

Federal Register

MONDAY, MARCH 7, 1977



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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
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	HEW/FDA			HEW/FDA

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

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

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

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INFORMATION AND ASSISTANCE

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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 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z; FC-0045, FC-0046, FC-0047, FC-0048]

PART 226—TRUTH IN LENDING

Official Staff Interpretations

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

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

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

These interpretations shall be effective as of February 28, 1977.

12 CFR Part 226, FC-0045

§ 226.2(d) A State statute and regulation which requires posting of APR's and finance charges is not an advertisement when used in the manner prescribed by the statute and regulation.

FEBRUARY 10, 1977.

This is in response to your letter of * * * and your letter of * * *, in which you requested an interpretation as to the applicability of Regulation Z to a statute (§ 3.305 of Act No. 686 of 1976 on Posting Rates) and regulation (Reg. 28-27-3.305) of the State of South Carolina which require posting in chart form of annual percentage rates for installment loans in certain financial institutions.

You inquire whether or not the charts which display such rates and other credit information constitute advertisements as defined by § 226.2(d) of Regulation Z. If such charts are advertisements within the meaning of the Regulation, advertising disclosures would be required. It is the staff's opinion that such charts are not advertisements as defined by Regulation Z.

The regulation promulgated by the South Carolina Commission on Consumer Affairs requires that each lending institution in the State making consumer loans post the appropriate Loan Finance Charge Schedules in a conspicuous place in the institution and each branch thereof. The schedules must be prepared in the format provided for each type of lender (General Lenders, Restricted Lend-

ers and Supervised Lenders). The schedules must be printed in a minimum of 14 point type with the words "Annual Percentage Rate" printed more conspicuously than other required terminology. The schedule for Supervised Lenders (which is given here as an example) reads as follows. The words "Loan Finance Charge Stated as Annual Percentage Rate" are centered at the top of the schedule. Below are the following statements:

"Consumers.—All lending institutions making consumer loans are required to post examples of their usual and customary loan finance charges stated as annual percentage rates for the purpose of assisting you in comparing the various credit terms available to you, furthering your understanding of the terms of credit transactions and to help you avoid the uninformed use of credit."

Note.—Lenders are not required to make loans in the amounts or at the rate, or for the term shown on this chart. Amounts of credit available to you and your cost depends upon amount, terms collateral and credit worthiness.

Beneath these statements in a chart form are the following entries with the appropriate information as applicable.

"Amount financed."

"5 months annual percentage rate."

"10 months annual percentage rate."

"24 months annual percentage rate."

"36 months annual percentage rate."

The question you have posed is whether or not this schedule and the others required of different institutions constitute advertisements under Regulation Z. Section 226.2(d) of the Regulation defines an advertisement as "any commercial message * * * on any interior or exterior sign or display * * * which is delivered or made available to a customer or prospective customer in any manner whatsoever." The Regulation requires that any "advertisement to aid, promote, or assist directly or indirectly any credit sale * * *, loan, or other extension of credit" state that the specific terms offered for that transaction. The staff is of the opinion that the schedules required to be posted by the State regulation would not, when used in strict accordance with the State regulation, constitute commercial messages and would therefore not be advertisements subject to the requirements of Regulation Z.

The adjective "commercial" connotes that which is done primarily to promote business purposes of salability or profit. The stated purpose of the State regulation in question is to "further consumer understanding of the terms of credit transactions and to foster competition among suppliers of consumer credit so that consumers may obtain credit at reasonable cost" (section 1, Regulation, supra.). It appears that the primary purpose of requiring posted examples of usual or customary finance charges of lenders is educational rather than commercial in nature. It must again be emphasized, however, that this opinion extends only to the use of these schedules in the manner and for the purposes prescribed by the South Carolina statute and regulation and any use of the schedules in a manner other than that prescribed would not necessarily be exempted from the requirements of Regulation Z.

This is an official staff interpretation of Regulation Z issued in accordance with § 226.1(d) and is limited to the facts stated herein. I trust this is responsive to your inquiry.

Sincerely,

JERVAUD C. KLUCKMAN,
Associate Director.

12 CFR Part 226, FC-0046

§§ 226.6(c)-226.8(n) Where a periodic statement is provided in accordance with § 226.8(n), the simple annual interest rate together with an explanation of the method to be used to determine the earned interest component of the amount stated in the periodic statement may be included on the periodic statement under the additional information provisions of § 226.6(c).

FEBRUARY 14, 1977.

This is in response to your letter of * * *, requesting an official staff interpretation with regard to providing additional information under § 226.6(c) on a periodic statement provided by your client in accordance with § 226.8(n) in conjunction with consumer loans used to purchase a dwelling.

Your client wishes to provide customers with an explanation of the method by which the interest component of the periodic payment was computed, since mortgage loans often include one or more prepaid finance charges which have the effect of producing an annual percentage rate greater than the interest rate applied in determining the earned interest component of the amount stated on the periodic statement. This additional information disclosure would appear directly under the Annual Percentage Rate disclosure on the periodic statement in one of the following forms:

Annual percentage rate -----%.

The "Interest Due" results from multiplying the principal balance by a simple annual interest rate of ----- and dividing by 12 if payments are monthly or 2 if semi-annually.

or

Annual percentage rate -----%.

Your finance charge (interest) due results from multiplying the principal balance by a simple annual interest rate of ----- and dividing by 12 if payments are monthly or 2 if semi-annually.

You have requested in a separate letter an opinion as to the use of the terms "Interest Due" or "Finance Charge (Interest) Due". At this time, you are simply inquiring whether a disclosure explaining the method of determining the earned interest component of the periodic statement can be provided as additional information under § 226.6(c). In doing so, customers would be presented with the simple annual interest rate for use in determining the earned interest component.

Staff is of the opinion that your proposed disclosure, which provides customers with the simple annual interest rate together with an explanation of the method to be used to determine the earned interest component of the amount stated on the periodic statement, may be included on the periodic statement under the additional information provisions of § 226.6(c).

This is an official staff interpretation issued in accordance with § 226.1(d)(3) and is limited solely to the facts and issues presented herein. I note that your client is a creditor subject to the laws of the State of Connecticut and not the Federal law. Since that State has been granted an exemption under the relevant portion of the Truth in Lending Act, I suggest that you contact the office of Mr. Lawrence Connell, Jr., Bank Commissioner of the State of Connecticut, for his views. I trust that this is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

12 CFR Part 226, FC-0047

§ 226.8(c)(8)-226.8(d)(3) If mortgage insurance premiums are not imposed on customer as a specific and separately stated fee but rather are paid by the creditor out of interest charged as an item of overhead, the premiums need not be itemized as a component of finance charge.

FEBRUARY 14, 1977.

This is in reply to your letter of * * *, requesting an official staff interpretation of Regulation Z with regard to itemization of finance charge. You note that prior official staff interpretations, FC-0003, FC-0025, and FC-0030, discussed the proper way to disclose scheduled payments under § 226.8(b)(3) when mortgage guarantee insurance premiums are charged by the lender in addition to the interest being charged on a loan. In some cases, however, creditors absorb the mortgage insurance premium themselves and pay the premiums out of the interest being charged. The insurance is not imposed on the customer as a specific and separately stated fee; rather the premiums are paid by the bank as one of a number of items of overhead.

It is staff's opinion that in the situation described above, the cost of such insurance need not be separately itemized in disclosing the finance charge in those cases where the finance charge is required to be disclosed under §§ 226.8(c)(8) and 226.8(d)(3). If the premium is imposed as a specific and separately stated charge, however, the cost of that insurance must be itemized as such whenever the finance charge must be disclosed.

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of the Regulation, and it is limited to the facts as discussed herein. It appears that your client may be a creditor subject to the laws of the State of Connecticut and not the Federal law. Since that State has been granted an exemption under the relevant portion of the Truth in Lending Act, I suggest that you contact the office of Mr. Lawrence Connell, Jr., Bank Commissioner of the State of Connecticut for his views. I trust this is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

12 CFR Part 226, FC-0048

§ 226.2(q) Life insurance policy "loans" not evidenced by contractual obligation are not extensions of credit and therefore are not subject to Regulation Z.

FEBRUARY 14, 1977.

This is in reply to your letter of * * *, asking whether "loans" made against life insurance policy cash values are subject to Regulation Z. These "loans" made by insurance carriers to policy holders, although

subject to a rate of interest, are not evidenced by an enforceable contractual obligation to pay either the amount advanced or the interest thereon other than as an offset against the cash value of the policy. In effect, the policy holder is simply drawing upon the cash value that has accrued under the policy. Such "loans" have no maturity or schedule of payments, and consequently it would be impossible to disclose the finance charge, the number, amount, or due dates of payments, or the total of payments. There are no default, delinquency, or late payment charges. The only disclosure that apparently could be made, other than the amount of the "loan" ("amount financed"), would be the annual percentage rate.

It is staff's opinion that there is no debt involved here because the policy holder has not incurred an obligation to repay anything to the insurance carrier; he/she is just withdrawing from the accrued cash value of the policy. Since there is no debt, there can be no extension of credit within the meaning of § 226.2(q). Therefore, it is staff's opinion that "loans" of the type described here are not subject to Regulation Z.

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

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

Board of Governors of the Federal Reserve System, February 25, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 77-6625 Filed 3-4-77; 8:45 am]

Title 15—Commerce and Foreign Trade
CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION,
DEPARTMENT OF COMMERCE
PART 371—GENERAL LICENSES
PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

General Licenses Ship Stores and Plane Stores

AGENCY: Office of Export Administration.

ACTION: Final rule.

SUMMARY: The Export Administration Regulations are revised to modify §§ 371.9(b)(1) and 371.10(b) to make these sections no longer applicable to third country ships and aircraft involved in trade with North and South Vietnam. The effect of the amendments is to permit the use of General License Ship Stores and General License Plane Stores for the bunkering of third country ships and aircraft involved in trade with North or South Vietnam. However, the current restrictions on the bunkering of ships of 500 or more registered tons and aircraft of 12,000 or more pounds gross load, registered in, owned or controlled by, or under charter or lease to, Vietnam or a Vietnamese national remain in effect.

A technical amendment is also being made to these sections to delete the obsolete reference to 12:01 a.m. e.d.t., May 16, 1975 in § 371.9(b)(1)(i) and § 371.10(b)(1) as the initial computation date

for the restrictions contained in those paragraphs relating to the bunkering of ships and aircraft that had called at points in South Vietnam and Cambodia. In addition, a technical amendment is being made to § 376.9(c)(4) conforming to the amendments cited.

EFFECTIVE DATE: March 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Ronald D. McGehee, Acting Director, Exporters' Service Staff, Office of Export Administration, Domestic and International Business Administration, Department of Commerce, Washington, D.C. 20230 (202-377-4811).

SUPPLEMENTARY INFORMATION: The existing restrictions against Vietnamese ships and aircraft calling in the United States and on American ships and aircraft calling in Vietnam are not affected by these amendments.

Because the amendments contained herein are matters relating to a foreign affairs function of the United States, it has been determined that proposed rule-making procedures are inapplicable. Further, because the amendments relieve a restriction, the requirement for a delay in the effective date of the amendments is also inapplicable.

Accordingly, Parts 371 and 376 of the Export Administration Regulations (15 CFR Parts 371 and 376) are amended as follows:

1. By revising § 371.9(b)(1) to read as follows:

§ 371.9 General license ship stores.

(b) *Restrictions on exports of petroleum and petroleum products.* (1) North Korea or Cambodia. No export of petroleum products (including those used as bunker fuel) listed in § 371.9(b)(4) below may be made under this general license on a foreign vessel of 500 gross registered tons or more departing from the United States for use on board such vessel if the vessel (i) has called at a port under the control of North Korea or Cambodia during the 180 days immediately preceding the date on which such commodities are to be laden aboard the vessel; (ii) will call at a port under the control of North Korea or Cambodia within 120 days after the date on which such commodities are laden aboard the vessel; (iii) will carry within the next 120 days any commodities known by the owner, master, or agent to be destined, directly or indirectly, to these ports, unless the commodities are covered by an export license issued by an agency of the U.S. Government; or (iv) meets the registry restrictions in § 371.9(b)(3) below.

2. By revising § 371.10(b) to read as follows:

§ 371.10 General license plane stores.

(b) *Restrictions on petroleum and petroleum products for use on aircraft.* No export of petroleum or petroleum products (including those used as fuel) listed in § 371.9(b)(4) above may be

made under this general license on a foreign aircraft of 12,000 pounds or more gross load departing from the United States, for use on board such aircraft, if the aircraft (1) has called at any point under the control of North Korea or Cambodia, during the 30 days immediately preceding the date on which such commodities are to be laden aboard the aircraft, (2) will call at any point under the control of North Korea or Cambodia, within 30 days after the date such commodities are laden aboard the aircraft, (3) will carry within this 30-day period commodities, of any origin, known by the owner, aircraft commander, or agent to be destined directly or indirectly to any point under the control of North Korea or Cambodia, unless the commodities so carried are covered by an export license issued by an agency of the U.S. Government, or (4) is registered in, owned or controlled by, or under charter or lease to North Korea, North Vietnam, South Vietnam, or Cambodia, or a national of any of these countries.

3. By revising § 376.9(c) (4) to read as follows:

§ 376.9 Ship stores, plane stores, supplies, and equipment.

(c) * * *
 (4) *Commodity description and ports of call.* (i) Ports visited. In addition to a description of the commodities to be exported, list for each of the carrier's calls at any point under the control of North Korea or Cambodia within 180 days prior to the date of application (or 30 days in the case of aircraft), the dates of each call, and a statement, or a copy of the manifest, showing the cargo loaded or discharged. (If the carrier was in ballast, so state.)

(ii) Proposed ports of call. Also submit the carrier's proposed calls at any point under the control of North Korea or Cambodia for the next 120 days in the case of vessels (30 days in the case of aircraft) from the anticipated date of departure from the last port in the United States. If the carrier's itinerary for all of the next 120 days in the case of vessels (or 30 days in the case of aircraft) is not known and cannot be ascertained, the itinerary shall be stated so far as it may be known or ascertainable. In addition, all other available information as to future destinations and areas of operation shall be submitted. If the carrier (a) will call at a point under the control of North Korea or Cambodia within the next 120 days in the case of vessels (30 days in the case of aircraft) from the date of departure, or (b) is registered in North Korea, North Vietnam, South Vietnam, Cambodia, or Cuba, or (c) is under charter to, or under control of a national of North Korea, North Vietnam, South Vietnam, Cambodia, or Cuba, state whether any commodities identified by the code letter "A," "B," "C," or "M" following the Export Control Commodity Number on the Commodity Control List (§ 399.1), included on the U.S. Munitions List (see Supplement No.

2 to Part 370), or subject to the Atomic Energy Act (§ 370.10(e)) are carried on board the vessel or aircraft and destined directly or indirectly to any point under the control of North Korea, North Vietnam, South Vietnam, or Cambodia. If the answer is in the affirmative, indicate where such commodities will be discharged.

RAUER H. MEYER,
 Director, Office of
 Export Administration.

[FR Doc. 77-6659 Filed 3-4-77; 8:45 am]

Title 28—Judicial Administration
 CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 694-77]

PART 0—ORGANIZATION OF THE
 DEPARTMENT OF JUSTICE

Subpart K—Criminal Division

DESIGNATION OF CENTRAL AUTHORITY
 UNDER TREATY ON MUTUAL ASSISTANCE
 IN CRIMINAL MATTERS

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Treaty between the United States and Switzerland on Mutual Assistance in Criminal Matters, which entered into force on January 23, 1977, provides for mutual assistance in the investigation and prosecution of criminal matters. This includes assistance in locating witnesses, obtaining statements and testimony, production and authentication of business records and service of judicial or administrative documents. Article 28 of the Treaty provides that requests for assistance be handled by a "Central Authority" and that for the United States the Central Authority shall be the Attorney General or his designee. This order designates the Assistant Attorney General in charge of the Criminal Division as the Central Authority to handle requests for assistance under the Treaty.

FOR FURTHER INFORMATION CONTACT:

Lawrence W. Chamblee, Criminal Division, U.S. Department of Justice, (202-739-4593).

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, and Article 28 of the Treaty Between the United States of America and the Swiss Confederation on Mutual Assistance in Criminal Matters, Subpart K of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended by adding the following new § 0.64-1 at the end thereof:

§ 0.64-1 Central authority under treaty on mutual assistance in criminal matters.

The Assistant Attorney General in charge of the Criminal Division shall have the authority and perform the functions of the "Central Authority" under the Treaty Between the United States of America and the Swiss Con-

federation on Mutual Assistance in Criminal Matters, which entered into force January 23, 1977.

Dated: February 28, 1977.

GRIFFIN B. BELL,
 Attorney General.

[FR Doc. 77-6634 Filed 3-4-77; 8:45 am]

Title 32—National Defense
 CHAPTER I—OFFICE OF THE SECRETARY
 OF DEFENSE

SUBCHAPTER M—MISCELLANEOUS

PART 242a—PUBLIC MEETING PROCEDURES OF THE BOARD OF REGENTS, UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

A notice of proposed rulemaking was published in the FEDERAL REGISTER on December 22, 1976 (41 FR 55724). The proposal would add a new Part 242a entitled Public Meeting Procedures of the Board of Regents, Uniformed Services University of the Health Sciences, to Title 32 of the Code of Federal Regulations. This part provides for procedures to implement section 3(a) of the Government in the Sunshine Act, Pub. L. 94-409. Interested persons were given until January 21, 1977 to submit written comments. Two comments were received and considered by the members of the Board.

In consideration of the comments received 32 CFR Part 242a is issued as follows:

- Sec.
 242a.1 Applicability.
 242a.2 Definitions.
 242a.3 Open meetings.
 242a.4 Grounds on which meetings may be closed, or information may be withheld.
 242a.5 Procedure for announcing meetings.
 242a.6 Procedure for closing meetings.
 242a.7 Transcripts, recordings and minutes of closed meetings.
 242a.8 Effective date.

AUTHORITY: 5 U.S.C. 552b (g); Pub. L. 94-409.

§ 242a.1 Applicability.

These procedures apply to meetings of the Board of Regents, Uniformed Services University of the Health Sciences (USUHS), including committees of the Board of Regents.

§ 242a.2 Definitions.

(a) "Board" or "Board of Regents" means the collegial body that conducts the business of the Uniformed Services University of the Health Sciences as specified in Title 10, United States Code, section 2113, consisting of:

- (1) Nine persons outstanding in the fields of health and health education appointed from civilian life by the President, by and with the advice and consent of the Senate;
- (2) The Secretary of Defense, or his designee, an ex officio member;
- (3) The surgeons general of the uniformed services, ex officio members; and
- (4) The Dean (President) of the University, an ex officio non-voting member.

(b) "Board Representative" means the individual named as Executive Secretary by the Board, or any person officially designated by the Board.

(c) "Chairman" means the presiding officer of the Board, designated by the President, as specified in Title 10, United States Code, Section 2113.

(d) "Committee" means any formally designated subdivision of the Board, consisting of at least two Board members, authorized to act on behalf of the Board, including, the Board's standing committees (the Executive, Administrative Affairs, Educational Affairs, Fine Arts and Gifts, and Nominating Committees) and any ad hoc committees appointed by the Board for special purposes.

(e) "Meeting" means the deliberations of at least eight voting members of the Board, or for committees, the deliberations of at least the number of individual voting members of the Board required to take action on behalf of the Board, where such deliberations determine or result in the joint conduct or disposition of official business of the Board, but does not include:

(1) Deliberations to open or close a meeting, or to release or withhold information, required or permitted by §§ 242a.5 or 242a.6;

(2) Notation voting or similar consideration of matters whether by circulation of material to members individually in writing, or polling of members individually by telephone or telegram; and

(3) Instances where individual members, authorized to conduct business on behalf of the Board or to take action on behalf of the Board, meet with members of the public or staff. Conference telephone calls that involve the requisite number of members, and otherwise come within the definition, are included.

(f) "Member" means a member of the Board of Regents.

(g) "Public Announcement" means posting notices on the Board's public notice bulletin board, and mailing announcements to persons on a mailing list maintained for those who desire to receive notices of Board meetings, and who pay such fee as may be determined by the Executive Secretary, not to exceed \$10.00 per year, to cover the costs involved in such distribution.

(h) "Staff" includes the employees of the USUHS, other than the members of the Board.

§ 242a.3 Open meetings.

(a) Members shall not jointly conduct or dispose of business of the Board of Regents other than in accordance with these procedures. Every portion of every meeting of the Board of Regents or any committee of the Board shall be open to public observation subject to the exceptions provided in § 242a.4.

(b) Open meetings will be attended by members of the Board, certain staff, and any other individual or group desiring to observe the meeting. The public will be invited to observe and listen to the meeting but not to record any of the discussions by means of electronic or other de-

vices or cameras unless approval in advance is obtained from the Executive Secretary. The public will not participate in the meeting unless public participation is invited by the Board.

(c) The Executive Secretary shall be responsible for making physical arrangements that provide ample space, sufficient visibility, and adequate acoustics for public observation of meetings.

§ 242a.4 Grounds on which meetings may be closed, or information may be withheld.

Except in a case where the Board or a committee finds that the public interest requires otherwise, the open meeting requirement set forth in the second sentence of § 242a.3(a) shall not apply to any portion of a Board or committee meeting, and the informational disclosure requirements of §§ 242a.5 and 242a.6 shall not apply to any information pertaining to such meeting otherwise required by this part to be disclosed to the public, where the Board or committee as applicable, properly determines that such portion or portions of its meetings or the disclosure of such 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) Properly classified pursuant to such executive order;

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

(c) Disclose matters specifically exempted from disclosure by statute (other than Title 5, United States Code, Section 552), 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, except that this subsection shall not apply in any instance where 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 issuance of a subpoena, or USUHS 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 USUHS of a particular case of formal adjudication pursuant to the procedures in Title 5, United States Code, section 554 or otherwise involving a determination on the record after opportunity for a hearing.

§ 242a.5 Procedure for announcing meetings.

(a) Except to the extent that such information is exempt from disclosure under the provisions of § 242a.4, in the case of each Board or committee meeting, the Board representative, shall make public announcement, at least 7 days before the meeting, of the following:

(1) Time of the meeting;

(2) Place of the meeting;

(3) Subject matter of the meeting;

(4) Whether the meeting or parts thereof are to be open or closed to the public; and

(5) The name and telephone number of the person designated by the Board or committee to respond to requests for information about the meeting.

(b) The 7 day period for the public announcement required by paragraph (a) of this section may be reduced if a majority of the members of the Board or committee, as applicable, determine by a recorded vote that Board or committee business requires that such expedited meeting be called at an earlier date. The Board or committee shall make public announcement of the time, place, and subject matter of such meeting, and whether open or closed to the public, at the earliest practicable time.

(c) The time or place of a meeting or deletion of subject matter may be changed following the public announcement required by paragraph (a) of this section only if the Board representative publicly announces such change at the earliest practicable time. Such change need not be voted on by the members.

(d) The subject matter of a meeting or the determination of the Board or committee, as applicable, to open or close

a meeting, or portion of a meeting, to the public, may be changed following the public announcement required by paragraph (a) only if:

(1) A majority of the entire voting membership of the Board or a majority of the entire voting membership of a committee, determines by a recorded vote that Board or committee business so requires and that no earlier announcement of the change was possible; and

(2) The Board or committee publicly announces such change and the vote of each member upon such change at the earliest practicable time.

(e) The "earliest practicable time" as used in this section, means as soon as possible, which should in few, if any, instances be no later than commencement of the meeting or portion in question.

(f) Immediately following each public announcement required by this section, notice of the time, place and subject matter of a meeting, whether the meeting is open or closed, any change in one of the preceding, and the name and telephone number of the person designated by the Board or committee to respond to requests for information about the meeting, shall also be submitted for publication in the FEDERAL REGISTER.

§ 242a.6 Procedure for closing meetings.

(a) Action to close a meeting or portion thereof, pursuant to the exemptions set forth in § 242a.4 shall be taken only when a majority of the entire voting membership of the Board or a majority of the entire voting membership of a committee, as applicable, vote to take such action.

(b) A separate vote of the Board or committee members shall be taken with respect to each Board or committee meeting a portion or portions of which are proposed to be closed to the public pursuant to § 242a.4 or with respect to any information which is proposed to be withheld under § 242a.4.

(c) A single vote of the Board or committee may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, or with respect to any information concerning such series of meetings, so long as each meeting in such series involves the same particular matters and is scheduled to be held no more than 30 days after the initial meeting in such series.

(d) The vote of each member shall be recorded, and may be by notation voting, telephone polling or similar consideration.

(e) Whenever any person whose interests may be directly affected by a portion of a meeting requests that the Board or a committee close such portion to the public under any of the exemptions relating to personal privacy, criminal accusation, or law enforcement information referred to in § 242a.4 (e), (f), and (g), the Board or committee, as applicable, upon request of any one of its members, shall vote by recorded vote whether to close such meeting. Where the Board receives such a request

prior to a meeting, the Board's representative may ascertain by notation voting, or similar consideration, the vote of each member of the Board, or committee, as applicable, as to the following:

(1) Whether the business of the Board or committee permits consideration of the request at the next meeting, and delay of the matter in issue until the meeting following, or

(2) Whether the members wish to close such meeting.

(f) Within 1 day following any vote taken pursuant to paragraphs (a), (b), (c), or (e), of this section, the Board or committee shall make publicly available a written copy of such vote reflecting the vote of each member on the question. If a portion of a meeting is to be closed to the public, the Board or committee shall, within 1 day of the vote taken pursuant to paragraphs (a), (b), (c), or (e) of this section, make publicly available a full written explanation of its action closing the portion together with a list of all persons expected to attend the meeting and their affiliation. The information required by this paragraph shall be disclosed except to the extent it is exempt from disclosure under the provisions of § 242a.4.

(g) For every meeting closed pursuant to paragraphs (a) through (j) of § 242a.4, the General Counsel or chief legal officer of the USUHS shall publicly certify before the meeting that, in his or her opinion, the meeting may be closed to the public and shall state each relevant exemptive provision. A copy of such certification, together with a statement from the presiding officer of the meeting setting forth the time and place of the meeting, and the persons present, shall be retained by the Board as part of the transcript, recording or minutes required by § 242a.7.

§ 242a.7 Transcripts, recordings, and minutes of closed meetings.

(a) The Board of Regents shall maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting, or portion of a meeting, closed to the public, except that in the case of a meeting, closed to the public pursuant to § 242a.4(j), the Board shall maintain either such a transcript or recording, or a set of minutes.

(b) Where minutes are maintained they shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any action taken, and the reasons for such actions, including a description of each of the views expressed on any item and the record of any roll call vote (reflecting the vote of each member on the question). All documents considered in connection with any action shall be identified in such minutes.

(c) The Board shall maintain a complete, verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording of each meeting or portion of a meeting, closed to the public, for a period of at least 2 years after such meeting, or until 1 year after the conclusion of any Board proceeding

with respect to which the meeting or portion was held, whichever occurs later.

(d) Public availability of records shall be as follows:

(1) Within 10 days of receipt of a request for information (excluding Saturdays, Sundays, and legal public holidays), the Board shall make available to the public, in the offices of the Board of Regents, USUHS, Bethesda, Maryland, the transcript, electronic recording, or minutes of the discussion of any item on the agenda, or of any item of the testimony of any witness received at the meeting, except for such item or items of such discussion or testimony as the Executive Secretary determines to contain information which may be withheld under § 242a.4.

(2) Copies of such transcript, or minutes, or a transcription of such recording disclosing the identity of each speaker, shall be available at the actual cost of duplication or transcription.

(3) The determination of the Executive Secretary to withhold information pursuant to subsection (1) of this paragraph, may be appealed to the Board. The appeal shall be circulated to individual Board members. The Board shall make a determination to withhold or release the requested information within 20 days from the date of receipt of a written request for review (excluding Saturdays, Sundays, and legal public holidays).

(4) A written request for review shall be deemed received by the Board when it has arrived at the offices of the Board in a form that describes in reasonable detail the material sought.

§ 242a.8 Effective date.

This part shall become effective on March 12, 1977.

MEREL P. GLAUBIGER,
Legal Counsel, Uniformed Services University of the Health Sciences.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

MARCH 2, 1977.

[FR Doc. 77-6615 Filed 3-4-77; 8:45 am]

CHAPTER XIV—RENEGOTIATION BOARD SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT PART 1482—PUBLIC NOTICE AND OBSERVATION OF MEETINGS Government in the Sunshine Rules

On January 18, 1977, a document was published in the FEDERAL REGISTER (42 FR 3322-3325) proposing to amend 32 CFR by adopting a new Part 1482 to implement the provisions of the Government in the Sunshine Act (Pub. L. 94-409, 90 Stat. 1241). Interested persons were given until February 21, 1977 to submit written comments. Full and careful consideration was given to each of the comments received. In view of such comments minor changes have been made in the proposed regulations.

The changes include: (1) Elimination of a portion of the proposed § 1482.4(b) (9), which is not applicable; (2) a revision of § 1482.4(b) to require, rather than permit, the Board to open a meeting to public observation if the public interest so requires even though the meeting is otherwise exempt from such public observation; (3) a revision of § 1482.4(c) (1) to make it clear that the Board can close a meeting to the public only after the General Counsel has determined that such action is authorized under one or more of the exemptions set forth in §§ 1482.4(b); and (4) 1482.4(e) has been changed to remove the restriction on recording meetings of the Board which are open to the public and to include more restrictive prohibition against conduct which could reasonably disturb a meeting. The Board regards the above changes as insubstantial.

The regulations as adopted read as set forth below and shall be effective for all meetings held on or after March 12, 1977.

Dated: March 2, 1977.

REX M. MATTINGLY,
Chairman.

32 CFR Chapter XIV is amended by adding a new Part 1482, reading as follows:

Sec.	
1482.1	Scope.
1482.2	Definitions.
1482.3	Public announcement of meetings.
1482.4	Public observation of meetings.
1482.5	Recordings of meetings.

AUTHORITY: Sec. 109, Pub. L. 9, 82d Cong., 65 Stat. 22 (50 U.S.C. App. 1219); sec. 3, Pub. L. 94-409, 90 Stat. 1241 (5 U.S.C. 552b).

§ 1482.1 Scope.

(a) *In general.* This part implements the Government in the Sunshine Act (Pub. L. 94-409, 90 Stat. 1241). The regulations herein provide for public announcement of information concerning meetings of the Board, public observation of such meetings unless exempt from such observation by law, and public access to recordings of such meetings except to the extent that such recordings are of meetings or portions of meetings closed to public observation and the discussion thereon is exempt from disclosure by law.

(b) *Applicability.* This part applies to all meetings of the Board and all meetings of divisions of the Board which are composed of two or more members. The members of the Board shall not jointly conduct or dispose of official agency business other than in accordance with this part.

(c) *Access to records.* Access to records, including those discussed, referred to or adopted in a meeting to which this part is applicable, shall be governed exclusively by the provisions of Part 1480 of this subchapter.

§ 1482.2 Definitions.

(a) "Board" means the Renegotiation Board.

(b) "Division" means one or more members of the Board designated by the

Chairman pursuant to section 107(e) of the act.

(c) "Member" means an individual who has been appointed to the Board.

(d) "General Counsel" means the General Counsel of the Board appointed pursuant to section 107(c) of the act or, in his absence, the Acting General Counsel.

(e) "Meeting" means the deliberations of at least the number of members required to take action on behalf of the Board, or the deliberations of at least the number of members of a division required to take action on behalf of the division but not less than two, where such deliberations determine or result in the joint conduct or disposition of official business, but does not include deliberations for the purpose of closing a meeting or portion thereof to public observation under § 1482.4, deliberations for the purpose of establishing or changing the time, place or subject matter of a meeting under § 1482.3, or actions taken by the Board or a division through sequential, written notation of its members.

(f) "Earliest practicable time" means as soon as reasonably possible which, except in unusual circumstances, will be not later than the close of the next day which is not a Saturday, Sunday or legal holiday.

§ 1482.3 Public announcement of meetings.

(a) *In general.* A public announcement, in the form prescribed in paragraph (c) of this section, will be posted at least seven calendar days in advance of each meeting except that if a majority of the Board determines by recorded vote that agency business requires that such meeting be called at an earlier date, such public announcement will be posted at the earliest practicable time.

(b) *Changes in public announcements.* The time and place of a meeting may be changed following its public announcement only if the Board posts a public announcement of such change at the earliest practicable time. The subject matter of a meeting or the determination to open or close a meeting or portion thereof to public observation may be changed only if (1) a majority of the Board determines by recorded vote that that agency business so requires and that no earlier announcement of the change was possible, and (2) a public announcement of such change, and the vote of each member thereon, is posted at the earliest practicable time.

(c) *Contents of public announcements.* Each public announcement of a meeting required by paragraphs (a) and (b) of this section shall state:

- (1) The time and place of the meeting;
- (2) The subject matter of the meeting;
- (3) Whether the meeting will be open or closed to public observation; and
- (4) The name, address and telephone number of the official designated to respond to requests for information concerning the meeting;

except that, with respect to a meeting or portion thereof which is to be closed to public observation under § 1482.4, to the extent that any information required to be stated in a public announcement by this paragraph is exempt from disclosure under the provisions of § 1482.4 (b), such information will not be included in a public announcement.

(d) *Posting.* A public announcement required under this section shall be posted by making it available for public inspection and copying during the usual hours of business in the Public Information Office at the principal office of the Board. See §§ 1472.6 (d) (1) and (e) (2). Immediately following its posting, such public announcement shall be submitted for publication in the FEDERAL REGISTER.

§ 1482.4 Public observation of meetings.

(a) *In general.* Except as provided in paragraph (b) of this section, every meeting shall be open to public observation.

(b) *Exemptions.* Meetings or portions of meetings will be closed to public observation, and information concerning such meetings or such portions will not be announced to the public, if the Board determines that public observation of such meeting or such portion, or public announcement of such information, is likely to:

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

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

(3) Disclose matters specifically exempted from disclosure by statute (other than 5 U.S.C. 552): *Provided*, That such statute (i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (ii) 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 frustrate implementation of a proposed agency action, except that this subparagraph shall not apply in any instance where 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

(10) Specifically concern the Board'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 Board of a particular case of formal agency adjudication involving a determination on the record after opportunity for a hearing;

Provided, That the Board will open to public observation any meeting to which this paragraph applies if it determines that the public interest so requires. In making a determination that the public interest requires public observation of a meeting, the Board shall consider the probable effect of such public observation on the Board's ability to carry out the purposes and intent of the act and on the rights, duties and interests of affected persons, including other agencies, employees and contractors, and whether such public observation would violate any applicable provision of law, such as 5 U.S.C. 552a, 18 U.S.C. 1905 or 26 U.S.C. 7213.

(c) *Procedures.* (1) Upon the motion of any member of the Board to close any meeting or portion thereof to public observation, the General Counsel shall certify whether, in his opinion, such meeting or such portion may be closed to public observation under one or more of the exemptions set forth in paragraph (b) of this section. If the General Counsel certifies that such meeting or such portion may be closed to public observation, the Board shall vote upon such motion.

(2) Within one business day following a vote under subparagraph (1) of this paragraph, a written record of such vote, reflecting the vote of each member and attaching the General Counsel's certification, shall be posted.

(3) If the vote of the Board under subparagraph (1) of this paragraph is to close such meeting or such portion to public observation, within one business day following such vote a full written explanation of the Board's action, together with a list of all persons ex-

pected to attend such meeting or such portion and their affiliation shall be posted.

(4) At the earliest practicable time following a meeting any portion of which is closed to public observation pursuant to this paragraph, the presiding member shall file a statement setting forth the time and place of such meeting and the persons present, which shall be posted.

(5) For the purposes of this paragraph, posting a document shall consist of making such document available for public inspection and copying during usual hours of business in the Public Information Office at the principal office of the Board. See § 1472.6(d)(1) and (e)(2) of this subchapter.

(6) With respect to any meeting or portion of a meeting closed to public observation pursuant to this section, if the Board determines that any information contained in any of the documents required to be posted pursuant to subparagraphs (1)-(4) of this paragraph is exempt from public disclosure under paragraph (b) of this section, such information shall be deleted from the copies of such documents that are posted: *Provided, however*, That undeleted copies of such documents shall be retained by the Board in its files.

(d) *Requests to close meetings.* Any person who believes that his interests may be directly affected by public observation of a meeting or portion of a meeting may request that such meeting or such portion be closed to such public observation for any of the reasons set forth in paragraph (b) of this section. Such requests shall be filed with the Assistant General Counsel-Secretary at the principal office of the Board, who shall distribute copies of such request to each member at the earliest practicable time. See § 1472.6(d)(1) and (e)(2). Action on such request, if any, shall thereafter be taken in accordance with the procedure set forth in paragraph (c) of this section.

(e) *Public observation.* Unless otherwise stated in a public announcement made pursuant to § 1482.3(a) or (b) of this subchapter, public observation of a meeting shall mean that all members of the public are invited to attend such meeting for the purposes of observing and listening to the proceedings but not for the purposes of participating in such proceedings. The Board reserves the right to prohibit any conduct by persons attending any meeting which can reasonably be expected to result in the disruption of such meeting.

§ 1482.5 Recordings of meetings.

(a) *In general.* Recordings of every meeting, whether open or closed to public observation under § 1482.4 of this subchapter, shall be made and retained. Each such recording shall accurately identify the meeting to which it relates, each speaker thereat and each document or physical item discussed thereat.

(b) *Excision of recordings of closed meetings.* The Assistant General Counsel-Secretary or his duly appointed representative shall prepare a copy of the recording of each meeting or portion

thereof closed to public observation pursuant to § 1482.4 of this subchapter and shall excise therefrom all discussion which, in his opinion, is exempt from public disclosure under paragraph (b) of such section. The original recording of each such meeting or portion shall be retained by him.

(c) *Public access to recordings.* The recording of each meeting or portion thereof which is open to public observation and the copy of the recording of each meeting or portion thereof which is closed to public observation, after excision in accordance with paragraph (b) of this section, together with an index of the subject matter thereon and suitable equipment for the review of such recordings and copies, shall be available to the public during the usual hours of business in the Public Information Office at the principal office of the Board. See § 1472.6(d)(1) and (e)(2) of this subchapter.

(d) *Procedure for obtaining copies of recordings.* (1) Any person desiring a copy of any recording available to the public under the preceding paragraph shall submit a written request therefor, stating that it is made pursuant to the Government in the Sunshine Act and describing such recording with sufficient particularity to permit its identification with reasonable certainty. All requests should be addressed to the Assistant General Counsel-Secretary, Renegotiation Board, Washington, D.C. 20446. The envelope in which such request is sent shall be prominently marked with the letters "GISA."

(2) The Assistant General Counsel-Secretary or, in his absence, his duly appointed representative, shall furnish the requested copies within ten days (excluding Saturdays, Sundays and legal holidays) after the receipt of a request under this paragraph.

(e) *Review of excisions.* Any person who has been afforded access to a copy of a recording of a closed meeting under paragraph (c) of this section or who has received a copy of such a recording under paragraph (d) of this section may obtain review by the Board of the decision of the Assistant General Counsel-Secretary excising portions of such recordings under paragraph (b) of this section by making written application to the Renegotiation Board, Washington, D.C. 20446, within 20 calendar days after the date of such access or receipt of such copy. The decision of the Board shall be made within 20 days (excluding Saturdays, Sundays and legal holidays) after the receipt of such application. Failure of the Board to act within the time limit prescribed in the preceding sentence shall constitute a decision of the Board not to furnish the excised discussion to the requester.

(f) *Fees.* (1) The charge for furnishing a copy of a recording under paragraph (d) of this section shall be the actual cost of its duplication.

(2) Where it is anticipated that the fees chargeable under this section will amount to more than \$25, and the requester has not indicated in advance his willingness to pay fees as high as antici-

pated, the requester shall be notified of the amount of the anticipated fee. Such notification shall be transmitted as soon as possible, but in any event within five working days, giving the best estimate then available. In such cases, a request will not be deemed to have been received until the requester is notified of the anticipated cost and agrees to bear it.

(3) Where the anticipated fee exceeds \$25 or where a requester has previously failed to pay a fee under this paragraph, an advance deposit of the full amount of the anticipated fee may be required. In any case requiring a deposit, the request will not be deemed to be received until receipt of such deposit.

(4) Remittances of fees under this paragraph shall be made payable to the order of the Renegotiation Board and mailed to the Renegotiation Board, Attention: Director, Office of Administration, Washington, D.C. 20446. The Board will assume no responsibility for cash which is lost in the mail.

(5) The Board shall waive any fee prescribed in this paragraph in any instance in which the Board, in its discretion, determines such waiver to primarily benefit the general public. There will be no charge for making copies of recordings required for use by other agencies of the Government.

(g) *Period of retention.* A recording made and maintained under paragraphs (a) or (b) of this section shall be retained for a period of not less than two years after the meeting or one year after the conclusion of any Board proceeding with respect to which the meeting was held, whichever is longer.

(Sec. 109, Pub. L. 9, 82nd Cong., 65 Stat. 22; 50 U.S.C.A., App. Sec. 1219.)

[FR Doc.77-8660 Filed 3-4-77;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER VIII—ADVISORY COUNCIL ON HISTORIC PRESERVATION

PART 800—PROCEDURES FOR THE PROTECTION OF HISTORIC AND CULTURAL PROPERTIES

CFR Correction

Section 800.5(d) should read as follows:

§ 800.5 Consultation process.

(d) Finding of no adverse effect. Upon finding the effect not to be adverse, the Agency Official shall forward adequate documentation of the determination, including evidence of the views of the State Historic Preservation Officer, to the Executive Director for review. Unless the Executive Director notes an objection to the determination within 45 days after receipt of adequate documentation, the Agency Official may proceed with the undertaking.

Title 38—Pensions, Bonuses and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

CONTINUANCE IN EFFECT OF ALL CURRENT REGULATIONS AND OTHER FORMAL ISSUES AND CONFIRMATION OF ISSUES PROMULGATED BY OR PURSUANT TO THE AUTHORITY OF RICHARD L. ROUDEBUSH TO BECOME EFFECTIVE AFTER TERMINATION OF HIS APPOINTMENT

All current Veterans Administration regulations, manuals, instructions, bulletins, circulars, Administrator's decisions, delegations of authority and other issues applicable to the Veterans Administration shall remain in full force and effect.

In addition all Veterans Administration issues applicable to the Veterans Administration which were approved by or pursuant to the authority of Richard L. Roudebush to become effective on a date subsequent to the termination of his appointment as Administrator of Veterans' Affairs are hereby confirmed and approved as though the same had been approved by me.

All the above issues shall remain in full force and effect until such time as they may be specifically amended or revoked. This issue is effective March 2, 1977.

MAX CLELAND,
Administrator.

[FR Doc.77-8653 Filed 3-4-77;8:45 am]

Title 39—Postal Service

CHAPTER 1—U.S. POSTAL SERVICE

SUBCHAPTER A—THE BOARD OF GOVERNORS OF THE U.S. POSTAL SERVICE

GOVERNMENT IN THE SUNSHINE ACT

Bylaws of the Board of Governors

AGENCY: United States Postal Service (Board of Governors).

ACTION: Final Rule.

SUMMARY: This notice announces the amendment of Postal Service regulations to comply with the requirements of the Government in the Sunshine Act. In addition, it announces a general revision and republication of the bylaws of the Board of Governors, including certain unpublished provisions formerly referred to as "operating procedures".

EFFECTIVE DATE: March 12, 1977.

ADDRESSES: Secretary of the Board of Governors, U.S. Postal Service, Room 9150, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT:

Louis A. Cox. (202-245-4632).

SUPPLEMENTARY INFORMATION: On January 13, 1977, the Postal Service published for public comment in the FEDERAL REGISTER (42 FR 2699) a notice

of proposed rulemaking setting forth proposed regulations complying with the requirements of new 5 U.S.C. 552b(a)-(f), as enacted by the Government in the Sunshine Act, Pub. L. No. 94-409. On January 28, 1977, a subsequent notice corrected minor printing errors in the initial publication (42 FR 5383). These proposed regulations, contained in a new Part 7 of title 39, CFR, were drafted after consultation with the Office of the Chairman of the Administrative Conference of the United States, and a copy of the proposed regulations was supplied to the Office of the Chairman for reference and comment. Members of the public were invited to submit written data, views, or arguments concerning the proposed regulations.

In addition, the January 13, 1977, notice contained a tentative general revision of the bylaws of the Board of Governors, previously codified at 39 CFR Parts 1-6. Although the Board was not required to submit its proposed bylaws (with the exception of those dealing with the Government in the Sunshine Act) for public comment, the Board hoped that informational publication of the full text of its tentative bylaws would permit a more accurate evaluation of its proposed Sunshine regulations.

The Postal Service received only one public comment which specifically addressed the proposed provisions of new 39 CFR Part 7. This comment suggested: (1) that proposed § 7.3 be modified to indicate more clearly that the Board will consider public interest factors in each determination to close a meeting or withhold information concerning a meeting which otherwise would be disclosed to the public, (2) that §§ 7.4(e) and 7.5(d) be amended to provide for publicizing Board meetings and related information through methods in addition to publication of notices in the FEDERAL REGISTER; and (3) that § 7.6(a) be amended to clarify that the General Counsel's certification of a closed meeting must be given before the meeting is closed.

The Postal Service has made appropriate changes in the sections referred to in the comment received. As amended, § 7.3 indicates that the Board must determine that the public interest does not require otherwise before taking action to close a meeting or withhold information. Revised §§ 7.4(e) and 7.5(d) require the Secretary to submit information published in the FEDERAL REGISTER to the Postal Service Public and Employee Communications Department for dissemination to the public. Finally, revised § 7.6(a) provides for the General Counsel's certification at the beginning of any meeting or portion of a meeting closed to the public.

The Postal Service also received one comment regarding the general revision of the bylaws of the Board. This comment suggested that the minutes of

Board meetings be made more widely available. In response to this suggestion, a new § 6.5 dealing with minutes of meetings has been inserted in the final version of the bylaws. This new section provides that after approval by the Board, copies of the minutes of meetings will be available in the Public and Employee Communications Department at Postal Service Headquarters.

As a result of its own review of proposed new 39 CFR Parts 1-8, the Postal Service has made certain other changes in the proposed text. Editorial corrections have been made wherever necessary, throughout the text. Proposed § 6.1 has been amended by adding a procedure for setting the agenda of a regular or annual meeting. A general prohibition against proxy voting, and special majority requirements for certain votes under the Government in the Sunshine Act have been inserted in § 6.6 (formerly § 6.5).

In Part 7, proposed § 7.2 has been amended slightly to prohibit any person to participate in, film, televise, or broadcast any portion of a Board meeting without permission, and to apply the rules of 39 CFR 232.6, dealing with conduct on postal property, with regard to meetings of the Board. Members of the public will be permitted to record or photograph a meeting, as long as that action does not interfere with the members of the Board in the performance of their duties, or with members of the public who are attempting to attend or observe a meeting.

In view of the considerations discussed above, the Postal Service hereby adopts, as amended, the following amendment to title 39, Code of Federal Regulations, effective March 12, 1977:

In 39 CFR, Parts 1 through 8 are revised, and new parts 7 and 8 are adopted to read as follows:

PART 1—POSTAL POLICY [ARTICLE I]

- Sec.
- 1.1 The United States Postal Service.
- 1.2 The Board of Governors.
- 1.3 Delegation of authority.
- 1.4 Open meetings.

AUTHORITY: The provisions of this Part 1 are issued under authority of 39 U.S.C. 101, 202, 205, 401(2), 402, 403, 3621, as enacted by Pub. L. No. 91-375, and 5 U.S.C. 552b(b), (g), as enacted by Pub. L. No. 94-409.

§ 1.1 The United States Postal Service.

The United States Postal Service is operated as a fundamental service provided to the people by the Government of the United States, authorized by the Constitution, created by Act of Congress, and supported by the people. The Postal Service has as its basic function the obligation to bind the Nation together through the correspondence of the people. It is charged with providing prompt, reliable, and efficient services throughout the Nation; and its statutory charter, the Postal Reorganization Act (the Reorganization Act) of August 12, 1970, Pub. L. No. 91-375, 84 Stat. 719, clothes it with extensive powers intended to enable it to carry out its responsibilities effectively and economically.

§ 1.2 The Board of Governors.

The Board of Governors of the Postal Service (the Board) directs the exercise of its powers under management that is expected to be honest, efficient, and economical. The Board consists of nine Governors chosen by the President, by and with the advice and consent of the Senate, to represent the public interest generally, together with the Postmaster General and Deputy Postmaster General. The Board directs and controls the expenditures of the Postal Service, reviews its practices and policies, and establishes basic objectives and long-range goals in consonance with the provisions of the Postal Reorganization Act.

§ 1.3 Delegation of authority.

