001
ECU	126,751	112,470	0	0	0	16,261	0
EDDY	36,590	145,804	0	0	67	0	109,214
EDGINGTON-OIL	0	-10,241	-10,763	0	522	10,241	0
EDGINGTON-OXN	0	-5	0	0	-5	5	0
ELM	0	-319	0	0	-319	319	0
ENERGY-COUP	0	410,950	0	0	0	0	410,950
ENTERPRISE	0	-38	0	0	-38	38	0
EVANGELINE	16,566	37,872	0	0	50	0	19,306
EXXON	12,412,350	11,291,562	0	764,066	-3,971	1,120,768	0
EZ-SERVE	91,226	106,801	0	0	0	0	15,575
F-FLETCHER	0	1	0	0	1	0	1
FAMARISS	219,924	325,767	0	0	-41	0	105,643
FARMERS-UN	205,032	405,121	0	0	-222	0	200,089
FLETCHER	75,152	159,733	-9,757	0	13,195	0	84,581

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	***** TOTAL ISSUED	***** EXCEPTIONS AND APPEALS	***** PRODUCT ENTITLEMENTS	***** 10 MONTH CLEAN-UP	***** P U S I T I O N REQUIRED TO BUY	***** REQUIRED TO SELL
FLINT	11,311	6,417	0	0	-8	2,894	0
FLORIDA-POWER	0	665	0	0	665	0	665
GARY	37,357	97,646	0	0	-71	0	60,289
GEN-PORTLAND	0	-16	0	0	-16	16	0
GETTY	395,055	735,127	0	0	-4,260	0	340,072
GIANT	35,309	174,655	0	0	-182	0	139,546
GIBBS	0	-367	0	0	-367	367	0
GIBSON	136	532	0	0	0	0	396
GLACIER-PARK	117,237	66,960	0	0	0	56,277	0
GLADIEUX	56,963	165,555	0	0	250	0	108,572
GLENROCK	22,649	61,237	0	0	0	0	38,388
GOLDEN-EAGLE	0	247,168	0	0	-2,508	0	247,168
GOLDEN-EAGLE-NY	0	11,659	0	9,522	2,137	0	11,659
GULDKING	47,457	116,826	0	0	0	0	69,369
GOOD-HOPE	245,667	351,865	-569	0	-436	0	105,998
GREAT-NORTHERN	0	-125	0	0	-125	125	0
GUAM	0	345,501	0	0	-2,211	0	345,501
GULF	9,171,434	7,182,232	0	57,946	-12,215	1,989,202	0
GULF-SIS	36,926	138,297	0	0	72	0	101,371
HIRI	0	427,718	0	0	1,994	0	427,718
HUWARD	0	118,609	0	120,048	-1,439	0	118,609
HOWELL	549,669	373,880	0	0	1,137	176,009	0
HUNT	273,386	355,797	0	0	-496	0	62,411
HUSKY	718,637	719,677	319,624	0	440	0	440
INDEPENDENT-REF	125,601	144,215	0	0	0	0	18,614
INDIANA-FARM	42,754	239,293	0	0	-459	0	196,539
INTL-PAPER	0	73	0	0	73	0	73
IRVING	0	23,623	0	23,665	-62	0	23,623
J&M	220,198	216,699	66,064	0	-1,299	1,299	0
K-H-WHITE	0	-35	0	0	-35	35	0
KENTUCKY	2,459	6,632	0	0	-29	0	4,173
KERN	449,214	449,214	237,662	0	0	0	0
KERM-MCGEE	1,276,198	1,403,374	0	0	27,207	0	125,176
KOCH	297,066	773,323	0	0	-2,146	0	476,257