Except for powers, duties, or obligations specifically vested in the Governors by law, the Board may delegate its authority to the Postmaster General under such terms, conditions, and limitations, including the power of redelegation, as it finds desirable. The bylaws of the Board are the framework of the system through which the Board monitors the exercise of the authority it has delegated, measures progress toward the goals it has set, and shapes the policies to guide the future development of the Postal Service. Delegations of authority do not relieve the Board of full responsibility for carrying out its duties and functions, and are revocable by the Governors in their exclusive judgment.

§ 1.4 Open meetings.

It is the policy of the United States, established in section 2 of the Government in the Sunshine Act, Pub. L. 94-409, 90 Stat. 1241, that the public is entitled to the fullest practicable information regarding the decisionmaking processes of the Federal Government. The Postal Service is charged to provide the public with this information while protecting the rights of individuals and the ability of the Government to carry out its responsibilities. Accordingly, except as specifically permitted by statute, every portion of every meeting of the Board of Governors, or of a subdivision of the Board authorized to act on its behalf, is open to public observation.

PART 2—GENERAL AND TECHNICAL PROVISIONS [ARTICLE II]

- Sec.
- 2.1 Establishment of the United States Postal Service.
- 2.2 Agent for receipt of process.
- 2.3 Offices.
- 2.4 Seal.
- 2.5 Authority.
- 2.6 Severability, amendment, repeal, and waiver of bylaws.

AUTHORITY: The provisions of this Part 2 are issued under authority of 39 U.S.C. 202, 203, 205(c), 207, 401(2), as enacted by Pub. L. No. 91-375, and 5 U.S.C. 552b(f), (g), as enacted by Pub. L. No. 94-409.

§ 2.1 Establishment of the United States Postal Service.

The United States Postal Service is established under the provisions of the Postal Reorganization Act, as an inde-

pendent establishment of the executive branch of the Government of the United States, under the direction of a Board of Governors, with the Postmaster General as its chief executive officer.

§ 2.2 Agent for receipt of process.

The General Counsel of the Postal Service shall act as agent for the receipt of legal process against the Postal Service, and as agent for the receipt of legal process against members of the Board of Governors and all other officers and employees of the Postal Service to the extent that the process arises out of the official functions of those officers and employees. The General Counsel shall also issue public certifications concerning closed meetings of the Board as appropriate under 5 U.S.C. 552b(f).

§ 2.3 Offices.

The principal office of the Postal Service is located in Washington, D.C., with such regional and other offices and places of business as the Postmaster General establishes from time to time, or the business of the Postal Service requires.

§ 2.4 Seal.

(a) The Seal of the Postal Service is filed by the Board in the Office of the Secretary of State, and is required by 39 U.S.C. 207 to be judicially noticed. The General Counsel shall keep the Seal in his custody, affix it to all commissions of officers of the Postal Service, and use it to authenticate records of the Postal Service and for other official purposes. The following describes the Seal adopted for the Postal Service:

(1) A stylized bald eagle is poised for flight, facing to the viewer's right, above two horizontal bars between which are the words "U.S. MAIL", surrounded by a square border with rounded corners consisting of the words "UNITED STATES POSTAL SERVICE" on the left, top, and right, and consisting of nine five-pointed stars on the base.

(2) The color representation of the Seal shows, a white field on which the bald eagle appears in dark blue, the words "U.S. MAIL" in black, the bar above the words in red, the bar below in blue, and the entire border consisting of the words "UNITED STATES POSTAL SERVICE" and stars in ochre.



(b) The Postal Service emblem, which is identical with the seal, is registered as

a trademark and service mark by the U.S. Patent Office. Except for the emblem on official stationery, the emblem must bear one of the following notations: "Reg. U.S. Pat. Off.", "Registered in U.S. Patent Office", or the letter R enclosed within a circle.

§ 2.5 Authority.

These bylaws are adopted by the Board under the authority conferred upon the Postal Service by 39 U.S.C. 401(2) and 5 U.S.C. 552b(g).

§ 2.6 Severability, Amendment, Repeal, and Waiver of Bylaws.

The invalidity of any provision of these bylaws does not affect the validity of the remaining provisions, and for this purpose these bylaws are severable. The Board may amend or repeal these bylaws at any special or regular meeting, provided that each member of the Board has received a written notice containing a statement of the proposed amendment or repeal at least 5 days before the meeting. The members of the Board may waive the 5 days' notice or the operation of any other provision of these bylaws by unanimous consent, if that action is not prohibited by law. The Secretary shall submit the text of any amendment to these bylaws for publication in the FEDERAL REGISTER as soon as practicable after the amendment is adopted by the Board.

PART 3—BOARD OF GOVERNORS [ARTICLE III]

- Sec.
- 3.1 Composition of Board.
 - 3.2 Responsibilities of Board.
 - 3.3 Compensation of Board.
 - 3.4 Matters reserved for decision by Board.
 - 3.5 Delegation of authority by Board.
 - 3.6 Information furnished to Board—Statistical reports.
 - 3.7 Information furnished to Board—Program review.
 - 3.8 Information furnished to Board—Special reports.

AUTHORITY: The provisions of this Part 3 are issued under authority of 39 U.S.C. 202, 203, 205, 401(2), 402, as enacted by Pub. L. No. 91-375, and 5 U.S.C. 552b(g), (j), as enacted by Pub. L. No. 94-409.

§ 3.1 Composition of Board.

The Board of Governors consists of 11 members. Nine members (the Governors) are appointed by the President, by and with the advice and consent of the Senate. Not more than five Governors may be adherents of the same political party. The Governors are chosen to represent the public interest generally, may not be representatives of specific interests using the Postal Service, and may be removed only for cause. The Postmaster General, appointed by the nine Governors, and the Deputy Postmaster General, appointed by the Governors and the Postmaster General, are also voting members of the Board of Governors.

§ 3.2 Responsibilities of Board.

The Board directs the exercise of the powers of the Postal Service, reviews the practices and policies of the Postal Service, and directs and controls the expendi-

tures of the Postal Service. Consistent with the broad delegation of authority to the Postmaster General in 3.5 of these bylaws, and except for those powers, duties, or obligations which the Reorganization Act specifically vests in the Governors, as distinguished from the Board of Governors, the Board accomplishes its purposes by monitoring the operations and performance of the Postal Service, and by establishing basic objectives, broad policies, and long-range goals for the Postal Service.

§ 3.3 Compensation of Board.

As provided by 39 U.S.C. 202(a), each Governor receives a salary of \$10,000 a year plus \$300 a day for not more than 30 days of meetings each year, and reimbursement for travel and reasonable expenses incurred in attending meetings of the Board.

§ 3.4 Matters reserved for decision by the Board.

The following matters are reserved for decision by the Board of Governors;

- (a) Appointment, pay, term of service, and removal of the Postmaster General (by the Governors, 39 U.S.C. 202(c)).
- (b) Appointment, term of service, and removal of the Deputy Postmaster General (by the Governors and the Postmaster General, 39 U.S.C. 202(d)); pay of the Deputy Postmaster General (by the Governors, 39 U.S.C. 202(d)).
- (c) Election of the Chairman of the Board of Governors (by the Governors, 39 U.S.C. 202(a)), the Vice Chairman of the Board, and the Secretary of the Board.
- (d) Adoption of, and amendments to, the bylaws of the Board.
- (e) Approval of the annual Postal Service budget program in both tentative and final form, including requests for appropriations.
- (f) Approval of Postal Service five-year plans and capital investment plans, including specific approval of each capital investment project exceeding \$5 million.
- (g) Approval of the budget of the Postal Rate Commission, or adjustment of the total amount of the budget (by unanimous written vote of the Governors in office, 39 U.S.C. 3604(d)).
- (h) Authorization of the Postal Service to request the Postal Rate Commission to submit a recommended decision on changes in postal rates, including specific authorization of the amount of revenue estimated to be required so that total estimated income and appropriations will equal total estimated costs as nearly as practicable.
- (i) Authorization of the Postal Service to request the Postal Rate Commission to submit a recommended decision on changes in the mail classification schedule.
- (j) Action upon a recommended decision of the Postal Rate Commission, including action to approve, allow under protest, reject, or modify that decision (by the Governors, 39 U.S.C. 3625); determination of an effective date for changes in postal rates or mail classification.

(k) Authorization of the Postal Service to request the Postal Rate Commission to submit an advisory opinion on a proposed change in the nature of postal services which will generally affect service on a nationwide or substantially nationwide basis.

(l) Approval of any use of the authority of the Postal Service to borrow money under 39 U.S.C. 2005, except for short-term "line of credit" borrowings and purchase money obligations assumed in the normal course of business.

(m) Approval of the terms and conditions of each issue of obligations by the Postal Service under 39 U.S.C. 2005, including the time and manner of sale and the underwriting arrangements.

(n) Approval of any use of the authority of the Postal Service to require the Secretary of the Treasury to purchase Postal Service obligations under 39 U.S.C. 2006(b), or to request the Secretary of the Treasury to pledge the full faith and credit of the Government of the United States for the payment of principal and interest on Postal Service obligations under 39 U.S.C. 2006(c).

(o) Determination of the number of Assistant Postmasters General, including Senior Assistant Postmasters General and Regional Postmasters General.

(p) Compensation of officers and executive, in PES Grade 34 and above.

(q) Selection of an independent, certified public accounting firm to certify the accuracy of Postal Service financial statements as required by 39 U.S.C. 2008(e).

(r) Approval and transmittal to the President and the Congress of the annual report of the Postmaster General under 39 U.S.C. 2402.

(s) Approval and transmittal to the Congress of the annual report of the Board under 5 U.S.C. 552b(j).

(t) Approval of the annual comprehensive statement of the Postal Service to Congress under 39 U.S.C. 2401(g).

(u) All other matters that the Board may consider appropriate to reserve for its decision.

§ 3.5 Delegation of authority by Board.

As authorized by 39 U.S.C. 402, these bylaws delegate to the Postmaster General the authority to exercise the powers of the Postal Service to the extent that this delegation of authority does not conflict with powers reserved to the Governors or to the Board by law, these bylaws, or resolutions adopted by the Board. The Postmaster General may redelegate to any officer, employee, or agency of the Postal Service any of the powers delegated to him by these bylaws that he considers appropriate.

§ 3.6 Information furnished to Board—statistical reports.

To enable the Board to monitor the operations and performance of the Postal Service during the most recent accounting periods for which data are available, postal management shall furnish the Board the following statistical reports at least quarterly:

(a) Detailed summaries of financial and operating statements of the Postal

Service, with balance sheet information, for each accounting period during the fiscal year to date, together with comparable figures for the previous year and for the current budget plan, categorized as:

(1) Income (revenue by principal mail classification, subsidies, and reimbursements); and

(2) Expenditures (expenses by function and by unit of organization).

(b) Performance data for the most recent quarter, categorized as:

(1) Service performance measurement (by particular classes and types of mail, and showing delivery times within representative distances); and

(2) Employee productivity measurement (reflecting paid work hours and mail volume).

§ 3.7 Information furnished to Board—Program review.

(a) To enable the Board to review the Postal Service operating program, postal management shall furnish the Board information on all aspects of the Postal Service budget plan, including:

(1) The tentative and final annual budgets submitted to the Office of Management and Budget and the Congress, and amendments to the budget;

(2) Five-year plans, annual operating and investment plans, and significant departures from estimates upon which the plans were based;

(3) The need for rate increases or decreases and the progress of any pending rate cases and related litigation; and

(4) Debt financing needs, including a review of all borrowings of the Postal Service from the United States Treasury and private sources.

(b) Postal management shall also regularly furnish the Board information regarding major programs for improving postal service or reducing the cost of postal operations.

§ 3.8 Information furnished to Board—Special reports.

To insure that the Board receives significant information on developments meriting its attention, postal management shall bring to the Board's attention the following matters:

(a) Major developments in personnel areas, including but not limited to equal employment opportunity, career development and training, and grade and salary structures.

(b) Other matters of special importance, including but not limited to important research and development initiatives, major changes in Postal Service organization or structure, major litigation and law enforcement activities, and other matters having a significant impact upon the relationship of the Postal Service with its employees, with any major branch of Government, or with the general public.

PART 4—OFFICERS [ARTICLE IV]

- Sec.
- 4.1 Chairman.
- 4.2 Vice Chairman.
- 4.3 Postmaster General.
- 4.4 Deputy Postmaster General.

4.5 Assistant Postmasters General, General Counsel, Judicial Officer.

4.6 Secretary.

AUTHORITY: The provisions of this Part 5 are issued under authority of 39 U.S.C. 202, 203, 205(c), 401(2), as enacted by Pub. L. No. 91-375.

§ 4.1 Chairman.

The Chairman of the Board of Governors is elected by the Governors from among the members of the Board. The Chairman:

(a) Shall preside at all regular and special meetings of the Board;

(b) Shall select and appoint the Chairman and members of any committee properly established by the Board;

(c) Serves a term that commences at his election and expires at the end of the first annual meeting following the meeting at which he was elected.

If the Postmaster General is elected Chairman of the Board, the Governors shall also elect one of their number to preside during proceedings dealing with matters upon which only the Governors may vote.

§ 4.2 Vice Chairman.

The Vice Chairman is elected by the Board from among the members of the Board. He shall perform the duties and exercise the powers of the Chairman during the Chairman's absence or disability. The Vice Chairman serves a term that commences at his election and expires at the end of the first annual meeting following the meeting at which he was elected.

§ 4.3 Postmaster General.

The Governors appoint and have the power to remove the Postmaster General, who is a voting member of the Board. In addition to his responsibilities as a member of the Board, the Postmaster General is the chief executive officer of the Postal Service, authorized to exercise the powers of the Postal Service under the general supervision and direction of the Board. The Governors set the salary of the Postmaster General by resolution, subject to the limitations of 39 U.S.C. 1003(a).

§ 4.4 Deputy Postmaster General.

The Governors and the Postmaster General appoint and have the power to remove the Deputy Postmaster General, who is a voting member of the Board. In addition to his responsibilities as a member of the Board, the Deputy Postmaster General is the alternate chief executive officer of the Postal Service. He shall perform all tasks assigned to him by the Postmaster General, and act as Postmaster General during the Postmaster General's absence or disability, and when a vacancy exists in the office of Postmaster General. The Governors set the salary of the Deputy Postmaster General by resolution, subject to the limitations of 39 U.S.C. 1003(a).

§ 4.5 Assistant Postmasters General, General Counsel, Judicial Officer.

There are within the Postal Service a General Counsel, a Judicial Officer, and

such number of Assistant Postmasters General (including Senior Assistant Postmasters General and Regional Postmasters General) as the Board authorizes by resolution. The Assistant Postmasters General, the General Counsel, and the Judicial Officer are appointed by, and serve at the pleasure of, the Postmaster General. Their powers and duties are delegated to them by the Postmaster General, consistent with these bylaws and the Reorganization Act.

§ 4.6 Secretary.

The Secretary of the Postal Service is elected by the Board. The Secretary shall issue notices of meetings of the Board and its committees, keep minutes of these meetings, and monitor compliance with all statutes and regulations dealing with public observation of meetings. He shall perform all duties incident to his office, including those duties assigned to him by the Board or by the Chairman of the Board. The Chairman may designate such assistant secretaries as he considers necessary to perform any of the duties of the Secretary.

PART 5—COMMITTEES [ARTICLE V]

- Sec.
- 5.1 Establishment and appointment.
- 5.2 Committee procedure.
- 5.3 Compensation of members.

AUTHORITY: The provisions of this Part 5 are issued under authority of 39 U.S.C. 202, 203, 204, 205(c), 401(2), as enacted by Pub. L. No. 91-375, and 5 U.S.C. 552b (a), (b), (g) as enacted by Pub. L. No. 94-409.

§ 5.1 Establishment and appointment.

From time to time the Board may establish by resolution special and standing committees of one or more members of the Board. The Board shall specify, in the resolution establishing any committee, whether the committee is authorized to submit recommendations or preliminary decisions to the Board, to conduct hearings for the Board, or otherwise to take action on behalf of the Board. Each committee may exercise only those duties, functions, and powers prescribed from time to time by the Board, and the Board may affirm, alter, or revoke any action of any committee. Each member of the Board may have access to all of the information and records of any committee at any time. The Chairman of the Board shall appoint the chairman and members of each committee, who serve terms which expire at the end of each annual meeting. Each committee chairman may assign responsibilities within his committee as he considers appropriate. The committee chairman or his designee shall preside at all meetings of the committee.

§ 5.2 Committee procedure.

Each committee establishes its own rules of procedure, consistent with these bylaws, and meets as provided in its rules. A majority of the members of a committee constitute a quorum, and may take action by majority vote of the members present. Except as specifically provided by statute, every portion of every meeting of every committee of more than

one member, which is authorized to submit recommendations or preliminary decisions to the Board, to conduct hearings for the Board, or otherwise to take action on behalf of the Board, is open to public observation, and is subject to the requirements of §§ 7.1 through 7.8 of these bylaws.

§ 5.3 Compensation of members.

A Governor receives compensation of \$300 a day for attendance at committee meetings, and reimbursement for travel and reasonable expenses incurred in attending committee meetings. No Governor may receive compensation under this section and § 3.3 of these bylaws for more than a combination of 30 days of Board meetings and committee meetings in any year.

PART 6—MEETINGS [ARTICLE VI]

Sec.

- 6.1 Regular meetings, annual meeting.
- 6.2 Special meetings.
- 6.3 Notice of meetings.
- 6.4 Attendance by conference telephone call.
- 6.5 Minutes of meetings.
- 6.6 Quorum and voting.

AUTHORITY: The provisions of this Part 6 are issued under authority of 39 U.S.C. 202, 205, 401(2), as enacted by Pub. L. No. 91-375, and 5 U.S.C. 552b, (e), (g), as enacted by Pub. L. No. 94-409.

§ 6.1 Regular meetings, annual meeting.

The Board shall meet regularly in Washington, D.C., on the first Tuesday of each month. The first regular meeting of each calendar year is designated as the annual meeting. Consistent with the provisions of § 7.5 of these bylaws, the time or place of a regular or annual meeting may be varied by action of the Chairman, or by a recorded vote of a majority of the members of the Board, with the earliest practicable notice to the other members of the Board and to the Secretary. If the Chairman varies the time or place of a meeting, he shall give not less than 8 days' notice to the other members of the Board and to the Secretary. The Secretary shall distribute to the members an agenda setting forth the proposed subject matter for any regular or annual meeting in advance of the meeting, after appropriate consultation with the Chairman and the Postmaster General.

§ 6.2 Special meetings.

Consistent with the provisions of § 7.5 of these bylaws, the Chairman may call a special meeting of the Board at any place in the United States, with not less than 8 nor more than 30 days' notice to the other members of the Board and to the Secretary, specifying the time, date, place, and subject matter of the meeting. By recorded vote a majority of the members of the Board may call a special meeting of the Board at any place in the United States, with the earliest practicable notice to the other members of the Board and to the Secretary, specifying the time, date, place and subject matter of the meeting.

§ 6.3 Notice of meetings.

The Chairman or the members of the Board may give the notice required under § 6.1 or § 6.2 of these bylaws in oral or written form. Oral notice to a member may be delivered by telephone and is sufficient if made to the member personally or to a responsible person in his home or office. Any oral notice to a member must be subsequently confirmed by written notice. Written notice to a member may be delivered by telegram or by mail sent by the fastest regular delivery method addressed to the member at his address of record filed with the Secretary, and except for written notice confirming a previous oral notice, must be sent in sufficient time to reach that address at least 2 days before the meeting date under normal delivery conditions. A member waives notice of any meeting by attending the meeting, and may otherwise waive notice of any meeting at any time. Neither oral nor written notice to the Secretary is sufficient until actually received by him, and the Secretary may not waive notice of any meeting.

§ 6.4 Attendance by conference telephone call.

Unless prohibited by law or by these bylaws, a member of the Board may participate in a meeting of the Board by conference telephone or similar communication equipment which enables all persons participating in the meeting to hear each other and which permits full compliance with the provisions of these bylaws concerning public observation of meetings. Attendance at a meeting by this method constitutes presence at the meeting, except that no Governor may receive compensation for any meeting attended in this manner.

§ 6.5 Minutes of meetings.

The Secretary shall preserve the original minutes of Board meetings prepared under § 4.6 of these bylaws. After the minutes of any meeting are approved by the Board, the Secretary shall promptly make available to the public, in the Public and Employee Communications Department at Postal Service Headquarters, or in another place easily accessible to the public, copies of the minutes, except for those portions which contain information inappropriate for public disclosure under 5 U.S.C. 552(b) or 39 U.S.C. 410(c).

§ 6.6 Quorum and voting.

As provided by 39 U.S.C. 205(c), the Board acts by resolution upon a majority vote of those members who are present. No proxies are allowed in any vote of the members of the Board. Any 6 members constitute a quorum for the transaction of business by the Board, except:

(a) In the appointment or removal of the Postmaster General, and in setting the compensation of the Postmaster General and Deputy Postmaster General, 39 U.S.C. 205(c) (1) requires a favorable vote of an absolute majority of the Governors in office;

(b) In the appointment or removal of the Deputy Postmaster General, 39

U.S.C. 205(c) (2) requires a favorable vote of an absolute majority of the Governors in office and the Postmaster General;

(c) In the adjustment of the total budget of the Postal Rate Commission, 39 U.S.C. 3604(c) requires a unanimous written vote of the Governors in office;

(d) In the modification of a recommended decision of the Postal Rate Commission, 39 U.S.C. 3625 requires a unanimous written vote of the Governors in office; and

(e) In the approval, allowance under protest, or rejection of a recommended decision of the Postal Rate Commission, the Governors act upon a majority vote of the Governors present, and the required quorum of 6 members must include at least 5 Governors;

(f) In the determination to close a portion of a meeting or to withhold information concerning a meeting, 5 U.S.C. 552b(d) (1) requires a vote of a majority of the entire membership of the Board; and

(g) In the decision to call a meeting with less than a week's notice, 5 U.S.C. 552b(e) (1) requires a vote of a majority of the members of the Board. In the decision to change the subject matter of a meeting, or the determination to open or close a meeting, 5 U.S.C. 552b(e) (2) requires a vote of a majority of the entire membership of the Board.

PART 7—PUBLIC OBSERVATION [ARTICLE VII]

Sec.

- 7.1 Definitions.
- 7.2 Open meetings required.
- 7.3 Exceptions.
- 7.4 Procedure for closing a meeting.
- 7.5 Public notice of meetings, subsequent changes.
- 7.6 Certification and transcripts of closed meetings.
- 7.7 Enforcement.
- 7.8 Open meetings, Freedom of Information, and Privacy of Information.

AUTHORITY: The provisions of this Part 7 are issued under authority of 39 U.S.C. 401 (a), as enacted by Pub. L. No. 91-375, and 5 U.S.C. 552b (a)-(m) as enacted by Pub. L. No. 94-409.

§ 7.1 Definitions.

For purposes of §§ 7.2 through 7.8 and 8.1 of these bylaws:

(a) The term "Board" means the Board of Governors, and any subdivision or committee of the Board authorized under section 5.1 of these bylaws to submit recommendations or preliminary decisions to the Board, to conduct hearings for the Board, or otherwise to take action on behalf of the Board.

(b) The term "meeting" means the deliberations of at least the number of individual members required to take action on behalf of the Board under §§ 5.2 or 6.5 of these bylaws, where such deliberations determine or result in the joint conduct or disposition of the official business of the Board. The term "meeting" does not include any procedural deliberations required or permitted by §§ 6.1, 6.2, 7.4, or 7.5 of these bylaws.

§ 7.2 Open meetings required.

(a) Except as provided in § 7.3 of these bylaws, every portion of every meeting of the Board is open to public observation. Members of the Board may not jointly conduct or dispose of business of the Board without complying with §§ 7.2 through 7.8 of these bylaws. Members of the public may obtain access to documents considered at meetings to the extent provided in the regulations of the Postal Service concerning the release of information.

(b) Without the permission of the Board, no person may participate in, film, televise, or broadcast any portion of any meeting of the Board. Any person may electronically record or photograph a meeting, as long as that action does not tend to impede or disturb the members of the Board in the performance of their duties, or members of the public while attempting to attend or observe a meeting of the Board. The rules and penalties of 39 CFR 232.6, concerning conduct on postal property, apply with regard to meetings of the Board.

§ 7.3 Exceptions.

Section 7.2 of these bylaws does not apply to a portion of a meeting, and §§ 7.4 and 7.5 do not apply to information concerning the meeting which otherwise would be required to be disclosed to the public, if the Board properly determines that the public interest does not require otherwise, and that such portion of the meeting or the disclosure of such 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 under that Executive order;

(b) Relate solely to the internal personnel rules and practices of the Postal Service, including the Postal Service position in negotiations or consultations with employee organizations.

(c) Disclose matters specifically exempted from disclosure by statute (other than the Freedom of Information Act, 5 U.S.C. 552), provided that the 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, such as market information pertinent to Postal Service borrowing or investments, technical or patent information related to postal mechanization, or commercial information related to purchases of real estate;

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

(f) Disclose information of a personal nature, such as personal or medical data regarding an individual under consideration for appointment to a Postal Service office, if 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 those records, but only to the extent that the production of those 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 significantly to frustrate implementation of a proposed action of the Board, such as information relating to the negotiation of a labor contract or proposed Postal Service procurement activity, except that this provision does not apply in any instance where (1) the Postal Service has already disclosed to the public the content or nature of the proposed action, or (2) the Postal Service is required by law to make such disclosure on its own initiative before taking final action on the proposal; or

(j) Specifically concern the issuance of a subpoena by the Postal Service, or the participation of the Postal Service in a civil action or proceeding, such as a postal rate or classification proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the Postal Service of a particular case of formal adjudication under the procedures of 5 U.S.C. 554 or otherwise involving a determination on the record after opportunity for a hearing.

§ 7.4 Procedure for closing a meeting.

(a) A majority of the entire membership of the Board may vote to close a portion of a meeting or to withhold information concerning a meeting under the provisions of § 7.3 of these bylaws. The members shall take a separate vote with respect to each meeting a portion of which is proposed to be closed to the public, or with respect to any information which is proposed to be withheld, and shall make every reasonable effort to take any such vote at least 8 days before the date of the meeting involved. The members may take a single vote with respect to a series of meetings, portions of which are proposed to be closed to the public, or with respect to information concerning the series, so long as

each portion of a meeting in the series involves the same particular matters, and no portion of any meeting is scheduled to be held more than 30 days after the initial portion of the first meeting in the series.

(b) Whenever any person whose interest may be directly affected by a portion of a meeting requests that the Board close that portion to the public for any of the reasons referred to in § 7.3 (e), (f), or (g) of these bylaws, upon request of any one of its members the Board shall vote by recorded vote whether to close that portion of the meeting.

(c) The Secretary shall record the vote of each member participating in a vote under subsection (a) or (b) of this section. Within 1 day of any vote under subsection (a) or (b) of this section, the Secretary shall make publicly available a written copy of the vote showing the vote of each member on the question. If a portion of a meeting is to be closed to the public, the Secretary shall, within 1 day of the vote, make publicly available a full written explanation of the action closing the portion, together with a list of all persons expected to attend the meeting and their affiliation.

(d) If a committee of the Board determines that a majority of its meetings may properly be closed to the public for any combination of reasons referred to in § 7.3 (d), (h), or (j) of these bylaws, it may close a meeting or a portion of a meeting by a recorded vote of a majority of its members at the beginning of the meeting or portion in question. The Secretary shall promptly make available to the public a written copy of the vote showing the vote of each member on the question. Subsections (a), (b), and (c) of this section, and § 7.5 of these bylaws do not apply to any meeting or portion of a meeting closed under this subsection. However, at the earliest practicable time, the Secretary shall publicly announce the time, place, and subject matter of the meeting and each of its portions.

(e) Immediately following each public announcement required under subsections (c) and (d) of this section, the Secretary shall submit for publication in the FEDERAL REGISTER the text of the announcement or the information made available. The Secretary shall also submit the announcement or information to the Postal Service Public and Employee Communications Department for dissemination to the public.

§ 7.5 Public notice of meetings, subsequent changes.

(a) At least one week before any meeting of the Board, the Secretary shall publicly announce the time, date, place, and subject matter of the meeting, whether it is to be open or closed to the public, and the name and phone number of the official designated by the Board to respond to requests for information about the meeting.

(b) By a recorded vote, a majority of the members of the Board may determine that the business of the Board requires a meeting to be called with less

than a week's notice. At the earliest practicable time, the Secretary shall publicly announce the time, date, place, and subject matter of the meeting, and whether it is to be open or closed to the public.

(c) Following the public announcement required by paragraphs (a) or (b) of this section:

(1) As provided in § 6.1 of these bylaws, the Board may change the time or place of a meeting. At the earliest practicable time, the Secretary shall publicly announce the change.

(2) A majority of the entire membership of the Board may change the subject matter of a meeting, or the determination to open or close a meeting to the public, if it determines by a recorded vote that the change is required by the business of the Board and that no earlier announcement of the change was possible. At the earliest practicable time, the Secretary shall publicly announce the change, and the vote of each member upon the change.

(d) Immediately following each public announcement required under paragraphs (a), (b), or (c) of this section, the Secretary shall submit for publication in the FEDERAL REGISTER a notice of the time, date, place, and subject matter of the meeting, whether the meeting is open or closed, any change in the preceding, and the name and phone number of the official designated by the Board to respond to requests for information about the meeting. The Secretary shall also submit the announcement and information to the Postal Service Public and Employee Communications Department for dissemination to the public.

§ 7.6 Certification and transcripts of closed meetings.

(a) At the beginning of every meeting or portion of a meeting closed under § 7.3 (a) through (j) of these bylaws, the General Counsel shall publicly certify that, in his opinion, the meeting or portion of the meeting may be closed to the public, stating each relevant exemptive provision. The Secretary shall retain this certification, together with a statement from the officer presiding at the meeting which sets forth the time and place of the meeting, and the persons present.

(b) The Secretary shall arrange for a complete transcript or electronic recording adequate to record fully the proceedings to be made of each meeting or portion of a meeting of the Board which is closed to the public. The Secretary shall maintain a complete verbatim copy of the transcript, or a complete electronic recording of each meeting or portion of a meeting closed to the public for at least 2 years after the meeting, or for 1 year after the conclusion of any Postal Service proceeding with respect to which the meeting was held, whichever occurs later.

(c) Except for those items of discussion or testimony which the Board, by a majority vote of those members who are present, determines to contain information which may be withheld under § 7.3 of these bylaws, the Secretary shall promptly make available to the public, in the Public and Employee Communica-

tions Department at Postal Service Headquarters, or in another place easily accessible to the public, the transcript or electronic recording of a closed meeting, including the testimony of any witnesses received at the meeting. The Secretary shall furnish a copy of this transcript, or a transcription of this electronic recording disclosing the identity of each speaker, to any person at the actual cost of duplication or transcription.

§ 7.7 Enforcement.

(a) Under 5 U.S.C. 552b(g), any person may bring a proceeding in the United States Court of Appeals for the District of Columbia to set aside any provisions of these bylaws which are not in accord with the requirements of 5 U.S.C. 552b (a)-(f) and to require the promulgation of provisions that are in accord with those requirements.

(b) Under 5 U.S.C. 552b(h) any person may bring a civil action against the Board in an appropriate United States District Court to obtain judicial review of the alleged failure of the Board to comply with 5 U.S.C. 552b (a)-(f). The burden is on the Board to sustain its action. The court may grant appropriate equitable relief, including enjoining future violations, or ordering the Board to make public information improperly withheld from the public.

(c) Under 5 U.S.C. 552b(i) the court may assess against any party reasonable attorney fees and other litigation costs reasonably incurred by any other party who substantially prevails, except that the court may assess costs against the plaintiff only if the court finds that he initiated the suit primarily for frivolous or dilatory purposes.

§ 7.8 Open meetings, Freedom of Information, and Privacy of Information.

The provisions of 5 U.S.C. 552b(c) (1)-(10), enacted by Pub. L. No. 94-409, the Government in the Sunshine Act, govern in the case of any request under the Freedom of Information Act 5 U.S.C. 552, to copy or to inspect the transcripts or electronic recordings described in § 7.6 of these bylaws. Nothing in 5 U.S.C. 552b authorizes the Board to withhold from any individual any record, including the transcripts or electronic recordings described in § 7.6 of these bylaws, to which the individual may otherwise have access under 5 U.S.C. 552a, enacted by the Privacy Act of 1974, Pub. L. No. 93-579.

PART 8—REPORTS AND RECORDS [ARTICLE VIII]

Sec.

- 8.1 Open meetings report.
- 8.2 Annual report.
- 8.3 Annual budget; financial reports.

AUTHORITY: The provisions of this Part 8 are issued under authority of 39 U.S.C. 202, 203, 205(c), 401(2), as enacted by Pub. L. No. 91-375, and 5 U.S.C. 552b (g), (j), as enacted by Pub. L. No. 94-409.

§ 8.1 Open meetings report.

The Secretary shall annually prepare for approval by the Board and transmittal to Congress a report on the Board's compliance with 5 U.S.C. 552b, as enacted

by the Government in the Sunshine Act. The report must contain a tabulation of the total number of Board meetings open to the public, the total number of meetings closed to the public, the reasons for closing those meetings and a description of any litigation brought against the Board under the Act, including any costs assessed against the Board in that litigation.

§ 8.2 Annual report.

No later than the annual meeting of the Board, the Postmaster General shall give to the Board an annual report concerning the operations of the Postal Service, as required by 39 U.S.C. 2402. Upon approval of this report, or after making any changes it considers appropriate, the Board shall transmit this report to the President and the Congress. The Postmaster General shall make the necessary arrangements for the printing of the report and its sale to the public.

§ 8.3 Annual budget; financial reports.

The Postmaster General shall annually submit to the Board a budget for the following fiscal year under requirements as to form, content, and schedule established by the Board. After review by the Board, the Postmaster General shall submit the annual budget of the Postal Service to the Office of Management and Budget of the Executive Office of the President in the manner provided by 39 U.S.C. 2009, and to the Committees on Post Office and Civil Service and the Committees on Appropriations of the Senate and the House of Representatives, as required by 39 U.S.C. 2401(g).

(39 U.S.C. 202, 205, 401(2), 410(a); 5 U.S.C. 552b(g).)

RESOLUTION OF THE BOARD OF GOVERNORS OF THE UNITED STATES POSTAL SERVICE

Resolution No. 77-3

ADOPTION OF REVISED BYLAWS

Resolved:

Pursuant to the Postal Reorganization Act (39 U.S.C. 401(2)), and the Government in the Sunshine Act (Pub. L. 94-409), the Board of Governors adopts the revised Bylaws which are attached hereto and incorporated herein by reference. The revised Bylaws are effective on March 12, 1977.

The foregoing resolution was adopted by the Board of Governors on March 1, 1977.

LOUIS A. COX,
Secretary.

[FR Doc. 77-6652 Filed 3-4-77; 8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21032; FCC-77-144]

PART 0—COMMISSION ORGANIZATION

PART 1—PRACTICE AND PROCEDURE

Implementation of Government in the Sunshine Act

Adopted: February 24, 1977.

Released: March 4, 1977.

Report and Order. In the matter of implementation of the Government in

the Sunshine Act, Pub. L. 94-409, Docket No. 21032.

1. A Notice of proposed rulemaking in this proceeding was released on December 23, 1976 (FCC 76-663, 41 FR 56675, December 29, 1976). The purpose of the proposed rules was to implement the Government in the Sunshine Act, Pub. L. 94-409. The Act and the proposed rules open many Commission meetings to public observation, require notice of all Commission meetings, and specify circumstances under which some meetings may be closed to the public and under which some information may be omitted from meeting notices. Comments were requested by January 27, 1977. Comments were submitted by two members of the Communications Committee, Section on Administrative Law, of the American Bar Association on their own behalf (Practitioners), The National Black Media Coalition (Black Media), and the Department of Applied Communications, Howard University School of Communications (Howard).¹ Reply comments were not requested. Comments were filed by Media Access Project (MAP) after the filing date and after a substantial part of this Report and Order had been drafted. MAP's Motion to Receive Late-Filed Comments is hereby granted. Because of the late filing, however, MAP's comments are dealt with out of sequence in the latter part of the Report and Order.

2. The comments are generally critical of the fact that the proposed rules essentially track the statute and do not go further to spell out procedural and substantive detail. In response to such comment we would note that the Sunshine Act itself is unusually precise and leaves little room for discretion in its interpretation or in implementing regulations.

This being the case, the rules closely follow the Act. In addition, we are hesitant to try to interpret the substantive provisions of the Act prior to reviewing individual items and gaining experience in judging whether they should be considered at open or closed meetings. We acknowledge that the Act should be construed in the light of its legislative history and, in the case of exemptions which parallel those contained in the Freedom of Information Act, case law under that Act. The rules contain cross references to the Freedom of Information Rules (§ 0.457), which set out examples of papers which are not routinely available for public inspection and, by analogy, meetings which may be closed to the public. Although we may eventually be able to embellish the rules with categories of matters usually considered in open or closed meetings, we note that the Act requires an individual determination

for each item considered at each meeting.²

3. The Act imposes a substantial procedural burden. But no one should read the Commission's prior opposition to its enactment as meaning that we will not fully implement both the letter and spirit of the Act. The Congress has determined that public access to the decisionmaking processes of Government is more important than other considerations, and we will honor that determination in every respect. We hope that the details concerning implementation of the statute which are supplied in this Report and Order and in FCC Directive 1109.1³ will dispel the cynicism and suspicion which appear to underlie the comments.

4. A number of questions were raised concerning the mechanics of Commission meetings which can be answered as follows with details concerning the meetings which we do not consider appropriate for the regulations:

(a) Commission meetings are held in the Commission meeting room—Room 856, 1919 M St., NW., Washington, D.C. This room contains 70 theatre-type seats which will be available to members of the public who attend open meetings. There are no steps for the handicapped to negotiate. The meeting room is equipped with a loud speaker system. A closed circuit television system connects the meeting room with a nearby conference room, which will be available to handle overflow crowds.

(b) Members of the audience may record the proceedings, provided they use battery-operated recording devices at their seats. They may take photographs from their seats, provided flash bulbs are not used. They may make artists' sketches. The only limitation imposed is that such activities be unobtrusive. Any additional activities of this nature which may be obtrusive should be cleared with the Executive Director in advance of the meeting. The Commission's policy statement on "Audio Visual Coverage of Agency Proceedings" (FCC 72-1181, January 23, 1973, 39 FCC2d 373) will govern audio and or visual (i.e., video or film) coverage of Commission meetings opened by the Sunshine Act, just as it has heretofore governed other public Commission proceedings.

(c) Notice will be given of all open and closed meetings. Copies of the notice will be available in the Public Information Office. We currently plan to attach the notice to "FCC Actions Alert", which is mailed to a number of individuals and public interest groups. The notice will name the Public Information Officer as the individual from whom additional information can be obtained. It will contain a concise, but specific, statement of the subject matter, including the docket number (if any) or other appropriate aids to identification of the subject. In the case of closed meetings, the applicable exemption(s) will be listed, together with an explanation of the reasons why the exemption applies, if they are not obvious from the subject matter.

¹ We surveyed matters considered by the Commission over a six month period and determined that a majority could not have been considered at a closed meeting under section 552(c) (4), (8), 9A or 10 of the Act. Thus, the rules do not provide for closing meetings by regulation pursuant to section 552(d) (4).

² This Directive instructs the staff on implementation of the Act. Copies are available in the Public Information Office.

(d) The notice will list all persons expected to attend a closed meeting, including Commission personnel. See § 0.605(d)(3) of the final rules.⁴ The Commissioners, their assistants, the General Counsel, the Executive Director, the Public Information Officer and the Secretary are expected to attend all meetings. The appropriate Bureau or Office Chief and Division Chief are expected to attend meetings which relate to their responsibilities. In addition, the author(s) of the item under consideration is (are) expected to be present for discussion of that item. Other staff members are often present for discussion of all or part of an item on the agenda, because of interest in the subject matter, because they are responsible for matters to be considered later at the meeting, or for a variety of other trivial reasons, but their presence is not expected. After the meeting, the presiding Commissioner will issue a statement listing those persons other than Commission personnel who were present at the meeting and Commission personnel who participated in the discussion of each matter. We believe it would be misleading to list agency personnel who happened to be present for all or part of the discussion but who had no role in deciding the matters under consideration, and that the final rule is a truer rendering of the Congressional purpose than would be a listing of all those physically present.

(e) Howard notes that some Commission proceedings (or meetings) involve public participation and asks that the terms "participation" and "disruptive conduct" be defined. Black Media suggests that public input at the end of meetings may be appropriate. The Commission does, of course, hold meetings at which public input is solicited, and participation by the public is obviously welcomed and expected at such meetings. The Commission also conducts oral arguments, at which parties to the proceeding are allotted time to present their positions, and clearly no change in that procedure is contemplated by these rules. The Sunshine Act, and the implementing regulations, open to the public meetings in which members of the Commission and its staff discuss and decide matters of business before the agency—not those which have been held previously for the specific purpose of obtaining the views of the public or parties to the proceeding. Public participation in meetings opened by the Sunshine Act is not appropriate. Members of the public who attend such meetings will be expected to sit quietly and observe the meeting and not engage in any activity which is obtrusive or disruptive. Smoking will be permitted in the Conference Room only (RM. 847), and will not be permitted in the Commission Meeting Room (RM 856). We cannot go further in defining "disruptive conduct." However, any person engaging in inappropriate conduct will be cautioned by the presiding Commissioner and will be removed if such conduct continues.

5. Black Media takes exception to the definitions of "agency" and "meeting" set out in § 0.601 of the rules. Although the operative words are the same as those set out in section 552b(a) of the Act, Black Media apparently sees them as an attempt by the Commission to close meetings which will not result in final Commission action. However, that is not the intent and that is not what the Act

⁴ As suggested in the comments, proposed § 0.605 has been divided into three sections. Except as otherwise specified, references in this document to § 0.605 are to the section as proposed.

¹ Howard's comments were filed on January 28, 1977, one day after the filing date set out in the notice but within the 30 day comment period prescribed by the Sunshine Act, and were timely filed. Apparently, the notice was published one day later than had been expected.

or the same words in the Rules provide. The term "meeting" encompasses deliberations which "determine or result in the joint conduct or determination of agency business." (Emphasis supplied) The conduct of business is not limited to the final vote on a matter but includes deliberations leading up to the vote. The words, "group of Commissioners * * * authorized to act on behalf of the Commission" likewise encompass any group of Commissioners authorized by the Commission to engage in deliberations which determine or result in the joint conduct of official agency business, regardless of whether they take, or are authorized to take, final action. However, the term "agency" does not include meetings of two or three Commissioners who are not authorized by the Commission to act on behalf of the Commission.

6. Practitioners object to the provision in § 0.601(b) which excludes the sequential consideration of Commission business from the definition of "meeting". Apparently, it is feared that this procedure will be used as a device to avoid holding open meetings. In any event, certain safeguards are suggested to preclude such use or the appearance thereof. Suffice it to say that this procedure (referred to as "action by circulation") has been in use for many years, subject to each of the suggested safeguards, and will continue to be used. Thus, action is taken by circulation only when action is required prior to the next regularly scheduled Commission meeting and where no Commissioner requests that the matter be discussed at a meeting. The vote of each Commissioner is reported to the Secretary, recorded and made public. The action document (if any) and a public notice are issued, exactly as if the action had been taken at a meeting. The final rules also provide for action by notation—a procedure under which Commissioners individually, but simultaneously, consider a matter referred to them for action. This procedure will replace the "Consent Agenda" meeting, which is now held prior to the "Regular Agenda" meeting and whose purpose is to weed out and act on those matters which no Commissioner believes warrant discussion. The same safeguards apply, except that the matter need not be urgent. The purpose of the procedure is to avoid wasting the time of the public and the staff in attending meetings which will not involve discussion.

7. Howard takes exception to § 0.605 (a) and (b) of the rules, under which the staff gives notice of open meetings and, if it believes a meeting should be closed, submits that question to the Commission for a vote. In Howard's view, this procedure, "gives the staff * * * too much discretion * * * and does not actually require that the staff make any announcement at all." We cannot understand Howard's position on this point or its reason for taking it. The whole thrust of the Sunshine Act is that as many meetings as possible should be open to the public. Consistently therewith, the Act requires an agency vote prior to holding

a closed meeting but does not require a vote to hold an open meeting. Howard is understood to favor open meetings. This being the case, we do not understand why it should object to opening a meeting without a vote. Further, the rule clearly states that the notice of the open meeting required by the Act will be given. Since the matter does not go to the Commission for a vote, the notice will obviously be issued by the staff, for the agency. The basis for any contrary reading of the rule is not apparent. After the notice of an open meeting is issued, it is possible for a Commissioner who believes it should be closed to request a vote on closing the meeting, and § 0.606(b) (1) of the final rules allows for that possibility.

8. Black Media asks that § 0.605(b) (2) be expanded to specify the procedures under which a person directly affected may ask that a meeting be closed. Practitioners ask that we specify procedures for asking that a closed meeting be opened. These are sensible suggestions, and we are implementing them. Such requests may be submitted to the Secretary in writing at any time before the meeting is held, and should briefly state the reason(s) for closing or opening the meeting. To assure that they reach the Commission for consideration before the meeting is held, they should be submitted at the earliest possible time and should call prominent attention to the urgent nature of the request. If possible, they should be hand-carried to the Secretary's office and called specifically to his attention. If the request is mailed, telephone contact with the Secretary concerning the request would be appropriate. It will be helpful, though it is not required, if copies are also directed to the seven Commissioners and the General Counsel. If the request is granted, it should be appreciated that the meeting may be delayed. However, the filing of a request will not stay the holding of a meeting.

9. Practitioners and Black Media read § 0.605(e) (4) of the rules as providing that the Commission may omit notices of closed meetings. Black Media believes that the provision can only be based on § 552b(d) (4) of the Act, which provides that certain types of meetings can be closed by rule, without a vote and an explanation of the reasons for closing the meeting in each instance, if a majority of an agency's meetings are of those types. A number of things need to be said in response to these comments.

(a) First, notice of every open and closed meeting will be given.

(b) Secondly, § 0.605(e) (4) is based on section 552b(c) of the Act, which provides that subsections (d) and (e) of the Act, "shall not apply to any information pertaining to a closed meeting otherwise required by this section to be disclosed to the public, where the agency properly determines that * * * disclosure of such information is likely to (fall within one of the 10 bases for closing a meeting set out in subsection (c).")

(c) Third, we do not read this provision as permitting an agency to withhold notice of a meeting. However, we do read it to mean that certain of the information usually contained in the notice may be omitted if there

is a valid basis for omitting such information under subsection (c) of the Act. A separate vote to withhold information is required, and the basis for withholding information must be reasonably related to the act of withholding as opposed to the act of closing the meeting. For example, if the meeting involved accusing a person of a crime, we would announce the time and place of the meeting, the fact that it involved a criminal accusation and was being closed for that reason, the vote on the question of closing the meeting and on that of withholding information, and the name and phone number of the Public Information Officer. The name of the person involved would be withheld. To take a more extreme example, if a meeting involved a freeze on the filing of applications and notice of that fact would frustrate the purpose of the freeze, the subject matter of the meeting would be withheld; the other information would be set out in the notice.

(d) Fourth, the subsection has nothing to do with subsection (d) (4) of the Act. See footnote 2, above.

(e) Finally, we have altered § 0.605(e) (4) of the rules to make these matters clear. See § 0.605 (a) and (d) (4) of the final rules.

10. A number of the comments concerned the maintenance and availability of the transcripts of closed meetings. A public file of transcripts will be maintained in the Minute and Rules Branch, Office of the Secretary. If, after the meeting, the responsible Bureau or Office Chief decides, in light of the discussion which in fact took place, that the meeting could have been open to the public or that the reason for withholding information no longer pertains, he will direct the Secretary to place the transcript in the public file. If the sole reason for closing the meeting was to avoid frustrating a Commission action, for example, the transcript will be placed in the public file after the action is taken. In addition, if a request for inspection of a transcript is granted, in whole or in part, the transcript, or portion thereof, which is made available will thereafter be maintained in the public file. Where the transcript is not maintained in the public file, requests for copies must be reviewed by the responsible Bureau or Office Chief and in some cases, possibly, by the Commission. We expect to act without appreciable delay in most instances, since most transcripts should not be long and most judgments should not be difficult. However, there may be delays if requests are expansive in scope or large in number. It should also be appreciated that we cannot act on requests until the transcript has been typed and returned to us by the reporter. Some requests will be denied and some information may be deleted when a copy is furnished. If the meeting involved discussion of a trade secret for a period of time following the meeting, portions of the transcript which would disclose the secret cannot be furnished during that period.

11. Requests for inspection of transcripts will be considered under the Freedom of Information procedures.³ Procedures for inspection of transcripts main-

³ However, the bases for nondisclosure are those set out in § 0.603 of the Sunshine rules.

tained in the public file are set out in § 0.460; provisions for inspection of other transcripts appear at § 0.461. Copies of transcripts maintained in the public file and those made available for inspection may be obtained through the duplicating contractor pursuant to § 0.465(a). There will be no search fee.* However, persons requesting copies will be expected to furnish the date of the meeting, the name of the agenda, and the agenda item number, which information will appear in the meeting notice. Under § 0.465(c)(3), the Commission will make copies available directly, free of charge, if it serves the regulatory or financial interests of the U.S. Government. It would serve the regulatory interests of the Commission to waive the fee if the party seeking the transcript can use it to make a contribution to a proper public interest determination and cannot afford to pay the duplicating charges. However, if the request is reasonable in scope, the fee will not in most cases be very large and should not pose a financial problem for most members of the public.

12. All closed meetings will be transcribed, ordinarily by a court reporter. There will be a backup electronic recording system and, if that system is used, the recording will be transcribed immediately after it is made. We plan to fall back on the provision for minutes, where permissible, only in the unlikely event that both provisions for transcription should fail. We are considering the possibility of reducing the transcripts to microfiche and maintaining them in perpetuity. Transcripts of open meetings will not be prepared.

13. Black Media asks that we include in § 0.603 the statutory provision under which a meeting which may be closed to the public will be open if the agency finds that the public interest so requires. We are adding a passage to that effect, although we had thought the matter obvious; we would scarcely vote to close a meeting after finding that the public interest requires it to be open.

14. At this stage of drafting this Report and Order, the late filed comments of Media Access Project (MAP) were received. Many of the points made in the comments are dealt with above. Others are covered in internal instructions to the staff (FCC Directive 1109.1), which have been prepared separately and are available for public inspection in the Public Information Office. The remaining matters are dealt with here.

(a) MAP states that § 0.605(a) should state that all meetings are open to the public unless the agency decides to close them. That is precisely what § 0.605 (a) and (b) now provide. The staff either issues a notice of an open meeting or refers the matter to the Commission for a vote. All meetings are open unless the Commission votes to close them.

(b) Affirmative action is required by someone to determine that a meeting should be open (or not closed), since it is required that

notice of an open meeting be issued. We have assigned that function to the staff.

(c) We reject the proposition that a vote to close a meeting should be taken at least 48 hours prior to the meeting. While we expect to give the full 7 days notice in almost every case, there are bound to be emergency situations in which less than 7 days (or 48 hours) notice can be given. If a court should determine that such a meeting was improperly closed, the remedy would involve placing the transcript in the public file.

(d) Section 0.605(e)(4) is discussed above and, as noted, has been altered to make it clear that notice of all meetings will be given and that information will be deleted from the notice only if there is a substantial and sensible reason for the deletion pursuant to § 552(c) of the Act. Such deletions will probably be "most unusual", as MAP suggests, but we think it unwise to try to predict the frequency with which matters warranting such deletions will come before the Commission in the future.

(e) If the reason for giving less than 7 days notice of a meeting is not self-apparent, the reason will be stated.

(f) We reject the proposition that the transcript of each closed meeting should be reviewed regularly to determine whether it can be made available to the public. The proposition is impracticable. As noted above, consideration is being given to keeping the transcripts in perpetuity. After a relatively short passage of time, the regular review of transcripts would be consuming a substantial portion of the man hours available to the Commission to conduct its business. Many of the matters acted on by the Commission in closed meetings should be of little or no interest to the general public and should rarely be made the subject of requests for transcripts. A periodic review of such transcripts would be a waste of time and public funds. Transcripts may be placed in the public file just after the meeting is held, but otherwise will be reviewed only when requests for copies are received. Nor can we undertake to issue a public notice every time a transcript of a closed meeting is released.

15. Authority for the rules hereby adopted and set out below is set out in section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), and in the Government in the Sunshine Act, 5 U.S.C. 552b.

16. Accordingly, it is ordered, That Part O of the rules and regulations is amended by adding a new Subpart F, as set out in the Appendix below. As provided in the Sunshine Act, the rules apply to Commission meetings held on or after March 12, 1977. Because time has not permitted preparation of the Rules 30 days in advance of their publication, they are being published less than 30 days before the effective date.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1982 (47 U.S.C. 154, 303).)

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

Part O and 1 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

* Commissioner Quello absent.

1. In § 0.457, a sentence is added at the end of the portion preceding paragraph (a), and the portion of paragraph (c) preceding subparagraph (1) is revised, to read as follows:

§ 0.457 Records not routinely available for public inspection.

* * * Requests to inspect or copy the transcripts, recordings or minutes of agency or advisory committee meetings will be considered under § 0.603 rather than under the provisions of this section.

(c) Materials that are specifically exempted from disclosure by statute (other than the Government in the Sunshine Act, 5 U.S.C. 552b): *Provided*, That such statute (1) requires that the materials 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 materials to be withheld. The Commission is authorized under the following statutory provisions to withhold materials from public inspection.

2. Subpart F of Part O is added, to read as follows:

Subpart F—Meeting Procedures

Sec.	
0.601	Definitions.
0.602	Open meetings.
0.603	Bases for closing a meeting to the public.
0.605	Procedures for announcing meetings.
0.606	Procedures for closing a meeting to the public.
0.607	Transcript, recording or minutes; availability to the public.

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

Subpart F—Meeting Procedures

§ 0.601 Definitions.

For purposes of this section—

(a) The term "agency" means (1) the Commission, (2) a Board of Commissioners (see § 0.212), (3) the Telecommunications Committee (see § 0.215), (4) the Subscription Television Committee (see § 0.216), and (5) any other group of Commissioners hereinafter established by the Commission on a continuing or ad hoc basis and authorized to act on behalf of the Commission.

(b) The term "meeting" means the deliberations among a quorum of the Commission, a Board of Commissioners, or a quorum of a committee of Commissioners, where such deliberations determine or result in the joint conduct or disposition of official agency business, except that the term does not include deliberations to decide whether a meeting should be open or closed. (The term includes conference telephone calls, but does not include the separate consideration of Commission business by Commissioners.) For purposes of this subpart, each item on the agenda of a meeting is considered a meeting or a portion of a meeting.

§ 0.602 Open meetings.

(a) All meetings shall be conducted in accordance with the provisions of this subpart.

* There will also be no transcription fee. We can devise no equitable way of dividing the transcription costs among the several persons to whom copies may be furnished at different times.

(b) Except as provided in § 0.603, every portion of every meeting shall be open to public observation. Observation does not include participation or disruptive conduct by observers, and persons engaging in such conduct will be removed from the meeting.

§ 0.603 Bases for closing a meeting to the public.

Except where the agency finds that the public interest requires otherwise, an agency or advisory committee meeting may be closed to the public, and information pertaining to such meetings which would otherwise be disclosed to the public under § 0.605 may be withheld, if the agency determines that an open meeting or the disclosure of such information is likely to—

(a) Disclose matters that (1) are specifically authorized under criteria established by executive order to be kept secret in the interest of national defense or foreign policy, and (2) are in fact properly classified pursuant to such executive order (see § 0.457(a));

(b) Relate solely to the internal personnel rules and practices of an agency (see § 0.457(b));

(c) Disclose matters specifically exempted from disclosure, by statute (other than the Freedom of Information Act, 5 U.S.C. 552). *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 (see § 0.457(c));

(d) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential (see § 0.457(d));

(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 (see § 0.457(f));

(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, except where the agency has already disclosed to the public the content or nature of the disclosed 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 specified in 5 U.S.C. 554 or otherwise involving a determination on the record after opportunity for hearing.

§ 0.605 Procedures for announcing meetings.

(a) Notice of all open and closed meetings will be given.

(b) The meeting notice will be submitted for publication in the *FEDERAL REGISTER* on or before the date on which the announcement is made. Copies will be available in the Public Information Office on the day the announcement is made. Copies will also be attached to "FCC Actions Alert", which is mailed to certain individuals and groups who have demonstrated an interest in representing the public in Commission proceedings.

(c) (1) If the agency staff determines that a meeting should be open to the public, it will, at least one week prior to the meeting, announce in writing the time, place and subject matter of the meeting, that it is to be open to the public, and the name and phone number of the Public Information Officer, who has been designated to respond to requests for information about the meeting.

(2) If the staff determines that a meeting should be closed to the public, it will refer the matter to the General Counsel, who will certify that there is (or is not) a legal basis for closing the meeting to the public. Following action by the General Counsel, the matter may be referred to the agency for a vote on the question of closing the meeting (See § 0.606).

(d) (1) If the question of closing a meeting is considered by the agency but no vote is taken, the agency will, at least one week prior to the meeting, announce in writing the time, place and subject matter of the meeting, that it is to be open to the public, and the name and phone number of the Public Information Officer.

(2) If a vote is taken, the agency will, in the same announcement and within one day after the vote, make public the vote of each participating Commissioner.

(3) If the vote is to close the meeting, the agency will also, in that announcement, set out a full written explanation of its action, including the applicable provision(s) of § 0.603, and a list of persons expected to attend the meeting, including Commission personnel, together with their affiliations. The Commissioners, their assistants, the General Coun-

sel, the Executive Director, the Public Information Officer, and the Secretary are expected to attend all Commission meetings. The appropriate Bureau or Office Chief and Division Chief are expected to attend meetings which relate to their responsibilities (see Subpart A of this part).

(4) If a meeting is closed, the agency may omit from the announcement information usually included, if and to the extent that it finds that disclosure would be likely to have any of the consequences listed in § 0.603.

(e) If the prompt and orderly conduct of agency business requires that a meeting be held less than one week after the announcement of the meeting, or before that announcement, the agency will issue the announcement at the earliest practicable time. In addition to other information, the announcement will contain the vote of each member of the agency who participated in the decision to give less than seven days notice and will specify the nature of the emergency situation if it is not clear from the subject matter.

(f) If, after announcement of a meeting, the time or place of the meeting is changed or the meeting is cancelled, the agency will announce the change at the earliest practicable time.

(g) If the subject matter or the determination to open or close a meeting is changed, the agency will publicly announce the change and the vote of each member at the earliest practicable time. The announcement will contain a finding that agency business requires the change and that no earlier announcement of the change was possible.

§ 0.606 Procedures for closing a meeting to the public.

(a) For every meeting closed under § 0.603, the General Counsel will certify that there is a legal basis for closing the meeting to the public and will state each relevant provision of § 0.603. The staff of the agency will refer the matter to the General Counsel for certification before it is referred to the agency for a vote on closing the meeting. Certifications will be retained in a public file in the Minute and Rules Branch, Office of the Secretary.

(b) The agency will vote on the question of closing a meeting—

(1) If a member of the agency requests that a vote be taken;

(2) If the staff recommends that a meeting be closed and one member of the agency requests that a vote be taken; or

(3) If a person whose interests may be directly affected by a meeting requests the agency to close the meeting for any of the reasons listed in § 0.603 (e), (f) or (g), or if any person requests that a closed meeting be opened, and a member of the agency requests that a vote be taken. (Such requests may be filed with the Secretary at any time prior to the meeting and should briefly state the reason(s) for opening or closing the meeting. To assure that they reach the Commission for consideration prior to the meeting, they should be submitted at the

earliest practicable time and should be called specifically to the attention of the Secretary—in person or by telephone. It will be helpful if copies of the request are furnished to the members of the agency and the General Counsel. The filing of a request shall not stay the holding of a meeting.)

(c) A meeting will be closed to the public pursuant to § 0.603 only by vote of a majority of the entire membership of the agency. The vote of each participating Commissioner will be recorded. No Commissioner may vote by proxy.

(d) A separate vote will be taken before any meeting is closed to the public and before any information is withheld from the meeting notice. However, a single vote may be taken with respect to a series of meetings proposed to be closed to the public, and with respect to information concerning such series of meetings (a vote on each question, if both are presented), if each meeting involves the same particular matters and is scheduled to be held no later than 30 days after the first meeting in the series.

(e) Less than seven days notice may be given only by majority vote of the entire membership of the agency.

(f) The subject matter or the determination to open or close a meeting will be changed only if a majority of the entire membership of the agency determines by recorded vote that agency business so requires and that no earlier announcement of the change was possible.

§ 0.607 Transcript, recording or minutes; availability to the public.

(a) The agency will maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting closed to the public, except that in a meeting closed pursuant to paragraph (h) or (j) of § 0.603, the agency may maintain minutes in lieu of a transcript or recording. Such minutes shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any roll call vote. All documents considered in connection with any item will be identified in the minutes.

(b) A public file of transcripts (or minutes) of closed meetings will be maintained in the Minute and Rules Branch, Office of the Secretary. The transcript of a meeting will be placed in that file if, after the meeting, the responsible Bureau or Office Chief determines, in light of the discussion, that the meeting could have been open to the public or that the reason for withholding information concerning the matters discussed no longer pertains. Transcripts placed in the public file are available for inspection under § 0.460. Other transcripts, and separable portions thereof which do not contain information properly withheld under § 0.603, may be made available for inspection under § 0.461. When a transcript, or portion thereof, is made available for inspection

under § 0.461, it will be placed in the public file. Copies of transcripts may be obtained from the duplicating contractor pursuant to § 0.465(a). There will be no search or transcription fee. Requests for inspection or copies of transcripts shall specify the date of the meeting, the name of the agenda and the agenda item number; this information will appear in the notice of the meeting. Pursuant to § 0.465(c)(3), the Commission will make copies of the transcript available directly, free of charge, if it serves the financial or regulatory interests of the United States.

(c) The Commission will maintain a copy of the transcript or minutes for a period of at least two years after the meeting, or until at least one year after conclusion of the proceeding to which the meeting relates, whichever occurs later.

(d) The Commissioner presiding at the meeting will prepare a statement setting out the time and place of the meeting, the names of persons other than Commission personnel who were present at the meeting, and the names of Commission personnel who participated in the discussion. These statements will be retained in a public file in the Minute and Rules Branch, Office of the Secretary.

3. Section 1.1223 is revised to read as follows:

§ 1.1223 Presentations prohibited in restricted application proceedings prior to their designation for hearing.

As provided in § 1.1203(b), certain application proceedings are "restricted" following the submission of a petition to deny or public notice of the filing of a mutually exclusive application. Except as provided in § 1.1227, no interested person shall, directly or indirectly, make or attempt to make any oral or written ex parte presentation to decision-making Commission personnel concerning such a proceeding. Nor, in the absence of public notice, shall such an ex parte presentation be made, directly or indirectly, by an interested person having actual knowledge that a mutually exclusive application has been filed. No interested person outside the Commission who knows that a proceeding will be designated for hearing shall make any ex parte presentation concerning that proceeding.

4. Section 1.1225(b) is revised to read as follows:

§ 1.1225 Solicitation of ex parte presentations.

(b) Except as provided in § 1.1227, decision-making personnel shall not make or cause to be made, solicit or encourage ex parte presentations from any person, and shall not entertain ex parte presentations which are made to them.

5. Section 1.1251(a) is revised to read as follows:

§ 1.1251 Sanctions.

(a) *Parties.* (1) Upon notice and hearing, any party to a restricted proceeding who directly or indirectly makes any un-

authorized ex parte presentation, who encourages or solicits others to make any such presentation, or who fails to advise the Executive Director of the facts and circumstances concerning an unauthorized ex parte presentation (see § 1.1245), may be disqualified from further participation in that proceeding. Such alternative or additional sanctions as may be appropriate may be imposed.

(2) To the extent consistent with the interests of justice and the public, a party who has made an ex parte presentation may be required to show cause why his claim or interest in the proceeding should not be dismissed, denied, disregarded or otherwise adversely affected.

[FR Doc. 77-6703 Filed 3-4-77; 8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[Docket No. 74-25; Notice 04]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Metric Series and 60-psi Passenger Car Tires

AGENCY: National Highway Traffic Safety Administration.

ACTION: Final rule.

SUMMARY: This amendment of safety Standard No. 109, *New Pneumatic Tires*, permits the manufacture of both a new series of tires having load ratings and inflation pressures expressed in metric units and a newly designed tire having a maximum inflation pressure of 60 psi. The change for metric-unit tires accommodates a world-wide standardization process, and the change for 60-psi tires accommodates tires designed as substitutes for conventional spare tires, in order to reduce the overall weight of, and increase storage space in, passenger cars.

EFFECTIVE DATE: March 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Arturo Casanova, Office of Crash Avoidance, Motor Vehicle Programs, National Highway Traffic Safety Administration, Washington, D.C. 20590. (202-426-1715).

SUPPLEMENTARY INFORMATION: On September 30, 1976, the NHTSA published a proposed rule (41 FR 43192) to amend the requirements of Standard No. 109 (49 CFR 571.109) as indicated in the summary statement. All comments received supported the amendments, except that Dunlop Corporation suggested that adoption of metric-series tires be delayed while other approaches to the world-wide standardization of tire sizes and nomenclature are studied. Because the agency's ability to further modify the standard in response to future standardization efforts is not hindered by final action on metric-series tires, the proposed changes are adopted, for the reasons set forth below.

TIRE PERFORMANCE REQUIREMENTS

Goodyear Tire and Rubber Company and the Rubber Manufacturers Association (RMA) petitioned for the adoption of new requirements and test specifications necessary to permit the production of a metric-series family of tires that differ in specification and construction from existing tire types. The metric-series tires have load ratings expressed in kilograms (in place of pounds) and inflation pressures expressed in kilopascals (kPa) (in place of pounds per square inch (psi)).

Firestone Tire and Rubber Company petitioned for the adoption of new requirements and test specifications necessary to permit the production of a "temporary use" spare tire that differs substantially in specification and construction from conventional tires. This tire type has a higher inflation pressure (60 psi), different dimensions, and a shorter treadwear life than conventional tires. In some cases its diameter may differ from that of the conventional tires it is designed to replace.

The NHTSA concluded that the new tire types should be accommodated by appropriate revisions of the requirements and test specifications, as long as they can meet the same safety performance levels of the standard as conventional tires do. Data supplied by Firestone indicate that no significant degradation of vehicle handling occurs when the 60-psi tire is used on a vehicle in conjunction with three conventional tires, despite the substantial difference in its construction and other characteristics.

Endurance and high-speed performance. The standard set forth endurance and high-speed performance requirements that are conducted by pressing the tire against a test wheel at various levels of force. The appropriate force levels are taken from tables of information contained in the standard that list each passenger car tire size presently produced for use in the United States. In anticipation of deletion of these tire tables, the agency proposed that the appropriate force levels for the new tire types be stated as percentages of the maximum load rating of the tire, corresponding to the values set out in the standard's existing tables, but without the need to add additional tables to the standard.

Vehicle manufacturers, the RMA, and Goodyear requested that, in the case of metric-series tires, the new force levels be adopted using tire tables instead of the percentage method. Detailed review of the proposal demonstrates that use of a flat percentage would have an unintended result. Specifically, the tire selection standard for passenger cars (Standard No. 110, Tire Selection and Rims (49 CFR 571.110)) requires that the normal load-carrying ability assigned to a tire be no more than that used for the test loading in the Standard No. 109 high-speed performance test. Thus, the practical result of replacing specifically assigned test loads in Standard No. 109 with percentages would be an unintentional reduction of

the tire's assignable load-carrying capabilities in some cases. Goodyear and the RMA provided tire tables for the metric-series tires that specify values that are approximately the same as the percentage values proposed.

Having reviewed these comments and the tables provided by the tire industry, the NHTSA finds that test values derived from the tables are, for safety purposes, virtually the same as the percentage values proposed and therefore fall within the ambit of the proposal. Accordingly, the agency has decided to incorporate additional tables in the standard as the basis for amendments of the high speed and endurance requirements for metric-series tires. Percentage values are required for the 60-psi tires because their tire tables do not list the appropriate values.

The general issue of deletion of tire tables from Standard No. 109 will be addressed comprehensively in future rule-making.

With regard to the new tire tables, Goodyear and the RMA noted that additional metric-series tire sizes have been developed since the submission of their petitions. Firestone noted that additional 60-psi type tires have also been added to those proposed. These commenters asked that the additional tire listings be added to the standard. Although not proposed, the agency believes that the new listings can be added to the standard in the same manner that routine tire table changes are regularly made by the agency in accordance with published procedures (33 FR 14964, October 5, 1968) (39 FR 28980, August 31, 1974). These guidelines specify procedures by which routine additions are made without notice, unless any objection is subsequently received.

Testing of a conventional tire on a test wheel is conducted at the "design" load level (with overloading in the case of endurance testing up to the maximum load rating of the tire) and corresponding inflation pressure. Because the 60-psi tires does not have a "design" load level but only a single load level at its maximum inflation pressure of 60 psi, the agency used this single load level as if it constituted the design load level. The RMA demonstrated that the single load level of these tires is more accurately characterized as its maximum load level, and that a lower load level would constitute the tire's design load. Because the 60-psi tire is intended only for occasional use as a spare tire, it is not assigned the lower "design" load ratings that are provided in the case of conventional tires to improve vehicle ride.

The NHTSA accepts this view of the 60-psi tire's design load rating and makes appropriate adjustments in the tables that appear in S5.4.2.3 and S5.5.1. In the case of inflation pressures, 52- and 58-pound values are utilized in Table III, consistent with comparable values for conventional tires.

Strength requirements. The agency proposed breaking energy requirements for the new tire types that are comparable to those for existing tires. The only comment on these proposed amendments

were RMA suggestions for modification of terminology and the statement of breaking energy values in Table III. The test values are made final as proposed.

The RMA believed that reference to tires with a certain "designated" section width would be clarified by reference to "specified" section width instead. The agency disagrees, and notes that the word "designated" conveys the intended meaning that section width characteristics are controlled by the manufacturer and not "specified" by this or any other Federal regulation.

In its comments on this and other aspects of the proposal the RMA suggested that the listing of English-system equivalents following metric-system values (and vice versa) would improve the clarity and informational value of Standard No. 109. General Motors Corporation (GM) also encouraged the listing of measurement equivalents in safety standards.

The agency believes it made clear in its proposal the reason why the publication of equivalent values in a motor vehicle safety standard is totally inappropriate. Motor vehicle safety standards are not informational or advisory documents but rather are minimum standards which must be complied with on pain of civil penalty. For this reason they must be stated objectively, without confusion. Because the equivalence of the metric and English systems is not exact, using significant figures, the listing of appropriate English-system equivalents in the standard would produce some confusion concerning what are the real test conditions or performance levels required. For example, several NHTSA requirements specify a 30-mph barrier crash as a procedure underlying certain minimum crashworthiness capabilities. If the metric equivalent (49 km/h) were listed next to this 30-mph value, it would convey the impression that the manufacturer (and the agency) has the choice whether to test at 30 mph or at 30.4 mph. Thus, the statement of an "equivalent value" that is not in fact equivalent only confuses in a regulatory environment where objectivity is important and is required by statute (15 U.S.C. § 1392(a)). For this reason, the RMA suggestion to add English-system and metric equivalents to Table II and the GM suggestion to add "dual dimensioning" throughout the standard are not adopted.

Physical dimensions. The NHTSA proposed a "growth allowance" for the new tire types that is comparable to the requirement for existing tires, with the addition of a 0.4-inch minimum for technical reasons in the case of both the metric-series tires and the 60-psi tire. Goodyear and the RMA requested that the 0.4-inch allowance be restated as a 10-millimeter allowance, in view of its association with metric-series tires. These requests are denied, because the 0.4-inch allowance is also associated with the 60-psi tire which does not have metric values. As a general matter, the agency intends to make a systematic change to metric measurements in its standards, rather than making isolated

and arbitrary changes which consist of simple substitutions of near equivalents without regard to the basic units of the metric system.

Tubeless tire resistance to bead unseating. The NHTSA proposed that the force levels which must be sustained by conventional tubeless tires without bead unseating should be modified appropriately for the 60-psi tire because of its uncharacteristic section width. No objection was made to the proposed performance values and they are made final without change. The RMA noted that its earlier recommendations for test fixture modification should be supplemented in two minor respects based on further testing of the new tire type. One dimension of the test fixture should have been three-tenths-of-an-inch longer than proposed, and the cross section of the bead unseating block should have been narrower to avoid contact with the rim on which the tested tire is mounted. The agency considers these minor modifications from the proposed values to fall within the scope of the proposal and adopts the changes in the final rule.

TIRE LABELING

The NHTSA proposed that the metric-unit inflation pressure and load rating on metric-series tires be supplemented by English-system equivalents on the tire sidewall. Unlike the confusing listing of near-equivalent values in a performance standard, the use of equivalent markings on the tire sidewall can be of substantial benefit to the user without introducing confusion. No commenter objected to the proposed supplementary markings, and they are made final as proposed. General Motors suggested that "rounding" conventions be established to further assist the consumer. The agency does not wish to restrict the tire manufacturer's latitude in this area, and declines to adopt this suggestion in the absence of a demonstrable safety problem.

The agency proposed that the legend "Inflate to 60 psi" appear on the sidewall of the new 60-psi tire to make clear its distinctive inflation requirement. The RMA suggested that the proposed limits on location of the legend should be somewhat relaxed in view of the comparatively small size of the 60-psi sidewall. The agency agrees that some relaxation of the requirement is justified. As made final, location of the legend is limited to the area between the tire shoulder and the bead of the tire.

OTHER CONSIDERATIONS

The agency specifically addressed the possibility that consumers would have difficulty with the unconventional characteristics of the 60-psi tire, and that some safety problems could result from the confusion. The only problem raised by the agency that was responded to by commenters was the issue of storage of a large conventional tire after replacement by the smaller 60-psi tire, assuming that the car's trunk was full. Commenters minimized the extent of the

problem, and Firestone noted that a majority of tires fall when the vehicle has been parked for a significant period of time, not on the highway.

In consideration of the foregoing, Standard No. 109 (49 CFR 571.109) is amended as follows:

1. Section S4.2.1(b) is amended to read:

S4.2.1 General.

(b) Its maximum permissible inflation pressure shall be either 32, 36, 40, or 60 psi, or 240 or 280 kPa.

2. S4.2.2.2(a) is amended to read:

S4.2.2.2 Physical Dimensions.

(a) Its actual section width and overall width shall not exceed the section width specified in Table I for its size designation and type by more than:

(1) (For tires with a maximum permissible inflation pressure of 32, 36, or 40 psi) 7 percent, or

(2) (For tires with a maximum permissible inflation pressure of 60 psi or 240 or 280 kPa) 7 percent or .4 inches, whichever is larger; and

3. S4.2.2.3 is amended to read:

S4.2.2.3 Tubeless tire resistance to bead unseating.

S4.2.2.3.1 When a tubeless tire that has a maximum inflation pressure other than 60 psi is tested in accordance with S5.2, the applied force required to unseat the tire bead at the point of contact shall be not less than:

(a) 1,500 pounds for tires with a designated section width of less than six (6) inches;

(b) 2,000 pounds for tires with a designated section width of six (6) inches or more, but less than eight (8) inches;

(c) 2,500 pounds for tires with a designated section width of eight (8) inches or more, using the section width specified in Table I for the applicable tire size designation and type.

S4.2.2.3.2 When a tire that has a maximum inflation pressure of 60 psi is tested in accordance with S5.2, the applied force required to unseat the tire bead at the point of contact shall be not less than:

(a) 1,500 pounds for tires with a maximum load rating of less than 880 pounds;

(b) 2,000 pounds for tires with a maximum load rating of 880 pounds or more but less than 1400 pounds;

(c) 2,500 pounds for tires with a maximum load rating of 1400 pounds or more, using the maximum load ratings specified in Table I for the applicable tire size designation and type.

4. The word "designed" in the third sentence of S4.3 is corrected to read "designated" and new paragraphs S4.3.4 and S4.3.5 are added after S4.3.3 to read:

S4.3.4 If the maximum inflation pressure of a tire is 240 or 280 kPa, then:

(a) Each marking of that inflation pressure pursuant to S4.3(b) shall be followed in parenthesis by the equivalent

inflation pressure in psi, rounded to the nearest whole number; and

(b) Each marking of the tire's maximum load rating pursuant to S4.3(c) in kilograms shall be followed in parenthesis by the equivalent load rating in pounds, rounded to the nearest whole number.

S4.3.5 If the maximum inflation pressure of a tire is 60 psi, the tire shall have permanently molded into or onto both sidewalls, in letters and numerals not less than 1/8 inch high, the words "Inflate to 60 psi". On both sidewalls, the words shall be positioned in an area between the tire shoulder and the bead of the tire. However, in no case shall the words be positioned on the tire so that they are obstructed by the flange of any rim designated for use with that tire in this standard or in Standard No. 110 (§ 571.110 of this part).

5. The table in Figure 1 is revised to read:

Wheel size	Dimension "A" for tires with maximum inflation pressure	
	Other than 60 lb/in ²	60 lb/in ²
17.....	12.0	9.9
16.....	11.5	9.4
15.....	11.0	8.9
14.....	10.5	8.5
13.....	10.0	8.5
12.....	9.5	8.0
11.....	9.0	8.5
10.....	8.5	

6. Section S5.2.1.3 is amended by the addition of a new sentence at the end of the text to read:

"However, in testing a tire that has an inflation pressure of 60 psi, use the bead unseating block described in Figure 2A in place of the bead unseating block described in Figure 2."

7. A new Figure 2A (as set forth at the end of this notice) is added to the standard adjacent to existing Figure 2.

8. The table of loads in S5.4.2.4 is relocated immediately following S5.4.2.3 and is amended to read:

S5.4.2.3

Maximum permissible inflation pressure	Loads for—		
	4 hr	6 hr	24 hr
	Loads from table I (listed in specified lb/in ² or kPa column)		
32 lb/in ²	24	28	32
36 lb/in ²	28	32	36
40 lb/in ²	32	36	40
240 kPa.....	180	200	240
280 kPa.....	220	260	280
	Load as specified percentage of maximum load rating marked on tire sidewall		
60 lb/in ²	85	92	100

9. The term "Table I" in S5.4.2.1 is replaced by the phrase "the table in S5.4.2.3".

10. Section S5.5.1 is amended to read: S5.5.1 After preparing the tire in accordance with S5.4.1, mount the tire and

wheel assembly in accordance with S5.4.2.1, and press it against the test wheel with the load indicated in the following table:

A—Maximum permissible inflation pressure:

	B—Load
32 lb/in ²	24 lb/in ² col.
36 lb/in ²	28 lb/in ² col.
40 lb/in ²	32 lb/in ² col.
240 kPa.....	180 kPa col.
280 kPa.....	220 kPa col.
60 lb/in ²	= 85.

* Load from table I.

² Load as specified percentage of maximum load rating marked on tire sidewall.

11. In Appendix A, new tables II-D and II-E are added, and tables II-A, II-B, and II-C are amended by the addition of two columns at the right end, to read:

TABLE II—Minimum breaking energy values (inch-pounds)

TABLE II-A—FOR BIAS PLY TIRES WITH DESIGNATED SECTION WIDTH OF 6 IN AND ABOVE

Cord material	Maximum permissible inflation	
	***	240 kPa 280 kPa
Rayon.....	***	1,650 in-lb... 3,300 in-lb.
Nylon or polyester.....	***	2,600 in-lb... 5,200 in-lb.

TABLE II-B—FOR BIAS PLY TIRES WITH DESIGNATED SECTION WIDTH BELOW 6 IN

Cord material	Maximum permissible inflation	
	***	240 kPa 280 kPa
Rayon.....	***	1,000 in-lb... 2,500 in-lb.
Nylon or polyester.....	***	1,650 in-lb... 3,900 in-lb.

TABLE II-C—FOR RADIAL PLY TIRES

Designated section width	Maximum permissible inflation pressure	
	***	240 kPa 280 kPa
Below 160 mm.....	***	1,950 in-lb... 3,900 in-lb.
160 mm or above.....	***	2,600 in-lb... 5,200 in-lb.

TABLE II-D—FOR TIRES WITH 60 LB/IN² MAXIMUM PERMISSIBLE INFLATION PRESSURE AND MAXIMUM LOAD RATING OF 880 LB AND ABOVE

Cord material:	Inch-pounds
Rayon.....	1,650
Nylon or polyester.....	2,600

TABLE II-E—FOR TIRES WITH 60 LB/IN² MAXIMUM PERMISSIBLE INFLATION PRESSURE AND MAXIMUM LOAD RATING BELOW 880 LB

Cord material:	Inch-pounds
Rayon.....	1,000
Nylon or polyester.....	1,950

12. In Appendix A, Table III would be amended to read:

TABLE III—Test inflation pressures

Maximum permissible inflation pressure	32 lb/in ²	36 lb/in ²	40 lb/in ²	60 lb/in ²	240 kPa	280 kPa
Pressure to be used in tests for physical dimensions, bead unseating, tire strength, and tire endurance.....	34	28	32	52	180	220
Pressure to be used in test for high-speed performance.....	30	34	38	58	220	260

13. In Appendix A, Table I is amended by the addition of new tables I-GG (for "P/80" ISO type tires), I-HH (for "P/75" ISO type tires), I-JJ (for "P/70" ISO

type tires), I-KK (for "P/60" ISO type tires), and I-LL (for "T Series" 60-psi type tires), incorporating the following new tire size designations and corresponding values:

TABLE I-GG Tire load ratings, test rims, minimum size factors, and section widths for "P/80" ISO type tires

Tire Size Designation ¹	Maximum tire loads (kilograms) at various cold inflation pressures (kPa)								Test Rim Width (inches)	Minimum Size Factor (mm)	Section ² Width (mm)	
	120	140	160	180	200	220	240	260				280
P155/80R12	290	315	340	360	380	395	415	430	445	4.50	698	157
P155/80R13	310	335	355	380	400	420	435	455	470	4.50	723	157
P165/80R13	345	370	395	420	445	465	485	505	525	4.50	746	165
P175/80R13	380	410	440	465	490	515	535	560	580	5.00	773	177
P185/80R13	415	450	480	510	540	565	590	615	640	5.00	796	184
P165/80R14	360	390	420	445	470	490	510	535	555	4.50	772	165
P175/80R14	400	430	460	490	515	540	565	590	610	5.00	799	177
P185/80R14	440	475	510	540	565	595	620	645	670	5.00	822	184
P195/80R14	480	520	555	590	620	650	680	710	735	5.50	849	196
P215/80R14	570	615	655	695	735	770	805	835	870	6.00	899	216

1. The letters "D" for diagonal and "B" for bias-belted may be used in place of the "R"

2. Actual section width and overall width shall not exceed the specified section width by more than the amount specified in S4.2.2.2.

TABLE I-HH Tire load ratings, test rims, minimum size factors, and section widths for "P/75" ISO type tires

Tire Size Designation ¹	Maximum tire loads (kilograms) at various cold inflation pressures (kPa)								Test Rim Width (inches)	Minimum Size Factor (mm)	Section ² Width (mm)	
	120	140	160	180	200	220	240	260				280
P165/75R13	320	350	370	395	415	435	455	475	490	4.50	731	165
P195/75R13	430	460	495	525	550	580	605	630	655	5.50	803	196
P185/75R14	410	445	475	505	530	560	585	605	630	5.00	804	184
P195/75R14	450	485	520	550	580	610	635	665	690	5.50	829	196
P205/75R14	490	530	565	600	635	665	695	720	750	5.50	852	203

1. The letters "D" for diagonal and "B" for bias-belted may be used in place of the "R"

2. Actual section width and overall width shall not exceed the specified section width by more than the amount specified in S4.2.2.2.

TABLE I-JJ Tire load ratings, test rims, minimum size factors, and section widths for "P/70" ISO type tires

Tire Size Designation ¹	Maximum tire loads (kilograms) at various cold inflation pressures (kPa)									Test Rim Width (Inches)	Minimum Size Factor (mm)	Section ² Width (mm)
	120	140	160	180	200	220	240	260	280			
P195/70R13	380	410	440	465	490	515	535	560	580	5.50	786	196
P205/70R13	415	445	480	505	535	560	585	610	635	5.50	806	203
P205/70R14	435	470	505	535	565	590	615	640	665	5.50	832	203
P215/70R14	475	510	545	580	610	640	670	695	720	6.00	858	216
P225/70R15	535	580	620	655	690	725	755	790	820	6.00	904	223

1. The letters "D" for diagonal and "B" for bias-belted may be used in place of the "R"
2. Actual section width and overall width shall not exceed the specified section width by more than the amount specified in S4.2.2.2.

TABLE I-KK Tire load ratings, test rims, minimum size factors, and section widths for "P/60" ISO type tires

Tire Size Designation ¹	Maximum tire loads (kilograms) at various cold inflation pressures (kPa)									Test Rim Width (Inches)	Minimum Size Factor (mm)	Section ² Width (mm)
	120	140	160	180	200	220	240	260	280			
P235/60R15	575	620	660	705	740	775	810	845	875	7.00	925	255

1. The letters "D" for diagonal and "B" for bias-belted may be used in place of the "R"
2. Actual section width and overall width shall not exceed the specified section width by more than the amount specified in S4.2.2.2.

TABLE I-LL Tire load ratings, test rims, minimum size factors, and section widths for "T Series" 60 lb/in² tires.

Tire Size Designation ¹	Maximum tire load (pounds) at 60-psi cold inflation pressure	Test rim Width (inches)	Minimum size factor (inches)	Section ² Width (inches)
T105/70R14	1070	4.0	24.02	4.57
T105/70R15	1135	4.0	25.00	4.57
T105/70R16	1190	4.0	25.98	4.57
T115/70R14	1235	4.0	24.84	4.84
T115/70R15	1310	4.0	25.83	4.84
T115/70R16	1380	4.0	26.81	4.84
T125/70R14	1420	4.0	25.71	5.16
T125/70R15	1500	4.0	26.69	5.16
T125/70R16	1575	4.0	27.68	5.16
T135/70R14	1610	4.0	26.54	5.43
T135/70R15	1685	4.0	27.52	5.43
T135/70R16	1775	4.0	28.50	5.43

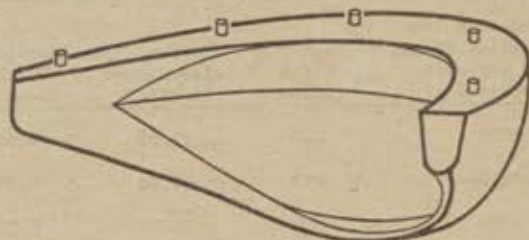
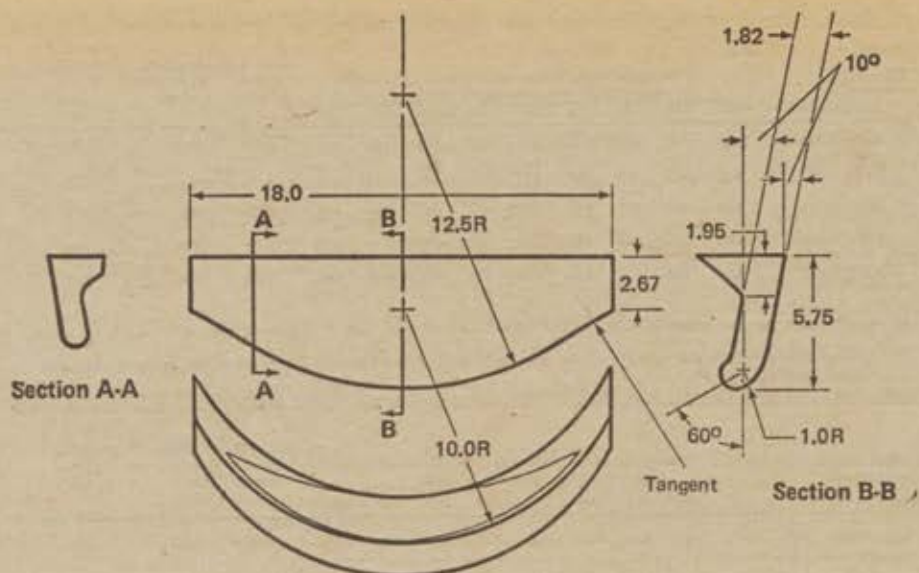
1. The letters "D" for diagonal and "B" for bias-belted may be used in place of the "R"
2. Actual section width and overall width shall not exceed the specified section width by more than the amount specified in S4.2.2.2.

Effective date finding: Because the amendments relieve a restriction and do not create additional requirements for any person, and because of vehicle manufacturers' need to settle on allowable tire designs as soon as possible, an immediate effective date is found to be in the public interest.

(Sec. 103, 112, 114, 119, 201, 202, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1403, 1407, 1421, 1422); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on March 1, 1977.

JOHN W. SNOW,
Administrator.



Material: Cast Aluminum 355
T-6 Condition
Finish - 50 Micro Inch

Figure 2A
Diagram of Bead Unseating Block (60-psi tire) - Dimensions in Inches

[FR Doc.77-6530 Filed 3-1-77;2:41 pm]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

Taking of Marine Mammals Incidental to Commercial Fishing Operations

Correction

In FR Doc. 77-5990 appearing in the issue of Tuesday, March 1, 1977 on page

12010, the following corrections should be made:

1. On page 12010 in the first column, paragraphs "7" and "8" should read:

7. Section 216.24(d)(2)(Q)(iv)(E)(i) has been renumbered as § 216.24(d)(2)(iv)(E).

8. Section 216.24(d)(2)(iv)(E)(ii) has been renumbered as § 216.24(d)(2)(iv)(F) and its language amended to clarify placement of bunchlines.

2. On page 12011 in the 2nd column, paragraph "(A)(1)", the tenth line should read, "* * * of 10 fathoms in length for each strip * * *".

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 9—PUBLIC RECORDS

Rules Governing Public Attendance at Meetings of the Nuclear Regulatory Commission

The Nuclear Regulatory Commission published a notice in the FEDERAL REGISTER on December 23, 1976 (41 FR 55880), announcing proposed amendments to Part 9 of its Rules of Practice to implement the open meeting requirements of the Government in the Sunshine Act of 1976, 5 U.S.C. 552b, Pub. L. No. 94-409 (the "Act"). Interested persons were requested to submit comments by February 1, 1977. Two written comments have been received, from Chairman Richardson Prynor of the House Subcommittee on Government Information and Individual Rights of the Government Operations Committee and from the Freedom of Information Clearinghouse. These comments have been considered, as have been suggestions received from other agencies and the Administrative Conference of the United States. The Commission has consulted with the Office of the Chairman of the Administrative Conference, as required by 5 U.S.C. 552b(g) of the Act. By this notice, final regulations are adopted.

These regulations make no major changes in the proposed rules, and the Statement of Considerations accompanying the proposed rules thus remains applicable. Minor changes have been made as the result of further analysis of the Act and of the Commission's experience during the past several months employing criteria similar to those in the Act to determine whether to open meetings to public attendance. 41 P.R. 55880. In several cases the proposed regulations have been altered to provide more direct guidance on the Act's application to specific items of Commission business.

The two commenters each questioned whether the definition of "Commission" in proposed § 9.101(a) left open the possibility that the Commission could circumvent the Act by delegating the power to act to assistants or employees and instructing them how to vote. The Commission acts only through the votes of a quorum of members present and may not use proxies for any vote. Its power to delegate certain authority (for example, to adopt minor amendments to its rules) to its Executive Director for Operations or other officials is not affected by the Act. It has delegated, pursuant to statute, certain authority for the conduct and review of adjudicatory proceedings to its Atomic Safety and Licensing Board and Appeal Board. The legislative history of the Act plainly supports the exclusion of these Boards (whose meetings would in any event be closed) from the definition of bodies subject to the Act.

Both commenters also questioned the proposed exclusion of "social or ceremonial" gatherings from the definition of meeting in proposed § 9.101(e). While

the Commission acknowledges that agency decisions or covered discussions could occur at a "social" gathering, it is aware of the requirements of the Act and fully intends to observe the required discipline. The purpose of the exclusion is to prevent gatherings from being labeled meetings and made subject to the detailed procedural requirements of the Act solely because a quorum of Commissioners will be present. Section 9.102 of the rules adopted herein deals with the problem by making observance of these procedures mandatory whenever a quorum does conduct discussions that determine or result in the conduct or disposition of official agency business.

Public comment was specifically sought on the provision of proposed § 9.101(c) which specifically excludes from the definition of meeting " . . . briefings of the Commission by representatives of other agencies or departments of the United States Government or by representatives of foreign governments or international bodies, where such briefings are informational in nature and do not relate to any matter pending before the Commission." The two commenters questioned this provision, emphasizing those items of the legislative history of the Act providing that "all discussion relating to the business of the agency" was within the definition of meeting in 5 U.S.C. 552b(a)(2). H.R. Rep. 94-880, Part I, 94th Cong., 2nd Sess. (1976) at 8. Other legislative history, however, indicates that the Act was not intended to cover all gatherings of a quorum of agency members at which any discussion of agency business occurs. See, e.g., S. Rep. 94-354, 94th Cong., 1st Sess. (1975) at 18-19; 121 Cong. Rec. H. 9260 (daily ed. August 31, 1976) (remarks of Representative Fascell).

The amendment to the definition of meeting made by the Conference Committee appears clearly intended to make that definition less broad and less inclusive. See, S. Rep. 94-1178, 94th Cong., 2nd Sess. (1976) (Conference Report). Although the purpose of that amendment is not explained in the Conference Report or in subsequent floor discussion, it can only be interpreted as intending a limiting and narrowing of the House and Senate definitions. It seems most plausible to read that narrowing as excluding from the definition deliberations which do "concern" agency business but which are so tentative and general as not "to determine or result in" any joint agreement regarding future agency action. In this category might be placed briefings and even perhaps exploratory talks among Commissioners, provided, however, that such sessions are not designed or expected to result in any consensus among the Commissioners on any matter pending before the Commission. In supporting these views the Executive Secretary of the Administrative Conference of the United States ("ACUS") noted that to administer the fine distinction discussed above in accordance with the letter and the spirit of the Act will require diligence on the part of presiding officers and restraint on the part of in-

dividual Commissioners. The Commission agrees and intends to exercise the necessary diligence and restraint.

As the Commission remarked in the Statement of Considerations accompanying the proposed rules,

" . . . staff briefings of . . . the full Commission . . . purely to inform the Commissioners of matters of interest and general relevance to the performance of their duties . . . may well not come within the definition of "meeting" in the Act. (Nonetheless) . . . the Commission has determined to include such briefings of a quorum of the Commissioners within these regulations . . . because the Commission believes such briefings . . . are a vital portion of the Commission's supervision of its staff and of Commission business in general, and because of the presumption in favor of opening agency business to public observation established by the Act.

The situation is quite different with regard to other briefings the Commission receives from time to time from sources outside the Commission. Where such briefings concern a specific item of Commission business such as a particular rulemaking or license application, then they properly are "meetings" and are treated as such in these regulations. However, some Commission briefings are by other agencies or by representatives of foreign governments and are not focused on specific items of Commission business, but are intended purely to provide general background information to the Commission. Often such briefings are on such sensitive topics that any application of the Act, even with the use of the mitigative procedures of that Act, would prevent the briefing from being held at all.

Experience in the past several months has demonstrated that such gatherings, although infrequent, do occur, particularly in connection with the Commission's export business and safeguards responsibilities. The inability of the Commission to participate in such gatherings would cause significant harm to the Commission's ability to carry out its responsibilities in several areas. The Commission continues to believe, for these reasons, that the definition of meeting contained in § 9.101(c) (with the minor amendment discussed below) is consistent with the Act.

Both commenters also suggested that, in determining whether to close particular meetings, the Commission must adopt a formal two-step procedure. The decision whether a specific exemption is available does not, in their view, aid in determining whether the public interest nevertheless requires a meeting to be open. Section 9.104(a) of the rules, like the proposals of several other agencies, gives presumptive but not conclusive force to the determination that an exemption is available in deciding the public interest question. The fact that a meeting does come within a specific provision of § 9.104(a) indicates that the Congress recognized a public interest in closing, not opening, meetings of this character. The Commission staff has been instructed to consider the public interest in recommending to the Commission whether or not to close particular meetings. The Commission believes that this internal procedure and the awareness of the Commissioners themselves and their advisors of public inter-

est concerns will ensure adequate consideration of the public interest before any decision to close a meeting is made, without need for a formal procedure of the type proposed.

Both comments raised questions concerning the first example stated in proposed § 9.104(b). These comments interpreted the reference to *Brockway v. Department of the Air Force*, 518 F.2d 1184 (8th Cir. 1975), in the accompanying Statement of Considerations as an effort to create an exemption similar to Exemption 5 of the Freedom of Information Act, which the Commission recognizes was considered and rejected in the Sunshine Act. However, the Commission has no such purpose. In its view, the "Brockway" decision reflects a more basic consideration also embodied in Exemption 9(B) of the Sunshine Act, namely that the government has an inherent privilege to attempt to obtain information necessary for its functioning. 5 U.S.C. 552b(c)(9)(B) authorizes closing a meeting if opening it would substantially frustrate a proposed Commission action. In those few cases where needed information simply will not be provided to the Commission except in confidence, if the Commission does not close the meeting it would be forced to take action without that information and therefore may not have the required basis on which to proceed—a significant frustration of its action. While the Commission appreciates the contrary arguments, which were also suggested by the Administrative Conference comment, its experience has been that on those occasions when this exemption would be used the need for such information is pervasive and crucial to the Commission's decision. To abandon the exemption would be to risk error in decisions of great significance to the public.

Chairman Pryor also comments, with respect to the second example of § 9.104(b), that this reasoning may not be applied where the possible effect is upon the actions of others. An example of such a situation might be where anticipated discussion would influence the outcome of pending or reasonably anticipated litigation in which the Commission was not or would not be a party. The Commission agrees that in such a situation, this exemption would not apply.