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	***** TOTAL ISSUED	***** EXCEPTIONS AND APPEALS	E N T I T L E M E N T PRODUCT ENTITLEMENTS	***** 10 MONTH CLEAN-UP	P U S I T I O N REQUIRED TO BUY	***** REQUIRED TO SELL
LAWATER	0	7,225	0	0	7,225	0	7,225
LAGLORIA	464,452	202,423	0	0	-72,597	262,029	0
LAKESIDE	11,095	92,769	0	0	-237	0	81,674
LAKETON	162,366	156,068	33,482	0	-6,298	6,298	0
LITTLE-AMER	1,151,839	1,053,643	466,249	0	322	98,196	0
LOUISIANA-LAND	163,532	334,728	0	0	0	0	171,196
MACNILLAN	37,043	173,944	0	0	-3,458	0	136,901
MARATHON	2,722,096	3,796,461	0	0	-5,588	0	1,074,365
MARION	160,596	220,761	0	0	-785	0	60,185
MID-AMER	20,830	157,793	0	0	-319	0	136,963
MID-TEX	324	82,744	0	0	173	0	82,420
MIDLAND	31,535	217,757	-11,061	0	-115	0	186,222
MOBIL	8,194,827	5,768,451	113,868	61,736	-197,721	2,431,376	0
MOHAWK	409,361	404,616	0	0	839	4,545	0
MONSANTO	293,041	345,449	0	0	-622	0	52,356
MORRISON	19,905	152,235	0	0	2	0	132,330
MOUNTAINEER	5,519	5,560	0	0	5	0	41
MURPHY	733,429	808,983	0	0	208	0	75,554
N-AMER-PETRO	47,661	130,762	0	0	-2,089	0	62,901
NARKAGANSETT	0	-115	0	0	-115	115	0
NATL-COUP	357,646	511,823	0	0	366	0	154,175
NAVAJO	396,471	422,566	117,345*	0	-1,802	0	26,115
NEW-EDGINGTON	552,920	416,816	155,613	0	0	136,104	0
NEW-ENGL-PETRO	0	391,147	0	394,791	-3,644	0	391,147
NEW-ENGL-POWER	0	-72	0	0	-72	72	0
NEWHALL	141,249	136,757	-6,575	0	94	4,492	0
NEWMAN	0	-64	0	0	-64	64	0
NORCO	0	61	0	0	61	0	61
NORTHEAST-PETRO	0	25,990	0	26,891	-901	0	25,990
NORTHLAND	50,748	90,731	0	0	-50	0	39,983
NORTHVILLE	0	52,000	0	52,770	-770	0	52,000
OIL-SHALE	2,049,906	1,361,839	0	0	-2,515	688,069	0
OKC	184,497	273,437	0	0	1,976	0	88,940
ORANGE&ROCKLAND	0	64	0	0	64	0	64

REPORTING FIRM SHORT NAME	DEE-FED OLD OIL ADJUSTED RECEIPTS	***** TOTAL ISSUED	***** EXCEPTIONS AND APPEALS	E N T I T L E M E N T PRODUCT ENTITLEMENTS	P O S I T I O N 10 MONTH CLEAN-UP	***** REQUIRED TO BUY	***** REQUIRED TO SELL
OXNARD	33,920	103,170	0	0	0	0	69,250
PASCU	0	-43,324	-47,969	0	4,645	43,324	0
PATCHOGUE	0	35,958	0	36,248	-290	0	35,958
PENNZOIL	426,798	435,032	0	0	-446	0	6,234
PEPCO	0	-953	0	0	-953	953	0
PETRO-HEAT-CT	0	26,409	0	26,984	-575	0	26,409
PETRO-HEAT-PA	0	17,663	0	17,987	-324	0	17,663
PG&E	0	-468	0	0	-468	468	0
PHILLIPS	2,428,226	2,395,224	0	0	99,528	33,002	0
PHILLIPS-PR	0	170,807	0	170,807	0	0	170,807
PIUNEER	2,996	139,462	0	0	-5	0	136,466
PITTSSTON	0	174,299	0	175,398	-1,099	0	174,299
PLACID	225,016	374,629	0	0	-1,285	0	149,611
PLATEAU	186,571	165,767	0	0	-476	20,804	0
POMEIRINE	313,133	400,196	0	0	270	0	67,063
PRIDE	114,333	257,515	0	0	-331	0	143,182
PRINCETON	0	58,653	0	0	0	0	58,853
PRULEASE	0	-665	0	0	-865	865	0
QUAKER-ST	32,655	252,094	0	0	-1,602	0	219,439
REMYNGTON	0	-69	0	0	-89	89	0
RICHARDS	0	217	0	0	0	0	217
RICU	0	-47	0	0	-47	47	0
ROAD-OIL	0	39,568	0	0	-7	0	39,568
ROCK-ISLAND	469,990	382,239	-27,625	0	538	87,751	0
ROYAL	0	-137	0	0	-137	137	0
SABER-TEX	14,258	149,960	0	0	-7,549	0	135,702
SABRE-CAL	54,272	54,151	15,806	0	-121	121	0
SAGE-CREEK	2,493	4,912	0	0	-7	0	2,419
SAN-JUAN	168,653	207,295	50,222	0	-1,514	0	38,642
SEARS	0	-31	0	0	-31	31	0
SEMINOLE	0	139,289	0	0	-2,957	0	139,289
SHELL	11,721,256	8,440,261	0	18,752	339,736	3,280,995	0
SIGMOH	20,600	136,061	0	0	1,784	0	115,461
SKELLY	1,157,699	669,318	0	0	787	468,381	0