Section 9.104(a)(10) provides for closing of meetings that concern, inter alia, the Commission's participation in a civil action or proceeding. It should be noted that this also covers discussions about whether to initiate such an action or the possibility that outside parties might initiate such a proceeding against the Commission. See, S. Rep. 94-354, 94th Cong., 1st Sess. (1975) at 26; H.R. Rep. 94-880, Part I, 94th Cong., 2nd Sess. (1976) at 12. This point was also noted by the Administrative Conference.

Both commenters objected to the wording of § 9.105(c), which has been changed to meet their objections. Similarly, § 9.108(a) has been altered, inter alia, to reflect a comment by Chairman Pryor.

The comments received from the Executive Secretary of the Administrative Conference of the United States pointed out that the procedure provided for in proposed § 9.108(c) was not required by the statute. The Commission recognizes its right to delegate the responsibility for reviewing transcripts, S. Rep. 94-354, supra at 31, and see below, but believes that in the early period of implementation of the Act, it is appropriate to retain that responsibility for itself to ensure that it is carried out in a responsible and consistent manner. We note that the attachment to the comments of the Chairman of the Subcommittee on Government Information and Individual Rights appears to approve as appropriate the suggested procedures.

OUTLINE OF CHANGES TO PROPOSED REGULATIONS

Section 9.101(c) has been slightly changed to provide that briefings must not be "conducted" with reference to specific matters before the Commission to be excluded from the definition of meeting.

Two changes have been made in § 9.103. A sentence has been added to make it clear that the statements of Commissioners or NRC employees at open meetings do not represent final determinations or beliefs. This simply recognizes that during discussions before the Commission or any other deliberative body positions are often expressed not as reflections of fixed determinations but for purposes of argument or to obtain further exploration of certain points. Also, it is not uncommon for a position that was tentatively stated during a meeting to be abandoned upon further reflection. This addition restates the established rule that the Commission speaks formally only through its written opinions, orders or other documents. The other change to § 9.103 is intended to simplify enforcement of the portion of the rule prohibiting use of unauthorized recording equipment or cameras at open meetings.

A minor change was made to § 9.104(a) to delete an unnecessary reference to § 9.106 in the first sentence. Several clarifications were made to the specific exceptions in § 9.104(a). Section 9.104(a)(4) was clarified to include a reference to 10 CFR 2.790(d) in which the Commission defines certain information about safeguards for licensed special nuclear material and details of physical security measures for licensed facilities as proprietary information.

Section 9.104(a)(5) was changed to reflect that the exemption is available in circumstances involving a possible imposition of a civil penalty upon any person or possible revocation of any license. "Person" as used therein includes a corporation. S. Rep. 94-354, 94th Cong., 1st Sess. (1975) at 22. Both of the proposed changes reflect sanctions the Commission may inflict that have severity intermediate between accusation of a crime and formal censure. It would be anomalous to close meetings dealing with sanctions at the ends of the spec-

trum while leaving open meetings involving intermediate sanctions.

Section 9.104(a)(7) was changed to include specific reference to the Atomic Energy Act and the Energy Reorganization Act. The numbering of the subsections was changed by inserting a new § 9.104(a)(8) which will remain vacant and renumbering proposed § 9.104(a)(8) as § 9.104(a)(9), and § 9.104(a)(9) as § 9.104(a)(10). This is designed to keep the numbering system of the regulations similar to that of the Act.

Section 9.104(a)(10) (proposed § 9.104(a)(9)) has been changed by adding Commission participation in a proceeding before another administrative agency to the list of varieties of proceedings. Considerations identical to those relating to participation before a court are applicable to such participation and it should receive similar treatment.

The two examples of possible applicability of 5 U.S.C. 552b(c)(9)(B) in the proposed regulations have been slightly changed and a third example added. The added example, dealing with communications with other agencies including the Executive Branch and the Congress is based upon a dialogue on the Senate floor between Senators Percy and Chiles, 121 Cong. Rec. S. 19442 (daily ed. November 6, 1975).

Section 9.105(c) has been slightly changed in response to comments received to make it clear that information may be withheld only if that information falls within one of the specific categories mentioned and a specific exemptive provision or provisions is cited by the Commission.

The public notice provisions of proposed § 9.107(c) have been somewhat modified to eliminate any possible implication that the Secretary would be obligated to perform useless acts such as mailing notices to persons who cannot possibly receive those notices until after the meeting takes place. Also, the requirement that the Secretary maintain a telephone recording system to give out the announcement has been deleted as of this time, although the practice may be introduced at some future date.

Section 9.108(a) has been changed in two respects. First, it now clearly provides, as recommended in a comment, that the General Counsel's certification must be made prior to the meeting in question. Second, a provision has been added permitting the certification not to be made public for the same reasons other information may be withheld from the public. Section 9.108(b) has been slightly changed to provide that the fee schedule used for requests for documents under the Freedom of Information Act shall also apply to requests made under the Sunshine Act. Minor changes have been made in the wording of the § 9.108(c), and there has been added an explicit reservation of the Commission's right to delegate the responsibilities provided for in that section.

A new § 9.108(d) has been added providing for the release of transcripts, recordings or other information which

may no longer be justifiably withheld from the public.

In accordance with section 161 of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552b(g) and 553, 10 CFR Parts 2, 7, and 9 are amended as follows:

PART 2—RULES OF PRACTICE

1. Section 2.790 is amended by revising paragraph (a) (3) to read as follows:

§ 2.790 Public inspections, exemptions, requests for withholding.

(a) * * *

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

PART 7—ADVISORY COMMITTEES

2. In § 7.8(b) the second sentence is changed to read:

§ 7.8 Meetings.

(b) * * *

It shall also indicate when any part of the meeting will concern matters within the exceptions of the Government in the Sunshine Act, 5 U.S.C. 552b and § 9.104 of this chapter.

§ 7.9 [Amended]

3. In Paragraph 7.9(a) the phrase "listed in 5 U.S.C. 552b and Sec. 9.5(a) of this chapter" is changed to read: * * * listed in 5 U.S.C. 552b(c) and Sec. 9.104 of this chapter.

4. In the first sentence of Paragraph 7.9(e) the phrase "policy of 5 U.S.C. 552(b) and Part 9 of this chapter" is changed to read: * * * policy of 5 U.S.C. 552b(c) and Subpart C of Part 9 of this chapter.

PART 9—PUBLIC RECORDS

5. The authority section of Part 9 is amended by changing the period at the end to a semicolon and adding the following:

* * * Subpart C also issued under 5 U.S.C. 552b.

6. Sections 9.1 and 9.1a are revised to read as follows:

Sec. 9.1 Scope.

The regulations in this part implement: (a) The provisions of the Freedom of Information Act, 5 U.S.C. 552, with respect to the availability to the public of Nuclear Regulatory Commission records for inspection and copying; (b) the provisions of the Privacy Act of 1974, Pub. L. 93-579, with respect to disclosure and availability of certain Nuclear Regulatory Commission records maintained on individuals; and (c) the provisions of the Government in the Sunshine Act, 5 U.S.C. 552b, with respect to opening Commission meetings to public observation.

Sec. 9.1a Subparts.

Subpart A sets forth special rules applicable to matters pertaining to the Freedom of Information Act. Subpart B sets forth special rules applicable to matters pertaining to the Privacy Act of 1974. Subpart C sets forth special rules applicable to matters pertaining to the Government in the Sunshine Act.

7. A new § 9.2a is added to Part 9 to read as follows:

§ 9.2a Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by an officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

8. Paragraph (a) (3) of § 9.5 is revised to read as follows:

§ 9.5 Exemptions.

(a) * * *

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

9. A new Subpart C is added to 10 CFR part 9 to read as follows:

Subpart C—Government in the Sunshine Act Regulations

Sec.

- 9.100 Scope of subpart
- 9.101 Definitions
- 9.102 General requirement
- 9.103 General provisions
- 9.104 Closed meetings
- 9.105 Commission procedures
- 9.106 Persons affected and motions for reconsideration
- 9.107 Public announcement of commission meetings
- 9.108 Certification, transcripts, recordings and minutes
- 9.109 Report to Congress.

AUTHORITY: Sec. 161, Atomic Energy Act of 1954, as amended, Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552b(g) and 553.

Subpart C—Government in the Sunshine Act Regulations

§ 9.100 Scope of Subpart.

This subpart prescribes procedures pursuant to which NRC meetings shall be open to public observation pursuant to the provisions of 5 U.S.C. Sec. 552b. This subpart does not affect the procedures pursuant to which NRC records are made available to the public for inspection and copying which remain governed by subpart A, except that the exemptions set forth in § 9.104(a) shall govern in the case of any request made pursuant to § 9.8 to copy or inspect the transcripts, recordings or minutes described in § 9.108. Access to documents considered at NRC meetings shall continue to be governed by subpart A of this Part.

§ 9.101 Definitions.

As used in this subpart:

(a) "Commission" means the collegial body of five Commissioners or a quorum thereof as provided by section 201 of the Energy Reorganization Act of 1974, or any subdivision of that collegial body authorized to act on its behalf, and shall not mean any body not composed of members of that collegial body.

(b) "Commissioner" means an individual who is a member of the Commission.

(c) "Meeting" means the deliberations of at least a quorum of Commissioners where such deliberations determine or result in the joint conduct or disposition of official Commission business, but does not include deliberations required or permitted by §§ 9.105, 9.106, or § 9.108(c), gatherings of a social or ceremonial nature, or briefings of the Commission by representatives of other agencies or departments of the United States government, or representatives of foreign governments or international bodies where such briefings or discussions are informational in nature and are not conducted with specific reference to any particular matter then pending before the Commission.

(d) "Closed meeting" means a meeting of the Commission closed to public observation as provided by § 9.104.

(e) "Open meeting" means a meeting of the Commission open to public observation pursuant to this subpart.

(f) "Secretary" means the Secretary to the Commission.

(g) "General Counsel" means the General Counsel of the Commission as provided by section 25(b) of the Atomic Energy Act of 1954 and section 201(f) of the Energy Reorganization Act of 1974, and, until such time as the offices of that officer are in the same location as those of the Commission, any member of his office specially designated in writing by him pursuant to this subsection to carry out his responsibilities under this subpart.

§ 9.102 General requirement.

Commissioners shall not jointly conduct or dispose of Commission business in Commission meetings other than in accordance with this subpart. Except as provided in § 9.104, every portion of every meeting of the Commission shall be open to public observation.

§ 9.103 General provisions.

The Secretary shall ensure that all open Commission meetings are held in a location such that there is reasonable space, and adequate visibility and acoustics, for public observation. No additional right to participate in Commission meetings is granted to any person by this subpart. An open meeting is not part of the formal or informal record of decision of the matters discussed therein except as otherwise required by law. Statements of views or expressions of opinion made by Commissioners or NRC employees at open meetings are not intended to represent final determinations or beliefs. No pleading or other paper may be filed with the Commission in any proceeding as the

result of or addressed to any oral argument or discussion of any matter during an open meeting except as the Commission shall direct. No electronic recording devices, cameras, photographic equipment or other similar devices shall be permitted in a Commission meeting except such as have been approved in writing in advance by the Secretary.

§ 9.104 Closed meetings.

(a) Except where the Commission finds that the public interest requires otherwise, Commission meetings shall be closed, and the requirements of §§ 9.105 and 9.107 shall not apply to any information pertaining to such meeting otherwise required by this subpart to be disclosed to the public, where the Commission determines in accordance with the procedures of § 9.105 that opening such meetings or portions thereof or disclosing such information, is likely to:

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

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

(3) Disclose matters specifically exempted from disclosure by statute (other than 5 U.S.C. Sec. 552) provided that such statute (i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (ii) 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, including such information as defined in § 2.790(d) of this title;

(5) involve accusing any person of a crime, imposing a civil penalty on any person pursuant to 42 U.S.C. Sec. 2282 or 42 U.S.C. Sec. 5846, or any revocation of any license pursuant to 42 U.S.C. Sec. 2236, or formally censuring any person;

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

(7) disclose investigatory reports compiled for law enforcement purposes, including specifically enforcement of the Atomic Energy Act of 1954, as amended, 42 U.S.C. Sec. 2011 et seq., and the Energy Reorganization Act of 1974, as amended, 42 U.S.C. Sec. 5801 et seq., 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, confi-

dential 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) [Reserved]

(9) disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed Commission action, except that this subparagraph shall not apply in any instance where the Commission has already disclosed to the public the content or nature of its proposed action, or where the Commission is required to make such disclosure on its own initiative prior to taking final action on such proposal; or

(10) specifically concern the Commission's issuance of a subpoena, or the Commission's participation in a civil action or proceeding or an action or proceeding before a state or federal administrative agency, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct or disposition by the Commission of a particular case of formal agency adjudication pursuant to 5 U.S.C. Sec. 554 or otherwise involving a determination on the record after an opportunity for a hearing pursuant to part 2 or similar provisions.

(b) Examples of situations in which Commission action may be deemed to be significantly frustrated are (1) if opening any Commission meeting or negotiations would be likely to disclose information provided or requests made to the Commission in confidence by persons outside the Commission and which would not have been provided or made otherwise; (2) if opening a meeting or disclosing any information would reveal legal or other policy advice, public knowledge of which could substantially affect the outcome or conduct of pending or reasonably anticipated litigation or negotiations; or (3) if opening any meeting or disclosing any information would reveal information requested by or testimony or proposals to be given to other agencies of government, including the Congress and the Executive Branch before the requesting agency would receive the information, testimony or proposals. The examples in the above sentence are for illustrative purposes only and are not intended to be exhaustive.

§ 9.105 Commission procedures.

(a) Action under § 9.104 shall be taken only when a majority of the entire membership of the Commission votes to take such action. A separate vote of the Commissioners shall be taken with respect to each Commission meeting a portion or portions of which are proposed to be closed to the public pursuant to § 9.104, or with respect to any information which is proposed to be withheld under § 9.105

(c). A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, or with respect to any information concerning such series of meetings, so long as each meeting in such series involves the same particular

matters and is scheduled to be held no more than thirty days after the initial meeting in such series. The vote of each Commissioner participating in such vote shall be recorded and no proxies shall be allowed.

(b) Within one day of any vote taken pursuant to paragraph (a) of this section, § 9.106(a) or § 9.108(c) the Secretary shall make publicly available in the Public Document Room a written copy of such vote reflecting the vote of each member on the question. If a portion of a meeting is to be closed to the public, the Secretary shall, within one day of the vote taken pursuant to paragraph (a) of this section or § 9.106(a), make publicly available in the Public Document Room a full written explanation of its action closing the portion together with a list of all persons expected to attend the meeting and their affiliation.

(c) The notices and lists required by paragraph (b) of this section to be made public may be withheld from the public to the extent that the Commission determines that such information itself would be protected against disclosure by § 9.104 (a). Any such determinations shall be made independently of the Commission's determination pursuant to paragraph (a) of this section to close a meeting, but in accordance with the procedure of that subsection. Any such determination, including a written explanation for the action and the specific provision or provisions of § 9.104(a) relied upon, must be made publicly available to the extent permitted by the circumstances.

§ 9.106 Persons affected and motions for reconsideration.

(a) Whenever any person whose interests may be directly affected by a portion of a meeting requests that the Commission close such portion to the public for any of the reasons referred to in paragraph (5), (6), or (7) of § 9.104, the Commission, upon request of any one Commissioner, shall vote by recorded vote whether to close such meeting.

(b) Any person may petition the Commission to reconsider its action under § 9.105(a) or paragraph (a) of this section by filing a petition for reconsideration with the Commission within seven days after the date of such action and before the meeting in question is held.

(c) A petition for reconsideration filed pursuant to paragraph (b) of this section shall state specifically the grounds on which the Commission action is claimed to be erroneous, and shall set forth, if appropriate, the public interest in the closing or opening of the meeting. The filing of such a petition shall not act to stay the effectiveness of the Commission action or to postpone or delay the meeting in question unless the Commission orders otherwise.

§ 9.107 Public announcement of Commission meetings.

(a) In the case of each meeting, the Secretary shall make public announcement, at least one week before the meeting, of the time, place, and subject matter of the meeting, whether it is to be

open or closed to the public, and the name and phone number of the official designated by the Commission to respond to requests for information about the meeting. Such announcement shall be made unless a majority of the members of the Commission determines by a recorded vote that Commission business requires that such meeting be called at an earlier date, in which case the Secretary shall make public announcement of the time, place and subject matter of such meeting, and whether open or closed to the public, at the earliest practical time.

(b) The time or place of a meeting may be changed following the public announcement required by paragraph (a) of this section only if the Secretary publicly announces such changes at the earliest practicable time. The subject matter of a meeting, or the determination of the Commission to open or close a meeting, or portion of a meeting, to the public, may be changed following the public announcement required by this subsection only if (1) a majority of the entire membership of the Commission determines by a recorded vote that Commission business so requires and that no earlier announcement of the change was possible, and (2) the Secretary publicly announces such change and the vote of each member upon such change at the earliest practicable time.

(c) Immediately following each public announcement required by this section, notice of the time, place, and subject matter of a meeting, whether the meeting is open or closed, any change in one of the preceding, and the name and phone number of the official designated by the Commission to respond to requests for information about the meeting, shall also be submitted for publication in the FEDERAL REGISTER.

(d) The public announcement required by paragraph (a) of this section shall consist of the Secretary:

(1) publicly posting a copy of the document in the Public Document Room at 1717 H Street, N.W., Washington, D.C.; and, to the extent appropriate under the circumstances,

(2) mailing a copy to all persons whose names are on a mailing list maintained for this purpose;

(3) submitting a copy for possible publication to at least two newspapers of general circulation in the Washington, D.C. metropolitan area;

(4) any other means which the Secretary believes will serve to further inform any persons who might be interested.

(e) Action under the second sentence of paragraph (a) or (b) of this section shall be taken only when the Commission finds that the public interest in prompt Commission action or the need to protect the common defense or security or to protect the public health or safety overrides the public interest in having full prior notice of Commission meetings.

§ 9.108 Certification, transcripts, recordings and minutes.

(a) For every meeting closed pursuant to subparagraphs (1) through (10) of § 9.104(a) and for every determination pursuant to subsection 9.105(c), the General Counsel shall publicly certify at the time of the public announcement of the meeting, or if there is no public announcement at the earliest practical time, that, in his or her opinion, the meeting may be closed to the public and shall state each relevant exemptive provision unless the Commission votes pursuant to § 9.105(c) that such certification is protected against disclosure by § 9.104(a). A copy of such certification, together with a statement from the presiding officer of the meeting setting forth the time and place of the meeting, and the persons present, shall be retained by the Commission. The Commission shall maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting, or portion of a meeting closed to the public, except that in the case of a meeting, or portion of a meeting, closed to the public pursuant to paragraph (10) of § 9.104(c), the Commission shall maintain such a transcript or recording or a set of minutes. Such minutes shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any rollcall vote (reflecting the vote of each Commissioner on the question). All documents considered in connection with any action shall be identified in such minutes.

(b) The Commission shall make promptly available to the public, in the Public Document Room, the transcript, electronic recording, or minutes (as required by paragraph (a) of this section) of the discussion of any item on the agenda, or of any item of the testimony of any witness received at the meeting, except for such item or items of such discussion or testimony as the Commission determines pursuant to paragraph (c) of this section to contain information which may be withheld under § 9.104 or § 9.105(c). Copies of such transcript, or minutes, or a transcription of such recording disclosing the identity of each speaker, shall be furnished to any person upon payment of the actual cost of duplication or transcription as provided in § 9.14. The Secretary shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording of each meeting, or portion of a meeting, closed to the public, for a period of at least two years after such meeting, or until one year after the conclusion of any Commission proceeding with respect to which the meeting or portion was held, whichever occurs later.

(c) In the case of any meeting closed pursuant to § 9.104, a member of the Office of the General Counsel shall observe each portion of such meeting un-

less the Commission determines that the nature of the matter to be discussed precludes such participation. Immediately following the last item on the agenda of each such closed meeting, the Commission shall receive an oral report from that person. The report shall indicate that person's recommendation as to which, if any, portions of the transcript, electronic recording or minutes and which, if any, items of information withheld pursuant to § 9.105(c) contain information which may be withheld pursuant to § 9.104. Immediately after receiving such report, or if no report is received, as the last item of business, the Commission shall vote on which, if any, portions of the electronic recording, transcript or minutes and which, if any, items of information withheld pursuant to § 9.105(c) contain information which may be withheld pursuant to § 9.104; but the Commission may delegate the authority to make such determinations to the Secretary or to the General Counsel. Any portions or items determined not to contain such information shall be made available pursuant to paragraph (b) of this section, and the Commission's determination shall specify whether it has been made on the advice of an observer. If the Commission determines that further study is required, those questions shall be resubmitted for determination at the first opportunity.

(d) If at some later time the Commission determines that there is no further justification for withholding any transcript, recording or other item of information from the public which has previously been withheld, then such information shall be made available.

§ 9.109 Report to Congress.

The Secretary shall annually report to the Congress regarding the Commission's compliance with the Government in the Sunshine Act, including a tabulation of the total number of open meetings, the total number of closed meetings, the reasons for closing such meetings and a description of any litigation brought against the Commission pursuant to the Government in the Sunshine Act, including any costs assessed against the Commission in such litigation (whether or not paid by the Commission).

Effective date: These amendments become effective on March 12, 1977. The procedural nature of these rules, the requirements of the Government in the Sunshine Act, and the public benefit anticipated from the implementation of these rules all contribute good cause for this early effectiveness.

Dated at Washington, D.C. this 3rd day of March, 1977.

For the United States Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-6898 Filed 3-4-77;9:03 am]

Title 17—Commodity and Securities
Exchanges

CHAPTER II—SECURITIES AND
EXCHANGE COMMISSION

[Release No. 33-5811]

PART 230—GENERAL RULES AND
REGULATIONS, SECURITIES ACT OF 1933

Prospectus Rules

AGENCY: Securities and Exchange
Commission.

ACTION: Final rules.

SUMMARY: The Commission has amended the filing requirements of certain prospectuses and registration statements in a minor fashion. The amendments will reduce the number of copies of prospectuses required to be filed and require that certain data be set forth on the front pages of the documents in question. The amendments have been adopted in order to reduce the filing burden on issuers and to improve the processing time for the documents involved.

DATES: Effective Date: March 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Peter J. Romeo, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549 (202-755-1240).

SUPPLEMENTARY INFORMATION:

The Commission announces the adoption of certain minor amendments to Rule 424 (17 CFR 230.424) and Rule 429 (17 CFR 230.429) under the Securities Act of 1933 (15 U.S.C. 77a et seq., as amended by Pub. L. 94-29 (June 4, 1975)). The amendments have been adopted without public notice and comment because the Commission finds that, for good cause, the notice and procedures specified in the Administrative Procedure Act (5 U.S.C. 553) are unnecessary.

DISCUSSION OF AMENDMENTS

Rule 424 requires an issuer to file with the Commission copies of all prospectuses used by it in connection with an effective registration statement or a radio or television broadcast. The number of copies required to be filed under Rule 424 varies, depending on the purpose for which the prospectus is used.

The Commission has amended Rule 424 in two respects. First, paragraphs (b) and (c) of the rule have been revised to reduce the number of copies required to be filed thereunder from 25 to 10. The reduction is intended to lessen the filing burden on issuers, and it is based on the Commission's determination that 10 copies of the documents in question will be sufficient for its purposes.

The second change in Rule 424 is the addition of a new paragraph (e) which will require issuers to include certain nonsubstantive information in the upper right corner of prospectuses filed under the rule. The information to be included will consist of the file number of the registration statement to which the prospectus relates and the paragraph of the rule under which the prospectus is being filed. The above information, which may be set forth in longhand, will allow the Commission's staff to expedite the processing of Rule 424 prospectuses.

The Commission also has amended Rule 429 under the Securities Act. That rule permits an issuer under certain circumstances to use a combined prospectus for two or more registration statements. Although Rule 429 requires in paragraph (b) thereof that the latest registration statement or any amendment thereto indicate the earlier registration statements to which the combined prospectus relates, it has not previously stated where such information should be located. To cure this deficiency, the rule has been amended to state that the requisite information should appear at the bottom of the facing page of the document being filed. This change will assist issuers in complying with paragraph (b) of Rule 429 and will help expedite the processing of filings under that rule.

TEXT OF THE AMENDMENTS

17 CFR 230.424 (b), (c) and (e) are amended to read as follows:

§ 230.424 Filing of prospectuses, number of copies.

(b) Within 5 days after the effective date of a registration statement or the commencement of a public offering after the effective date of a registration statement, whichever occurs later, 10 copies of each form of prospectus used after the effective date in connection with such offering shall be filed with the Commission in the exact form in which it was used: *Provided, however,* That this paragraph shall not apply in respect of a form of prospectus contained in a registration statement and relating solely to securities offered at competitive bidding which prospectus is intended for use prior to the opening of bids.

(c) After the effective date of a registration statement no prospectus which purports to comply with section 10 of the Act and which varies from any form of prospectus filed pursuant to paragraph (b) of this section shall be used until 10 copies thereof have been filed with, or mailed for filing to, the Commission, together with 5 copies of a cross reference sheet similar to that previously

filed, if changed: *Provided, however,* That this paragraph shall not apply in respect of a form of prospectus contained in a registration statement and relating solely to securities offered at competitive bidding which prospectus is intended for use prior to the opening of bids.

(e) Each copy of a prospectus filed under this rule shall contain in the upper right corner of the cover page the paragraph of this rule under which the filing is made and the file number of the registration statement to which the prospectus relates. The information required by this paragraph may be set forth in longhand: *Provided, It is legible.*

17 CFR 230.249(b) is amended to read as follows:

§ 230.249 Prospectus relating to several registration statements.

(b) Where the use of a combined prospectus is permitted by paragraph (a) of this section, the filing of such prospectus as a part of the latest registration statement or compliance with any undertaking contained in such statement to file as an amendment thereto any prospectus with purports to meet the requirements of section 10(a)(3) of the Act, shall be deemed to constitute compliance with any similar undertaking contained in the earlier registration statements. The latest registration statement or any such amendment thereto shall indicate on the facing page at the bottom thereof the earlier registration statements to which the combined prospectus relates but copies of such prospectus need not be filed with such earlier statements.

(Secs. 6, 8, 10, 19(a), 48 Stat. 78, 79, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 301, 54 Stat. 857; sec. 8, 68 Stat. 685; sec. 1, 79 Stat. 1051; (15 U.S.C. 77f, 77h, 77j, 77s(a)).)

AUTHORITY FOR, AND OPERATION, OF THE AMENDMENTS

The foregoing amendments are adopted pursuant to the authority contained in sections 6, 8, 10 and 19(a) of the Securities Act of 1933. Inasmuch as the amendments are of a minor nonsubstantive nature and will not require the filing of any additional materials, the Commission finds that, for good cause, the notice and procedures specified in the Administrative Procedure Act of 1946 (5 U.S.C. 553) are unnecessary. Accordingly, the amendments are adopted effective March 7, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 23, 1977.

[FR Doc. 77-8928 Filed 3-4-77; 9:48 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 29]

FLUE-CURED TOBACCO

Official Standard Grades

Notice is hereby given that the U.S. Department of Agriculture is considering a modification, as hereinafter proposed, of the Official Standard Grades for Flue-Cured Tobacco, U.S. Types 11, 12, 13, and 14, pursuant to the authority contained in the Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.).

Statement of consideration. Changes in cultural and marketing practices in the flue-cured tobacco industry which have been intensified in the last 3 years have made it necessary to modify certain standard grades for flue-cured tobacco. Two particular problems which have resulted in a lowering of the overall quality of flue-cured tobacco brought to market under present cultural and marketing practices are the increase of foreign matter present in tobacco and, to some extent, the waste tolerances allowed in certain grades of tobacco. The proposed modifications are aimed at resolving or reducing these problem areas, where appropriate, by restricting further the amount of foreign matter allowed in certain grades of flue-cured tobacco and, at the same time, eliminating waste tolerances in certain grades of tobacco and modifying these tolerances in other grades. The proposed modifications would result in a more marketable product by improving the quality of flue-cured tobacco brought to market.

Previous revisions or modifications to the standard grades for flue-cured tobacco were made in 1956, 1958, 1959, 1963, 1968, and 1976. As has been done on previous occasions, Department personnel met with various representatives of the flue-cured tobacco industry on March 2, 1977, and presented a working draft of the proposed modifications for views and comments.

This proposal would: (1) Modify and delete definitions to clarify terminology related to grade determinations; (2) rephrase rules to govern and facilitate grade application; (3) modify certain percentage factors to reduce or increase tolerances to more accurately describe the product of today's cultural and marketing practices; and (4) add grades C4GK, X3S, C4S, and N1BO to more accurately describe tobacco as it is presently prepared for market.

All persons who desire to submit written data, views, or arguments for consideration in connection with these proposals may file the same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Build-

ing, Washington, D.C. 20250, not later than March 22, 1977.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

In Subpart C of Part 29 delete §§ 29.1001 through 29.1225 and substitute therefor the following:

Subpart C—Standards

OFFICIAL STANDARD GRADES FOR FLUE-CURED TOBACCO (U.S. TYPES 11, 12, 13, AND 14)

DEFINITIONS

Sec.	Definitions.
29.1001	Definitions.
29.1002	Body.
29.1003	Class.
29.1004	Clean.
29.1005	Color.
29.1006	Color intensity.
29.1007	Color symbols.
29.1008	Combination symbol.
29.1009	Condition.
29.1010	Crude.
29.1011	Cured.
29.1012	Damage.
29.1013	Elasticity.
29.1014	Elements of Quality.
29.1015	Finish.
29.1016	Fire-killed.
29.1017	Flue-cured.
29.1018	Foreign matter.
29.1019	Form.
29.1020	Grade.
29.1021	Grademark.
29.1022	Green (G).
29.1023	Greenish (V).
29.1024	Group.
29.1025	Injury.
29.1026	Leaf scrap.
29.1027	Leaf structure.
29.1028	Lemon (L).
29.1029	Length.
29.1030	Lot.
29.1031	Maturity.
29.1032	Mixed color (KM).
29.1033	Mixed group (M).
29.1034	Nested.
29.1035	No-G.
29.1036	No-G-F.
29.1037	Oil.
29.1038	Offtype.
29.1039	Orange (F).
29.1040	Orange Red (FR).
29.1041	Order (Case).
29.1042	Oxidized (O).
29.1043	Package.
29.1044	Packing.
29.1045	Prematurity.
29.1046	Quality.
29.1047	Raw.
29.1048	Red (R).
29.1049	Semicured.
29.1050	Side.
29.1051	Slick (S).
29.1052	Smoked.
29.1053	Sound.
29.1054	Special factor.
29.1055	Steam-dried.
29.1056	Stem.
29.1057	Stemmed.
29.1058	Strips.
29.1059	Sweated.

Sec.	Definitions.
29.1060	Sweating.
29.1061	Symbol.
29.1062	Tobacco.
29.1063	Tobacco products.
29.1064	Type.
29.1065	Type 11.
29.1066	Type 12.
29.1067	Type 13.
29.1068	Type 14.
29.1069	Undried.
29.1070	Uniformity.
29.1071	Unsound (U).
29.1072	Unstemmed.
29.1073	Variegated (K).
29.1074	Variegated Red or Scorched (KR).
29.1075	Waste.
29.1076	Wet (W).
29.1077	Width.

ELEMENTS OF QUALITY

29.1101	Elements of quality and degrees of each element.
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RULES

29.1106	Rules.
29.1107	Rule 1.
29.1108	Rule 2.
29.1109	Rule 3.
29.1110	Rule 4.
29.1111	Rule 5.
29.1112	Rule 6.
29.1113	Rule 7.
29.1114	Rule 8.
29.1115	Rule 9.
29.1116	Rule 10.
29.1117	Rule 11.
29.1118	Rule 12.
29.1119	Rule 13.
29.1120	Rule 14.
29.1121	Rule 15.
29.1122	Rule 16.
29.1123	Rule 17.
29.1124	Rule 18.
29.1125	Rule 19.
29.1126	Rule 20.
29.1127	Rule 21.
29.1128	Rule 22.
29.1129	Rule 23.
29.1130	Rule 24.
29.1131	Rule 25.

GRADES

29.1161	Wrappers (A Group).
29.1162	Leaf (B Group).
29.1163	Smoking Leaf (H Group).
29.1164	Cutters (C Group).
29.1165	Lugs (X Group).
29.1166	Primings (P Group).
29.1167	Mixed (M Group).
29.1168	Nondescript (N Group).
29.1169	Scrap (S Group).

SUMMARY OF STANDARD GRADES

29.1181	Summary of standard grades.
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KEY TO STANDARD GRADEMARKS

29.1225	Key to standard grademarks.
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AUTHORITY: Sections 29.1001 to 29.1225 issued under sec. 14, 49 Stat. 734; 7 U.S.C. 511m.

Subpart C—Standards

OFFICIAL STANDARDS GRADES FOR FLUE-CURED TOBACCO (U.S. TYPES 11, 12, 13, AND 14)

DEFINITIONS

§ 29.1001 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.1002 Body.

The thickness and density of a leaf or the weight per unit of surface. (See Elements of Quality Chart.)

§ 29.1003 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.1004 Clean.

Tobacco is described as clean unless it contains a noticeable amount of foreign matter. (See rule 4.)

§ 29.1005 Color.

The third factor of a grade based on the relative hues, saturations or chromas, and color values common to the type.

§ 29.1006 Color intensity.

The varying degree of saturation or chroma. Color intensity as applied to tobacco describes the strength or weakness of a specific color or hue. (See Elements of Quality Chart.)

§ 29.1007 Color symbols.

As applied to flue-cured tobacco, color symbols are L—lemon, F—orange, FR—orange red, R—red, V—greenish, K—variegated, KR—variegated red or scorched, G—green, GR—green red, GK—green variegated (may be scorched), GG—gray green, KL—variegated lemon, KF—variegated orange, KV—variegated greenish, and KM—variegated (scorched) mixed.

§ 29.1008 Combination symbol.

A color or group symbol used with another symbol to form the third factor of a grademark to denote a particular side or characteristic of the tobacco. As applied to flue-cured tobacco, the combination symbols are XL—lub side, PO—oxidized primings, XO—oxidized lugs or cutters, BO—oxidized leaf or smoking leaf, GL—thin-bodied nondescript, and GF—medium-bodied nondescript.

§ 29.1009 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are: Undried, air-dried, steam-dried, sweating, sweated, and aged.

§ 29.1010 Crude.

A subdegree of maturity. Crude leaves are usually hard and slick as a result of extreme immaturity. A similar condition may result from fire-kill, sunburn, or sunscald. Any leaf which is crude to the extent of 15 percent or more of its surface may be described as crude (See rule 20.)

§ 29.1011 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.1012 Damage.

The effect of mold, must, rot, black rot, or other fungus or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damage. (See rule 21.)

§ 29.1013 Elasticity.

The flexible, springy nature of the tobacco leaf to recover approximately its original size and shape after it has been stretched.

§ 29.1014 Elements of quality.

Elements of quality and the degrees used in the specifications of the Official Standard Grades for Flue-cured, U.S. Types 11-14, are shown in chart form. Words have been selected to describe the degrees of each element.

§ 29.1015 Finish.

The reflectance factor in color perception. Finish indicates the sheen or shine of the surface of a tobacco leaf.

§ 29.1016 Fire-killed.

Any leaf of which 5 percent or more of its surface has a set green color caused by excessive heat in the curing process. Any lot containing 5 percent or more of such tobacco may be described as fire-killed. (See rule 23.)

§ 29.1017 Flue-cured.

Tobacco cured under artificial atmospheric conditions by a process of regulating the heat and ventilation without allowing smoke or fumes from the fuel to come in contact with the tobacco; or tobacco cured by some other process which accomplishes the same results.

§ 29.1018 Foreign matter.

Any extraneous substance or material such as straw, strings, rubber bands, grass, weeds, or a noticeable amount of dirt or sand. (See rule 24.)

§ 29.1019 Form.

The stage or preparation of tobacco such as stemmed or unstemmed.

§ 29.1020 Grade.

A subdivision of a type according to group, quality, and color.

§ 29.1021 Grademark.

A grademark normally consists of three symbols which indicate group, quality, and color. A letter is used to indicate group, a number to indicate quality, and a letter or letters to indicate color. For example, B3F means: Leaf, good quality, orange color.

§ 29.1022 Green (G).

A color term applied to immature or crude tobacco. Any leaf which has a green color affecting 15 percent or more of its surface may be described as green. (See rule 19.)

§ 29.1023 Greenish (V).

A color term applied to greenish-tinged tobacco. Any leaf which has a greenish tinge or a pale green color affecting 15

percent or more of its surface may be described as greenish. (See rule 18.)

§ 29.1024 Group.

A division of a type covering closely related grades based on certain characteristics which are related to stalk position, body, or the general quality of the tobacco. Groups in Flue-cured, U.S. Types 11-14, are: Wrappers (A), Leaf (B), Smoking Leaf (H), Cutters (C), Lugs (X), Primings (P), Mixed (M), Nondescript (N), and Scrap (S).

§ 29.1025 Injury.

Hurt or impairment from any cause except the fungus or bacterial diseases which attack tobacco in its cured state, but which is not serious enough to be classified as waste. (See definitions of Damage and Waste; see also rule 14.)

§ 29.1026 Leaf scrap.

A byproduct of stemmed and unstemmed tobacco.

§ 29.1027 Leaf structure.

The cell development of a leaf as indicated by its porosity. (See Elements of Quality Chart.)

§ 29.1028 Lemon (L).

Yellow.

§ 29.1029 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip.

§ 29.1030 Lot.

A pile, basket, bulk, or more than one bale, case, hogshead, tierce, package, or other definite package unit.

§ 29.1031 Maturity.

The degree of ripeness. (See Elements of Quality Chart.)

§ 29.1032 Mixed color.

Distinctly different colors of the type mingled together. (See rule 16.)

§ 29.1033 Mixed group.

This group consists of tobacco from three or more groups or two distinctly different groups which are mixed together in various combinations.

§ 29.1034 Nested.

Any lot of tobacco which has been loaded, packed, or arranged to conceal tobacco of inferior grade, quality, or condition. Nested includes: Any lot of tobacco which contains injured or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged. (See rule 23.)

§ 29.1035 No-G.

A designation applied to a lot of tobacco which is nested, off-type, semicured, fire-killed, smoked, oxidized over 10 percent, or has an odor foreign to the type. (See rule 23.)

§ 29.1036 No-G-F.

A designation applied to a lot of tobacco that contains foreign matter or a

noticeable amount of stalks or suckers. (See rule 24.)

§ 29.1037 Oil.

A soft semifluid constituent of tobacco. (See Elements of Quality Chart.)

§ 29.1038 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as Flue-cured, U.S. 11-14. (See rule 23.)

§ 29.1039 Orange (F).

A reddish yellow.

§ 29.1040 Orange Red (FR).

A yellowish red.

§ 29.1041 Order (case).

The state of tobacco with respect to its moisture content.

§ 29.1042 Oxidized (O).

A term applied to tobacco that has deteriorated and turned black during the curing process. Any leaf of which 10 percent or more of its surface has been blackened during the curing process may be described as oxidized. Oxidized tobacco is also known as barn scald or barn rot. (See rules 23 and 25.)

§ 29.1043 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.1044 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspecting. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.1045 Prematurity.

A condition of growth and development characteristic of the lower leaves of the tobacco plant. Premature leaves have some appearance of ripeness due to a process of starvation caused by translocation of plant food elements from these leaves to other leaves higher on the stalk.

§ 29.1046 Quality.

A division of a group or the second factor of a grade based on the relative degree of one or more elements of quality.

§ 29.1047 Raw.

Tobacco as it appears between the time of harvesting and the beginning of the curing process.

§ 29.1048 Red (R).

A brownish red.

§ 29.1049 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, swelled stems, frozen tobacco, and tobacco having frozen stems, or stems that have not been thoroughly dried in the curing process. (See rule 23.)

§ 29.1050 Side.

A certain phase of quality, color, or length as contrasted with some other phase of quality, color, or length; or any peculiar characteristic of tobacco.

§ 29.1051 Slick.

A term used to denote tobacco having a close or tight leaf structure. Any leaf of lemon or orange color of which 15 percent or more of its surface is close or tight may be described as slick. (See rule 17.)

§ 29.1052 Smoked.

Any tobacco affected by smoke or fumes in the curing process. (See rule 23.)

§ 29.1053 Sound.

Free of damage.

§ 29.1054 Special factor.

A symbol or term authorized to be used with specified grades. Tobacco to which a special factor is applied may meet the general specifications but has a peculiar side or characteristic which tends to modify the grade. (See rules 10, 21, and 22.)

§ 29.1055 Steam-dried.

The condition of unfermented tobacco as customarily prepared for storage by means of a redrying machine or other steam-conditioning equipment.

§ 29.1056 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.1057 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.1058 Strips.

The sides of a tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

§ 29.1059 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition sometimes is described as aged.

§ 29.1060 Sweating.

The condition of tobacco in the process of fermentation.

§ 29.1061 Symbol (S).

As applied to Flue-cured tobacco the symbol (S), when used as the third factor of a grademark, denotes slick, unripe tobacco in lemon or orange color. (See rule 17.)

§ 29.1062 Tobacco.

Tobacco as it appears between the time it is primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in these standards, does not include

manufactured or semi-manufactured products, stems, cuttings, clippings, trimmings, siftings, or dust.

§ 29.1063 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff.

§ 29.1064 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.1065 Type 11.

That type of flue-cured tobacco commonly known as Western Flue-cured or Old Belt and Middle Belt Flue-cured, produced principally in the Piedmont sections of Virginia and North Carolina and the district extending eastward to the coastal plains region. That portion of this type known as Old Belt Flue-cured, normally characterized by a heavier body and darker color shade and produced principally in the Piedmont sections of Virginia and North Carolina, may be classified as Type 11a; and that portion of the type known as Middle Belt Flue-cured, normally characterized by a thinner body and lighter color shade and produced principally in a section lying between the Piedmont and coastal plains regions of Virginia and North Carolina, may be classified as Type 11b.

§ 29.1066 Type 12.

That type of flue-cured tobacco commonly known as Eastern Flue-cured or Eastern Carolina Flue-cured, produced principally in the coastal plains section of North Carolina, north of the South River.

§ 29.1067 Type 13.

That type of flue-cured tobacco commonly known as Southeastern Flue-cured or South Carolina Flue-cured, produced principally in the coastal plains section of South Carolina and the southeastern counties of North Carolina, south of the South River.

§ 29.1068 Type 14.

That type of flue-cured tobacco commonly known as Southern Flue-cured, produced principally in the southern section of Georgia, in northern Florida, and to some extent in Alabama.

§ 29.1069 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.1070 Uniformity.

An element of quality which describes the consistency of a lot of tobacco as it is prepared for market. Uniformity is expressed as a percentage in grade specifications. (See rule 13.)

§ 29.1071 Unsound (U).

Damaged. (See rule 21.)

§ 29.1072 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.1073 Variegated (K).

Any tobacco that does not blend with the normal colors of the type; any leaf of which 15 percent or more of its surface is grayish, mottled, bleached, dot-faced, scalded, or sunbaked. (See rule 15.)

§ 29.1074 Variegated red or scorched (KR).

A red discoloration which usually results from excessive heat in the curing process. Any leaf of which 15 percent or more of its surface has been reddened in the curing process may be described as variegated red or scorched. (See rule 16.)

§ 29.1075 Waste.

The portion or portions of the web of tobacco leaves which have been lost or rendered less servicable for use in tobacco products, including: (a) Portions which have decomposed or largely decomposed by field diseases and field-firing, pole-burning, bulk-burning; (b) portions which are dead, lifeless, and do

not have sufficient strength or stability to hold together in the normal manufacturing process due to excessive injury of any kind.

§ 29.1076 Wet (W).

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See rule 22.)

§ 29.1077 Width.

The relative breadth of a tobacco leaf expressed in relation to its length. (See Elements of Quality Chart.)

ELEMENTS OF QUALITY**§ 29.1101 Elements of quality and degrees of each element.**

These standardized words or terms are used to describe tobacco quality and to assist in interpreting grade specifications. Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by the use of words or terms designated as degrees. These several degrees are arranged to show their relative value, but the actual value of each degree varies with group.

Elements			Degrees		
Maturity.....	Immature.....	Unripe.....	Mature.....	Ripe.....	Mellow.
Leaf structure.....	Tight.....	Close.....	Firm.....	Open.....	
Body.....	Heavy.....	Fleshy.....	Medium.....	Thin.....	
Oil.....	Lean.....	Oily.....	Rich.....		
Color intensity.....	Pale.....	Weak.....	Moderate.....	Strong.....	Deep.
Width.....	Stringy.....	Narrow.....	Normal.....	Spready.....	
Length.....	(1).....	(2).....	(3).....	(4).....	
Uniformity.....	(1).....	(2).....	(3).....	(4).....	
Injury tolerance.....	(1).....	(2).....	(3).....	(4).....	
Waste tolerance.....	(1).....	(2).....	(3).....	(4).....	

¹ Expressed in inches.

² Expressed in percentage.

RULES**§ 29.1106 Rules.**

The application of these official standard grades shall be in accordance with the following rules.

§ 29.1107 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.1108 Rule 2.

The determination of a grade shall be based upon a thorough examination of a lot of tobacco or of an official sample of the lot.

§ 29.1109 Rule 3.

In drawing an official sample from a hoghead or other package of tobacco, three or more breaks shall be made at such points and in such manner as the inspector or sampler may find necessary to determine the kinds of tobacco and the percentage of each kind contained in the lot. All breaks shall be made so that the tobacco contained in the center of the package is visible to the sampler. Tobacco shall be drawn from at least three breaks from which a representative

sample shall be selected. The sample shall include tobacco of each different group, quality, color, length, and kind found in the lot in proportion to the quantities of each contained in the lot.

§ 29.1110 Rule 4.

All standard grades must be clean.

§ 29.1111 Rule 5.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.1112 Rule 6.

A lot of tobacco on the marginal line between two colors shall be placed in the color with which it best corresponds with respect to body or other associated elements of quality.

§ 29.1113 Rule 7.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between

two grades shall be placed in the lower grade.

§ 29.1114 Rule 8.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

§ 29.1115 Rule 9.

The use of any grade may be restricted by the Director during any marketing season when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.1116 Rule 10.

Any special factor approved by the Director of the Tobacco Division, Agricultural Marketing Service, may be used after a grademark to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

§ 29.1117 Rule 11.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Marketing Program Branch and approved by the Director.

§ 29.1118 Rule 12.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

§ 29.1119 Rule 13.

Degrees of uniformity shall be expressed in terms of percentages. The percentages shall govern the portion of a lot which must meet the specifications of the grade. (These percentages shall not affect limitations established by other rules.) The minor portion must be closely related, but may be of a different group, quality, and color from the major portion.

§ 29.1120 Rule 14.

The application of injury tolerance as an element of quality shall be expressed in terms of a percentage. The appraisal of injury shall be based upon the percentage of affected leaf surface or the degree of injury. In appraising injury, consideration shall be given to the normal characteristics of the group as related to injury.

§ 29.1121 Rule 15.

Any lot of tobacco containing 15 percent or more of variegated tobacco other than variegated red or scorched shall be described as variegated and designated by the color symbol "K," "KL," "KF," or "KV."

§ 29.1122 Rule 16.

Any lot of ripe tobacco which contains 15 percent or more of variegated red or scorched tobacco shall be designated by the color symbol "KR." Any lot of unripe tobacco which is under 15 percent greenish or green but which contains 15 percent or more of scorched tobacco, or any lot of tobacco which contains 15 percent

or more of a color distinctively different from the major color shall be classified as mixed color and designated by the color symbol "KM."

§ 29.1123 Rule 17.

Any lot of lemon, or orange colored tobacco containing 15 percent or more of slick tobacco shall be designated by the symbol "S" in the -, C, or B groups.

§ 29.1124 Rule 18.

Any lot of mature tobacco in lemon or orange color containing 15 percent or more of greenish tobacco, or any lot which is not green but which contains 15 percent or more of greenish and green tobacco combined shall be designated by the color symbol "V."

§ 29.1125 Rule 19.

Any lot of tobacco containing 15 percent or more of green tobacco, or any lot which is not crude but contains 15 percent or more of green and crude combined shall be designated by the color symbols "G," "GR," "GK," "GG," or the combination symbols "GL," or "GF."

§ 29.1126 Rule 20.

Crude tobacco shall not be included in any grade of any color except green, green red, green variegated, gray green, or the combination symbols "GL," or "GF" in the nondescript group. Any lot containing 15 percent or more of crude tobacco shall be classified as nondescript.

§ 29.1127 Rule 21.

Damaged tobacco which otherwise meets the specifications of a grade shall be treated as a special factor grade by placing the special factor "U" after the grademark.

§ 29.1128 Rule 22.

Sound tobacco that is wet or in doubtful-keeping order but which otherwise meets the specifications of a grade shall be treated as a special factor grade by placing the special factor "W" after the grademark.

§ 29.1129 Rule 23.

Tobacco shall be designated by the grademark "No-G," when it is nested, off-type, semicured, firekilled, smoked, oxidized over 10 percent, or has an odor foreign to the type.

§ 29.1130 Rule 24.

Tobacco shall be designated by the grademark "No-G-F," when it contains a noticeable amount of stalks or suckers or contains foreign matter such as straw, strings, rubber bands, grass, weeds, or a noticeable amount of dirt or sand.

§ 29.1131 Rule 25.

Any lot of tobacco containing 10 percent or less of oxidized tobacco, except as provided in rule 12, shall be designated by the combination symbols "PO," "XO," or "BO." Crude or green tobacco containing 10 percent or less of oxidized shall be graded "N2."

GRADES

§ 29.1161 Wrappers (A group).

This group consists of leaves from the C and B group stalk positions. Wrappers are mature to ripe, elastic, have small and blending fibers, and show a low percentage of injury affecting wrapper yield.

U.S. GRADES, NAMES, MINIMUM SPECIFICATIONS, AND TOLERANCES

A1L—Choice quality lemon wrappers: Firm leaf structure, medium body, spready, deep color intensity, rich in oil, 18 inches or over in length, 30 percent of leaves not lower than B3 or C3, 5 percent injury tolerance affecting wrapper yield.

A1F—Choice quality orange wrappers: Firm leaf structure, fleshy, spready, deep color intensity, rich in oil, 18 inches or over in length, 30 percent of leaves not lower than B3 or C3, 5 percent injury tolerance affecting wrapper yield.

§ 29.1162 Leaf (B group).

This group consists of leaves normally grown at or above the midportion of the stalk. Leaves of the B group have a pointed tip, tend to fold, usually are heavier in body than the other groups, and show little or no ground injury.

U.S. GRADES, NAMES, MINIMUM SPECIFICATIONS, AND TOLERANCES

B1L—Choice quality lemon leaf: Ripe, firm leaf structure, medium body, rich in oil, deep color intensity, spready, 20 inches or over in length. Uniformity, 90 percent; injury tolerance, 5 percent.

B2L—Fine quality lemon leaf: Ripe, firm leaf structure, medium body, rich in oil, deep color intensity, normal width, 18 inches or over in length. Uniformity, 85 percent; injury tolerance, 10 percent.

B3L—Good quality lemon leaf: Ripe, firm leaf structure, medium body, oily, strong color intensity, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4L—Fair quality lemon leaf: Ripe, firm leaf structure, medium body, oily, moderate color intensity, normal width. Uniformity, 70 percent; injury tolerance, 20 percent.

B5L—Low quality lemon leaf: Ripe, firm leaf structure, medium body, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance, 30 percent.

B6L—Poor quality lemon leaf: Ripe, firm leaf structure, medium body, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance, 40 percent.

B1F—Choice quality orange leaf: Ripe, firm leaf structure, fleshy, rich in oil, deep color intensity, spready, 20 inches or over in length. Uniformity, 90 percent; injury tolerance, 5 percent.

B2F—Fine quality orange leaf: Ripe, firm leaf structure, fleshy, rich in oil, deep color intensity, normal width, 18 inches or over in length. Uniformity, 85 percent; injury tolerance, 10 percent.

B3F—Good quality orange leaf: Ripe, firm leaf structure, fleshy, oily, strong color intensity, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4F—Fair quality orange leaf: Ripe, firm leaf structure, fleshy, oily, moderate color intensity, normal width. Uniformity, 70 percent; injury tolerance, 20 percent.

B5F—Low quality orange leaf: Ripe, firm leaf structure, fleshy, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance, 30 percent.

B6F—Poor quality orange leaf: Ripe, firm leaf structure, fleshy, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance, 40 percent.

B1FR—Choice quality orange red leaf: Ripe, firm leaf structure, fleshy, rich in oil, deep color intensity, spready, 20 inches or over in length. Uniformity, 90 percent; injury tolerance, 5 percent.

B2FR—Fine quality orange red leaf: Ripe, firm leaf structure, fleshy, rich in oil, deep color intensity, normal width, 18 inches or over in length. Uniformity, 85 percent; injury tolerance, 10 percent.

B3FR—Good quality orange red leaf: Ripe, firm leaf structure, fleshy, oily, strong color intensity, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4FR—Fair quality orange red leaf: Ripe, firm leaf structure, fleshy, oily, moderate color intensity, normal width. Uniformity, 70 percent; injury tolerance, 20 percent.

B5FR—Low quality orange red leaf: Ripe, firm leaf structure, fleshy, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance, 30 percent.

B6FR—Poor quality orange red leaf: Ripe, firm leaf structure, fleshy, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance, 40 percent.

B4R—Fair quality red leaf: Ripe, firm leaf structure, heavy, oily, moderate color intensity, normal width. Uniformity, 70 percent; injury tolerance, 20 percent.

B5R—Low quality red leaf: Ripe, firm leaf structure, heavy, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance, 30 percent.

B3K—Good quality variegated leaf: Ripe, firm leaf structure, fleshy, oily, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4K—Fair quality variegated leaf: Ripe, firm leaf structure, fleshy, lean in oil, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

B5K—Low quality variegated leaf: Ripe, firm leaf structure, fleshy, lean in oil, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B6K—Poor quality variegated leaf: Ripe, firm leaf structure, fleshy, lean in oil, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

B3KR—Good quality variegated red or scorched leaf: Ripe, firm leaf structure, fleshy, oily, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4KR—Fair quality variegated red or scorched leaf: Ripe, firm leaf structure, fleshy, lean in oil, normal width. Uniformity, 70 percent; injury tolerance, 20 percent.

B5KR—Low quality variegated red or scorched leaf: Ripe, firm leaf structure, fleshy, lean in oil, narrow. Uniformity, 70 percent; injury tolerance, 30 percent.

B3V—Good quality greenish leaf: Mature, firm leaf structure, fleshy, oily, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4V—Fair quality greenish leaf: Mature, firm leaf structure, fleshy, oily, normal width.

Uniformity, 70 percent; injury tolerance, 20 percent.

B5V—Low quality greenish leaf: Mature, firm leaf structure, fleshy, lean in oil, narrow. Uniformity, 70 percent; injury tolerance, 30 percent.

B3KL—Good quality variegated lemon leaf: Unripe, close leaf structure, heavy, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4EL—Fair quality variegated lemon leaf: Unripe, close leaf structure, heavy, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance, 20 percent.

B5KL—Low quality variegated lemon leaf: Unripe, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance, 30 percent.

B6KL—Poor quality variegated lemon leaf: Unripe, tight leaf structure, heavy, stringy. Uniformity, 70 percent; injury tolerance, 40 percent.

B3KF—Good quality variegated orange leaf: Unripe, close leaf structure, heavy, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4KF—Fair quality variegated orange leaf: Unripe, close leaf structure, heavy, normal width. Uniformity, 70 percent; injury tolerance, 20 percent.

B5KF—Low quality variegated orange leaf: Unripe, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance, 30 percent.

B6KF—Poor quality variegated orange leaf: Unripe, tight leaf structure, heavy, stringy. Uniformity, 70 percent; injury tolerance, 40 percent.

B3KM—Good quality variegated mixed leaf: Unripe, close leaf structure, heavy, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4KM—Fair quality variegated mixed leaf: Unripe, close leaf structure, heavy, normal width. Uniformity, 70 percent; injury tolerance, 20 percent.

B5KM—Low quality variegated mixed leaf: Unripe, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance, 30 percent.

B6KM—Poor quality variegated mixed leaf: Unripe, tight leaf structure, heavy, stringy. Uniformity, 70 percent; injury tolerance, 40 percent.

B4KV—Fair quality variegated greenish leaf: Unripe, firm leaf structure, medium body, normal width. Uniformity, 70 percent; tolerance, 10 percent waste.

B5KV—Low quality variegated greenish leaf: Unripe, firm leaf structure, medium body, narrow. Uniformity, 70 percent; tolerance, 20 percent waste.

B6KV—Poor quality variegated greenish leaf: Unripe, firm leaf structure, medium body, stringy. Uniformity, 70 percent; tolerance, 30 percent waste.

B3S—Good quality slick leaf: Unripe, close leaf structure, fleshy, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4S—Fair quality slick leaf: Unripe, close leaf structure, fleshy, normal width. Uniformity, 70 percent; injury tolerance, 20 percent.

B5S—Low quality slick leaf: Unripe, tight leaf structure, fleshy, narrow. Uniformity, 70 percent; injury tolerance, 30 percent.

B4G—Fair quality green leaf: Immature, close leaf structure, fleshy, oily, normal width. Uniformity, 70 percent; injury tolerance, 20 percent.

B5G—Low quality green leaf: Immature, tight leaf structure, fleshy, lean in oil, nar-

row. Uniformity, 70 percent; injury tolerance, 30 percent.

B6G—Poor quality green leaf: Immature, tight leaf structure, fleshy, lean in oil, stringy. Uniformity, 70 percent; injury tolerance, 40 percent.

B5GR—Low quality green red leaf: Immature, tight leaf structure, heavy, lean in oil, narrow. Uniformity, 70 percent; injury tolerance, 30 percent.

B4GK—Fair quality green variegated leaf: Immature, close leaf structure, heavy, normal width. Uniformity, 70 percent; injury tolerance, 20 percent.

B5GK—Low quality green variegated leaf: Immature, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance, 30 percent.

B6GK—Poor quality green variegated leaf: Immature, tight leaf structure, heavy, stringy. Uniformity, 70 percent; injury tolerance, 40 percent.

B5GG—Low quality gray green leaf: Immature, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance, 30 percent.

§ 29.1163 Smoking leaf (H Group).

This group consists of leaves normally grown at or above the midportion of the stalk. Leaves of the H group show a high degree of maturity, more open leaf structure in relation to the B Group, and a material amount of injury characteristic of very ripe leaf tobacco.

U.S. GRADES, NAMES, MINIMUM SPECIFICATIONS, AND TOLERANCES

H3L—Good quality lemon smoking leaf: Mellow, open leaf structure, medium body, lean in oil, strong color intensity, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

H4L—Fair quality lemon smoking leaf: Mellow, open leaf structure, medium body, lean in oil, moderate color intensity, normal width. Uniformity, 70 percent; injury tolerance, 20 percent.

H5L—Low quality lemon smoking leaf: Mellow, open leaf structure, medium body, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance, 30 percent.

H6L—Poor quality lemon smoking leaf: Mellow, open leaf structure, medium body, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance, 40 percent.

H1F—Choice quality orange smoking leaf: Mellow, open leaf structure, medium body, lean in oil, deep color intensity, spready, 20 inches or over in length. Uniformity, 90 percent; injury tolerance, 5 percent.

H2F—Fine quality orange smoking leaf: Mellow, open leaf structure, medium body, lean in oil, deep color intensity, normal width, 18 inches or over in length. Uniformity, 85 percent; injury tolerance, 10 percent.

H3F—Good quality orange smoking leaf: Mellow, open leaf structure, medium body, lean in oil, strong color intensity, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

H4F—Fair quality orange smoking leaf: Mellow, open leaf structure, medium body, lean in oil, moderate color intensity normal width. Uniformity, 70 percent; injury tolerance, 20 percent.

H5F—Low quality orange smoking leaf: Mellow, open leaf structure, medium body, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance, 30 percent.

H6F—Low quality orange smoking leaf: Mellow, open leaf structure, medium body, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance, 40 percent.

H4FR—Fair quality orange red smoking leaf: Mellow, open leaf structure, fleshy, lean in oil, moderate color intensity, normal width. Uniformity, 70 percent; injury tolerance, 20 percent.

H5FR—Low quality orange red smoking leaf: Mellow, open leaf structure, fleshy, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance, 30 percent.

H6FR—Poor quality orange red smoking leaf: Mellow, open leaf structure, fleshy, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance, 40 percent.

H4K—Fair quality variegated smoking leaf: Mellow, open leaf structure, medium body, lean in oil, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

H5K—Low quality variegated smoking leaf: Mellow, open leaf structure, medium body, lean in oil, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

H6K—Poor quality variegated smoking leaf: Mellow, open leaf structure, medium body, lean in oil, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

§ 29.1164 Cutters (C Group).

This group consists of leaves normally grown at or just below the midportion of the stalk. Leaves of the C group have a tendency to roll concealing the stem or midrib. Cutters usually have a rounded tip, are thin to medium in body, and show some ground injury.

U.S. GRADES, NAMES, MINIMUM SPECIFICATIONS, AND TOLERANCES

C1L—Choice quality lemon cutters: Ripe, open leaf structure, thin, oily, deep color intensity, spready, 20 inches or over in length. Uniformity, 90 percent; injury tolerance, 5 percent.

C2L—Fine quality lemon cutters: Ripe, open leaf structure, thin, oily, deep color intensity, spready, 20 inches or over in length. Uniformity, 85 percent; injury tolerance, 10 percent.

C3L—Good quality lemon cutters: Ripe, open leaf structure, thin, oily, strong color intensity, spready, 18 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

C4L—Fair quality lemon cutters: Ripe, open leaf structure, thin, lean in oil, moderate color intensity, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance, 20 percent, of which not over 5 percent may be waste.

C5L—Low quality lemon cutters: Ripe, open leaf structure, thin, lean in oil, weak color intensity, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

C1F—Choice quality orange cutters: Ripe, open leaf structure, medium body, oily, deep color intensity, spready, 20 inches or over in length. Uniformity, 90 percent; injury tolerance, 5 percent.

C2F—Fine quality orange cutters: Ripe, open leaf structure, medium body, oily, deep color intensity, spready, 20 inches or over in length. Uniformity, 85 percent; injury tolerance, 10 percent.

C3F—Good quality orange cutters: Ripe, open leaf structure, medium body, oily,

strong color intensity, spready, 18 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

C4P—Fair quality orange cutters: Ripe, open leaf structure, medium body, lean in oil, moderate color intensity, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

C5P—Low quality orange cutters: Ripe, open leaf structure, medium body, lean in oil, weak color intensity, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

C4KR—Fair quality variegated red or scorched cutters: Ripe, open leaf structure, medium body, lean in oil, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

C4V—Fair quality greenish cutters: Mature, open leaf structure, medium body, lean in oil, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

C4KL—Fair quality variegated lemon cutters: Unripe, close leaf structure, medium body, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

C4KM—Fair quality variegated mixed cutters: Unripe, close leaf structure, medium body, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

C4S—Fair quality slick cutters: Unripe, close leaf structure, medium body, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

C4G—Fair quality green cutters: Immature, close leaf structure, medium body, lean in oil, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

C4GK—Fair quality green variegated cutters: Immature, close leaf structure, medium body, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

§ 29.1165 Lugs (X Group).

This group consists of leaves normally grown near the bottom of the stalk. Leaves of the X group usually have a blunt tip and open face; they show some ground injury characteristic of the group.

U.S. GRADES, NAMES, MINIMUM SPECIFICATIONS, AND TOLERANCES

X1L—Choice quality lemon lugs: Ripe, open leaf structure, thin, oily, strong color intensity. Uniformity, 90 percent; injury tolerance, 10 percent.

X2L—Fine quality lemon lugs: Ripe, open leaf structure, thin, oily, strong color intensity. Uniformity, 80 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

X3L—Good quality lemon lugs: Ripe, open leaf structure, thin, lean in oil, moderate color intensity. Uniformity, 75 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

X4L—Fair quality lemon lugs: Ripe, open leaf structure, thin, lean in oil, weak color intensity. Uniformity, 70 percent; tolerance, 20 percent waste.

X5L—Low quality lemon lugs: Ripe, open leaf structure, thin, lean in oil, pale color

intensity. Uniformity, 70 percent; tolerance, 30 percent waste.

X1P—Choice quality orange lugs: Ripe, open leaf structure, medium body, oily, strong color intensity. Uniformity, 90 percent; injury tolerance, 10 percent.

X2P—Fine quality orange lugs: Ripe, open leaf structure, medium body, oily, strong color intensity. Uniformity, 80 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

X3P—Good quality orange lugs: Ripe, open leaf structure, medium body, lean in oil, moderate color intensity. Uniformity, 75 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

X4P—Fair quality orange lugs: Ripe, open leaf structure, medium body, lean in oil, weak color intensity. Uniformity, 70 percent; tolerance, 20 percent waste.

X5P—Low quality orange lugs: Ripe, open leaf structure, medium body, lean in oil, pale color intensity. Uniformity, 70 percent; tolerance, 30 percent waste.

X3KR—Good quality variegated red or scorched lugs: Ripe, open leaf structure, medium body, lean in oil. Uniformity, 75 percent, injury tolerance 30 percent, of which not over 10 percent may be waste.

X4KR—Fair quality variegated red or scorched lugs: Ripe, open leaf structure, medium body, lean in oil. Uniformity, 70 percent; tolerance, 20 percent waste.

X3V—Good quality greenish lugs: Mature, open leaf structure, medium body, lean in oil. Uniformity, 75 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

X4V—Fair quality greenish lugs: Mature, open leaf structure, medium body, lean in oil. Uniformity, 70 percent; tolerance, 20 percent waste.

X4KL—Fair quality variegated lemon lugs: Unripe, close leaf structure, thin. Uniformity, 70 percent; tolerance, 20 percent waste.

X4KP—Fair quality variegated orange lugs: Unripe, close leaf structure, medium body. Uniformity, 70 percent; tolerance, 20 percent waste.

X4KV—Fair quality variegated greenish lugs: Unripe, firm leaf structure, medium body. Uniformity, 70 percent; tolerance, 20 percent waste.

X3KM—Good quality variegated mixed lugs: Unripe, close leaf structure, medium body. Uniformity, 75 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

X4KM—Fair quality variegated mixed lugs: Unripe, close leaf structure, medium body. Uniformity, 70 percent; tolerance, 20 percent waste.

X3S—Good quality slick lugs: Unripe, close leaf structure, medium body. Uniformity, 75 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

X4G—Fair quality green lugs: Immature, firm leaf structure, medium body, lean in oil. Uniformity, 70 percent; tolerance, 20 percent waste.

X5G—Low quality green lugs: Immature, firm leaf structure, medium body, lean in oil. Uniformity, 70 percent; tolerance, 30 percent waste.

X4GK—Fair quality green variegated lugs: Immature, close leaf structure, medium body. Uniformity, 70 percent; tolerance, 20 percent waste.

§ 29.1166 Primings (P Group).

This group consists of round-tipped leaves from the lowest portion of the stalk. Leaves of the P group ripen prematurely as a result of starvation and show a material amount of injury characteristic of leaves grown close to the ground.

U.S. GRADES, NAMES, MINIMUM SPECIFICATIONS, AND TOLERANCES

P2L—Fine quality lemon primings: Prematurely ripe, open leaf structure, thin, oily, moderate color intensity. Uniformity, 80 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

P3L—Good quality lemon primings: Prematurely ripe, open leaf structure, thin, lean in oil, weak color intensity. Uniformity, 75 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

P4L—Fair quality lemon primings: Prematurely ripe, open leaf structure, thin, lean in oil, pale color intensity. Uniformity 70 percent; tolerance, 20 percent waste.

P5L—Low quality lemon primings: Prematurely ripe, open leaf structure, thin, lean in oil, pale color intensity. Uniformity, 70 percent; tolerance, 30 percent waste.

P2P—Fine quality orange primings: Prematurely ripe, open leaf structure, medium body, oily, moderate color intensity. Uniformity, 80 percent; injury tolerance, 20 percent, of which not over 5 percent may be waste.

P3P—Good quality orange primings: Prematurely ripe, open leaf structure, medium body, lean in oil, weak color intensity. Uniformity, 75 percent; injury tolerance, 30 percent, of which not over 10 percent may be waste.

P4P—Fair quality orange primings: Prematurely ripe, open leaf structure, medium body, lean in oil, pale color intensity. Uniformity, 70 percent; tolerance, 20 percent waste.

P5P—Low quality orange primings: Prematurely ripe, open leaf structure, medium body, lean in oil, pale color intensity. Uniformity, 70 percent; tolerance, 30 percent waste.

P4G—Fair quality green primings: Immature, firm leaf structure, medium body, lean in oil. Uniformity, 70 percent; tolerance, 20 percent waste.

P5G—Low quality green primings: Immature, firm leaf structure, medium body, lean in oil. Uniformity, 70 percent; tolerance, 30 percent waste.

§ 29.1167 Mixed (M Group).

This group consists of tobacco from three or more groups or two distinctly different groups which are mixed together in various combinations.

U.S. GRADES, NAMES, MINIMUM SPECIFICATIONS, AND TOLERANCES

M4F—Fair quality mixed groups: Ripe, firm leaf structure, fleshy body, lean in oil, injury tolerance 30 percent, of which not over 10 percent may be waste.

M5F—Low quality mixed groups: Ripe, firm leaf structure, fleshy body, lean in oil, injury tolerance 40 percent, of which not over 20 percent may be waste.

M4KR—Fair quality variegated red or scorched mixed groups: Ripe, firm leaf structure, fleshy body, lean in oil. Injury tolerance 30 percent, of which not over 10 percent may be waste.

M4KM—Fair quality variegated mixed groups: Unripe, close leaf structure, heavy body. Injury tolerance 30 percent, of which not over 10 percent may be waste.

M5KM—Low quality variegated mixed groups: Unripe, tight leaf structure, heavy body. Injury tolerance 40 percent, of which not over 20 percent may be waste.

M4GK—Fair quality green variegated mixed groups: Immature, close leaf structure, heavy body. Injury tolerance 30 percent, of which not over 10 percent may be waste.

M5GK—Low quality green variegated mixed groups: Immature, tight leaf structure,

heavy body. Injury tolerance 40 percent, of which not over 20 percent may be waste.

§ 29.1168 Nondescript (N Group).

Extremely common tobacco which does not meet the minimum specifications or which exceeds the tolerance of the lowest grade of any other group except Scrap.

U.S. GRADES, NAMES, MINIMUM SPECIFICATIONS, AND TOLERANCES

- N1L**—Best nondescript from the P group: tolerance: 50 percent waste.
N1XL—Best nondescript from the X group: tolerance: 50 percent waste.
N1K—Best nondescript from the H group: tolerance: 50 percent waste.
N1R—Best, heavy, dark-colored nondescript from the B group: tolerance: 50 percent injury or waste.
N1KV—Best variegated, medium-bodied greenish nondescript from the B group: tolerance: 50 percent injury or waste.
N1GL—Best, thin, crude green nondescript from the P or X groups: tolerance: 50 percent crude, injury, or waste.
N1GF—Best medium body, medium-colored, crude green nondescript from the B or C groups: tolerance: 50 percent crude, injury or waste.
N1GR—Best, heavy, dark-colored, crude green nondescript from the B group: tolerance: 50 percent crude, injury, or waste.
N1GG—Best, crude, gray green nondescript from the B group: tolerance: 50 percent crude, injury, or waste.
N1PO—Oxidized tobacco from the P group: tolerance: 50 percent injury or waste.
N1XO—Oxidized tobacco from the X or C group: tolerance: 50 percent injury or waste.
N1BO—Oxidized tobacco from the B or H groups: tolerance: 50 percent injury or waste.
N2—Poorest nondescript of any group or color: tolerance: Over 50 percent crude, injury, waste, or over 10 percent oxidized.

§ 29.1169 Scrap (S Group).

A byproduct of stemmed and unstemmed tobacco. Scrap accumulates from handling tobacco in farm buildings, warehouses, packing and conditioning plants, and stemmeries.

U.S. GRADE, NAME AND SPECIFICATIONS

S—Scrap; loose, whole, or broken unstemmed leaves; or the web portion of tobacco leaves reduced to scrap by any process.

SUMMARY OF STANDARD GRADES

§ 29.1181 Summary of Standard Grades.

2. GRADES OF WRAPPERS

A1L, A1F.

24 GRADES OF LEAF

B1L, B2L, B3L, B4L, B5L, B6L, B1F, B2F, B3F, B4F, B5F, B6F, B1FR, B2FR, B3FR, B4FR, B5FR, B6FR, B4R, B5R, B3K, B4K, B5K, B6K.

16 GRADES OF SMOKING LEAF

H3L, H4L, H5L, H6L, H1F, H2F, H3F, H4F, H5F, H6F, H4FR, H5FR, H6FR, H4K, H5K, H6K.

10 GRADES OF CUTTERS

C1L, C2L, C3L, C4L, C5L, C1F, C2F, C3F, C4F, C5F.

10 GRADES OF LUGS

X1L, X2L, X3L, X4L, X5L, X1F, X2F, X3F, X4F, X5F.

8 GRADES OF PRIMINGS

P2L, P3L, P4L, P5L, P2F, P3F, P4F, P5F.

6 GRADES OF GREENISH

B3V, B4V, B5V, C4V, X3V, X4V.

15 GRADES OF VARIEGATED

B3KL, B4KL, B5KL, B6KL, B3KF, B4KF, B5KF, B6KF, B4KV, B5KV, B6KV, C4KL, X4KL, X4KF, X4KV.

7 MIXED GRADES

M4F, M5F, M4KR, M4KM, M5KM, M4GK, M5GK.

15 GRADES OF GREEN

B4G, B5G, B6G, B5GR, B4GK, B5GK, B6GK, B5GG, C4G, C4GK, X4G, X5G, X4GK, P4G, P5G.

7 GRADES OF VARIEGATED MIXED

B3KM, B4KM, B5KM, B6KM, C4KM, X3KM, X4KM.

6 GRADES OF VARIEGATED RED OR SCORCHED

B3KR, B4KR, B5KR, C4KR, X3KR, X4KR.

5 GRADES OF SLICK

B3S, B4S, B5S, C4S, X3S.

13 GRADES OF NONDESCRIPT

N1L, N1XL, N1K, N1R, N1KV, N1GL, N1GF, N1GR, N1GG, N1PO, N1XO, N1BO, N2.

1 GRADE OF SCRAP

S

Special factors "U" (unsound) and "W" (doubtful-keeping order) may be applied to all grades. Tobacco not covered by the standard grades is designated "No-G" or "No-G-F."

KEY TO STANDARD GRADEMARKS

§ 29.1225 Key to Standard Grade Marks.

GROUPS

A—Wrappers. B—Leaf. H—Smoking Leaf. C—Cutters. X—Lugs. P—Primings. M—Mixed Group. N—Nondescript. S—Scrap.

QUALITIES

1—Choice. 2—Fine. 3—Good. 4—Fair. 5—Low. 6—Poor.

COLOR SYMBOLS

L—Lemon. F—Orange. FR—Orange red. R—Red. K—Variegated. KR—Variegated red or scorched. G—Green. V—Greenish. GR—Green red. GK—Green variegated. GG—Gray green. KL—Variegated lemon. KF—Variegated orange. KV—Variegated greenish. KM—Variegated mixed.

COMBINATION SYMBOLS

XL—Lug side. PO—Oxidized priming. XO—Oxidized lugs or cutters. BO—Oxidized leaf or smoking leaf. GL—Thin-bodied nondescript. GF—Medium-bodied nondescript.

SPECIAL SYMBOL

S—Slick

Dated: March 2, 1977.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.77-6698 Filed 3-4-77;8:45 am]

[7 CFR Part 908]

HANDLING OF VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Minimum Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This proposal would require fresh Valencia oranges shipped from District 3 of the California-Arizona production area to measure at least 2.32 inches in diameter during the period April 1, 1977, through January 15, 1978. The proposal was submitted by the Valencia Orange Administrative Committee established under the order to administer the program locally. The committee reports that the composition of the crop is such that more than ample quantities of larger, more desirable sizes of oranges are available to meet fresh market demand and it would be in the interest of producers and consumers to limit shipments to the sizes specified. The smaller sizes of oranges could be disposed of in export and in processing outlets.

DATE: Comments must be received on or before March 18, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department is considering the establishment of a size regulation for Valencia oranges grown in District 3, pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908) regulating the handling of Valencia oranges grown in Arizona and designated part of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposed amendment was recommended by the Valencia Orange Administrative Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof.

The 1976-77 season crop of Valencia oranges is currently estimated by the committee at 59,000 carlots. The committee reports that demand in regulated fresh market channels is expected to require about 37 percent of this volume. The remaining 63 percent would be available for utilization in export and processing outlets. The committee indicates that volume and size composition of the

crop of Valencia oranges grown in District 3 are such that ample supplies of the more desirable sizes will be available to satisfy the demand in regulated channels. The regulation is designed to permit shipment of ample supplies of fruit of the more desirable sizes in the interest of growers and consumers.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than March 18, 1977. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

Order. (a) During the period April 1, 1977, through January 15, 1978, no handler shall handle any Valencia oranges grown in District 3 which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container may measure smaller than 2.32 inches in diameter.

(b) As used in this section, "handle," "handler," and "District 3" shall have the same meaning as when used in said amended marketing agreement and order.

Dated: March 2, 1977.

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

[FR Doc.77-6697 Filed 3-4-77; 8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1301]

REFUSE BINS

Extension of Time

The purpose of this notice is to extend from March 8, 1977 until June 6, 1977 the period in which the Consumer Product Safety Commission must publish in the FEDERAL REGISTER a consumer product safety rule to declare that certain unstable refuse bins are banned hazardous products under section 8 of the Consumer Product Safety Act (15 U.S.C. 2057) or to withdraw the applicable notice of proceeding.

On January 3, 1975, Stephen R. Redmond, the Commissioner of Health of Dutchess County, New York, petitioned the Commission to commence an appropriate proceeding to establish safe design criteria for the manufacture of refuse bins.

After studying the problem set out in the petition, the Commission published

for comment in the FEDERAL REGISTER of January 7, 1977 (42 FR 1484) a proposed consumer product safety rule to declare that certain unstable refuse bins are banned hazardous products. (A more detailed history of the development of this proposed rule appears in the January 7, 1977 notice.) The proposal set the written comment period to extend through February 7, 1977. On January 31, 1977 the Commission held a public meeting to hear oral presentations of data, views, and arguments on the proposal from interested persons. A transcript of that proceeding is on file with the Commission's Office of the Secretary.

The Commission is now in the process of closely evaluating transcripts of the testimony presented at the public meeting as well as the written comments, which span a variety of technical, legal and social issues. A major concern of those who have contributed to this public record appears to be that the Commission further consider the effective date of the ban which, in the proposal, was specified as nine months after publication of a consumer product safety rule declaring that certain unstable refuse bins are banned hazardous products. The Commission is persuaded that the effective date of the ban merits further consideration. Therefore, this extension of time will be used to further consider the effective date of the ban as well as the other complex issues raised in the comments.

In its preliminary review of technical portions of the testimony and written comments, the Commission also notes that the criteria for distinguishing unstable refuse bins have not been seriously called into question. At this time the Commission believes that the technical criteria in the proposed ban are sufficient to determine the instability of certain refuse bins and plans to make no substantive changes in those criteria in issuing a final banning rule. Further, aside from whether the effective date of the ban remains at nine months from publication of a consumer product safety rule or is modified, the Commission notes that this 3-month extension of time effectively lengthens the period during which needed modifications to unstable refuse bins may be implemented. Therefore, in the interest of avoiding further unreasonable risk of injury from unstable refuse bins, the Commission now urges those who would, under the ban, have the responsibility to modify unstable refuse bins, to initiate and carry out as soon as possible the needed modifications so that bins will meet the technical criteria set forth in the proposed ban.

Accordingly, the period of time in which the Commission must publish a consumer product safety rule declaring that certain unstable refuse bins are banned hazardous products or withdraw the applicable notice of proceeding is extended to June 6, 1977. This period may be further extended for good cause

by notice published in the FEDERAL REGISTER.

Dated: March 2, 1977.

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

[FR Doc.77-6620 Filed 3-4-77; 8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Part 1309]

PAPAVER BRACTEATUM

Hearing

On December 21, 1976, the Administrator of the Drug Enforcement Administration published a notice in the FEDERAL REGISTER (41 FR 55558) which scheduled hearings to be held on January 27 and 28, 1977, for the purpose of hearing comments on the notice of proposed production and control of Papaver Bracteatum in the United States, which had been published originally in the FEDERAL REGISTER on November 19, 1976, (41 FR 51036). On January 28, 1977, the Administrator published a notice in the FEDERAL REGISTER which postponed the hearings and indicated that a future notice would announce the time and place of the rescheduled hearings (42 FR 5370).

The hearings have been rescheduled for March 15, 16 and 17, 1977, to commence each day at 10:00 a.m., in Trial Courtroom No. 1, Second Floor, United States Court of Claims, 717 Madison Place, N.W., Washington, D.C. 20005.

Dated: March 2, 1977.

PETER B. BENSINGER,
Administrator, Drug
Enforcement Administration.

[FR Doc.77-6779 Filed 3-4-77; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGD 76-47]

ST. SIMONS ISLAND, GEORGIA

Proposed Special Anchorage

The Coast Guard is considering amending the Anchorage Regulations by establishing a special anchorage area at St. Simons Island, Georgia. The purpose of this anchorage is to meet the heavy demand for anchorage space for transient vessels. This anchorage would be for the general use of the public. In special anchorage areas, vessels under 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

Interested persons may participate in this proposed rule-making by submitting written data, views, or arguments concerning the proposal to the Commander, Seventh Coast Guard District 51 SW, 1st

Avenue, Miami, Florida 33130. Each person submitting comments should include his name and address and organization, if any, identify the notice (CGD 76-47), and give reasons for any recommended changes in the proposal. Copies of all written comments will be available for examination by interested persons at the Office of Commander Seventh Coast Guard District.

The Commander, Seventh Coast Guard District will forward all comments received before April 20, 1977, and his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters who will evaluate all communications received and take final action on the proposal. The proposed regulations may be changed in light of comments received.

In consideration of the foregoing, it is proposed that a new § 110.72b be added to Part 110, Title 33 of the Code of Federal Regulations to read as follows:

§ 110.72b St. Simons Island, Georgia.

The area beginning at a point southwest of Frederica River Bridge, St. Simons Island Causeway at latitude 31°09'58" N., longitude 81°24'55" W.; thence southwesterly to latitude 31°09'42" N., longitude 81°25'10" W.; thence westerly to the shoreline at latitude 31°09'45" N., longitude 81°25'20" W.; thence northeasterly along the shoreline to latitude 31°10'02" N., longitude 81°25'00" W.; thence southeasterly to the point of origin.

(Sec. 1, 30 Stat. 98, as amended (33 U.S.C. 180); sec. 6(g) (1) (B), 80 Stat. 937 (49 U.S.C. 1655(g) (1) (B)); 49 CFR 1.46(c) (2).)

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

Dated March 2, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc. 77-6664 Filed 3-4-77; 8:45 am]

[33 CFR Part 110]

[CGD 76-192]

BEVERLY HARBOR, SALEM,
MASSACHUSETTS

Proposed Enlargement of Special
Anchorage Area

The Coast Guard is considering enlarging the special anchorage at Beverly Harbor, north of Salem Neck. Enlargement of this special anchorage area is needed because of the increase in recreational boating in the area. This anchorage would be for the general use of the public. In special anchorage areas, vessels under 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

Interested persons may participate in the proposed rulemaking by submitting written data, views, or arguments concerning the proposal to Commander, First Coast Guard District, 150 Causeway Street, Boston, Massachusetts 02114.

Each person submitting comments should include his name and address and organization, if any, identify the notice number (CGD 76-192), and give reasons for any recommended change in the proposal. Copies of all written comments will be available for examination by interested persons at the Office of the Commander, First Coast Guard District.

The Commander, First Coast Guard District will forward all comments received before April 20, 1977, and his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, who will evaluate all communications received and take final action on the proposal. The proposed regulations may be changed in light of comments received.

In consideration of the foregoing, it is proposed that § 110.25(a) of Part 110 of Title 33 of the Code of Federal Regulations be amended to read as follows:

§ 110.25 Beverly and Salem Harbors,
Massachusetts.

(a) *Beverly Harbor, North of Salem Neck.* A line extending from the northerly end of the Salem Willows Yacht Club House 360 yards bearing 281° true to latitude 42°32'14" N., longitude 70°52'26" W.; thence north 275 yards to Monument Bar Beacon thence 540 yards bearing 080° to latitude 42°32'25" N., longitude 70°52'04" N.; thence 365 yards bearing 175° to latitude 42°32'14" N., longitude 70°52'03" W.; thence 237° to the shore.

(Sec. 1, 30 Stat. 98, as amended (33 U.S.C. 180); sec. 6(g) (1) (B), 80 Stat. 937 (49 U.S.C. 1655(g) (1) (B)); 49 CFR 1.46(c) (2).)

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

Dated: March 2, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc. 77-6665 Filed 3-4-77; 8:45 am]

[33 CFR Part 110]

[CGD 76-197]

DANA POINT HARBOR, CALIFORNIA

Proposed Special Anchorage Area

The Coast Guard is considering amending the Anchorage Regulations by establishing a special anchorage area in Dana Point Harbor, California. The purpose of this anchorage is to meet the heavy demand for anchorage space for transient vessels. This anchorage would be for the general use of the public. In special anchorage areas, vessels under 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments concerning the proposal to the Commander, Eleventh Coast Guard District, Union

Bank Building, 400 Oceangate, Long Beach, California 90822. Each person submitting comments should include his name and address and organization, if any, identify the notice (CGD 76-197), and give reasons for any recommended changes in the proposal. Copies of all written comments will be available for examination by interested persons at the Office of the Commander, Eleventh Coast Guard District.

The Commander, Eleventh Coast Guard District will forward all comments received before April 20, 1977, and his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters who will evaluate all communications received and take final action on the proposal. The proposed regulations may be changed in light of comments received.

In consideration of the foregoing it is proposed that a new § 110.93 be added to Part 110, Title 33 of the Code of Federal Regulations to read as follows:

§ 110.93 Dana Point Harbor, California.

The area in Dana Point Harbor, California commencing at a point at latitude 33°27'36.2" N., longitude 117°42'20.4" W.; thence 016°20' True for 612 feet to a point at latitude 33°27'42.1" N., longitude 117°42'18.4" W.; thence 106°20' True for 85 feet to a point latitude 33°27'41.8" N., longitude 117°42'17.7" W.; thence 196°20' True for 222 feet to a point at latitude 33°27'39.7" N., longitude 117°42'18.2" W.; thence 182°20' True 234 feet to a point latitude 33°27'37.4" N., longitude 117°42'18.2" W.; thence 166°20' True for 499 feet to a point at latitude 33°27'32.6" N., longitude 117°42'16.8" W.; thence 320° True for 470 feet to the point of origin.

(Sec. 1, 30 Stat. 98, as amended (33 U.S.C. 180); sec. 6(g) (1) (B), 80 Stat. 937 (49 U.S.C. 1655(g) (1) (B)); 49 CFR 1.46(c) (2).)

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

Dated: March 2, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc. 77-6666 Filed 3-4-77; 8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

[36 CFR 231]

NATIONAL FOREST SYSTEM LANDS

Proposed Amendments Regarding Wild
Free-Roaming Horse and Burro Manage-
ment

It is hereby proposed to amend the wild free-roaming horse and burro regulations contained in 36 CFR 231.11.

The purpose of the amendment is to make changes which would implement section 9 of the Wild Free-Roaming Horse and Burro Act (16 U.S.C. 1331-1340) as provided in section 404 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701). This

amendment to the Wild Free-Roaming Horse and Burro Act authorizes the use of helicopters in administering the provisions of the Wild Free-Roaming Horse and Burro Act, as amended (16 U.S.C. 1331-1340). The amendment also authorizes the use of motor vehicles for the purpose of transporting captured animals as provided in the Act. The amendment directs that the use of helicopters and motor vehicles be undertaken (1) in accordance with humane procedures prescribed by the Secretaries of the Interior and Agriculture, (2) under the direct supervision of the appropriate Secretary of a duly authorized official or employee of the Departments, and (3) only after a public hearing.

This document proposes to establish procedures to be used in carrying out the amendment to the Wild Free-Roaming Horse and Burro Act by:

1. Defining the terms "the Act," "malicious harassment," "captured animal," and "humane procedures."

2. Revising the provisions of § 231.11 (c), "Ownership Claims," to clarify them and to exclude use of helicopters in gathering operations of claimed animals.

3. By adding § 231.11(r) establishing procedures for using fixed-wing aircraft, helicopters, and motor vehicles in management operations.

4. Establishing procedures for the use of helicopters in a manner which will insure humane treatment of wild free-roaming horses and burros and, in addition, procedures for use of motor vehicles in transporting captured animals.

Since both the Forest Service and the Bureau of Land Management are subject to the provisions of the Wild Free-Roaming Horse and Burro Act as amended by the Federal Land Policy and Management Act of 1976, both agencies are issuing rulemaking proposals in the FEDERAL REGISTER. During the period allowed for public comment, joint public hearings will be held on the subject of using helicopters and motorized vehicles as proposed herein. Written comments received at the hearings will be carefully analyzed prior to final rulemaking. The public hearings are scheduled as follows:

State:	Date/time (1977), place
Arizona	Mar. 2, 1 p.m.-5 p.m., Maricopa County Board of Supervisors Auditorium, 205 W. Jefferson St., Phoenix, Ariz.
California	Mar. 5, 10 a.m.-4 p.m., Yuba Room, Sacramento Community Center, 14th and K Sts., Sacramento, Calif.
Colorado	Mar. 23, 10 a.m., City Hall Auditorium, 5th and Rood Sts., Grand Junction, Colo.
Idaho	Mar. 15, 7:30 p.m., Rodeway Inn, 29th and Chinden Blvd., Boise, Idaho.
Montana	Mar. 15, 2 p.m., Eastern Montana College, Library Building, Rm. 152, Billings, Mont.
Nevada	Mar. 15, 3-5 p.m. and 7-9 p.m., Pioneer Motor Inn, 221 S. Virginia, Reno, Nev.
New Mexico	Mar. 3, 7 p.m., Albuquerque Convention Center, Navajo Nambe Room, Albuquerque, N. Mex.

State:	Date/time (1977), place
Oregon	Mar. 2, 7:30 p.m., Harney County Court House, Burns, Oreg.
Utah	Mar. 2, 7 p.m., Salt Palace, Room 220, Salt Lake City, Utah.
Wyoming	Mar. 16, 7:30 p.m., College Meeting Room, Western Wyoming College, Rock Springs, Wyo.

The Department of Agriculture has determined that the publication of this proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment and that a detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)) is not required.

In accordance with the Federal Land Policy and Management Act of 1976, interested parties may submit written comments, suggestions, or objections with respect to the proposed amendments to the Chief, Forest Service (2200), P.O. Box 2417, Washington, D.C. 20013, until April 30, 1977. Questions regarding this proposal can be directed to Don D. Seaman, Range Management Staff Unit, telephone 703-235-8139.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Range Management Staff, Forest Service, Room 610, RP-E, 1621 N. Kent Street, Arlington, Virginia, during regular business hours (8:15 a.m.-4:45 p.m.).

Dated: March 2, 1977.

BOB BERGLAND,
Secretary.

In light of the foregoing, it is proposed to revise 36 CFR 231.11 as follows:

1. Section 231.11 is amended by amending paragraphs (a) (9) and (c) adding new paragraphs (a) (11), (12), and (13) and (r) to read as follows:

§ 231.11 Wild free-roaming horses and burros.

(a) Definitions. . . .
(9) "Act" means the Act of December 15, 1971 (85 Stat. 649, 16 U.S.C. 1331-1340), Pub. L. 92-195, as amended by Pub. L. 94-579 (90 Stat. 2775).

(11) "Captured Animal" means a wild free-roaming horse or burro taken and held in the custody of an authorized officer, his delegate or agent. This term does not apply to an animal after it is placed in private custody through a cooperative agreement.

(12) "Humane Treatment" means kind and merciful treatment, without causing unnecessary stress or suffering to the animal, in all actions involving roundup, other capture operations, handling, transporting or other involvement with wild free-roaming horses and burros.

(13) "Malicious Harassment" means any intentional act which creates the likelihood of injury or is detrimental to normal behavior pattern of wild, free-roaming horses or burros including feeding, watering, resting and breeding. Such

acts include, but are not limited to, unauthorized chasing, pursuing, herding, roping or attempting to gather wild free-roaming horses or burros. It does not apply to lawfully conducted activities by, or on behalf of, the Bureau of Land Management or the Forest Service in implementation or performance of duties and responsibilities under this act.

(c) Ownership claims. (1) Any person claiming ownership under State branding and estray laws, of branded or unbranded horses or burros within a wild horse or burro territory or orange on National Forest System lands where such animals are not authorized must present evidence of ownership to justify a roundup before permission will be granted to gather such animals. Claims of ownership with supporting evidence were required to be filed during a claiming period which expired November 15, 1973. Unauthorized privately owned horses or burros entering the National Forest System after November 15, 1973, which become intermingled with wild horses or burros, may be claimed by filing an application with the District Ranger. All authorizations to gather claimed animals shall be in writing in accordance with instructions as the Chief, Forest Service, may prescribe. After such public notice as an authorized officer deems appropriate to inform interested parties, gathering operations may be authorized. The authorization shall provide that the gathering or roundup be consistent with regulations. Such authorization shall:

(1) Exclude use of aircraft or motor vehicles to capture claimed horses or burros; (2) establish a specific, reasonable period of time to allow the gathering of claimed animals; and (3) stipulate other conditions, including visual observation by Forest Service personnel, deemed necessary to assure humane treatment of associated wild free-roaming horses and burros and to protect other resources involved.

(2) Prior to removal of claimed, captured animals from National Forest System lands, claimants shall substantiate their claim of ownership in accordance with whatever criteria are cooperatively agreed to between the Forest Service and the State agency administering the State estuary laws. In the absence of a cooperative agreement, ownership claims shall be substantiated in accordance with State law and subject to approval of the Forest Service.

(r) Use of helicopters, fixed-wing aircraft and motor vehicles. The Chief, Forest Service, is authorized to use helicopters, fixed-wing aircraft and motor vehicles in a manner that will ensure humane treatment of wild free-roaming horses and burros as follows:

(1) Prior to using helicopters in capture operations and/or using motor vehicles for the purpose of transporting captured animals, a public meeting will be held in the proximity of the territory where the capture operation is proposed.

(2) Helicopters may be used in all phases of the administration of the Act including, but not limited to, inventory, observation, surveillance and capture

GENERAL SERVICES ADMINISTRATION

Federal Supply Service

[41 CFR Parts 101-43, 101-44, 101-45]

UTILIZATION, DONATION, AND DISPOSAL OF PERSONAL PROPERTY CONTAINING RADIUM

Proposed Regulation

The General Services Administration proposes to amend the regulations issued in Parts 101-43, 101-44, and 101-45 of the Federal Property Management Regulations (FPMR) concerning the utilization, donation, and disposal of Government-owned personal property by incorporating new regulations applying to property which contains radium.

An earlier draft of this proposed amendment was submitted to a limited number of interested agencies for review. Their comments were analyzed by GSA and the Bureau of Radiological Health, Food and Drug Administration, Department of Health, Education, and Welfare, and are reflected to the extent feasible in this proposal.

Written comments concerning this proposed amendment may be submitted to the General Services Administration (F), Washington, DC 20406, on or before April 20, 1977.

Radioactive materials, because of the potential hazards they represent, require a certain degree of control from production through disposal. One of the most hazardous of all radionuclides used by man is radium-226 with its associated daughter products. This element is widely used in the manufacture of such items as plaques and needles used in medical radiation therapy, radioactive test and calibration sources used with radiation detection equipment, and electronic equipment meters as well as clocks and watches which have been painted with luminescent paint containing radium. These items could present external radiation exposure problems or, if the radium is not properly sealed or fixed, lead to environmental radioactive contamination and internal ingestion.

Because of the particular risks associated with radium-226, Federal agencies should exercise special precautions in the management of any personal property containing this radioactive element. This proposal would provide controls and safeguards for the transfer by Federal agencies of excess and surplus property containing radium and would bring such transfers under regulations which are consistent with those of the Nuclear Regulatory Commission and State radiation control programs. In brief, the provisions of this proposal include:

a. Measuring to determine unit quantity of radium and testing to detect leakage or contamination.

b. Identifying property as to radium content and labeling with the traditional radiation warning symbol.

c. Alerting recipients or prospective recipients to the potential hazards involved.

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

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

(ii) Horses or burros will not be moved at a rate which exceeds limitations set by the authorized officer who shall consider terrain, weather, distance to be traveled and condition of the animals.

(iii) The helicopter shall be used to observe for the presence of dangerous areas and shall be used to move animals away from hazards which may cause stress during capture operations.

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

(v) The authorized officer shall supervise all helicopter use as follows:

(A) Have means to communicate with the pilot and be able to direct the use of the helicopter.

(B) Be able to observe effects of the use of the helicopter on the well being of the animals.

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

(4) Motor vehicles may be used in the administration of the Act except that such vehicles shall not be used for driving or chasing wild horses or burros in capture operations. Motor vehicles may be used for the purpose of transporting captured animals, subject to the following humane procedures:

(i) Such transportation shall comply with appropriate State and Federal laws and regulations applicable to the transportation of animals (horses and burros).