REPORTING FIRM SHORT NAME	DEEMED OIL ADJUSTED RECEIPTS	***** TOTAL ISSUED	***** EXCEPTIONS AND APPEALS	E N T I T L E M E N T PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	P O S I T I O N REQUIRED TO BUY	***** REQUIRED TO SELL
SU-HAMPTON	-16,270**	210,482	0	0	960	0	230,752
SOCAL	8,093,693	8,615,864	0	25,186	-5,711	0	521,991
SOCAL-UISUN	0	-86	0	0	-86	86	0
SOHIO	1,382,740	3,565,621	0	0	19,519	0	2,183,081
SOMERSET	28,631	58,606	0	0	-305	0	29,975
SOUND	165,864	146,290	0	0	-150	39,594	0
SOUTHLAND	301,516	312,469	88,571	0	197	68,629	0
SOUTH-EASTERN	39,426	95,174	0	0	0	0	55,748
SPRAGUE	0	57,853	0	57,853	0	0	57,853
STEUART	0	83,293	0	84,172	-879	0	83,293
SUNLAND	507,295	513,471	350,965	0	6,176	0	6,176
SUNJCU	5,633,707	4,196,372	0	60,508	-73,432	1,437,335	0
SWANN	0	60,046	0	0	-462	0	60,046
TARRICONE	0	-119	0	0	-119	119	0
TAUBER	0	-82	0	0	-82	82	0
TENNECO	694,345	712,139	0	15,447	-50,700	182,206	0
TESURU	1,219,737	740,308	0	0	3,410	479,429	0
TEXACU	11,980,429	9,191,237	0	344,625	40,006	2,789,192	0
TEXAS-AMERICAN	29,359	127,062	0	0	0	0	97,703
TEXAS-ASPH	37,915	147,472	7,004*	0	-7,004	0	109,557***
TEXAS-CITY	505,474	597,400	0	0	-28,630	0	91,926
THAGARD	245,804	241,170	170,672	0	-5	4,634	0
THE-REFINERY	0	-2,586	0	0	-2,586	2,586	0
THRIFTWAY	25,825	136,099	0	0	-106	0	110,274
THUNDERBIRD	104,054	158,447	0	0	-290	0	54,393
TOKAWA	39,772	78,074	0	0	-190	0	38,302
TOTAL-LEONARD	173,546	421,638	0	0	-1,875	0	248,090
TRANS-OCEAN	0	134,028	0	0	0	0	134,028
UCC-CARIBE	0	114,510	0	114,510	0	0	114,510
UNION-OIL	4,911,276	3,915,350	0	25,630	78,327	995,926	0
UNION-PETRO	0	9,799	0	9,799	0	0	9,799
UNION-TEXAS	0	224	0	0	224	0	224
UNITD-IND	16,190	47,287	0	0	53	0	31,097
UNTU-REF	167,715	388,953	0	0	-14,316	0	221,238