(ii) Vehicles shall be inspected by an authorized officer prior to use to assure vehicles are in good repair and of adequate rated capacity.

(iii) Vehicles shall be safely operated to insure that captured animals are transported without undue risk or injury.

(iv) Animals shall be sorted as to age, size and condition so as to limit, to the extent possible, injury due to fighting and trampling.

(v) The authorizing officer shall consider the condition of the animals, weather conditions, type of vehicle and distance to be traveled when planning for transportation of captured animals.

(85 Stat. 649, as amended, 90 Stat. 2775 (16 U.S.C. 1331-1340); 30 Stat. 35, as amended (16 U.S.C. 551); sec. 32, 50 Stat. 525, as amended (7 U.S.C. 1011); 74 Stat. 215 (16 U.S.C. 528-531).)

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d. Requiring all donees and purchasers to be properly licensed or otherwise certified by the appropriate State radiation control agency to be eligible to receive such property.

e. Requiring all donees and purchasers to certify that their possession and utilization of such property is in compliance with applicable Federal and State regulations.

f. Requiring that a written notice of transfer be forwarded to the appropriate State radiation control agency within 30 calendar days following donation or sale.

In consonance with the foregoing, it is proposed to amend the FPMR as follows:

PART 101-43—UTILIZATION OF PERSONAL PROPERTY

By adding § 101-43.001-25 as follows:

§ 101-43.001-25 Personal property containing radium.

"Personal property containing radium" means personal property in which radium-226 and its related daughter products are incorporated as a functional component. This includes property to which radium is purposefully added; e.g., meters, clocks, watches, and dials to which radium-bearing luminescent paint is applied to improve visibility, and plaques and needles used in medical radiation therapy to which radium is added as a source of ionizing radiation. (Radioactive materials other than radium are also commonly used in such products, and their transfer must be in accordance with the appropriate regulations and licenses of the Nuclear Regulatory Commission and the Agreement States; that is, States with which the Commission has cooperative agreements concerning radiation control pursuant to the Atomic Energy Act of 1954, as amended.) This definition does not include material which contains radium as a natural contaminant or compound such as granite and concrete. Although such material normally does not need to be controlled as radioactive material, whenever the hazard warrants, it should be controlled and disposed of as radioactive waste. (See §§ 101-43.313-5(a)(2) and 101-45.309-12(c).)

Subpart 101-43.3—Utilization of Excess

By adding § 101-43.313-5 as follows:

§ 101-43.313-5 Personal property containing radium.

(a) *Determination of radium content.* Holding agencies shall comply with this § 101-43.313-5 to ensure adequate safeguards in the transfer of Government-owned personal property containing radium as defined in § 101-43.001-25. This property shall be handled as non-reportable excess as provided in § 101-43.306, subject to the following:

(1) Before making available for transfer to other Federal agencies any excess property known or suspected to contain radium, the holding agency shall obtain measurements of the quantity of radium contained in the property, unless the property is clearly labeled and identified as to radioactive

content. The measurements shall be performed by or under the supervision of a qualified radiation specialist. A "qualified radiation specialist" (or "expert") with reference to radiation protection is a person having the knowledge and training necessary to measure ionizing radiation, evaluate safety techniques, and provide advice regarding radiation protection needs; e.g., persons certified in this field by the American Board of Radiology or the American Board of Health Physics, or those having equivalent qualifications. Agencies unable to determine radium content may request assistance from the Radiological Health Representative at the appropriate Food and Drug Administration (FDA) regional office.

(2) When measurements of radium content, source leak tests, and other considerations result in classification of property as radioactive waste, the property shall only be transferred to a recipient qualified under Federal or State regulations to receive radioactive wastes for disposal.

(3) The following personal property containing radium represents an unacceptable potential hazard and, therefore, shall be classified and handled as radioactive waste:

(i) Pocket watches, clocks, and other ordinary timepieces; and

(ii) Items determined in accordance with § 101-43.313-5(d) to have smearable contamination exceeding 0.005 microcurie of alpha or a leakage rate exceeding 0.001 microcurie of radon in 24 hours.

(4) Items determined by measurement to have radium content less than 0.1 microcurie shall be either:

(i) Classified as radioactive waste; or

(ii) Offered for transfer to other Federal agencies, without control, on an individual item basis if the total radium transferred by one transaction to any one recipient is not more than 1.0 microcurie; *Provided*, the items are labeled as containing less than 0.1 microcurie per item or 1.0 microcurie of radium in aggregate amounts and the recipient is so notified.

(5) Individual items exceeding 0.1 microcurie and aggregate quantities exceeding 1.0 microcurie shall be transferred to Federal agencies in accordance with § 101-43.313-5 (b), (c), (d), and (e).

(b) *Labeling.* Holding agencies shall label containers which contain more than 0.01 microcurie of radium with the radiation warning symbol specified in 10 CFR 20.203(a)(1), the approximate radium content, the number of items, and the appropriate identification. Where feasible, individual items should be labeled with the radiation warning symbol and the radium content.

(c) *Identification in notice of availability.* Notices of availability of property determined by measurement to have radium content greater than 0.1 microcurie per item or more than 1.0 microcurie in aggregate quantity shall include in the identification of the individual item or aggregate the term "contains radioactive material-radium" and shall

indicate the total radium content of the individual item and aggregate in appropriate units.

(d) *Testing for leakage and contamination.* Before transferring personal property containing radium, the holding agency shall test, (or have tested) such property for leakage and contamination in accordance with the following provisions:

(1) Items containing 10 microcuries or more of radium shall be tested for leakage by a method which is capable of detecting the release of 0.001 microcurie of radon in 24 hours.

(2) Items containing less than 10 microcuries of radium shall be tested for contamination using a smear test and should also be leak tested when appropriate. The smear test for contamination shall be capable of detecting the presence of 0.005 microcurie of alpha activity. Assistance in arranging for leak tests may be requested from the Radiological Health Representative at the appropriate FDA regional office.

(3) Items determined by test to be leaking radon in excess of 0.001 microcurie in 24 hours or contaminated in excess of 0.005 microcurie of alpha activity shall be classified as radioactive waste for handling pursuant to the provisions of §§ 101-43.313-5(a)(2) and 101-43.313-5(e). In cases in which the personal property which is leaking or contaminated has specific value, the property may be transferred if the recipient has been notified of the condition and agrees to accept the property in that condition.

(e) *Transportation.* The physical transfer or shipment of radioactive items or radioactive waste shall be in accordance with the regulations of the Department of Transportation for the transportation of dangerous materials (Title 49, Code of Federal Regulations).

PART 101-44—DONATION OF PERSONAL PROPERTY

Subpart 101-44.3—Donation for Educational, Public Health, and Civil Defense, Including Research or Public Airport Purposes

By adding § 101-44.324 as follows:

§ 101-44.324 Donation of property containing radium.

(a) *General.* Personal property containing radium (as defined in § 101-43.001-25) which was offered for transfer as excess to other Federal agencies under § 101-43.313-5 and for which there is no further requirement shall be made available for donation for educational, public health, and civil defense, including research or public airport, purposes.

(b) *Donation procedures and safeguards.* Donations of surplus property containing radium shall be processed in accordance with (1) or (2), below, depending on radium content. Regardless of the amount of radium involved, all property donated pursuant to this § 101-44.324 shall be labeled and reported to the appropriate State agency in accordance with (3) and (4), below.

(1) *Low radium content.* Surplus property with a radium content not ex-

ceeding 0.1 microcurie per individual item or 1.0 microcurie in aggregate quantities, as determined by the holding agency, may be donated without special control.

(2) *High radium content.* Surplus property with a radium content greater than 0.1 microcurie per individual item or 1.0 microcurie in aggregate quantities may be donated in accordance with the procedures set forth below.

(i) Applicants for donation shall be required to obtain a valid license or other appropriate document from the State radiation control agency having jurisdiction in the area in which the prospective donee is located. The license or documentation shall certify that the acceptance of the property by the donee is not in violation of applicable State radiation control regulations.

(ii) The Office of Federal Property Assistance, Department of Health, Education, and Welfare (DHEW), shall submit the following to the General Services Administration (FW), Washington, D.C. 20406, for approval:

(A) Standard Form 123, Application for Donation of Surplus Personal Property (illustrated in § 101-44.4901);

(B) A copy of the license or documentation obtained by the prospective donee from the State radiation control agency;

(C) Certification by the prospective donee that the property is to be used and accounted for in accordance with State radiation control regulations and applicable regulatory requirements of the Occupational Safety and Health Administration, Department of Labor; and

(D) Certification by the Office of Federal Property Assistance, DHEW, that the property approved for donation will only be released directly to the prospective donee designated in the SF 123.

(3) *Labeling.* The holding agency shall label containers of radium which exceed 0.01 microcurie with the radiation warning symbol specified in 10 CFR 20.203(a)(1), the approximate total radium content, the number of items, and the appropriate identification. Where feasible, individual items should be labeled with the radiation warning symbol and the radium content.

(4) *Notice to State agency.* Within 30 calendar days after donation of the property, the appropriate holding agency shall forward to the State radiation control agency where the donee is located a written notice of donation which shall include the name and address of the donee, a description of the property, and the total amount of radium involved. A list of State radiation control agencies is provided in § 101-45.4926.

PART 101-45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

Subpart 101-45.3—Sale of Personal Property

By adding § 101-45.309-12 as follows:

§ 101-45.309-12 Property containing radium.

(a) *General.* Surplus personal property containing radium (as defined in

§ 101-43.001-25) shall only be sold in accordance with § 101-45.304 and the special conditions of sale in this § 101-45.309-12.

(b) *Sale procedures and safeguards.* Offers for sale of surplus property containing radium shall be in accordance with (1) or (2), below, depending on radium content. Regardless of the amount of radium involved, all property sold pursuant to this § 101-45.309-12 shall be labeled and reported to the appropriate State agency in accordance with (3) and (4), below.

(1) *Low radium content.* When the property being offered has a radium content not exceeding 0.1 microcurie per individual item or 1.0 microcurie in aggregate quantities, no special condition of sale is required to be included in the invitation for bids.

(2) *High radium content.* When the property being offered has a radium content greater than 0.1 microcurie per item or greater than 1.0 microcurie in aggregate quantities, the invitation for bids shall:

(i) Identify the individual item or aggregate with the term "contains radioactive material—radium";

(ii) Indicate the total radium content of the individual item or aggregate in appropriate units;

(iii) Inform bidders of the necessity to comply with the State regulations and applicable regulatory requirements of the Occupational Safety and Health Administration, Department of Labor, pertaining to the control of radioactive sources within their jurisdiction; and

(iv) Contain a notice to bidders substantially as follows:

Property Containing Radium. (a) Bidders are advised that the items offered for sale herein contain radium and that the appropriate State radiation control agency should be contacted prior to the submission of a bid to determine whether the release of such property by the Government to the bidder for use in such State would be in violation of applicable State radiation control regulations. (b) Purchasers shall, prior to removal of any such property from Government premises, furnish to the contracting officer a valid license or other document from the State radiation control agency stating that a bidder is qualified to handle such property and the release of such property by the Government to said bidder would not be in conflict with any applicable State radiation control regulations.

(3) *Labeling.* The selling agency shall label containers of radium which exceed 0.01 microcurie with the radiation warning symbol specified in 10 CFR 20.203 (a)(1), the approximate total radium content, the number of items, and the appropriate identification. Where feasible, individual items should be labeled with the radiation warning symbol and the radium content.

(4) *Notice to State agency.* Within 30 calendar days after award, the selling agency shall forward to the State radiation control agency where the successful bidder is located a written notice of sale which shall include the name and address of the purchaser, a description of the property, the total amount

of radium involved, and the number of items sold. A list of State radiation control agencies is provided in § 101-45.4926.

(c) *Unsold property.* Surplus property containing radium which has been offered for sale in accordance with this § 101-45.309-12, but for which no satisfactory or acceptable bid or bids have been received, shall be treated as radioactive waste and disposed of in accordance with Federal and State regulations. Assistance in the disposal of radioactive waste can be obtained from the Radiological Health Representative located at the appropriate Food and Drug Administration (FDA) regional office.

Subpart 101-45.49—Illustrations

By adding § 101-45.4926 as follows:

§ 101-45.4926 State radiation control agencies.

ALABAMA

Director, Division of Radiological Health, Alabama State Department of Public Health, State Office Building, Montgomery, AL 36104.

ALASKA

Commissioner, Alaska Department of Environmental Conservation, Pouch O, Juneau, AK 99801.

ARIZONA

Executive Director, Arizona Atomic Energy Commission, 1601 West Jefferson Street, Phoenix, AZ 85007.

ARKANSAS

Director, Division of Radiological Health, Arkansas Department of Health, 4815 West Markham Street, Little Rock, AR 72201.

CALIFORNIA

Chief, Radiological Health Section, California Department of Health, Building No. 8, 714 P Street, Sacramento, CA 95814.

COLORADO

Director, Division of Occupational and Radiological Health, Colorado Department of Health, 4210 East 11th Avenue, Denver, CO 80220.

CONNECTICUT

Assistant Director of Compliance (Ionizing Radiation), Connecticut Department of Environmental Protection, State Office Building, Hartford, CT 06115.

DELAWARE

Program Director, Office of Radiation Safety, Division of Public Health, Delaware Department of Health and Social Services, Jesse S. Cooper Memorial Building, Capitol Square, Dover, DE 19901.

DISTRICT OF COLUMBIA

Chief, Bureau of Institutional Hygiene and Radiological Health, Bureau of Public Health Engineering, Department of Environmental Services, D.C. General Hospital, Box 97, Washington, DC 20003.

FLORIDA

Administrator, Radiological and Occupational Health Section, Division of Health, Florida Department of Health and Rehabilitative Services, P.O. Box 210, Jacksonville, FL 32201.

GEORGIA

Director, Radiological Health Unit, Georgia Department of Human Resources, State Office Building, Atlanta, GA 30334.

HAWAII

Chief, Noise and Radiation Branch, Hawaii Department of Health, P.O. Box 3378, Honolulu, HI 96801.

IDAHO

Chief, Radiation Control Section, Idaho Department of Health and Welfare, Statehouse, Boise, ID 83720.

ILLINOIS

Chief, Division of Radiological Health, Illinois Department of Public Health, 535 West Jefferson Street, Springfield, IL 62761.

INDIANA

Director, Division of Radiological Health, Indiana State Board of Health, 1330 West Michigan Street, Indianapolis, IN 46206.

IOWA

Chief, Hazardous Substance Section, Iowa State Department of Environmental Quality, 3920 Delaware Street, P.O. Box 3326, Des Moines, IA 50316.

KANSAS

Director, Radiation Control Program, Kansas Department of Health and Environment, Forbes AFB, Building 740, Topeka, KS 66620.

KENTUCKY

Director, Radiological Health Program, Kentucky State Department for Human Resources, Capitol Annex, Frankfort, KY 40601.

LOUISIANA

Director, Division of Radiation Control, Louisiana Board of Nuclear Energy, P.O. Box 44033, Capitol Station, Baton Rouge, LA 70804.

MAINE

Commissioner, Maine Department of Health and Welfare, State House, Augusta, ME 04330.

MARYLAND

Chief, Division of Radiation Control, Maryland Department of Health and Mental Hygiene, State Office Building, 301 West Preston Street, Baltimore, MD 21201.

MASSACHUSETTS

Assistant to the Commissioner (Radiological Health), Massachusetts Department of Public Health, 80 Boylston Street, Room 940, Boston, MA 02116.

MICHIGAN

Chief, Radiation Division, Michigan Department of Public Health, 3500 North Logan Street, Lansing MI 48914.

MINNESOTA

Chief, Section of Radiation Control, Minnesota Department of Health, 717 Delaware Street, SE, Minneapolis, MN 55440.

MISSISSIPPI

Supervisor, Radiological Health Unit, Mississippi State Board of Health, P.O. Box 1700, Jackson, MS 39205.

MISSOURI

Director, Bureau of Radiological and Occupational Health, Missouri Division of Health, State Office Building, Jefferson City, MO 65101.

MONTANA

Chief, Radiological and Occupational Health Program, Montana Department of Health and Environmental Sciences, Cogswell Building, Helena, MT 59601.

NEBRASKA

Director, Division of Radiological Health, Nebraska Department of Health, Lincoln Building, 1003 O Street, Lincoln, NE 68508.

NEVADA

Supervisor, Radiological Health, Nevada Department of Health and Welfare, 201 South Fall Street, Carson City, NV 89701.

NEW HAMPSHIRE

Director, State Radiation Control Agency, New Hampshire Department of Health and Welfare, State Laboratory Building, Hazen Drive, Concord, NH 03301.

NEW JERSEY

Chief, Bureau of Radiation Protection, New Jersey Department of Environmental Protection, P.O. Box 1390, John Fitch Plaza, Trenton, NJ 08626.

NEW MEXICO

Chief, Radiological and Occupational Health and Air Quality Control Section, New Mexico Environmental Improvement Agency, P.O. Box 2348, Santa Fe, NM 87501.

NEW YORK

Director, Bureau of Radiological Health, New York State Department of Health, 845 Central Avenue, Albany, NY 12206.

NORTH CAROLINA

Head, Radiation Protection Branch, North Carolina Department of Human Resources, P.O. Box 12200, Raleigh, NC 27605.

NORTH DAKOTA

Director, Division of Environmental Engineering, Radiological Health Program, North Dakota State Department of Health, Capitol Building, Bismarck, ND 58501.

OHIO

Engineer-in-Charge, Radiological Health Unit, Ohio Department of Health, P.O. Box 118, Columbus, OH 43216.

OKLAHOMA

Chief, Occupational and Radiological Health Service, Oklahoma Department of Health, NE, 10th and Stonewall Streets, Oklahoma City, OK 73105.

OREGON

Director, Radiological Control Service, Oregon State Health Division, P.O. Box 231, Portland, OR 97207.

PENNSYLVANIA

Director, Bureau of Radiological Health, Pennsylvania Department of Environmental Resources, P.O. Box 2063, Harrisburg, PA 17120.

PUERTO RICO

Director, Radiological Health Program, Puerto Rico Department of Health, 1306 Ponce de Leon Avenue, Stop 16, Santurce, PR 00908.

RHODE ISLAND

Director of Health, Rhode Island Department of Health, Health Department Building, Davis Street, Providence, RI 02908.

SOUTH CAROLINA

Director, Division of Radiological Health, South Carolina Department of Health and Environmental Control, 137 J. Marlon Sims Building, Columbia, SC 29201.

SOUTH DAKOTA

Secretary of Health, South Dakota Department of Health, State Capitol, Pierre, SD 57501.

TENNESSEE

Director, Division of Occupational and Radiological Health, Tennessee Department of Public Health, 727 Cordell Hull Building, Sixth Avenue, North, Nashville, TN 27219.

TEXAS

Director, Division of Occupational Health and Radiation Control, Texas Department of Health, 1100 West 49th Street, Austin, TX 78756.

UTAH

Chief, Radiation and Occupational Health Section, Utah Division of Health, 44 Medical Drive, Salt Lake City, UT 84113.

VERMONT

Director, Division of Occupational Health, Radiological Health Program, Vermont Department of Health, P.O. Box 607, Barre, VT 05641.

VIRGINIA

Director, Bureau of Industrial Hygiene and Radiological Health, Virginia Department of Health, 109 Governor Street, Richmond, VA 23219.

VIRGIN ISLANDS

Director, Division of Environmental Health, Virgin Islands Department of Health, Charlotte Amalie, St. Thomas, VI 00801.

WASHINGTON

Chief, Radiation Chemical and Physical Hazards Section, Washington Department of Social and Health Services, P.O. Box 1788, Olympia, WA 98504.

WEST VIRGINIA

Director, Bureau of Industrial Hygiene, Radiological Health Program, West Virginia Department of Health, 1800 East Washington Street, Charleston, WV 25305.

WISCONSIN

Chief, Radiation Protection Section, Wisconsin Department of Health and Social Services, P.O. Box 309, Madison, WI 53701.

WYOMING

Radiological Health Specialist, Wyoming Department of Health and Social Services, New State Office Building, Cheyenne, WY 92001.

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

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

Dated: February 17, 1977.

WALLACE H. ROBINSON Jr.,
Commissioner,
Federal Supply Service.

[FR Doc.77-6626 Filed 3-4-77; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3800]

SURFACE MANAGEMENT OF PUBLIC LAND UNDER U.S. MINING LAWS

Public Meetings; Correction

The following is a correction for the notice of public meetings which ap-

peared February 25 beginning on page 11026 of Volume 42 of the FEDERAL REGISTER:

Notice is hereby given of public meetings to obtain public comment pursuant to the publication of the proposed rule making on Surface Mining Regulations in the FEDERAL REGISTER December 6, 1976. The Secretary of Interior has extended the public comment period to April 5, 1977 in an effort to allow additional public involvement and comment.

The public meeting schedule is as follows:

1. 10:00 a.m., March 24, 1977, Sacramento Convention Center, Placer Sutter Room, 14th and K Street, Sacramento, California.

2. 10:00 a.m., March 22, 1977, Ben H. Lewis Hall (Community Room), Raincross Square, 3443 Orange Street, Riverside, California.

3. 10:00 a.m., March 24, 1977, Yinema Hall, Siskiyou County Golden Fair Grounds, off of Fairline Road, Rt. 1, Box 500, Yreka, California.

Comments from the public will be taken orally or in writing at the above times and places. In addition to the above meetings, written comments may be submitted to Director (210), Bureau of Land Management, Washington, D.C. by April 5, 1977.

ED HASTLEY,
State Director.

FEBRUARY 28, 1977.

[FR Doc.77-6650 Filed 3-4-77; 8:45 am]

[43 CFR Part 3800]

WASHINGTON

Public Meeting

Notice is hereby given of a public meeting to obtain public comment pursuant to the publication of the proposed rulemaking on Surface Mining Regulations in the FEDERAL REGISTER December 6, 1976. The Secretary of the Interior has extended the public comment period to April 5, 1977, in an effort to allow additional public involvement and comment.

The public meeting will be held as follows: March 22, 1977, 1:00 p.m., Red Lion Motel, East Interstate Highway 90 and Sullivan Exist, Veradale, Washington 99037 (just outside of Spokane, Washington).

Comments from the public will be taken orally or in writing at the above meeting. In addition to the above meeting, written comments may be submitted to the Director (210), Bureau of Land Management, Washington, D.C., by April 5, 1977.

GEORGE L. TURCOTT,
Acting Director.

MARCH 3, 1977.

[FR Doc.77-6724 Filed 3-4-77; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 21126; RM-2720]

FM BROADCAST STATIONS IN PLACERVILLE AND GRASS VALLEY, CALIFORNIA

Proposed Change in Table of Assignments
Adopted: February 23, 1977.

Released: March 1, 1977.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Placerville and Grass Valley, California), Docket No. 21126, RM-2720.

1. The Commission has before it a petition filed by Hangtown Broadcasters ("petitioner") proposing the assignment of FM Channel 221A to Placerville, California, as its first FM assignment, and deleting Channel 221A from Grass Valley, California, and replacing it with Channel 232A. No oppositions were filed to the petition. Channel 221A at Grass Valley, approximately 61 kilometers (38 miles) from Placerville, is unoccupied and unapplied for. In order for a Placerville station on Channel 221A to meet the minimum separation requirements of 64 kilometers (40 miles) to Station KFBK-FM (Channel 223) at Sacramento, a site located 3 kilometers (1.9 miles) east of Placerville would be required. As to Channel 232A at Grass Valley, a site located 3 kilometers (1.9 miles) north of the community would be required in order to meet the spacing requirements of 105 kilometers (65 miles) to Station KNGT operating on the same channel at Jackson, California. These restrictions do not present a problem since operating from such locations stations in both communities would be able to provide the required city coverage. However, petitioner should show the preclusionary effect, if any, of assigning Channel 221A to Placerville upon the future assignment of educational stations on Channels 218, 219 and 220.

2. Placerville (pop. 5,416),¹ seat of El Dorado County (pop. 43,833) is located in northern California approximately 64 kilometers (40 miles) east of Sacramento and 173 kilometers (108 miles) north-east of San Francisco. It has no local aural broadcast service.

3. In support of its request, petitioner states that the population of El Dorado County has increased 35 percent since 1970 and that an FM assignment at

Placerville would provide service to an area of 1,835 square kilometers (708 square miles) with a population of 39,813, according to Pacific Gas and Electric Company records. It asserts that at present there is no medium for rapid dissemination of local news, timely airing of local issues, and promulgation of cultural events and activities. Petitioner claims that an FM station in Placerville would provide the only useful radio service to the thousands of automobiles that travel an all-weather highway connecting Sacramento with the popular resort area of South Lake Tahoe. Petitioner states that, if the proposed channel is assigned, it intends to apply for it and, if granted, will promptly commence service to the area.

4. In view of the apparent need for a local broadcast service in Placerville, and the fact that a substitute channel is available for Grass Valley, without affecting any other existing FM assignment, we believe that consideration of the proposal described above would be in the public interest.

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

City	Channel No.	
	Present	Proposed
Placerville, Calif.....		221A
Grass Valley, Calif.....	221A	232A

6. Authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained below and are incorporated herein.

7. Interested parties may file comments on or before April 11, 1977, and reply comments on or before May 2, 1977.

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

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

2. *Showings required.* Comments are invited on the proposal(s) discussed in this notice of proposed rulemaking. Proponent(s) will be expected to answer

whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

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

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

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

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

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

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

[FR Doc. 77-6704 Filed 3-4-77; 8:45 am]

¹ All population figures are taken from the 1970 U.S. Census.

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.

ACTION PRIVACY ACT OF 1974

Additional Routine Use for System of Records

Notice is hereby given that ACTION proposes to amend its notice of systems of records published in 41 FR 238 December 9, 1976, by adding to the Preliminary Statement under the heading Statement of General Routine Uses therein an additional routine use as set forth below:

10. A record from any system of records may be disclosed as a routine use to the National Archives and Records Service, General Services Administration, in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

Section 505(c) of the Federal Records Act of 1950 (44 U.S.C. 595(c)) authorizes the Administrator of General Services to inspect or survey, personally or by deputy, the records of any Federal agency, as well as to make surveys of records management and records disposal practices in such agencies.

In keeping with the above authority ACTION will make its records available to the National Archives and Records Service for inspection purposes.

Any person interested in this notice may submit written views, comments, or other data to ACTION/GC, Room 607, 806 Connecticut Avenue NW., Washington, D.C. 20525 on or before April 1, 1977. All written comments received will be available for public inspection at the above address between the hours of 9 a.m. and 5 p.m., Monday through Friday (except holidays).

This notice is issued in Washington, D.C. on March 2, 1977.

SAM BROWN,
Director, ACTION.

[FR Doc. 77-6707 Filed 3-4-77; 8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Marketing Order No. 905]

SHIPPERS ADVISORY COMMITTEE

Public Meeting

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The committee will hold a meeting on March 22,

1977, at 10:30 a.m. in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the meeting includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813-682-3103.

Dated: March 2, 1977.

WILLIAM T. MANLEY,
Deputy Administrator,
Program Operations.

[FR Doc. 77-6696 Filed 3-4-77; 8:45 am]

Forest Service

SANDY BAY AND HIDDEN FALLS LAKE AQUACULTURE FACILITIES

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for proposed aquaculture facilities at Sandy Bay and Hidden Falls Lake, Tongass National Forest, USDA-FS-R10-DES(Adm)-77-06.

This statement was initiated by two special use permit applications to use National Forest lands for salmon hatchery building sites. Both sites are located on Baranof Island and are within inventoried roadless areas. The hatcheries are expected to contribute to the rebuilding of Southeast Alaska salmon stocks by an increase of 5 to 10 percent in the present salmon harvest.

This draft environmental statement was transmitted to CEQ on February 25, 1977.

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

USDA, Forest Service, South Agricultural Building, Room 3231, 12th St. and Independence Ave. SW., Washington, D.C. 20250.

USDA, Forest Service, Alaska Region, Federal Office Building, Juneau, Alaska 99802.

Forest Supervisor, Chatham Area, Tongass National Forest, Federal Building, Sitka, Alaska 99835.

Forest Supervisor, Stikine Area, Tongass National Forest, Federal Building, Petersburg, Alaska 99833.

Forest Supervisor, Ketchikan Area, Tongass National Forest, Federal Building, Room 313, Ketchikan, Alaska 99901.

A limited number of single copies are available upon request to Forest Supervisor, Chatham Area, Tongass National Forest, P.O. Box 1980, Sitka, Alaska 99835.

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

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

Comments concerning the proposed action and requests for additional information should be addressed to Richard M. Wilson, Forest Supervisor, Chatham Area, Tongass National Forest, P.O. Box 1980, Sitka, Alaska 99835. Comments must be received by April 8, 1977 in order to be considered in the preparation of the final environmental statement.

CARL W. SWANSON,
Environmental Coordinator,
Alaska Region.

FEBRUARY 25, 1977.

[FR Doc. 77-6654 Filed 3-4-77; 8:45 am]

Packers and Stockyards Administration MORGAN LIVESTOCK MARKETING, ET AL.

Posted Stockyards

Correction

In FR Doc. 77-5126, appearing on page 10021, in the issue of Friday, February 18, 1977, in the first column, under the heading *Iowa*, the facility number should read: "IA-253."

CIVIL AERONAUTICS BOARD

[Docket No. 30544]

AIR PANAMA INTERNATIONAL, S.A. ENFORCEMENT PROCEEDING

Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Alexander N. Argerakis. Future communications should be addressed to Judge Argerakis.

Dated at Washington, D.C., March 1, 1977.

HENRY M. SWITKAY,
Acting Chief
Administrative Law Judge.

[FR Doc. 77-6671 Filed 3-4-77; 8:45 am]

[Docket No. 30543]

BRITISH AIRWAYS BOARD ENFORCEMENT PROCEEDING**Assignment of Proceeding**

This proceeding is hereby assigned to Administrative Law Judge Alexander N. Argerakis. Future communications should be addressed to Judge Argerakis.

Dated at Washington, D.C., March 1, 1977.

HENRY M. SWITKAY,
*Acting Chief
Administrative Law Judge.*

[FR Doc. 77-6672 Filed 3-4-77; 8:45 am]

[Docket No. 30545]

COMPAGNIE NATIONALE DE TRANSPORTS AERIENS ROYAL AIR MAROC (ROYAL AIR MAROC) ENFORCEMENT PROCEEDING**Assignment of Proceeding**

This proceeding is hereby assigned to Administrative Law Judge Alexander N. Argerakis. Future communications should be addressed to Judge Argerakis.

Dated at Washington, D.C., March 1, 1977.

HENRY M. SWITKAY,
*Acting Chief
Administrative Law Judge.*

[FR Doc. 77-6670 Filed 3-4-77; 8:45 am]

[Docket No. 30542]

TRANS WORLD AIRLINES, INC. ENFORCEMENT PROCEEDING**Assignment of Proceeding**

This proceeding is hereby assigned to Administrative Law Judge Alexander N. Argerakis. Future communications should be addressed to Judge Argerakis.

Dated at Washington, D.C., March 1, 1977.

HENRY M. SWITKAY,
*Acting Chief
Administrative Law Judge.*

[FR Doc. 77-6673 Filed 3-4-77; 8:45 am]

[Docket No. 30546]

TRANSPORTURILE AERIENE ROMANE ENFORCEMENT PROCEEDING**Assignment of Proceeding**

This proceeding is hereby assigned to Administrative Law Judge Alexander N. Argerakis. Future communications should be addressed to Judge Argerakis.

Dated at Washington, D.C., March 1, 1977.

HENRY M. SWITKAY,
*Acting Chief
Administrative Law Judge.*

[FR Doc. 77-6669 Filed 3-4-77; 8:45 am]

DEPARTMENT OF COMMERCE**Economic Development Administration
CAPRICE HANDBAGS CO., INC.****Petition For a Determination of Eligibility to Apply for Trade Adjustment Assistance**

An amended petition dated February 16, 1977, from Caprice Handbags Company, Inc., 22 West 32nd Street, New York, New York 10001, a producer of handbags and purses, was accepted for filing on February 23, 1977, pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has resumed its investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration U.S. Department of Commerce, Washington, D.C. 20230, on or before March 17, 1977.

JACK W. OSBURN, Jr.,
*Chief, Trade Act Certification
Division, Office of Planning
and Program Support.*

[FR Doc. 77-6606 Filed 3-4-77; 8:45 am]

National Oceanic and Atmospheric Administration**MARINE MAMMALS****Incidental Taking in the Course of Commercial Fishing Operations****Correction**

In FR Doc. 77-5991 appearing in the issue of Tuesday, March 1, 1977 on page 12015, the following corrections should be made:

1. On page 12015, in the 2nd column, the 2nd full paragraph, the 13th line should read, " * * * Protection Agency. A final Supplement * * *".

2. The fifth full paragraph in small type, the 10th line should read: " * * * Society of the U.S., International Fund for * * *".

3. On page 12016, in the 1st column, 2nd full paragraph, the 6th line should read, " * * * viewed in the administrative hearing."

4. In the 2nd column, the 1st paragraph, the 3rd line from the bottom, " * * * population estimates in the record are * * *", should be deleted.

5. In the 3rd column, the 5th paragraph, the 2nd line, should read, " * * * an in-depth review of the record and re- * * *".

6. On page 12019, in the 2nd column, the 3rd paragraph, the 8th line should read, " * * * economic feasibility. Weather conditions, * * *".

7. On page 12020, the last paragraph, the 3rd line should read, " * * * in the workshop report. The workshop * * *".

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS**CORRELATION OF TEXTILE AND APPAREL CATEGORIES WITH THE TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED**

MARCH 2, 1977.

There is published below a list of the Tariff Schedules of the United States Annotated numbers citing changes in the arrangement of the cotton, wool, and man-made fiber textile product categories used by the United States in administering the textile trade agreements program. A full description of the textile products falling within each of the cotton, wool and man-made fiber textile product categories may be obtained by using the Tariff Schedules of the United States Annotated which also provides category placement for the item numbers covered by the program. The list of Tariff Schedules of the United States Annotated numbers published in the FEDERAL REGISTER December 30, 1976 (FR Doc. 76-38255) and amended on January 21, 1977 (42 FR 3888) is hereby amended effective March 1, 1977.

Copies of the complete Correlation with errata sheet are available upon request to the Office of Textiles, BRTA/DIBA, Room 2815, U.S. Department of Commerce, Washington, D.C. 20230.

ROBERT E. SHEPHERD,
*Acting Chairman, Committee for
the Implementation of Textile
Agreements and Acting Deputy
Assistant Secretary for Re-
sources and Trade Assistance,
Department of Commerce.*

LIST OF THE TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED NUMBERS SPECIFYING CHANGES IN THE ARRANGEMENT OF TEXTILE CATEGORIES USED BY THE UNITED STATES IN ADMINISTERING THE TEXTILE TRADE AGREEMENTS PROGRAM

Category	Old T.S.U.S.A.	New T.S.U.S.A.	Description
31	396.1500	396.1855 396.1905	Towels, other: Terry towels, other than dish; Bar mops (18" by 20" in length and 15" by 17" in width); Other.
40	791.7500pt	791.7414	Coats, other, not knit: Coats and jackets of leather.
50	791.7500pt	791.7418	Trousers, slacks, and shorts (outer) men and boy's, not knit: Of leather, men's and boy's.
51	791.7500pt	791.7420	Trousers, slacks and shorts (outer) not knit, Women's, girls', and infants': Of leather, women's, girls', and infants'.
62	791.7500pt	791.7402	Other wearing apparel, knit, not elsewhere specified: Other knit wearing apparel of leather.
63	791.1220 791.7500pt	792.1220 791.7426	Other wearing apparel, not knit, not elsewhere specified: Headwear of cotton, flax or both, not knit. Other wearing apparel of leather.
117	791.7500pt	791.7430	Knit wearing apparel, not elsewhere specified., valued over \$5/1b: Other wearing apparel of leather.
125	791.7500pt	791.7440	Articles of wearing apparel, not elsewhere specified.: Other articles of wearing apparel of leather.
221	791.7500pt	791.7456	Sweaters and cardigans: Other of leather.
222	791.7500pt	791.7458	Trousers, slacks and shorts: Other of leather.
224	791.7500pt	791.7462 791.7464	Other wearing apparel, knit: Other of leather: Coats and jackets. Other.
229	791.7500pt	791.7472	Coats, not knit: Other coats of leather.
238	791.7500pt	791.7482	Trousers, slacks and shorts, not knit: Other of leather.
240	791.7500pt	791.7484	Other wearing apparel, not knit: Other wearing apparel of leather.
243	389.6010	389.6210	Man-made fiber manufactures: Tarpaulins and tents.

[FR Doc.77-6648 Filed 3-4-77; 8:45 am]

MEXICO

Import Levels for Certain Man-Made Fiber Textile Products

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing the levels for body supporting garments (Category 225) and woven trousers (Category 238), both of man-made fibers, exported from Mexico during the twelve-month period which began on May 1, 1976.

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 12, 1975, as amended, between the Governments of the United States and Mexico, provides, among other things, for increases in certain specific category ceilings amounting to seven percent for flexibility and six percent for carryforward during an agreement year. Carryforward is an amount borrowed from the level applicable to the affected category in the succeeding agreement year and is deducted from that year's level. At the request of the Government of Mexico, pursuant to the foregoing provisions of the bilateral agreement, the import levels for Categories 225 and 238 are being increased to 2,180,781 dozen and 1,036,235 dozen, respectively, for the agreement period which began on May 1, 1976 and extends through April 30, 1977.

EFFECTIVE DATE: March 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Edmond Callahan, International Trade Specialist, Office of Textiles, U.S. De-

partment of Commerce, Washington, D.C. 20230. (202-377-5423).

SUPPLEMENTARY INFORMATION: On May 3, 1976, a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the FEDERAL REGISTER (41 FR 18343), which established import levels for certain specified categories of cotton and man-made fiber textile products, pursuant to the bilateral agreement, during the twelve-month period which began on May 1, 1976. In the letter published below the Commissioner of Customs is directed to increase the twelve-month levels of restraint previously established for Categories 225 and 238 to the amounts indicated.

ROBERT E. SHEPHERD,
Acting Chairman, Committee
for the Implementation of
Textile Agreements, and
Acting Deputy Assistant Sec-
retary for Resources and
Trade Assistance.

MARCH 1, 1977.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: On April 28, 1976, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning May 1, 1976 and extending through April 30, 1977 of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in Mexico, in excess of designated levels of restraint. The Chairman further advised you

that the levels of restraint are subject to adjustment.¹

Under the terms of the Arrangement Regarding International Trade in Textile done at Geneva on December 20, 1973, pursuant to paragraphs 6(b) and 7(a) (ii) of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 12, 1975, as amended, between the Governments of the United States and Mexico, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to amend, effective on March 1, 1977, the levels of restraint established for Categories 225 and 238 to the following amounts:

Category	Amended 12-month level of restraint ¹
225	dozen... 2,180,781
238	do... 1,036,235

¹The levels of restraint have not been adjusted to reflect any entries made after Apr. 30, 1976.

The actions taken with respect to the Government of Mexico and with respect to imports of man-made fiber textile products from Mexico have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions of the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provision of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the
Implementation of Textile Agree-
ments and Acting Deputy Assis-
tant Secretary for Resources and
Trade Assistance, U.S. Depart-
ment of Commerce.

[FR Doc.77-6647 Filed 3-4-77; 8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

PRIVACY ACT OF 1974

Notice of an Amendment of a Record System

In FR Doc. 76-21185 published in the FEDERAL REGISTER (41 FR 31062) of July 26, 1976 and also in Privacy Act Issuances, 1976 Comp. Vol. I, p. 419, the Department of the Air Force set forth a record system as prescribed by Subsections 3(e) (4) and (11) of the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a). This record system is identified as F03004 AFDPMD, entitled "Ad-

¹The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of May 12, 1975, as amended, between the Governments of the United States and Mexico which provide, in part, that: (1) within the aggregate and applicable group limits, specific levels of restraint may be exceeded by specified percentages; (2) these levels may be increased for carryover and carry-forward up to 11 percent of the applicable category limit; (3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

vanced Personnel Data System (APDS)—ADS:E300”.

Notice is hereby given that the Department of the Air Force is amending this record system. A report for altering this record system was submitted on January 26, 1977 pursuant to the provision of Office of Management and Budget (OMB) Circular No. A-108, Transmittal Memorandum No. 1, dated September 30, 1975 and Transmittal Memorandum No. 3, dated May 17, 1976, which provide supplemental guidance to Federal agencies regarding the preparation and submission of reports of their intention to establish or alter systems of personal records as required by the Privacy Act of 1974. This OMB guidance was set forth in the FEDERAL REGISTER (40 FR 45877) on October 3, 1975.

Following the identification code of the record system and the specific changes made therein, the complete revised record system, as amended, is published in its entirety. Any public comments, including written data, views or arguments concerning the changes should be addressed to the system manager identified in the record system notice on or before April 1977. The system will be effective as proposed without further notice, April 6, 1977, unless comments are received which result in a contrary determination and requiring republication for further comments.

F03004 AFDPMD

System title. Advanced Personnel Data System, (APDS)—ADS: E300.

CHANGES

System location. Line 5, change “3800 York Street, Denver, CO 80205” to “7300 East First Avenue, Denver, CO 80280.”

Line 11, after “offices,” add a comma followed by “at central civilian personnel offices (CCPOs).”

Line 20, delete “All Major Command Headquarters (e.g., HQ Strategic Air Command, HQ Aerospace Defense Command) have access to a computer data base containing records on individuals assigned to their command.”

Line 33, delete “Headquarters Command/DPD, Bolling AFB, DC 20332.”

Line 39, after “09012” add “HQ Alaskan Air Command/DPD, Elmendorf AFB, AK 99506.”

Line 44, after “AF/Judge Advocate” add “(AF/Director of Civilian Personnel).”

Line 49, change “3800 York Street, Denver, CO 80205” to “7300 East First Avenue, Denver, CO 80280.”

Line 50, after “80205” add “HQ Air Force Reserve, Robins AFB, GA 31093, United States Air Force Academy, Colorado Springs, CO 80840, Air Force Accounting and Finance Center, Lowry AFB, Denver, CO 80279, Air Force Office of Special Investigations, Washington, DC 20330, Air Force Data Automation Agency, Gunter AFS, AL 36114, Air Force Audit Agency, Norton AFB, CA 92409, Air Force Intelligence Service, Ft. Belvoir, VA 22060, Air Force Inspection and Safety Center, Norton AFB, CA 92409, Air Force Technical Evaluation Center,

Kirtland AFB, NM 87117, and Headquarters, United States Air Force, Pentagon, Washington, DC 20330.”

Line 54, after “78148” add “Office of Civilian Personnel Operations, Randolph AFB, TX 78148.”

Line 54, 57, 59, 60 after “CBPOs” add, “and CCPOs.”

Line 63, delete “AUTODIN” and after “vertical system” add “The CBPOs are linked into Major Command and HQ USAF via AUTODIN. Major Commands are linked into HQ USAF via AUTODIN and telecommunications network.”

Categories of individuals covered by the system. After Line 6, add “Air Force Civilian Employees.”

Add at end, “Prospective, pending current and former Air Force civilian employees, except Air National Guard Technicians and nonappropriated fund employees—current and former civilian employees from other Governmental agencies that are serviced at CCPOs may be included at option of servicing CCPO.”

Categories of records in the system. Add at end, “Civilian employment information including authorization for position, personnel data, suspense information; position control information; projected information and historical information; civilian education and training data; performance appraisal, ratings, evaluation of potential; civilian historical files covering job experience, training and transactions; civilian awards information, merit promotion plan work files; career programs files for such functional areas as procurement, logistics, civilian personnel, etc., civilian separation and retirement data for reports and to determine eligibility; adverse and disciplinary data for statistical analysis and employee assistance; stand-alone file, as for complaints, enrollee programs; extract files from which to produce statistical reports in hard copy, or for immediate access display on remote computer terminals; miscellaneous files, as described in item 26, above.”

Authority for maintenance of the system. Add, at end, “For civilian employees—5 US Code 301 and 44 US Code 3101.”

Routine uses of records maintained in the system, including categories of users and the purposes of such uses. Add at end, “For civilian personnel—to provide automated system support to Air Force officials at all levels from that part of the Civil Service Commission required personnel management and records keeping system that pertains to evaluation, authorization and position control, position management, staffing skills inventory, career management, training, retirement, employee services, rights and benefits, merit promotion, demotions, reductions in force, complaints resolution, labor management relations, and the suspending and processing of personnel actions: to provide for transmission of such records between employing activities within the Department of Defense—to provide individual records and reports to the Civil Service Commission; to provide information required by the Civil Service Commission for the transfer be-

tween other federal activities to provide reports of military reserve status to other armed services for contingency planning—to obtain statistical data on the work force to fulfill internal and external report requirements and to provide Air Force offices with information needed to plan for and evaluate manpower, budget and civilian personnel programs—to provide minority group designator codes to the United States Civil Service Commission's automated data file—to provide the Office of the Assistant Secretary of Defense—Manpower and Reserve Affairs with data to assess the effectiveness of the program for employment of women in executive level positions—to obtain listings of employees by function or area for locator and inventory purposes by Air Force offices—to assess the effect or probable impact of personnel program changes by simulation and modeling exercises—to obtain employee duty locations and other employee data for personnel program management purposes—to obtain employee duty locations and other information releasable under Civil Service Commission rules and the Freedom of Information Act to respond to requests from Air Force offices—other Federal agencies and the public—to provide individual records to other components of the Department of Defense in the conduct of their official personnel management program responsibilities—to provide records to law enforcement or investigatory authorities for investigation and possible criminal prosecution—civil court action—or regulatory order—to provide records to the Civil Service Commission for file reconciliation and maintenance purposes—and to provide information to employee unions as required by negotiated contracts.”

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system. Add at end, “In addition, for civilian personnel at base level (CCPO), master personnel files for prospective employees are transferred to the active file upon appointment of the employee or in the event the employee is not appointed and will no longer be considered a candidate for appointment, are destroyed by degaussing—master personnel files for active employees are transferred to the separated employee history file where they are retained for three years subsequent to separation and then destroyed by degaussing. The notification of personnel action—Standard Form 50—is disposed of as directed by the Civil Service Commission—work files and records such as the employee career brief, position survey work sheet, retention register work sheet, alphabetic and social security account number locator files, and personnel and position control register are destroyed after use by tearing into pieces, shredding, pulping, macerating, or burning—work sheets pertaining to qualification and retention registers are disposed of as directed by the Civil Service Commission—transitory files such as pending file, automatic digital network file, and recovery file are destroyed after use

by degaussing—files and records retrieved through general retrieval systems are destroyed after use by tearing into pieces, shredding, pulping, macerating, or burning. Those records at AF Military Personnel Center for the end of each fiscal year quarter are retained for five years before destroying by deletion—the separated employee file retains employee information at time of separation for five years after which the employee's record is destroyed by degaussing."

System manager(s) and address. Add at end, "D. The Civilian Personnel Officer at Air Force installations for civilian systems operated at that level."

Notification procedure. Line 21, after "Military Identification Card", add "Air Force civilian employees must provide SSAN, full name, previous names if any, last date and location of Air Force civilian employment if not currently employed by the Air Force—current employees should submit such requests to their servicing CCPO—former employees of the Air Force should submit such requests to the CCPO for the last Air Force installation at which they were employed."

Record access procedures. Add after "CBPO/CRPO", "/CCPO."

F03004 AFDPMDB

System name:

Advanced Personnel Data System (APDS)—ADS: E300

System location:

At Headquarters United States Air Force, Washington, DC 20330.

At Air Force Military Personnel Center, Randolph Air Force Base, TX 78148.

At Air Reserve Personnel Center, 7300 East First Avenue, Denver, CO 80280.

At headquarters of the major commands and separate operating agencies. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

At consolidated base personnel offices at central civilian personnel offices CCPOs and at consolidated reserve personnel offices.

Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice. The Central Data Processing facility for APDS is operated by the Directorate of Personnel Data Systems, Asst DCS/Personnel for Military Personnel, Headquarters USAF, Randolph AFB, TX, 78148. Remote terminals located within this "Air Force Military Personnel Center" (AFMPC) complex permit authorized users access to the central data base. In addition, remote terminals located at Headquarters of the following Major commands provide direct access to the Central Data Base at Randolph AFB for update and retrieval of data: Hq Air Training Command/DPD, Randolph AFB, TX 78148; Hq Strategic Air Command/DPD, Offutt AFB, NE 68113; Hq Tactical Air Command/DPD, Langley AFB, VA 23365; Hq Aerospace Defense Command/DPD, Ent AFB CO 80912; Hq Air Force Logistics Command/DPM, Wright Patterson AFB OH 45433;

Hq Air Force Systems Command/DPD, Andrews AFB, MD 20331; Hq Air University/DPD, Maxwell AFB, AL 38112; Hq Military Airlift Command/DPD, Scott AFB, IL 62225; Hq USAF Security Service/DPD, San Antonio, TX 78243; Hq Air Force Communications Service/DPD, Richards-Gebaur AFB, MO 64030; Hq Air Force Reserve/DPD, Robbins AFB, GA 31093; Hq Pacific Air Force/DPD, APO San Francisco 96553; Hq United States Air Force Europe/DPD, APO New York 09012; Hq Alaskan Air Command/DPD, Elmendorf AFB, AK 99506. Certain Air Force Staff Agencies, Separate Operating Activities and other specialized activities are provided remote access to the Central Data Base as required to discharge their respective functions. Remote terminals to support these requirements are found at the following locations: The Forrestal Bldg, (AF/Surgeon General, AF/Judge Advocate) (AF/Director of Civilian Personnel) Washington DC 20314; The Pentagon, (AF/Director of Personnel Plans, AF/Director of Personnel Programs, AF/Reserve Personnel Division, National Guard Bureau/Air Personnel Division, AF/Assistant for Colonels' Assignments) Washington DC 20330; Air Reserve Personnel Center, Director of Personnel Systems, 7300 East First Avenue, Denver, CO. 80280; HQ Air Force Reserve, Robins AFB, GA 31093, United States Air Force Academy, Colorado Springs, CO 80840, Air Force Accounting and Finance Center, Lowry AFB, Denver, CO 80279, Air Force Office of Special Investigations, Washington, DC 20330, Air Force Data Automation Agency, Gunter AFS, AL 36114, Air Force Audit Agency, Norton AFB, CA 92409, Air Force Intelligence Service, Ft. Belvoir, VA 22060, Air Force Inspection and Safety Center, Norton AFB, CA 92409, Air Force Technical Evaluation Center, Kirtland AFB, NM 87117, and Headquarters United States Air Force, Pentagon, Washington, DC 20330; Washington Area Automated Data Processing Support Office/DPMDQ, Bolling AFB, DC 20332; Hq Air Training Command, Directorate of Student Resources, and Deputy Chief of Staff for Recruiting Service, Randolph AFB, TX 78148; Office of Civilian Personnel Operations, Randolph AFB, TX 79148; Consolidated Base Personnel Offices (CBPO's) and CCPOs located at selected Air Force Bases around the world maintain computer data bases on persons for whom they have a servicing responsibility. In addition, CBPO's and CCPOs can request—by mail or the DOD Automatic Digital Network (AUTODIN) data from the Central Data Base at Randolph AFB, TX. CBPOs and CCPOs do not have direct remote access to the Central Data Base. Official mailing addresses of CBPOs and CCPOs are in the DOD directory in the Appendix to this systems notice. The three APDS processing echelons (Base, Major Command, and Hq USAF) are linked into one vertical system. The CBPOs are linked into Major Command and Hq USAF via AUTODIN. Major Commands are linked into Hq USAF via AUTODIN and telecommuni-

cations network. Data items are updated by the office and at the level having primary responsibility for the item in question. Data may be retrieved by the office and at the level having a validated requirement for access to it.

Categories of individuals covered by the system:

Air Force Reserve personnel.
Air National Guard personnel.
Retired Air Force military personnel.
Air Force Academy cadets.
Air Force civilian employees.

Certain surviving dependents of deceased members of the US Air Force and predecessor. Organizations; potential Air Force enlistees; candidates for commission enrolled in college. Level Air Force Reserve Officer Training Corps Programs; Deceased members of the Air Force and predecessor organizations; Separated members of the US Air Force, the Air National Guard (ANG) and Air Force Reserve (USAFR); ANG and USFAR Technicians.

Prospective, pending current and former Air Force civilian employees, except Air National Guard Technicians and nonappropriated fund employees—current and former civilian employees from other Governmental agencies that are serviced at CCPOs may be included at option of servicing CCPO.

Categories of records in the system:

The principal digital record maintained at each APDS operating level is the master personnel record, which contains the following categories of information: 1. Accession data—that data which pertains to an individual's entry into the Air Force. Some examples are: Place of enlistment, source of commission, home of record, date of enlistment, place from which ordered to EAD. 2. Education and training data, describing the level and type of education and training—civilian or military—received by the data subject, for instance: academic education level, major academic specialty, professional specialty courses completed, professional military education received. 3. Utilization data—that information which is used in assigning and reassigning the individual, determining skill qualifications, awarding Air Force Specialty codes, determining duty location and job assignment, screening/selecting individual for overseas assignment, performing strength accounting processes, etc. Examples are: Primary Air Force Specialty code, Duty and Control Air Force Specialty Code, personnel accounting symbol, duty location, up to 24 previous duty assignments, aeronautical rating, date departed last duty station, short tour return date, reserve section, current/last overseas tour. 4. Evaluation Data—data relating to various evaluations performed on members of the Air Force during their career, for example: Officer Effectiveness Report dates and ratings, Airman Performance Report dates and ratings, results of various qualification tests, an Unfavorable Information indicator, and Drug and Alcohol Abuse data. 5. Promotion Data—concerning an individual's promotion history, current grade and/or

selection for promotion, e.g.: current grade, date of rank and effective date; up to 10 previous grades, dates of rank and effective dates; projected temporary grade, key service dates. 6. Compensation data—although APDS does not deal directly with paying Air Force members, military pay is largely predicated on personnel data maintained in APDS and provided to the Air Force Accounting and Finance Center (AF AFC) as described in ROUTINE USES below. Among these data are: Pay date, Aviation Service Code, sex, grade, proficiency pay status. 7. Sustentation data—information dealing with programs provided or actions taken to improve the life, personal growth and morale of Air Force members. In this category are such items as: awards and decorations, marital status, number of dependents, religious denomination of member and spouse, race relations education. 8. Separation and retirements data, which identifies an individual's eligibility for and reason for separation, using items such as: date of separation, mandatory retirement date, projected or actual separation program designation and character of discharge. At the central processing site (AFMPC), a number of subsidiary files or processes are operated. Although some may be called 'systems', they are in fact integral parts of APDS, and function as such. 1. Procurement Management Information System (PROMIS)—is an automated system designed to enable the USAF to exercise effective management and control of the personnel procurement personnel required to meet the total scheduled manpower requirements necessary to accomplish the Air Force mission. The system provides the recruiter with job requirement data such as necessary test scores, Air Force Specialty Code, sex, date of enlistment; and the recruiter enters personnel data on the applicant—SSAN, name, date of birth, etc.—to reserve the job for him or her. 2. Career Airman Reenlistment Reservation System (CAREERS)—is a selective reenlistment process that manages and controls the numbers by skill of first-term airmen that can enter the career force to meet established objectives for accomplishing the Air Force mission. A process and to recruit and enlist the quantity and quality of prior and non-prior service centralized data bank contains the actual number, by quarter, for each Air Force Specialty Code (AFSC) that can be allowed to reenlist during that period. The individual requests reenlistment by stating his eligibility (AFSC, grade, active military service time, etc.). If a vacancy exists, a reservation—by name, SSAN, etc.—will be made and issued to the CBPO processing the reenlistment. 3. Airman Accessions—provides the process to capture a new enlistee's initial personal data (entire personnel records) to establish that person's personnel data record and gain it to the Master Personnel File, whereby it will add to the strength of

the Air Force. The initial record data is captured through the established interface with the Processing and Classification of Enlistees System (PACE) at Basic Military Training, Lackland AFB for non-prior service; For prior service enlistees the basic data (Name, SSAN, DOE, Grade, etc.) is input directly by USAF Recruiting Service and updated and completed by the initial gaining CBPO. 4. Office Accessions—is the process whereby each of the various Air Force sources of commissions (AF Academy, AFOTC, Office Training School, etc.) project their graduates in advance allowing management to select by skill, academic specialty, etc. which and how many will be called to active duty when, by entering into the record an initial assignment and projected entry onto Active Duty date. On that date the individual's record is accessed to the active Master Personnel File and gained to the strength of the Air Force. 5. Technical Training Management Information System (TRAMIS) is a system dealing with the Technical Training activities controlled by Air Training Command. The purpose of the system is to integrate the training program, quota control and student accounting into the personnel data system. TRAMIS consists of numerous files which constitute 'quota banks' of available training spaces, in specific courses, projected for future use based on estimated training requirements. Files include such data as: Course Identification Numbers, Class Start and Graduation Dates, Length of Training, Weapon System Identification, Training Priority Designators, Responsible Training Centers, Trainee Names, SSAN (and other pertinent personnel data) on individuals scheduled to attend classes. 6. Training Pipeline Management Information System (TRAPMIS) is an automated quota allocating system which deals with specialized combat aircrew training and aircrew survival training. Its files constitute a 'quota bank' against which training requirements are matched and satisfied and through which trainees are scheduled in 'pipeline' fashion to accommodate the individual's scheduled geographical movement from school to school to end assignment. Files contain data concerning the courses monitored as well as Names, SSAN's and other pertinent personnel data on members being trained. 7. Air Force Institute of Technology (AFIT) Quota Bank File. This file reflects the AFIT program quotas by academic specialty for each fiscal year (current plus two future fiscal years, plus the past fiscal year programs for historical purposes). Also, this file reflects the total number of quotas for each academic specialty. Officer assignment transactions process against the AFIT Quota Bank file to reflect the fill of AFIT Quotas. Examples of data maintained are: Academic Specialty, Program Level, Fiscal Year, Name of Incumbent selected, projected, filing AFIT Quota. 8. Job File. The Job File is derived from the Authorization Record and

is accessible by Position Number. Resource managers can use the Job File to validate authorizations by Position Number for assignment actions and also to make job offers to individual officers. Internal suspending within the Job File occurs based upon Resource Managers update transactions. Data in the file includes: Position Number, Duty AFSC, Functional Account Code, Program Element, Location, and name of incumbent. 9. Casualty subsystem is composed of a number of transactions which may be input at Headquarters Air Force and/or CBPO's to report death or serious illness of members from all components. A special file is maintained in the system to record various information on individuals on whom death has occurred. Besides basic identification data unique data such as country of occurrence, date of incident, casualty group, aircraft involved in the incident and military status are recorded and maintained in this file. 10. Awards/Decorations: Awards/Decorations are recorded and maintained on all component personnel in the headquarters Air Force master files. All approved decorations are input at CBPO's whereas disapproved decorations are input at MAJCOM/HAF. A decorations statistical file is built at AFMPC which reflects an aggregation of approvals/disapprovals by category of decoration. This file does not reflect any individually identifiable data. All individually identifiable data on decorations is maintained in the Master Personnel File. Such information as the type of decoration, awarding authority, special order number and date of award are identified in an individual record. Seven occurrences for all decorations are stored; however only specific data on the last decoration of a particular type is maintained. 11. Point Credit Accounting and Reporting System (PCARS). This system is an Air National Guard/Air Force Reserve Unique supported by APDS. Its basic purpose is to maintain and account for retirement/retention points accrued as a result of participating in Drills/Training. The system stores basic personal identification data which is associated with a calendar of points earned by participation in various elements of the Reserve program. Each year an individual's record is closed and point totals are accumulated in history, and a point earning statement is provided the individual and various records custodians. 12. Human Reliability/Personnel Reliability File: This file is maintained at Headquarters Air Force in support of AFM 35-98 and AFR 35-99. It is not part of the Master Personnel Files but a free standing file which is updated by transactions from CBPO's. The file was established to specifically identify individuals who have become permanently disqualified under the provisions of the above regulations. A record is maintained on each disqualified individual which includes basic identification data, service component, Personnel/Human reliability

status and date, and reason for disqualification. 13. Variable Incentive Pay (VIP) File for medical officers: Contains about 125 character record on all Air Force physicians and is specifically used to identify whether the individual is participating in the Continuation Pay or Variable Incentive Pay programs. Update to this file is provided by the Surgeon (AFMPC), the Air Force Accounting and Finance Center and directly from changes to the Master Personnel File. Besides basic identification data on individual's record includes source of appointment, graduate medical location status, amount of VIP or Continuation Pay and the dates of authorization and the dates and reason for separation. 15. Weighted Airman Promotion System: (a) The Test Scoring and Reporting Subsystem (TSRS) encompasses: Identifying at the CBPO individuals eligible for testing; providing output to the Base Test Control Officer and the CBPO to control, monitor, and operate WAPS testing functions; editing and scoring WAPS test answer cards at AFMPC; providing output for maintaining historical and analytical files at AFMPC and the Human Resources Laboratory (HRL) and includes the central identification at AFMPC of individuals eligible for testing. (b) The Personnel Data Reporting Subsystem (PDRS) provides for: identifying promotion eligibles at AFMPC; verifying these eligibles and selection promotion data; merging test and weighted promotion data at AFMPC to effect promotion scoring, assigning the promotion objective and aligning selectees in promotion priority sequence; maintaining projections on promotion selectees at AFMPC, MAJCOM, and the CBPO; updating these projections monthly; creating output products to monitor the flow of data in the system; maintaining promotion historical and analytical files and reports at AFMPC. (c) Basically, identification data along with time in grade, test scores, decoration information, time in service, and airman performance report history is used to support this program. 16. Retired Personnel Data System (RPDS) is made up of four files—Retired Officer Management File and Retired Airman Management File containing records on members in retired status and the Retired Officers and Airman Loss Files containing records on former retirees who have been lost from rolls, usually through death. The RPDS is used to produce address listings for the Retired Newsletter and Policy letter, statistical reports for budgeting, to manage the Advancement Program, The Temporary Disability Retired List, Age 59 rosters for ARPC, General Officer roster, and statistical digest data for management analysis functions. Data is extracted from the master files upon retirement from Active Duty or Reserves. Data includes: Name, SSAN, Grade data, service data, Education data, Retirement data and address. 17. Separated Officer File contains historical information on officers who leave the Air Force via separation, retirement, or

death. Copies are sent to Human Resources Lab and Washington offices for research purposes. The data comprises the Master Personnel Record in its entirety and is capture 30 to 60 days after separation from the Air Force. 18. Airman Gain/loss File includes data extracted from the Airman Master file when accession and separation (gains and losses) occur. This file, like the Separated Officer File, is used for historical reports regarding strength changes. Data includes Name, SSAN, and other data that reflects strength, i.e., promotions, reassignment data, specialty codes, etc. 19. Officer and Airman Separation Subsystem is used to process, track, approve, disapprove and project separations from the Air Force and transfers between components of the Air Force. This subsystem uses the Active, Guard, and Reserve MPFs. Data used includes that specifically related to separations, e.g., Date of Separation, Separation Program Designator, waivers, etc. 20. The Retirements Subsystem is used to process and track applications for and approval/disapproval and projections of retirements. This subsystem uses the Master Files for Active Duty and Reserve officers and airmen. Data specifically related to retirements includes application data, date of separation, waiver codes, disapproval reason codes, Separation Program Designator, Title 10 United States Code section, etc. 21. Retired Orders Log is generated by the computer-produced retirement orders routine. Orders are automatically produced when approval, verification of service dates, and physical clearance have been entered in system. The orders log contains data found in administrative orders for retirement, including name, SSAN, grade, order number, effective dates, etc. The log is used to control assignment of order number, and as a crossreference between orders, revocations, and amendments. 22. General Officer Subsystem of APDS. The General Officer Subsystem of APDS contains data extracted from the Master Personnel File and language qualification data and assignment history data maintained by the Assistant for General Officer matters. A record is maintained on each general officer and general officer selectee. The general officer files is updated monthly and is used to produce products used in the selection/identification of general officers for applicable assignments. 23. Officer Structure Simulation Model (OSSM). The Officer Structure and Simulation Model is a capability which provides officer force descriptions in various formats for existing, predictive or manipulated structures. It functions as a planning tool against which policy options can be applied so as to determine the impact of such policy decisions. The OSSM input records contain individual identifiable data from the Master Personnel Record, but all output is statistical. 24. Widow's File. This file is maintained on magnetic tape and updated by the Office of Primary Responsibility. When required, address labels and listings are produced by em-

ploying selected APDS utility programs. The address labels are used to forward the Retired Newsletter to widows of active duty and retired personnel. The listings are used for management control of the program. Contained in the file are the name, address, and SSAN of the widow. Additionally, the deceased sponsor's name, SSAN, date of death, and status at time of death are maintained. 25. Historical Files. Files with a retention period of 365 days or more are designated historical files. They consist of copies of active master files, and are used primarily for aggregation and analysis of statistical data, although individual records may be accessed to meet ad hoc requirements. 26. Miscellaneous files, records, and processes. In this category are a number of work files, inactive files with a less-than-365-day retention period, intermediate records, and processes relating to statistical compilations, computer operation, quality control and problem diagnosis. Although they may contain individual-identifying data, they do so only as a function of system operation, and are not used in making decisions about people. Civilian employment information including authorization for position, personnel data, suspense information; position control information; projected information and historical information; civilian education and training data; performance appraisal, ratings, evaluations of potential; civilian historical files covering job experience, training and transactions; civilian awards information; merit promotion plan work files; career programs files for such functional areas as procurement, logistics, civilian personnel, etc., civilian separation and retirement data for reports and to determine eligibility; adverse and disciplinary data for statistical analysis and employee assistance; stand alone files, as for complaints, enrollee programs; extract files from which to produce statistical reports in hard copy, or for immediate access display on remote computer terminals; miscellaneous files, as described in Item 26, above.

Authority for maintenance of the system:

10 USC, Chapter 11, Reserve Components. Section 265—policies and regulations: participation of reserve officers in preparation and administration; 269—Ready reserve; placement in; transfer from; 275—Personnel records; 278—Dissemination of information. 10 USC Chapter 13, The Militia, Section 279—Training Reports. 10 USC, Chapter 31, Enlistments, Sections 504—Persons not qualified; 505—Regular components: qualifications, term, grade; 506—Regular components: extension of enlistments during war; 507—Extension of enlistment for members needing medical care or hospitalization; 508—Reenlistment: qualifications; 509—Voluntary extension of enlistments: periods and benefits; 510—Reserve components: qualifications; 511—Reserve components: terms; 512—Reserve components: transfers. 10 USC Chapter 33, Appointments in Regular Components, Section 564—Warrant officers: effect of second failure of pro-

motion. 10 USC Chapter 35, Appointments as Reserve Officers, Section 593—Commissioned officers: appointment, how made; term. 10 USC Chapter 37, General Service Requirements, Section 651—Members: required service. 10 USC Chapter 39, Active Duty, Sections 671—Members not to be assigned outside US before completing training; and 673—Ready reserve. 10 USC Chapter 47, Uniform Code of Military Justice, Sections 835—Art. 35, Service of Charges; 837—Art. 37, Unlawfully inflicting action of court; 885—Art. 85, Desertion; 886—Art. 86, Absence without leave; 887—Art. 87, Missing movement; 972—Enlisted members: required to make up time lost. 10 USC Chapter 51, Reserve components: standards and procedures for retention and promotion, Section 1005—Commissioned officers: retention until completion of required service. 10 USC Chapter 59, Separation, Sections 1163—Reserve components: members; limitations on separation; 1164—Warrant officers: separation for age; 1166—Regular warrant officers: elimination for unfitness or unsatisfactory performance. 10 USC Chapter 61, Retirement—Physical disability. 10 USC Chapter 63, Retirement for Age, Section 1263—Age 62; Warrant officers. 10 USC Chapter 65, Retirement for Length of Service, Sections 1293—Twenty years or more; warrant officers; 1305—Thirty years or more; regular warrant officers. 10 USC Chapter 67, Retired pay, Sections 1331—Computation of years of service in determining entitlement to retired pay; 1332—Age and service requirements; 1333—Computation of years of service in computing retired pay. 10 USC Chapter 79, Correction of Military Records. 10 USC Chapter 165, Accountability and responsibility, Section 2771—Final settlement of accounts: deceased members. 10 USC Chapter 803, Department of the Air Force, Section 8012—Secretary of the Air Force: powers and duties: delegation by: compensation. 10 USC Chapter 805, The Air Staff, Sections 8032—General duties; and Section 8033—Reserve components of Air Force: policies and regulations for government of National Guard Bureau with respect to Air National Guard. 10 USC Chapter 831, Strength, Section 8224—Air National Guard of the United States. 1-10 USC Chapter 833, Enlistments, Sections 8251—Definition; 8252—Temporary enlistments; 8253—Air Force: persons not qualified; 8256—Regular Air Force: qualifications, term, grade; 8257—Regular Air Force: aviation cadets: qualifications, grade limitations; 8258—Regular Air Force: reenlistment after service as an officer; 8259—Air Force Reserve: transfer from Air National Guard of United States; 8260—Air Force Reserve: transfer to upon withdrawal as member of Air National Guard; 8261—Air National Guard of United States; 8262—Extension of enlistment for members needing medical care or hospitalization; 8263—Voluntary extension of enlistment. 10 USC Chapter 835, Appointments in the Regular Air Force, Sections 8284—Commissioned officers: appointment, how made; 8285—Commissioned officers: original appointment; qualifications; 8296—

Promotion lists: promotion-list officer defined; determination of place upon transfer or promotion; 8297—Selection boards; 8303—commissioned officers: effect of failure of promotion to captain, major, or lieutenant colonel. 10 USC Chapter 837, Sections 8360—Commissioned officers: promotion service; 8362—Commissioned officers: selection boards; 8363—Commissioned officers: selection boards; general procedures; 8366—Commissioned officers: promotion to captain, major or lieutenant colonel; 8376—Commissioned officers: promotion when serving in temporary grade higher than reserve grade. 10 USC Chapter 839, Temporary Appointments, Sections 8442—Commissioned officers: regular and reserve components: appointment in higher grade; 8447—Appointments in commissioned grade: how made; how terminated. 10 USC Chapter 841, Active Duty, Section 8496—Air National Guard of United States: commissioned officers; duty in National Guard Bureau. 10 USC Chapter 853, Rights and benefits, Section 8691—Flying officer rating: qualifications. 10 USC Chapter 857, Decorations and Awards, Sections 8741—Medal of Honor: award; 8742—Distinguished service cross: award; 8743—Distinguished service medal: award; 8746—Silver star: award; 8749—Distinguished flying cross: award; limitations; 8751—Service medals: issue, replacement; availability of appropriations. 10 USC Chapter 859, Separation, Sections 8786—Officer considered for removal: voluntary retirement or honorable discharge: severance benefits; 8796—Officers considered for removal: retirement or discharge. 10 USC Chapter 863, Separation or Transfer to Retired Reserve, sections 8846—Deferred Officers; 8848—28 years: reserve first lieutenants, captains, majors, and lieutenant colonels; 8851—Thirty years or five years in grade: reserve colonels and brigadier generals; 8852—Thirty-five years or five years in grade: reserve major generals; 8853—Computation of years of service. 10 USC Chapter 865, Retirement for Age, Sections 8883—Age 60; regular commissioned officers below major general; 8884—Age 60; regular major generals whose retirement has been deferred; 8885—Age 62; regular major generals; 8886—regular major generals whose retirement has been deferred. 10 USC Chapter 867, Retirement for Length of Service, Sections 8911—Twenty years or more; regular or reserve commissioned officers; 8913—Twenty years or more: deferred officers not recommended for promotion; 8914—twenty to thirty years: regular enlisted members; 8915—Twenty-five years: female majors except those designated under section 8067 (a)-(d) or (g)-(i) of this title; 8916—twenty-eight years: promotion-list lieutenant colonels; 8917—Thirty years or more: regular enlisted members; 8918—Thirty years or more: regular commissioned officers; 8921—Thirty years or five years in grade: promotion-list colonels; 8922—Thirty years or five years in grade: regular brigadier generals; 8923—Thirty-five years or five years in grade: regular major generals; 8924—Forty years or more: Air Force officers. 10 USC Chapter

901, Training generally, Sections 9301—Members of Air Force: detail as students, observers and investigators at educational institutions, industrial plants, and hospitals; and 9302—Enlisted members of Air Force: schools. 10 USC Chapter 903, United States Air Force Academy, Sections 9342—Cadet: appointment; numbers, territorial distribution; 9344—Selection of persons from Canada and American Republics; 9345—Selection of Filipinos. 32 USC Chapter 1, Organization, sections 102—General policy; and 104—units: location; organization; command. 32 USC Chapter 3, Personnel, Section 307—Federal recognition of officers: examination, certification of eligibility. 32 USC Chapter 7, Services, supplies, etc., Section 709—Caretakers and clerks. 37 USC Chapter 3, Basic Pay, Section 308—Special pay: reenlistment bonus; 313—Special pay: medical officers who execute active duty agreements. 37 USC Chapter 7, Allowances, Section 407—Travel and transportation allowances: dislocation allowance. 37 USC Chapter 10, For civilian employees—5 USC 301 and 44 USC 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Air Force operates what is essentially a centralized personnel management system in an environment that is widely dispersed geographically and encompasses a population that is quite diverse in terms of qualifications, experience, military status and needs. There are three major centers of Air Force personnel management: Washington, D.C., where most major policy and long-range planning/programming decisions are made; the Air Force Military Personnel Center at Randolph AFB, Tx., which performs most personnel operations-type functions for the active duty components of the force; and the Air Reserve Personnel Center at Denver Co., which performs certain operational functions for the Reserve components of the force. Offices at Major Command Headquarters, State Adjutant General, and Air Force Bases perform operational tasks pertaining to the population for which they are responsible. The structure of the Air Force and its personnel management system, the composition of the force, and the Air Force's stated objective of treating its people as individuals, i.e., giving due consideration to their desires, needs and goals, demand a dynamic data system that is capable of supporting the varying needs of the personnel managers at each echelon and operating locations. It is to this purpose that the data in the Advanced Personnel Data System is collected, maintained, and used. A. ROUTINE USES WITHIN THE AIR FORCE - INTERNAL TO THE PERSONNEL COMMUNITY: HQ USAF, WASHINGTON, DC: Deputy Chief of Staff, Personnel and his immediate staff; Director of Personnel Plans; Director of Personnel Programs; Assistant for General Officer Matters; Assistant for Colonel Assignments; Reserve Personnel Division; Air National Guard Division; and The Surgeon General, the Chief of

government motor vehicles and selected personnel data items (basic identification data) will be authorized for access by the vehicle operator managers. The base Chief of Transportation will be responsible for accuracy of this data and will be the responsible official for actions associated with the Privacy Act of 1974.

d. Monthly, a magnetic tape is extracted from BLMP containing selected assignment data on all assigned personnel. This tape is transferred to the base Accounting and Finance Office for input into the Accounting Operations System. This system uses these data to derive aggregate base manpower cost data.

e. A procedure is designed into BLMPs to output selected background data in a pre-defined printed format for personnel being administered military justice. This output is initiated upon notification by the base legal office. The data is forwarded to the major command where it is input into the Automated Military Analysis and Management System (AMJAMS).

f. The BLIMPS output (on an event-oriented basis) pay-affecting transactions such as certain promotions, accessions, and assignments/reassignments, to AFAFC, where the data is entered into the JUMPS.

C. ROUTINE USES EXTERNAL TO THE AIR FORCE, TO THE OFFICE OF THE SECRETARY OF DEFENSE (OSD). Individual information is provided to offices in OSD on a recurring basis to support top-level management requirements within the Department of Defense. Examples are the DOD Recruiter File to the Assistant Secretary for Manpower and Reserve Affairs (M&RA), a magnetic tape extract of military personnel records (RCS: DDM(SA) 1221) to M&RA, input to the Reserve Component Common Personnel Data System to M&RA, and the Post Career Data File to M&RA.

2. TO OTHER DEFENSE AGENCIES. APDS supports other components of DOD by provision of individual data in support of programs operated by those agencies. Examples are the Selected Officer List to the Defense Intelligence Agency for use in monitoring a classified training program and the Defense System Management School (DSMS) Track Record System to DSMS for use in evaluating the performance of graduates of that institution. An extract file on Air National Guard Technicians is provided to the National Guard Computer Center.

3. OTHER GOVERNMENT/QUASI-GOVERNMENT AGENCIES. Information used in analysis of officer/airman retention is provided RAND Corporation. Data on prior service personnel with military service obligations is forwarded to the National Security Agency. Lists of officers selected for promotion and/or appointment in the Regular Air Force are sent to the Office of the President and/or the Congress of the United States for review and confirmation. Certain other personnel information is provided these and other government agencies upon request when such data is required in the performance of official duties. Selected personnel data is provided foreign governments, US gov-

ernmental agencies, and other Uniformed Services on USAF personnel assigned or attached to them for duty. Examples: the government of Canada, Federal Aviation Administration, US Army, Navy, etc.)

4. LITIGATION. Information from APDS may be used in litigation in the event that the United States, its officers, or its employees are involved in the litigation.

5. MISCELLANEOUS. Lists of individuals selected for promotion or appointment, who are being reassigned, who die, or who are retiring are provided to unofficial publications such as the Air Force Times, along with other information of interest to the general Air Force public. Information from APDS support a world-wide locator system which responds to queries as to the location of individuals in the Air Force. Material for preparing mailing labels is furnished commercial publishing or mailing firms working under contract to the Air Force who print or mail quasi-official publications to specified portions of the Air Force population, e.g., retired personnel, widows, etc. Locator information pertinent to personnel on active duty may be furnished to a recognized welfare agency such as the American Red Cross or the Air Force Aid Society. For civilian personnel—to provide automated system support to Air Force officials at all levels from that part of the Civil Service Commission required personnel management and records keeping system that pertains to evaluation, authorization and position control, position management, staffing skills inventory, career management, training, retirement, employee services, rights and benefits, merit promotion, demotions, reduction in force, complaints resolution, labor management relations, and the suspensions and processing of personnel actions: to provide for transmission of such records between employing activities within the Department of Defense—to provide individual records and reports to the Civil Service Commission; to provide information required by the Civil Service Commission for the transfer between Federal activities; to provide reports of military reserve status to other armed services for contingency planning—to obtain statistical data on the work force to fulfill internal and external report requirements and to provide Air Force offices with information needed to plan for and evaluate manpower, budget and civilian personnel programs—to provide minority group designator codes to the United States Civil Service Commission's automated data file—to provide the Office of the Assistant Secretary of Defense—Manpower and Reserve Affairs with data to access the effectiveness of the program for employment of women in executive level positions—to obtain listings of employees by function or area for locator and inventory purposes by Air Force offices—to assess the effect or probable impact of personnel program changes by simulation and modeling exercises—to obtain employee duty locations and other employee data for personnel pro-

gram management purposes—to obtain employee duty locations and other information releasable under Civil Service Commission rules and the Freedom of Information Act to respond to request from Air Force offices—other Federal agencies and the public—to provide individual records to other components of the Department of Defense in the conduct of their official personnel management program responsibilities—to provide records to law enforcement or investigatory authorities for investigation and possible criminal prosecution—civil court action—or regulatory order—to provide records to the Civil Service Commission for file reconciliation and maintenance purposes—and to provide information to employee unions as required by negotiated contracts.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

- Maintained in visible file binders/cabinets.
- Maintained in card files.
- Maintained on computer magnetic tapes.
- Maintained on disks or drums.
- Maintained on computer paper print-outs.
- Maintained on microfiche.

Retrievability:

- Filed by Name.
- Filed by Social Security Account Number (SSAN).
- Filed by other identification number or system identifier.

The primary individual record identifier in APDS is SSAN. Some files are sequenced and retrieved from by other identifiers; for instance, the assignment action record is identified by an assignment action number. Additionally, at each echelon there exists computer programs to permit extraction of data from the system by constructing an inquiry containing parameters against which to match and select records. As an example, an inquiry can be written to select all Captains who are F-15 pilots, married, stationed at Randolph AFB, who possess a master's degree in Business Administration; then display name, SSAN, number of dependents and duty location. There is the added capability of selecting an individual's record or certain pre-formatted information by SSAN on an immediate basis using a teletype or cathode ray tube display device. Highspeed line printers located in the Washington, D.C. area, at Major Command Headquarters and at ARPC permit the transmission of high volume products to and for the use of Personnel managers at those locations.

Safeguards:

- Records are accessed by custodian of the record system.
- Records are accessed by person(s) responsible for servicing the record system in performance of their official duties.

AF Chaplains and the Staff Judge Advocate, each of which perform certain Personnel functions within their area of responsibility. Data from the central data base at the AFMPC is furnished Washington area agencies by retrieval from the computer at Randolph via remote access devices and by provision of recurring products containing required management information, including computer tape files which are used as input to unique systems with which APDS interfaces. Although most of the data is used by policy makers to develop long-term plans and programs and track progress toward established goals, some individual data is provided/retrieved to support actions taken on certain categories of persons managed by offices in the headquarters e.g. General Officers, Colonels, Air National Guard personnel, etc. AIR FORCE MILITARY PERSONNEL CENTER (AFMPC), RANDOLPH AFB, TX. Personnel managers at AFMPC use the data in APDS to make decisions on individual actions to be taken in areas such as personnel procurement, education and training, classification, assignment, career development, evaluation, promotion, compensation, casualty and personal affairs, separation and retirement. AIR RESERVE PERSONNEL CENTER (ARPC), DENVER, COLORADO. Personnel managers at ARPC perform many of the same functions for the Reserve components of the Air Force as the managers at AFMPC perform for the active duty force. As with the Washington area, ARPC obtains data from the central data base at AFMPC by retrieval through remote terminals and recurring output products containing information necessary to their management processes. MAJOR COMMAND HEADQUARTERS. Standard major command headquarters personnel operations are supported by the standard content of APDS records provided them by AFMPC. In addition, there is provided in the APDS record an 'add-on' area which the commands are authorized to use for the storage of data which will assist them in fulfilling unique personnel management requirements generated by their mission, structure, geographical location, etc. The standard functions performed fall generally under the same classifications as those in AFMPC, e.g., assignment, classification, separation, etc. Non-standard usages include provisions of unique aircrew data, production of specially-tailored name listing, control of theatre oriented training, etc. Some commands use APDS data—both standard and add-on as input to unique command systems, which are separately described in the FEDERAL REGISTER. CONSOLIDATED BASE PERSONNEL OFFICES (CBPO). CBPOs, which represent the base-level aspect of APDS, are the prime point of system-to-people interface. Supplied with a standard data base and system, CBPOs provide personnel management support to commanders and supervisors on a daily basis. Acting on receipt of data from higher headquarters, primarily by means of transactions processed through APDS, they notify

people of selection for reassignment, promotion, approval/disapproval of requests for separation and retirement, and similar personnel actions. When certain events occur on an individual at the local level, e.g., volunteer for overseas duty, reduction in grade, change in marital status, application for retirement, etc., the CBPO enters transactions into the vertical system to transmit the requisite information to other management levels and update the automated records resident at those levels. CBPOs too are allotted an 'add-on' area in the computer record which they use to support local management unique requirements such as local training scheduling, unique locator listing, urinalysis testing scheduling, etc. B. ROUTINE USES WITHIN THE AIR FORCE—EXTERNAL TO THE PERSONNEL COMMUNITY I. HEADQUARTERS USAF/AFMPC INTERFACES: Automated interfaces exist between the APDS central site files and the following systems of other functions: a. The Flight Records Data System (FRDS) maintained by the Air Force Inspection and Safety Center (AFISC) at Norton AFB, CA. (1) Certain personnel identification data on rated officers is transferred monthly to the FRDS. This data flow creates the basic identifying data in the FRDS, insures compatibility with the APDS, and precludes duplicative data collection and input generation by the AFISC. (2) Update of the personnel data to the FRDS generates return flow of flying hour data which is used at AFMPC for rated resource distribution management. b. The Master Military Pay Account (MMPA), is the Joint Uniform Military Pay System (JUMPS) centralized pay file maintained by the Air Force Accounting and Finance Center (AFAFC) at Denver, CO. The APDS transfers certain pay related data as changes occur to update the MMPA, e.g., promotions, accessions, separations/retirements, name, SSAN, grade. These data provide criteria for the AFAFC to determine specific pay entitlements. c. The AFAFC maintains a separate pay system for Air National Guard and Air Force Reserve personnel called the Air Reserve Pay and Allowances System (ARPAS). (1) APDS outputs certain pay related data to ARPAS as changes occur, e.g., retirements/separations, promotions, name, SSAN, grade. These data form the criteria for the AFAFC to determine specific Reserve pay entitlements. (2) ARPAS outputs data which affect accumulated point credits for Air National Guard/Reserve participation to AFMPC for update of the Point Credit Accounting and Reporting System (PCARS), a component of APDS. PCARS also receives monthly input from Hq Air University which updates point credits as a result of completing an Extension Courses Institute correspondence program. d. AFAFC provides data on Variable Incentive Pay (VIP) for Medical Officers which is used to update a special control file within APDS and produce necessary reports for management of the VIP program. e. Air Training Command operates a system called PACE

(Processing and Classification of Enlistees) at Lackland AFB TX. From that system data is fed to AFMPC to initially establish the APDS record on an Air Force enlistee. f. On a monthly basis, copies of the APDS master Personnel File are provided to the Human Resources Laboratory at Brooks AFB, TX, where they are used as a statistical data base for research purposes. g. On a quarterly basis, AFMPC provides the USAF School of Aerospace Medicine with data concerning name, SSAN and changes in base and command of assignment of flying personnel. The data reflects significant medical problems in the flying population. h. A complete printout of APDS data pertaining to an individual is included in his Master Personnel Record when it is forwarded to National Personnel Records Center. i. APDS data is provided to the Contingency Planning Support Capability (CPS) at seven major command headquarters: Tactical Air Command, Strategic Air Command, Military Airlift Command, Aerospace Defense Command, Air Force Communications Service, United States Air Forces, Europe, and Pacific Air Forces. A record identifiable by individual's name and SSAN provides contingency and/or manning assistance temporary duty (TDY) being performed by the individual. Record is destroyed upon completion of the TDY. Statistical records (gross statistics by skill and unit) are also generated for CPS from APDS providing force availability estimates. CPSC is described separately in the FEDERAL REGISTER. 2. BASE LEVEL (CBPO) INTERFACES: Certain interfaces have been established at base level to pass data from one functional system to another. The particular mode of interface depends on the needs of the receiving function and the capabilities of the system to produce the necessary data: a. The Flight Management Data System (FMDS) receives an automated flow of selected personnel data on flying personnel as changes occur. This data consists primarily of assignment data and service dates which the base flight manager uses to determine appropriate category of aviation duty which is reflected by designation of an Aviation Service Code. The FMDS outputs aviation service data as changes occur to the BLMPS. These data subsequently flow to the APDS central site files at AFMPC so it is available for resource management decisions. b. The Medical Administration Management System (MAMS), currently being developed and tested, will receive flow of selected assignment data as changes occur for personnel assigned to medical activities. MAMS will use these data to align assigned personnel with various cost accounting work centers within the medical activity and thus be able to track manpower expenditure by sub-activities. c. The Automated Vehicle Operator Record (AVOR) is being developed to support motor vehicle operator management. Approximately 115 characters of vehicle operator data will be incorporated into the BLMPS data base during FY76 for both military and civilian personnel authorized to operate

Assistant Deputy Chief of Staff for Personnel for Military Personnel, Air Force Military Personnel Center (AFMPC), Randolph AFB, TX, 78148. He is responsible for overall APDS design, maintenance and operation, and is designated the Automated Data Processing System Manager for all Air Force personnel data system. B. The Director of Personnel Data Systems at each Major Command headquarters for systems operated at that level. C. The Chief, CBPO, at Air Force installations for systems operated at that level. D. The Civilian Personnel officer at Air Force installations for civilian systems operated at that level.

Notification procedure:

Requests from individuals for notification as to whether the system contains a record on them should be addressed to the system manager of the operating level with which they are concerned. Persons submitting such a request, either personally or in writing, must provide SSAN, name, and military status (active, ANG/USAFR, retired, etc. ANG members not on extended active duty may submit such requests to the appropriate State Adjutant General or the Chief of the servicing ANG CBPO. USAFR personnel not on extended active duty may submit such requests to ARPC, 3800 York St., Denver, CO, 80205 or, if unit assigned, to the Chief of the servicing CBPO or Consolidated Reserve Personnel Office. Personal visits to obtain notification may be made to the Military Records Review Room, Air Force Military Personnel Center, Randolph AFB, TX 78148, the Military Records Review Room, Air Reserve Personnel Center, Denver, CO 80205; The Office of the Director, National Personnel Records Center (NPRC), 111 Winnebago St., St. Louis, MO, 63118; the office of the Director of Personnel Data Systems at the appropriate major command headquarters; or the office of the Chief of his servicing CBPO. Identification will be based on presentation of DD Form 2AF, Military Identification Card. Air Force civilian employees must provide SSAN, full name, previous names if any, last date and location of Air Force civilian employment if not currently employees by the Air Force—current employees should submit such requests to their CCPO—former employees of the Air Force should submit such requests to the CCPO for the last Air Force installation at which they were employed. Authorization for a person other than the data subject to have access to an individual's records must be based on a notarized statement signed by the data subject.

Record access procedures:

Assistance in gaining access to his records will be provided the individual by the appropriate subordinate system manager at AFMPC, ARPC, NPRC, major command or CBPO/CRPO/CCPO.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual

concerned may be obtained from the Systems Manager.

Record source categories:

- Information obtained from educational institutions.
- Information obtained from medical institutions.
- Information obtained from automated system interfaces.
- Information obtained from police and investigating officers.
- Information obtained from the bureau of motor vehicles.
- Information obtained from a state or local government.
- Information obtained from source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth.

Systems exempted from certain provisions of the act:

NONE

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

MARCH 2, 1977.

[FR Doc.77-6614 Filed 3-4-77; 8:45 am]

USAF SCIENTIFIC ADVISORY BOARD Meeting

MARCH 1, 1977.

The USAF Scientific Advisory Board ad hoc Committee on the EF-111A will hold a meeting at the Air Force Electronic Warfare Simulator (AFEWS), Ft. Worth, Texas on March 23, 1977 from 9:00 a.m. to 5:00 p.m.

The Committee will receive classified briefings and hold classified discussions on AFEWS support of the EF-111A.

The meeting concerns matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-8404.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison
Officer, Directorate of Administration.

[FR Doc.77-6611 Filed 3-4-77; 8:45 am]

Department of the Navy ALBERT ROLKE DAWE

Intent To Grant Limited Exclusive Patent License

Pursuant to the provisions of Part 746 of title 32, Code of Federal Regulations (41 FR 55711-55714, December 22, 1976) the Department of the Navy announces its intention to grant to Albert Rolke Dawe of Deerfield, Illinois, a revocable, nonassignable, limited exclusive license for a period of five years under United States Patent Number 3,998,223 entitled "Syringe Apparatus," issued December 21, 1976, to inventor Albert Rolke Dawe.

This license will be granted unless on or before May 6, 1977 an application for a nonexclusive license from a responsible applicant is received by the Office of Naval Research (Code 302), Arlington, VA 22217 and the Chief of Naval Research or his designee determines that such applicant has established that he has already brought or is likely to bring the invention to the point of practical application within a reasonable period under a nonexclusive license; or the Chief of Naval Research or his designee determines that a third party has presented to the Office of Naval Research (Code 302) evidence and argument which has established that it would not be in the public interest to grant the limited exclusive license.

Any objection thereto, together with a request for an opportunity to be heard, if desired, should be directed to the Office of Naval Research (Code 302), Arlington, VA 22217 within 60 days from the publication of this notice. Also, copies of the patent may be obtained for fifty cents (\$0.50) from the Commissioner of Patents and Trademarks, Washington, DC 20231.

For further information concerning this notice, contact:

Dr. A. C. Williams, Staff Patent Adviser, Office of Naval Research (Code 302), Ballston Tower No. 1, 800 North Quincy Street, Arlington, VA 22217, telephone No. 202-692-4005.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy,
Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc.77-6649 Filed 3-4-77; 8:45 am]

SITE SELECTION AND PROPOSED TEST OPERATIONS FOR THE SEAFARER ELF COMMUNICATIONS SYSTEM: NEW MEXICO

Public Hearing and Availability of Draft Environmental Impact Statement

Notice is hereby given that a public hearing will be held for the purpose of providing the public with relevant information on site selection and proposed test operations, at the White Sands Missile Range, New Mexico, for the SEAFARER Extremely Low Frequency (ELF) Communications System, and to afford the public an opportunity to present their views on the Navy's proposed SEAFARER project. The hearing will be held on Tuesday, March 22, 1977, at the Holiday Inn de Las Cruces, 201 East University Avenue, Las Cruces, New Mexico. If interest warrants, the hearing will be continued on the following evening, Wednesday, March 23, 1977. The hearing will commence at 7:00 p.m. and terminate at 11:00 p.m. The hearing will be conducted by Captain John Dobson, U.S. Navy, and will include a project presentation explaining the Navy's proposed action, a system description, a site-dependent environmental impact summary, alternatives, proposed Navy rec-

ommendations, and the proposed program plan for the future.

This hearing is being held in Las Cruces, New Mexico because the White Sands Missile Range is one of three candidate areas considered for building a SEAFARER test facility, conducting ELF communications experiments, and developing appropriate construction criteria and operational methods to ensure maximum environmental protection in the event an operational SEAFARER system is built on the White Sands Missile Range at some future time.

SEAFARER is principally an unusually large transmitting antenna system consisting of many insulated cables buried in a grid pattern. The system's principal purpose is to facilitate communications with submerged submarines.

The following procedures will be followed during the public hearing. Individual speakers will be limited to three minutes with five minutes for a group spokesman for each recognized group. There will be no relinquishing of time by one speaker to another. Written pre-registration is required by persons and organizations who wish to present their views, accompanied by the name and title of the expected speaker for organizations. Individuals and organizations who wish their statements to be included in their entirety in the hearing record are requested to provide written statements. The closing date for including written communications in the hearing record is March 31, 1977.

Anticipated environmental effects are available for review in the "SEAFARER ELF Communications Systems Draft Environmental Impact Statement for Site Selection and Test Operations" (Naval Electronic System Command, February, 1977). Copies of this statement are available at the following locations:

Alamogordo Public Library, Alamogordo, New Mexico.
College of Santa Fe Library, Santa Fe, New Mexico.
El Paso Public Library, El Paso, Texas.
New Mexico Legislative Council Library, Santa Fe, New Mexico.
New Mexico State Library, Santa Fe, New Mexico.
New Mexico State University Library, Alamogordo, New Mexico.
New Mexico State University Library, Carlsbad, New Mexico.
New Mexico State University Library, University Park, New Mexico.
Santa Fe Public Library, Santa Fe, New Mexico.
Socorro Public Library, Socorro, New Mexico.
Thomas Branigan Library, Las Cruces, New Mexico.
Truth or Consequences Public Library, Truth or Consequences, New Mexico.
University of New Mexico Library, Albuquerque, New Mexico.
White Sands Missile Range Post Library, White Sands Missile Range, New Mexico.

For further information, contact Captain John Dobson, CEC, USN, Naval

Electronics Systems Command, Code 011F, Washington, D.C. 20360, telephone number 202-692-8863.

Dated: March 2, 1977.

K. D. LAWRENCE,
Captain, JAGC, United States
Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 77-6713 Filed 3-4-77; 8:45 am]

PRIVACY ACT OF 1974

Systems of Records Notice

In FR Doc. 75-21075 appearing at page 35151 in the FEDERAL REGISTER of August 18, 1975 (40 FR 35151) as amended by FR Doc. 75-22756 appearing at page 40087 in the FEDERAL REGISTER of August 29, 1975 (40 FR 40087); FR Doc. 75-27219 appearing at page 47748 in the FEDERAL REGISTER of October 9, 1975 (40 FR 47748); FR Doc. 76-19335 appearing at page 27746 in the FEDERAL REGISTER of July 6, 1976 (41 FR 27746) and FR Doc. 76-22869 appearing at page 32931 in the FEDERAL REGISTER of August 6, 1976 (41 FR 32931) concerning blanket general routine uses for Department of Defense systems of records subject to Subsection 3(e) (11) of the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a). A new blanket general routine use is added to those Department of Defense Generic Systems set forth in the FEDERAL REGISTER of October 9, 1975 (40 FR 47748) and at the beginning of each Department of Defense Component's records system notices set forth in Privacy Act Issuances, 1976 Comp. Vols I and II. This new general routine use, set forth below, is applicable to any record from a system of records maintained by a Component of the Department of Defense:

ROUTINE USE—DISCLOSURE OF INFORMATION TO NARS (GSA)

A record from a system of records maintained by this Component may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

The Defense Privacy Board invites public comment to be considered on this blanket general routine use provision. Interested persons are invited to submit written data, views, and arguments to the Executive Secretary, Defense Privacy Board, Room 5H-023, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20314. All material received on or before April 6, 1977 will be considered. This routine use provision will be effective as proposed without further notice, on or before April 6, 1977, unless comments are received which result in a contrary determina-

tion and requiring republication for further comments.

MAURICE W. ROCHE,
Director, Correspondence and
Directives, Office of the As-
sistant Secretary of Defense
(Comptroller).

MARCH 27, 1977.

[FR Doc. 77-6613 Filed 3-4-77; 8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

PROCUREMENT POLICY ADVISORY COMMITTEE

Meeting

MARCH 1, 1977.