REPORTING FIRM SHORT NAME	DEEMED OIL ADJUSTED RECEIPTS	***** TOTAL ISSUED AND EXCEPTIONS AND APPEALS	E W T I T L E M E N T PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	T I U N REQUIRED TO BUY	***** REQUIRED TO SELL
US-OIL	19,905	171,761	0	-479	0	151,876
USA-PETRUCCHEM	-5,021**	190,244	0	0	0	195,265
VEN-FUEL	0	-86	0	-88	88	0
VICKERS	321,688	556,429	0	663	0	234,741
VULCAN	74,169	228,152	0	-122	0	153,983
WALLER	0	7,752	7,900	-148	0	7,752
WARRIOR	49,919	36,750	12,904	-4,999	11,169	0
WEBER	0	175	0	175	0	175
WELLEN	0	-114	0	-114	114	0
WEST-COAST	41,656	37,408	-1,235	-2,478	4,428	0
WESTERN	50,107	119,231	0	6,981	0	69,124
WHALECU	0	-37	0	-37	37	0
WICKETT	0	-5	0	-5	5	0
WINSTON	50,625	201,313	0	-10	0	150,488
WIREBACK	0	624	0	32	0	624
WITCO	63,011	190,266	0	-243	0	127,255
WYATT	0	57,670	58,368	-698	0	57,670
YETTER	0	1,751	0	-7	0	1,751
YOUNG	90,067	90,082	20,588	-5	5	0
TOTAL	136,669,075	136,669,075	2,119,645	3,960,311	0	23,775,007
						23,775,007

\* Also includes entitlements issued to correct an error in this firm's special correction amount.

\*\* Reflects a correction to a prior month's report.

\*\*\* This does not include the purchase obligation stayed by court order in Texas Asphalt & Refinery Co. v. FEA Civ. Action No. 4-75-268 (N.D. Tex., filed October 31, 1975).

\*\*\*\* Reflects adjustments for 1975 exceptions relief as provisionally modified by FEA pending agency review consistent with court order. For discussion, see text supra.

*Advance Orders are now being Accepted  
for delivery in about 6 weeks*

## CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1977)

<u>Quantity</u>	<u>Volume</u>	<u>Price</u>	<u>Amount</u>
_____	Title 7—Agriculture (Parts 700-749)	\$4. 10	\$ _____
_____	Title 7—Agriculture (Parts 945-980)	2. 40	_____
_____	Title 16—Commercial Practices (Parts 0-149)	5. 50	_____
		Total Order	\$ _____

*(A Cumulative checklist of CFR issuances for 1976 appears in the first issue  
of the Federal Register each month under Title 1)*

PLEASE DO NOT DETACH

**MAIL ORDER FORM To:**

Superintendent of Documents, Government Printing Office, Washington, D.C. 20402

Enclosed find \$..... (check, money order, or Supt. of Documents coupons) or charge to my

Deposit Account No. .... Please send me ..... copies of:

**FOR USE OF SUPT. DOCS.**

Enclosed.....  
To be mailed.....  
later.....  
Subscription.....  
Refund.....  
Coupon refund.....  
Postage.....  
Foreign Handling.....

PLEASE FILL IN MAILING LABEL  
BELOW

Name .....

Street address .....

City and State ..... ZIP Code .....

FOR PROMPT SHIPMENT, PLEASE PRINT OR TYPE ADDRESS ON LABEL BELOW, INCLUDING **YOUR ZIP CODE**

U.S. GOVERNMENT PRINTING OFFICE  
ASSISTANT PUBLIC PRINTER  
(SUPERINTENDENT OF DOCUMENTS)  
WASHINGTON, D.C. 20402

**OFFICIAL BUSINESS**

POSTAGE AND FEES PAID  
U.S. GOVERNMENT PRINTING OFFICE  
375  
SPECIAL FOURTH-CLASS RATE  
BOOK

Name .....

Street address .....

City and State ..... ZIP Code .....