In accordance with provisions of Public Law 92-463 (Federal Advisory Committee Act) the Procurement Policy Advisory Committee will hold its next meeting from 9:00 a.m. to 5:00 p.m., Thursday, March 24, 1977, on the 12th floor, Century Building, National Center No. 4, 2341 Jefferson Davis Highway, Arlington, Virginia. This meeting will be open to the public. The purpose of the meeting is to discuss those subjects included on the following agenda:

- 9:00-9:05, Review Minutes of January 27 Meeting.
- 9:05-9:30, Discussion of Administrative Matters: 1. Future Meeting Schedule and Locations; 2. Procedural Aspects of Handling Discussion Matters.
- 9:30-10:30, ERDA Procurement Organization and Funding Practices: 1. Line of Authority—Field Offices, Area Offices and Operating Contractors; 2. Procurement Policy Development and Control.
- 10:30-10:45, Break.
- 10:45-11:45, The Institution to Institution Concept.
- 1:45-1:00, Lunch.
- 1:00-2:30, Discussion of ERDA's Role and Responsibility: 1. As seen by the Committee; 2. As seen by ERDA Management.
- 2:30-3:30, ERDA Contract Funding Practices.
- 3:30-3:45, Break.
- 3:45-4:30, Effect of Standard Reporting Requirements.
- 4:30-5:00, Agenda Items for Next Meeting.

Practical considerations may dictate unannounced alterations in the agenda or schedule.

Mr. Stephen W. Rowen, Chairman of the Committee, will preside.

With respect to public participation in agenda items, scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on agenda items may do so by mailing 12 copies thereof post-marked no later than March 16, 1977, to the Director of Procurement, Room C-167, U.S. Energy Research and Development Administration, Washington, DC, 20545. Comments shall be directly relevant to the above agenda items. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call on March 18, 1977, to Mr. Harry M. Tayloe, Division of Procurement, on 301-353-5526 between 8:30 a.m. and 5:00 p.m. e.s.t.

(c) Questions at the meeting may be propounded only by members of the committee and ERDA officials assigned to participate with the committee in its deliberations.

(d) Seating will be made available to the public on a first-come, first-served basis.

(e) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Copies of minutes will be made available for copying, following their certification by the chairman, in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration's Public Document Room, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545, upon payment of all charges required by law.

HARRY L. PEEBLES,
Deputy Advisory Committee
Management Officer.

[FR Doc.77-6637 Filed 3-4-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 695-3; PP6E1819/P50]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Tolerances for Pesticide Chemical Dinoseb

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, New Jersey State Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick NJ 08903, has submitted a pesticide petition (PP 6E1819) to the Environmental Protection Agency (EPA) on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Idaho and Washington. This petition requests that Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose that 40 CFR 180.281 be amended by the establishment of tolerances for residues of the herbicide dinoseb (2-sec-butyl-4,6-dinitrophenol) in or on the raw agricultural commodities lentil forage, lentil hay, and lentils at 0.1 part per million (ppm.).

The data submitted in the petition and all other relevant material have been evaluated. Although it has been determined that neither chronic studies nor carcinogenic potential analysis have been conducted in support of the proposed tolerances, data on subacute effects (three studies) and teratogenic potential (two studies negative) are available. Further-

more, the proposed tolerances present no expectation of real residues, and lentils are of such low consequence in the diet that they are not even included in the dietary intake tables used in the hazard evaluation. It would be expected that the alkanolamine moiety used as the cation in some formulations would not persist or appear in commodities to any greater extent than the nitrophenol. Thus, because there is no predicted exposure from the proposed use, it is concluded that the tolerances of 0.1 ppm in or on lentil forage and hay and lentils will protect the public health. There is a possibility of N-nitrosamines as impurities in the herbicide, although this fact has not been confirmed. The Agency will make such determination in the course of its nitrosamine analysis program. In the event of any finding of adverse effect in data generated as a result of EPA reregistration or nitrosamine activities, immediate action will be expectation of residues in eggs, milk, meat, or poultry as delineated in 40 CFR 180.6(a)(3). It is proposed, therefore, that the tolerances be established as set forth below.

Any person who has registered, or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before April 6, 1977, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, East Tower, Room 401, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must be received on or before April 6, 1977, and should bear a notation indicating both the subject and the petition/document control number, "PP6E-1819/P50". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

(Sec. 408(e), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e).)

Dated: March 1, 1977.

DOUGLAS D. CAMP,
Acting Director,
Registration Division.

It is proposed that Part 180, Subpart C, Section 180.281 be revised by editorially restructuring the section into an alphabetized columnar listing and alphabetically inserting a tolerance of 0.1 ppm for lentils, etc., to read as follows:

§ 180.281 Dinoseb; tolerances for residues.

Tolerances are established for residues of the herbicide, insecticide, and fungi-

cide dinoseb (2-sec-butyl-4,6-dinitrophenol) from application of its phenol or its readily hydrolyzable salts (alkanolamine salts, ammonium salt, or sodium salt) in or on raw agricultural commodities as follows:

Commodity:	Parts per million
Alfalfa	0.1(N)
Alfalfa, hay	1(N)
Almonds	1(N)
Almonds, hulls	1(N)
Apples	1(N)
Apricots	1(N)
Barley, forage	1(N)
Barley, grain	1(N)
Barley, straw	1(N)
Beans	1(N)
Beans, forage	1(N)
Beans, hay	1(N)
Blackberries	1(N)
Blueberries	1(N)
Boysenberries	1(N)
Cherries	1(N)
Citrus	1(N)
Clover	1(N)
Clover, hay	1(N)
Corn, fodder	1(N)
Corn, forage	1(N)
Corn, fresh (including sweet K+CWMR)	1(N)
Corn, grain (including pop)	1(N)
Cotton, forage	1(N)
Cottonseed	1(N)
Cottonseed, hulls	1(N)
Cucurbits	1(N)
Currants	1(N)
Dates	1(N)
Figs	1(N)
Filberts	1(N)
Garlic	1(N)
Gooseberries	1(N)
Grapes	1(N)
Hops	1(N)
Lentils	1(N)
Lentils, forage	1(N)
Lentils, hay	1(N)
Loganberries	1(N)
Nectarines	1(N)
Oats, forage	1(N)
Oats, grain	1(N)
Oats, straw	1(N)
Olives	1(N)
Onions	1(N)
Peaches	1(N)
Peanuts	1(N)
Peanuts, forage	1(N)
Peanuts, hulls	1(N)
Pears	1(N)
Peas	1(N)
Peas, forage	1(N)
Peas, hay	1(N)
Pecans	1(N)
Plums (prunes)	1(N)
Potatoes	1(N)
Raspberries	1(N)
Rye, forage	1(N)
Rye, grain	1(N)
Rye, straw	1(N)
Soybeans	1(N)
Soybeans, forage	1.0
Soybeans, hay	1.0
Strawberries	1(N)
Trefoil, birdsfoot	1(N)
Trefoil, hay	1(N)
Vetch	1(N)
Vetch, hay	1(N)
Walnuts	1(N)
Wheat, forage	1(N)
Wheat, grain	1(N)
Wheat, straw	1(N)

[FR Doc.77-6714 Filed 3-4-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Doc. No. 21111]

AMERICAN FEDERATION OF CB'ERS

Application for Class D Citizens Radio Station License

Adopted: February 10, 1977.

Released: March 1, 1977.

The Chief, Safety and Special Radio Services Bureau, has under consideration the above-captioned application. It was filed on December 9, 1975, by the American Federation of CB'ers (AFCEB), George Bennett, President, 18485 Kentucky Avenue, Detroit, Michigan 48221, a non-profit corporation in Detroit, Michigan. It was signed by George Bennett as president of the applicant corporation. Authorization for 5,000 transmitters was requested for use by AFCEB.

1. George Bennett is the former licensee of Citizens radio station KBQ-8214. On March 13, 1969, the Commission released an Order directing George Bennett to Show Cause why the license for radio station KBQ-8214 should not be revoked. The Order to Show Cause provided Bennett an opportunity for a hearing concerning the allegations. Bennett failed to file an appearance saying he would participate and present evidence, thus waiving the hearing. He submitted written statements instead.

2. An Order of Revocation of Citizens radio station license KBQ-8214, was released effective September 22, 1969 (SS-251-69). The Order was based on numerous willful and repeated violations of the Commission's Rules governing the Citizens Radio Service, including failure to identify by assigned call sign, attempting to communicate over a distance of more than 150 miles, use of an overheight antenna, and failure to allow an inspection. The revocation of Bennett's license raises questions concerning the qualifications of the applicant corporation of which he is president.

3. Bennett replied to the Order of Revocation with two letters stating that he had no intention of going off the air. True to his word, Bennett continued to operate without a license, in violation of Section 301 of the Communications Act of 1934, as amended. On April 30, 1970, the United States District Court for the Eastern District of Michigan, at the Commission's request, issued a Judgment enjoining Bennett from further operation of a radio transmitter without a license (Civil Action No. 34568). Despite the injunction, Bennett persisted in operating his radio station. On August 19, 1970, the court issued an Order finding him in contempt, placing him on probation and ordering his equipment seized (Civil Action No. 34568). Even after the District Court issued the contempt judgment, Bennett continued to transmit without a license.¹

4. On October 8, 1970, Bennett filed an application for a new license. On May 5,

1971, the Commission released an Order (FCC 71-483, Docket No. 19247) designating the application for hearing, alleging, inter alia, that Bennett had operated unlicensed on 24 separate dates since the revocation of his prior license. After Bennett failed to appear or participate at the hearing, the Commission dismissed his application, with prejudice, on June 11, 1971. The allegations in the Order were not resolved.

5. Meanwhile, on March 10, 1970, Bennett founded the United CB'ers of America (UCBA). On March 26, 1971, Bennett obtained a Citizens Radio Service license in the name of Phillip O. Nolan at his own address. He then altered the document to indicate that the licensee was UCBA and that 1,000,000 transmitters were authorized to be operated under the license. Upon joining the UCBA and paying a fee, each member was sent a copy of this "license" and urged to use its call letters—KDW-6076. As president of UCBA, Bennett urged members not to respond directly to violation notices and other official Commission correspondence. Instead, the UCBA offered to handle, for a fee, all violation notices from the Commission. In each case, the UCBA sent a form letter to the Commission stating the intention of the member to ignore any further correspondence or actions from the Commission.

6. On May 3, 1973, a federal grand jury in Detroit, Michigan, indicted Bennett and the UCBA corporation on eleven counts each for violations of federal criminal law. The indictment charged violations of the following statutes: counterfeiting a United States agency seal, to wit, a Citizens radio license document (18 U.S.C. 506); possessing these counterfeit documents (18 U.S.C. 506); transferring these counterfeit documents (18 U.S.C. 1017); making a false statement in a matter within the jurisdiction of a United States agency, to wit, a Citizens radio application (18 U.S.C. 1001); mail fraud (18 U.S.C. 1341); mailing unmailable matter, to wit, counterfeit documents (18 U.S.C. 1717); conspiracy to commit offenses against the United States and to defraud the United States (18 U.S.C. 371); and unlicensed Citizens radio operation—four counts (47 U.S.C. 301, 501). Bennett and UCBA were found guilty on all charges on December 20, 1973, after a jury trial in the Federal District Court for the Eastern District of Michigan (Criminal No. 49204). On January 9, 1976, the United States Court of Appeals for the Sixth Circuit denied Bennett's and UCBA's appeal; on March 15, 1976, the Court denied their motion for rehearing (Nos. 75-1345 and 75-1941). The UCBA was fined \$5,000.00. Bennett was sentenced to eighteen months imprisonment, to be followed by two years probation. After serving three and a half months, Bennett was released from federal prison on July 23, 1976. One of the conditions of Bennett's two year probation is that he not keep or operate any radio transmitting apparatus.

7. The revocation of Bennett's license, the civil injunction and contempt orders

directed against him as well as the criminal convictions against Bennett and UCBA raise substantial questions concerning the qualifications of AFCEB to be a licensee.² Accordingly, AFCEB's application will be designated for hearing and issues will be specified inquiring into AFCEB's qualifications in light of the Commission and court orders, decisions and verdicts. Issues will also be specified to examine the extent of Bennett's participation in AFCEB and the relationship between UCBA and the applicant AFCEB.

8. In the instant application, AFCEB requested authorization for 5,000 transmitters. The Commission returned the application to Bennett with a form letter requesting information to justify the need for 5,000 transmitters. When asked how many people are presently in the organization, Bennett responded:

The question as to how many members presently belong to the American Federation of CB'ers is not a prerequisite in determining the eligibility/ineligibility for the issuance of a Class D license, therefore, the answer to question number one is classified.

When asked how many people he anticipates will be members during the next five years, Bennett responded:

To speculate as to how many members the American Federation of CB'ers will have in the next five will depend upon several factors, therefore such a question would be rather difficult to answer with any certainty.

9. From the foregoing, it is evident Bennett has failed to supply the Commission the information it needs to determine whether the public interest would be served by a grant of a license to AFCEB authorizing 5000 transmitters. AFCEB has not shown present or anticipated future membership, nor has it shown how it proposes to maintain control over 5000 transmitters. The Commission cannot authorize 5000 transmitters without a specific finding that it would be in the public interest. The Commission must, therefore, examine the purposes of the organization and how the 5000 units will be used and controlled. AFCEB must demonstrate that a legitimate need exists for this license and that it can be relied upon to comply with the terms of the license.

Accordingly, it is ordered, Pursuant to Section 309(e) of the Communications Act of 1934, as amended, and §§ 1.973(b) and 0.331 of the Commission's Rules, That the captioned application is designated for hearing, at a time and place to be specified by a subsequent order, upon the following issues:

(1) To determine the effect of the prior Commission decision revoking the license of George Bennett and the court orders and conviction directed against George Bennett and the United CB'ers of America, on the qualifications of the American Federation of CB'ers.

(2) To determine the relationship between George Bennett and the American Federation of CB'ers.

² By letters dated June 18 and August 15, 1974, Bennett indicated that AFCEB was the successor organization to UCBA.

¹ See paragraph 6, infra.

(3) To determine the relationship between the United CB'ers of America and the American Federation of CB'ers.

(4) To determine, based on the evidence adduced above, whether the American Federation of CB'ers possesses the requisite qualifications to be a licensee of the Commission.

(5) To determine the manner in which the American Federation of CB'ers will utilize the 5,000 transmitters specified in its application.

(6) To determine, in light of the foregoing, whether the public interest, convenience and necessity would be served by a grant of the captioned application.

It is further ordered, That, to avail himself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's Rules (47 CFR 1.221(c)), in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intent to appear on a date to be fixed for hearing and to present evidence on the issues specified in this Order.

GERALD M. ZUCKERMAN,
Chief, Legal, Advisory and
Enforcement Division.

[FR Doc. 77-8705 Filed 3-4-77; 8:45 am]

[Report No. 847]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

FEBRUARY 28, 1977.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (See section 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Land Mobile Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio serv-

ices other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See §§ 1.227(b)(3) and 21.30(b) of the Commission's Rules.)

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20824-CD-AL-77 Merle Demerly dba Batavia Radio-Page Consent to Assignment of License from Batavia Radio-Page, assignor to Tel-Page Corporation, assignee. Station: KUD214, Batavia, New York.

20825-CD-TC-77 Contact, Inc. Consent to Transfer of Control from Walter G. Lohr, transferor to Walter G. Lohr, Jr., et al. transferees. Station: KG807, Baltimore, Maryland.

20826-CD-P-77 Mobilfone Service, Inc. (KQZ792), C.P. to change antenna system operating on 152.24 MHz at Loc. No. 2; approximately 3.5 miles NW of Highway 100 and FM1575, Los Fresnos, Texas.

20827-CD-P-77 South Shore Radio-Telephone, Inc. (KTS201), C.P. for additional facilities to operate on 158.70 MHz to be located at Hines Hospital, Maywood, Illinois.

20828-CD-TC-(2)-77 Curtin Call Communications, Inc. Consent to Transfer of Control from Benjamin and Mary Claccio, transferors to William and Eleanor Curtin, transferees. Stations: KTS233 and KTS236, Council Bluffs, Iowa.

20829-CD-ML-77 Mobilfone Service, Inc. (KKM254), Modification of License to change repeater frequency from 459.10 MHz to 459.125 MHz at Loc. No. 1: 0.125 mile South of Laferia, Texas; and change control frequency from 454.10 MHz to 454.125 MHz at Loc. No. 2: 2.5 miles North of U.S. Hwy. 83, on North 10 St., McAllen, Texas.

20830-CD-P-77 Chawilla, Incorporated (KWH313), C.P. to change antenna system and relocate facilities operating on 152.12 MHz to be located approx. 0.75 mile (1.21 km) West of Orange Mills, Florida.

20832-CD-AL-(3)-77 Mobilfone Corporation Consent to Assignment of License from Mobilfone Corporation, assignor to Minnesota Communications Corporation, assignee. Stations: KSV992, KUS262, and KRS663, Minneapolis, Minnesota.

20833-CD-P-(3)-77 Kelley's TAS of Pasco, Inc. dba Kelley's Answering Service (new), C.P. for a new station to operate on 454.100, 454.175 and 454.200 MHz to be located at 107 North Second Avenue, Walla Walla, Washington.

20834-CD-P-77 Marc Weber Tobias and Michael Charles Tobias dba MT Systems, Inc. (new), C.P. for a new station to operate on 152.09 MHz to be located at Rt. No. 37, 1 mile SE of Mitchell, South Dakota.

20835-CD-P-77 Thomas F. Carter dba Carter MobilePhone Company (new), C.P. for a new station to operate on 454.175 MHz to be located 1.1 miles South of Mabank, Texas.

20836-CD-TC-(2)-77 Delaware Telephone Answering Service, Inc. Consent to Transfer of Control from Jan L. Etchison, transferor to Edward B. Wagon and Daphne L. Wagon, transferees. Stations: KJUB90 and KUO595, Muncie, Indiana.

20837-CD-P-(3)-77 Uintah Basin Telephone Association, Inc. (KUC857), C.P. to change repeater frequencies 72.12 and 72.30 MHz to 72.02 and 72.08 MHz and delete repeater frequency 72.04 MHz at Loc. No. 1: 3 miles NW of Myton, Flattop Butte, Utah; and for additional facilities to operate on 75.92 MHz, control at Loc. No. 2: 1 mile East of Neola on Highway 121, Neola, Utah.

20838-CD-R-77 Central Ohio Radiotelephone, Inc. (KQK584), Renewal of License expiring April 1, 1977. Term: April 1, 1977 to April 1, 1979.

20839-CD-P-(2)-77 William L. Elsiele dba Lake Shore Communications (new), C.P. for a new station to operate on 152.03 and 152.09 MHz to be located at 300 West High Street, Elkhart, Indiana.

RURAL RADIO SERVICE

60214-CR-P/L-77 Continental Telephone Company of California (new), C.P. and license for a new rural subscriber station to operate on 157.89 MHz to be located approx. 1.5 miles NE of Sugarloaf Mountain, California.

POINT TO POINT MICROWAVE RADIO SERVICE

1519-CF-P-77 American Telephone and Telegraph Company (KA181), Summit 4.2 miles N. of Pacific, Missouri C.P. to increase antenna structure height and add a new point of communication on frequencies 3750.0H, 3830.0H, 3990.0H, 4070.0H, MHz toward Newbern, Illinois on azimuth 34.7°.

1520-CF-P-77 Same (KSE25), 0.9 miles NE of Newbern, Illinois, Lat. 39°00'52" N., Long. 90°19'41" W., C.P. to add a new point of communication on frequencies 3710H, 3790H, 3950H, 4030H, MHz toward Gray Summit on azimuth 215.0°.

1521-CF-P-77 Southern Bell Telephone and Telegraph Company (KJC23), Pearl and Waukeenan Street Monticello, Florida, Lat. 30°32'48" N., Long. 83°52'06" W., C.P. to change polarization on frequencies from horizontal to vertical 3730, 4050, 4130, MHz toward Madison and from vertical to horizontal on frequency 3990H MHz toward Madison, Florida.

1522-CF-P-77 Same (KJC22), Brookwood Ave. S.R. 10 Madison, Florida, Lat. 30°28'11" N., Long. 83°25'11" W., C.P. to change frequencies 3770H, 4090H, 4170H, to 4050H, 4130H, 3730H, MHz toward Jasper, Florida and to change polarization from horizontal to vertical on frequencies 3770, 3850, 4170, MHz toward Monticello, Florida.

1523-CF-P-77 Same (KJC21), 5.5 miles South of Jasper, Florida, Lat. 30°16'17" N., Long. 82°56'17" W., C.P. to change frequencies 3730H, 3810H, 4130H, to 3770H, 3850H, 4170H, MHz toward Madison, Florida.

1526-CF-P-77 American Telephone and Telegraph Company (KCA46), JohnTom Hill 7 miles East of Glastonburg, Connecticut C.P. to change polarization from vertical to horizontal on frequency 4170 MHz toward WHNB N., Bristol.

1527-CF-P-77 Same (KAC47), Spindle Hill 4 miles SW of Bristol, Connecticut, Lat. 41°37'15" N., Long. 72°58'07" W. C.P. to change polarization from vertical to horizontal on frequency 4190 WATR-TV.

1531-CF-P-77 New York Telephone Company (KXR80), 314 Glen Street Falls, New York, Lat. 43°18'39" N., Long. 73°38'54" W., C.P. increase antenna structure height and antenna on frequencies 6301.0V, 10755V, MHz toward Beadle Mtn.

1532-CF-P-77 American Telephone and Telegraph Company (KOC26), Chicago No. 6 10 South Canal Street Chicago, Illinois, Lat. 41°52'54" N., Long. 87°38'24" W., C.P. to add frequencies 3790H, 3870H, MHz toward Matteson, Illinois.

1533-CF-P-77 Same (KOC27), 2.0 miles N of Matteson, Illinois, Lat. 41°31'38" N., Long. 87°43'42" W., C.P. to add frequencies 3830H, 3910H, MHz toward Chicago, Illinois and 3830H, 3910H, MHz toward Grant Park, Illinois.

1534-CF-P-77 Same (KSG64), 1.3 miles SE of Grant Park, Illinois, Lat. 41°13'46" N., Long. 87°37'31" W., C.P. to add frequencies 3790V, 3870V, MHz toward Matteson, Illinois.

1543-CF-P-77 The Pacific Telephone and Telegraph Company (KMA30) Mount Oso 10 miles WSW of Westley, Oregon, Lat. 37°30'07" N., Long. 121°22'23" W., C.P. to change polarization from horizontal to vertical 3710, 3730, 3750, 3810, 3870, 3890, 3970, 4030, 4050, 4110, 4130, 3950, MHz toward Gustine, Oregon.

1544-CF-P-77 The Pacific Telephone and Telegraph Company (KNM65), 5.2 miles SSW of Gustine, Oregon, Lat. 37°11'02" N., Long. 121°01'29" W., C.P. To change polarization from horizontal to vertical on frequencies 3750, 3770, 3830, 3850, 3910, 3990, 4010, 4070, 4050, 4090, 4150, 4170 MHz toward Mtn. Oso, Oregon.

1545-CF-P-77 Michigan Bell Telephone Company (KZI57), 304 S. Jackson Street, Jackson, Michigan, Lat. 42°14'43" N., Long. 84°24'33" W., C.P. to correct coordinates and add frequency 10795V MHz toward Parma, Michigan on azimuth 277°9'.

1546-CF-P-77 Same (KQA37), 3 miles WNW of Parma, Michigan, C.P., to add frequency 11245V MHz toward Jackson, Michigan.

1563-CF-P-77 The Chesapeake and Potomac Telephone Company of Virginia (KIB29), 703 E. Grace Street, Lat. 37°32'38" N., Long. 77°26'13" W., C.P. to add frequency 11055H MHz toward Glen Allen, Virginia on azimuth 326.4°.

1564-CF-P-77 Same (WBB200), 2.1 miles west of Glen Allen, Virginia, Lat. 37°40'06" N., Long. 77°32'37" W., C.P. to add frequencies 11265H MHz toward Richmond on azimuth 146.4° and 11265H MHz toward Ashland on azimuth 29.2°.

1565-CF-P-77 Same (WBA999), 1.65 miles NNE of Ashland, Virginia, Lat. 37°46'46" N., Long. 77°27'55" W., C.P. to add frequency 11055H MHz toward Glen Allen on azimuth 209.3° and to add a new point of communication on frequencies 11035V, 10875V MHz toward Ruther Glen on azimuth 16.8°.

1566-CF-P-77 Same (new), 2.65 miles East of Ruther Glen, Virginia, Lat. 37°55'52" N., Long. 77°24'27" W., C.P. for a new station on frequencies 11485V, 11325V MHz toward Ashland on azimuth 196.8° and 11325V, MHz toward Bowling Green on azimuth 12.3°.

1567-CF-P-77 Same (KJJ32), 2.2 miles N of Bowling Green, Virginia, Lat. 38°04'36" N., Long. 77°22'02" W., C.P. to add new point of communication on frequencies 11035V, 10875V MHz toward Ruther Glen on azimuth 192.4° and 11035V, 10875V, MHz toward Corbin on azimuth 3.2°.

1568-CF-P-77 Same (new), 2.4 miles SW of Corbin, Virginia, Lat. 38°12'44" N., Long. 77°21'28" W., C.P. for a new station on frequencies 11485V, 11325V MHz toward Bowling Green on azimuth 183.2° and 11465V, 11385V MHz toward Fredericksburg on azimuth 317.4°.

1569-CF-P-77 Same (WGI22), 901 Prince Edward Street, Fredericksburg, Virginia, Lat. 38°18'06" N., Long. 77°27'44" W., C.P. to add new point of communication on frequencies 10855V, 10775V MHz toward Corbin on azimuth 137.3°.

1576-CF-P-77 Southern Bell Telephone and Telegraph Company (KJC23), Pearl and Waukeenan Streets, Lat. 30°32'48" N., Long. 83°52'06" W., C.P. to increase antenna structure height; move and replace antenna and increase output power on frequencies 3730H, 4050H, 4130H, 3990V, 6004.5H MHz toward Madison, Florida.

1577-CF-P-77 Southern Bell Telephone and Telegraph Company (KJC22), Brookwood Ave. and S.R. 10, Madison, Florida, Lat. 30°28'11" N., Long. 83°25'11" W., C.P. to increase antenna structure height; move and replace antenna and increase output power on frequencies 3770H, 4090H, 4170H, 3950V, 6256.5H MHz, toward Jasper and 3770H, 3850H, 4170H MHz toward Monticello, Florida.

1578-CF-P-77 Same (KJC21), 5.5 miles South of Jasper, Florida, Lat. 30°26'17" N., Long. 82°56'17" W., C.P. to increase antenna structure height; move and replace antenna on frequencies 3770V, 3850V, 3990H, 4170V, 6004.5V MHz toward Lake City and 3730H, 3310H, 4130H MHz toward Madison, Florida.

1579-CF-P-77 Same (KJB55), Nassau and Columbia Streets, Lake City, Florida, Lat. 30°11'17" N., Long. 82°38'18" W., C.P. to increase output power on frequencies 3730V, 4050V, 4130V MHz toward Jasper, Florida.

CORRECTION

1044-CF-P-77 The Bell Telephone Company of Pennsylvania (KIL37), Lookout Mountain 4.7 miles SE of Dupont, Pennsylvania, corrected frequency to read 10855 MHz toward Locust, Pa. All other particulars to remain as reported on Public Notice No. 842 dated January 24, 1977.

1276-CF-P-77 New York Telephone Company (KJM73), Pearl and Waukeenan Streets, Monticello, Florida, corrected frequencies to read horizontal to vertical 3810, 3890, 3970 MHz toward Madison, Florida. All other particulars remain as reported on Public Notice No. 843 dated January 31, 1977.

1277-CF-P-77 Same (KJM72), Brookwood Ave. and State Rd. 10, Madison, Florida, corrected frequencies to read horizontal to vertical 3930, 4010, 4090 MHz toward Monticello, Florida. All other particulars remain as reported on Public Notice No. 843 dated January 31, 1977.

611-CF-P-77 South Central Bell Telephone Company (KLB85), corrected company name. All other particulars to remain as reported on Public Notice No. 844 dated February 7, 1977.

MAJOR AMENDMENT

843-CF-P-77 Southern Montana Telephone Company (new), Lloyd Street, Jackson, Montana, Lat. 42°22'05" N., Long. 113°24'35" W. Amended to change frequency toward Hirschy, Montana, from 2129.0V MHz as stated in Public Notice Jan. 3, 1977, to 2110.8 MHz.

844-CF-P-77 Same (new), Hirschy, 14.5 miles NW of Jackson, Montana, Lat. 45°28'23" N., Long. 113°31'08" W. Amended to change the frequencies as stated in Public Notice Jan. 3, 1977, from 2179.0V MHz to 2160.8H MHz toward Jackson, Montana, and from 2160.8H MHz to 2170.0V MHz toward Wisdom, Montana.

845-CF-P-77 Same (new), 2nd Street, Wisdom, Montana, Lat. 45°37'05" N., Long. 113°26'56" W. Amended to change the frequency toward Hirschy, Montana, from 2110.8 MHz as stated in Public Notice Jan. 3, 1977, to 2129.0V MHz.

[FR Doc. 77-6706 Filed 3-4-77; 8:45 am]

FEDERAL ENERGY ADMINISTRATION

CONSTRUCTION ADVISORY COMMITTEE

Cancellation of Meeting

A meeting of the Construction Advisory Committee to the Federal Energy Administration, scheduled for 10 a.m., Wednesday, March 9, 1977, Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, NW., Washington, D.C. has been cancelled. A notice of meeting was published in the issue of February 14, 1977 (42 FR 9208).

Issued at Washington, D.C. on March 3, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc. 77-6828 Filed 3-3-77; 8:01 pm]

COMPUTATION OF LANDED COSTS: TRANSPORTATION

Modification to Instructions to Form FEA-F-701-M-0

On December 20, 1976, the Federal Energy Administration (FEA) issued interim regulations amending Part 212 of Chapter II of Title 10 of the Code of Federal Regulations, which established standard measures of the cost of marine transportation of crude oil as a component of the landed cost of that crude oil (41 FR 55851, December 23, 1976). In order that the Form FEA F-701-M-0 (Transfer Pricing Report) can be completed by reporting companies on a basis that reflects the procedures established by these regulations, FEA has revised the instructions to the form. These revisions appear in the appendix to this notice.

Since the interim regulations were effective January 1, 1977, reporting companies should utilize these revised instructions when submitting the form for January, 1977 and succeeding months. Where submissions were made for that period and use of these revised instructions would have changed the applicable results, then appropriate resubmissions must be made.

If further assistance is required, firms should contact Ms. Doris Dewton at 202-254-8660.

Issued in Washington, D.C., March 1, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

APPENDIX

INSTRUCTIONS TO SCHEDULE B

Type of Transaction (b)

An additional code is required to implement the revision to 10 CFR § 212.84(e) (3), providing that for delivered sales the sale shall not be used in determining representative and maximum prices where there is insufficient information regarding transportation costs to adjust the crude oil price to the price f.o.b. port of loading. It is anticipated that Code U will only be used for cases of transhipped crudes where it is im-

possible to identify the components of the crude oil actually imported.

Code—"U". Insufficient information to calculate transportation costs in delivered sales, utilizing the actual transportation cost or the cost of transportation computed under § 212.85(d)(1).

Volume Purchased (i). Enter the loaded volume of imported crude purchased, expressed in barrels.

Purchase Price (j). A new paragraph (d) is required because of modification of the definition of landed cost in 10 CFR § 212.82(6):

(d) For purchases from an affiliate where § 212.84(g) is not applicable and where delivery is taken other than in the country of origin, port of loading, the price shall be the purchase price adjusted to an f.o.b. port of loading country of origin basis established in accordance with § 212.84(e).

The current paragraph (d) is redesignated (e) and is modified as follows in accordance with § 212.84(e)(3):

For delivered sales, the price shall be adjusted to an f.o.b. price at port of loading in the country of origin by using the actual transportation cost, if stipulated, or by subtracting the imputed cost of transportation as provided in § 212.85(d)(1) (the reference loading date being the month of loading and the vessel class being that actually used).

Transportation (k).

Instructions to Column (k) are revised to read as follows:

a. If the firm is using the AFRA method, the AFRA component shall be set forth in Column (k) and the costs recognized under § 212.85(d)(1) (ii) through (v) shall be set forth in Column (l). If the firm is using the net cost method, all elements of cost shall be reported in Column (k).

b. For delivered sales, where adjustment has been made pursuant to 10 CFR § 212.84(e)(3) to impute an f.o.b. value, enter adjustment in (j) for transportation.

c. (1) Under the AFRA method when delivery is taken at a point other than in the country of loading and § 212.84(g) is not applicable, the crude oil shall be treated as though the crude oil has been shipped to the U.S. port of entry from the country of origin of the crude oil, on the route and in the class of vessels most commonly used by the firm and its affiliated entities for shipments between the country of origin and the U.S. port.

(2) Under the net cost method when delivery is taken at a point other than in the country of loading and § 212.84(g) is not applicable, the number of cargo ton-miles of crude oil attributed to a particular shipment for purposes of § 212.85(c)(3) shall be determined with reference to the route and class of vessels most commonly used by the firm and its affiliated entities, as in (c)(1) above between the country of origin and the U.S. port.

INSTRUCTIONS TO SCHEDULE C

Transportation Costs (l)

Instructions to Column (l) are revised to read as follows:

Transportation costs calculated in accordance with § 212.85. If the firm is using the AFRA method, the AFRA component shall be set forth in Column (l) and the costs recognized under § 212.85(d)(1) (ii)-(v) shall be set forth in Column (m). If the firm is using the net cost method, all

elements of costs shall be reported in Column (l).

INSTRUCTIONS TO SCHEDULE D

Type of Transaction (b)

An additional code is required to implement the revision to 10 CFR § 212.84(e)(3), providing that for delivered sales the sale shall not be used in determining representative and maximum prices where there is insufficient information regarding transportation costs to adjust the crude oil price to the price f.o.b. port of loading, country of origin. It is anticipated that Code U will only be used for cases of transhipped crudes where it is impossible to identify the components of the crude oil actually imported.

Code—"U". Insufficient information to calculate transportation costs in delivered sales, utilizing the actual transportation cost or the cost of transportation computed under § 212.85(d)(1).

[FR Doc.77-6592 Filed 3-2-77;9:31 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder
License No. 1722]

INTERNATIONAL SHIPPING CO.

Order of Revocation

By letter dated January 19, 1977, Mr. James H. Batuylos, President, International Shipping Company, P.O. Box 1693, Wilmington, NC 28401 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1722 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before February 18, 1977.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license shall be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

International Shipping Company has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01 (c) dated June 30, 1975;

It is ordered, that Independent Ocean Freight Forwarder License No. 1722 issued to International Shipping Company be returned to the Commission for cancellation.

It is further ordered, that Independent Ocean Freight Forwarder License No. 1722 be and is hereby revoked effective February 18, 1977.

It is further ordered, that a copy of this Order be published in the FEDERAL REGISTER and served upon International Shipping Company.

LEROY F. FULLER,
Director, Bureau of
Certification and Licensing.

[FR Doc.77-6692 Filed 3-4-77;8:45 am]

LINEA MANAURE, C. A. AND C. A. NAVIERA DE TRANSPORTE Y TURISMO

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 28, 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:

David L. Hauenstein, Vice-President, International Tariff Services, Inc., 815 Fifteenth Street NW., Washington, D.C. 20005.

Agreement No. 10288, between Linea Manaure C. A. and C. A. Naviera De Transporte Y Turismo, would permit the lines to discuss the matter of rates, charges, classifications, practices and related tariff provisions to be charged or observed by them in the trades between U.S. South Atlantic and Gulf ports and ports in Venezuela and the Netherlands Antilles.

The agreement also provides that nothing therein authorizes the parties to carry out any substantive agreement which may be reached except upon the prior approval of the Commission.

By Order of the Federal Maritime Commission.

Dated: March 2, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-6691 Filed 3-4-77;8:45 am]

[Docket No. 69-57]

**NEW YORK SHIPPING ASSOCIATION, INC.,
AND TRANSAMERICAN TRAILER TRANS-
PORT, INC., ET AL.**

Action

Correction

In FR Doc. 77-6130 appearing at page 11871 in the issue of Tuesday, March 1, 1977 the heading should read as set forth above.

**SOUTH ATLANTIC MARINE TERMINAL
CONFERENCE AND NORFOLK MARINE
TERMINAL ASSOCIATION**

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 28, 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:

Marion S. Moore, Jr., Chairman, South Atlantic Marine Terminal Conference, Norfolk Marine Terminal Association, P.O. Box 817, Charleston, South Carolina 29402.

Agreement No. T-2299, between the South Atlantic Marine Terminal Conference (SAMTC) and the Norfolk Marine Terminal Association (NMTA), was originally approved by the Commission by order issued July 11, 1969, for a three-year term and subsequently extended for a five-year term by the Commission by order issued July 11, 1972. The parties to the agreement have now requested that the Commission approve the agreement for operation beyond July 11, 1977. The agreement provides for the formation of a joint conference whereby the members of SAMTC and NMTA may confer, discuss, and make recommenda-

tions on rates, charges, practices, and matters of concern to the marine terminal industry. The agreement does not confer ratemaking power upon the members nor shall any action taken pursuant to the agreement be binding upon the members. The agreement does not preclude either association from taking any action without the concurrence of the other, provided, however, that with respect to recommendations which have been made pursuant to Agreement No. T-2299, the association taking such action shall promptly notify the other association.

By order of the Federal Maritime Commission.

Dated: March 2, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc. 77-6690 Filed 3-4-77; 8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER77-199]

**AMERICAN ELECTRIC POWER SERVICE
CORP.**

Changes in Rates and Charges

MARCH 1, 1977.

Take notice that American Electric Power Service Corporation (AEP) on February 14, 1977, tendered for filing on behalf of its affiliate, Indiana and Michigan Electric Company (Indiana Company), Amendment No. 10 dated December 31, 1976, to the Operating Agreement dated March 1, 1966, among Indiana Company, Consumers Power Company and the Detroit Edison Company (Michigan Companies), designated Indiana Company Rate Schedule FPC No. 68.

AEP states that section 1 of Amendment No. 10 provides for an increase in the demand charge for Short Term Power from \$0.50 to \$0.60 per kilowatt per week and section 3 provides for an increase in the demand charge for Limited Term Power from \$2.75 to \$3.25 per kilowatt per month. AEP states that section 2 of Amendment No. 10 provides for an increase in the transmission charge for third party Short Term Power transactions from \$0.125 per kilowatt per week to \$0.15 per kilowatt per week and section 4 provides for an increase in the transmission charge for third party Limited Term transactions from \$0.55 per kilowatt per month to \$0.65 per kilowatt per month, both schedules proposed to become effective January 3, 1977. Applicant states that since the use of Short Term and Limited Term Power cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from the Amendment.

AEP requests waiver of the notice requirement pursuant to § 35.11 of the Commission's regulations under the Federal Power Act and states that copies of the filing were served upon Michigan Companies, the Public Service Commission of Indiana and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said application should file a peti-

tion to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., 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 10, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-6812 Filed 3-4-77; 8:45 am]

[Docket No. ER77-188]

ARIZONA PUBLIC SERVICE CO.

Filing of Supplement to Agreement

MARCH 1, 1977.

Take notice that on February 4, 1977, Arizona Public Service Company (APS) tendered for filing a Supplement dated December 27, 1976 to the wholesale power agreement between Wellton-Mohawk Irrigation and Drainage District (Wellton-Mohawk) and Arizona Power Authority (APA) respectively, previously designated APS-FPC Rate Schedule No. 58. This Supplement revises Exhibit "B" of the Agreement which provides for maximum and minimum contract demands.

On behalf of Wellton-Mohawk, APS requests waiver of the Commission's Regulations to permit an effective date of January 1, 1977.

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, N.E., 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 15, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-6680 Filed 3-4-77; 8:45 am]

[Docket No. CP70-196, etc.]

**DISTRIGAS CORP. AND DISTRIGAS OF
MASSACHUSETTS CORP.**

Notice of Settlement Agreement

MARCH 1, 1977.

Take notice that on December 22, 1976, Presiding Administrative Law Judge Litt certified to the Commission a proposed settlement agreement in Docket No. CP70-196, et al, together with certain

materials which were placed into evidence during formal hearings, all of which relate to certain issues in the subject proceeding involving the feasibility of the proposed Everett, Massachusetts LNG terminal, markets, financing and rates, as more fully set forth in the Judge's certification and the settlement agreement.

The Commission in Opinion No. 613 issued March 9, 1972 (47 FPC 752) granted Distrigas Corporation (Distrigas) authorization to import annually from Algeria up to 15.4 million MMBTU of LNG for a period of twenty years, as a result of a subsequent court decision and other Commission orders. Distrigas and Distrigas of Massachusetts (DOMAC) filed applications for authorization to construct and operate the Everett, Massachusetts terminal and to sell for resale such LNG or vaporized gas. The subject settlement proposal attempts, to resolve certain issues in this consolidated proceeding by the following stipulations:

(1) Design, construction and operation of the Everett terminal are feasible (CP74-137);

(2) DOMAC's sales to Massachusetts and interstate customers will be primarily for high priority uses (CP70-196 and CP73-135);

(3) The proposed rate at which Distrigas shall sell its gas to DOMAC is in the public interest; and

(4) DOMAC's proposed sales and storages rates are in the public interest.

Any person, including the parties to this proceeding, wishing to file comments with the Commission either in support or against this proposal settlement should do so on or before March 14, 1977. Any person wishing to reply to the initial comment shall do so within 10 days after the aforesaid initial comment date. All comments shall be served on all parties to this proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-6878 Filed 3-4-77; 8:45 am]

[Docket No. ER77-195]

EL PASO ELECTRIC CO.
Supplemental Agreement

MARCH 1, 1977.

Take notice that on February 7, 1977, El Paso Electric Company (El Paso Electric) tendered for filing Supplement No. 4 to its Export Rate Schedule FPC No. 20 to provide for permanent rates during an extended term thereof, commencing effective November 25, 1976 and terminating March 31, 1977.

El Paso Electric states that on January 25, 1977 it executed a supplemental agreement with the Commission Federal de Electricidad (CFE), providing for permanent rates to be charged during an extended term of its electric service to CFE authorized by the Commission's letter authorization issued February 3, 1977, in Docket No. ER77-101. El Paso Electric states that the filing requests no other change in the terms of electrical service previously au-

thorized by the Commission and that the proposed rates will have no effect on its other jurisdictional customers. El Paso Electric requests that the supplemental agreement be made effective on November 25, 1976.

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, N.E., 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 7, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-6813 Filed 3-4-77; 8:45 am]

[Docket No. E77-41]

EMERGENCY NATURAL GAS ACT OF 1977

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

On March 1, 1977, United Cities Gas Company (United Cities) 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 10,000 Mcfd from a group of five producers, namely, Petro Funds, Inc., Sunny South Oil and Gas, Inc., O. Biller, Exchange Oil and Gas Corporation and The South Coast Corporation (hereinafter referred to as the "Producers"), at a price of \$2.25 per MMBtu.

United Cities advises that it is purchasing the subject gas for Public Service Company of North Carolina (Public Service) and that United Cities will assume Public Service's reporting requirements under Order No. 4.

United Cities will purchase the subject gas from the Producers at a total price which does not exceed \$2.25 per MMBtu. This price is fair and equitable in accordance with Order No. 2.

United Cities states that the gas will be received from the Producers by United Gas Pipe Line Company (United) and transported and delivered to Public Service by United and Transcontinental Gas Pipe Line Corporation (Transco). I find such transportation arrangements to be required by the Act. I lack the necessary information to determine whether the transportation charges to be received by United and Transco are fair and equitable. United Cities shall, therefore, submit to the Administrator all relevant information regarding the transportation charges to be paid to United and Transco.

United Cities certified that the subject gas will be used as required by Order No. 6. I find that United Cities and Pub-

lic Service have complied with Order No. 6, as amended by Order No. 6-A.

I authorize United Cities to purchase emergency natural gas from Producers at a price not to exceed \$2.25 per MMBtu inclusive of all adjustments. I authorize and order United and Transco to transport gas for United Cities on the above specified terms and conditions.

United Cities, on behalf of Public Service, shall submit weekly reports as required by Order No. 4.

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 United Cities, Public Service, United and Transco. 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.

MARCH 2, 1977.

[FR Doc. 77-6735 Filed 3-4-77; 8:45 am]

[Docket No. E77-42]

EMERGENCY NATURAL GAS ACT OF 1977

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

On March 1, 1977, United Cities Gas Company (United Cities) filed, pursuant to section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), a request for an order authorizing an emergency purchase of approximately 7,500 Mcfd per day of natural gas at \$2.25 per MMBtu from Energy Consultants, Inc. (Producer). United Cities is purchasing 4,500 Mcfd for its own account and 3,000 Mcfd for the account of Pennsylvania and Southern Gas Company (Pennsylvania and Southern). United Cities advises that it will assume Pennsylvania and Southern's reporting requirements under Order No. 4.

United Cities will purchase the subject volumes at \$2.25 per MMBtu inclusive of all adjustments. I find such price to be fair and equitable in accordance with Order No. 2.

United Cities states that the gas will be received from the Producer by United Gas Pipe Line Company (United) and transported and delivered to United Cities and Pennsylvania and Southern by United and Transcontinental Gas Pipe Line Corporation (Transco). I find such transportation arrangements to be required by the Act. I lack the necessary information to determine whether the transportation charges to be received by United and Transco are fair and equitable. United Cities shall, therefore, submit to the Administrator all relevant information regarding the transportation charges to be paid to United and Transco.

United Cities certified that the subject gas will be used as required by Order No. 6. I find that United Cities and

Public Service have complied with Order No. 6, as amended by Order No. 6-A.

I authorize United Cities to purchase emergency natural gas from Producer at a price not to exceed 2.25 per MMBtu inclusive of all adjustments. I authorize and order United and Transco to transport gas for United Cities on the above specified terms and conditions.

United Cities shall submit, for itself and Pennsylvania and Southern, the weekly reports required by Order No. 4.

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 United Cities, Pennsylvania and Southern, United and Transco. 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.

MARCH 2, 1977.

[FR Doc. 77-6734 Filed 3-4-77; 8:45 am]

[Docket No. E77-43]

EMERGENCY NATURAL GAS ACT OF 1977 Emergency Order

On February 25, 1977, Northern Natural Gas Company (Northern), as agent for its Peoples Natural Gas Division (Peoples) and Columbia Gas Transmission Corporation (Columbia), 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 35,000 Mcfd of natural gas at \$2.25 per MMBtu from Pioneer Corporation (Pioneer) through July 31, 1977.

Northern states that these gas volumes will be available to Peoples on any day when Northern has invoked curtailment into Priority 3 of its presently effective curtailment plan on file with the Federal Power Commission (FPC). On such days, Peoples would receive the volumes necessary to serve all of its Priority 3 requirements up to 35,000 Mcfd. On all other days, and on those days that Peoples does require the entire 35,000 Mcfd to serve its Priority 3 requirements, Columbia will receive the available volumes up to 35,000 Mcfd. Northern advises that the priorities in its curtailment plan (FPC Docket No. RP76-52) differ from the priorities defined in 18 CFR 2.78(a)(1)(i)-(ix) as follows: (i) Industrial requirements up to 200 Mcfd are placed in its Priority 1 rather than FPC Priority 3 and (ii) industrial requirements of 200 to 499 Mcfd are placed in Priority 2(c) rather than FPC Priority 3 or lower. Thus, when Northern curtails 100 percent of its Priority 4, it would curtail all of the uses defined in FPC Priorities 4 through 9 except that some service may be rendered for industrial requirements between 300 and 499 Mcfd.

Order No. 6 specifies that, subsequent to February 22, 1977, no interstate pipeline or local distribution company may execute a contract for the purchase of gas pursuant to section 6 of the Act if, contemporaneously with the execution of the contract, the purchaser was serving directly or indirectly any uses specified in Priorities 4 through 9 (18 CFR 2.78(a)(1)(iv)-(ix)). Order No. 6 is based upon a defined set of priorities and uses rather than upon the priorities specified in the curtailment plans of various pipelines and permits an interstate pipeline or local distribution company to make new emergency purchases only if that company is not serving directly or indirectly certain uses as defined in that set of priorities. This set of priorities was adopted to determine the qualification to execute new contracts for purchases pursuant to section 6(a) of the Act so that available emergency supplies are utilized for only the higher priority uses for the near term. Because each of the pipeline curtailment plans approved by the FPC is based upon different priorities it is not practicable to base the qualifying criteria upon those plans. Likewise, qualification may not be based upon what uses would be served if the pipeline's plan were based upon the specified priorities. Instead qualification to make such purchases must be based upon those uses actually being served to insure the implementation of the policy of Order No. 6.

Therefore, if Peoples is serving any uses in FPC Priorities 4 through 9, I cannot authorize Northern to purchase gas for Peoples unless, on those days that Peoples is curtailed into Priority 3, Peoples totally curtails all industrial uses between 300 and 499 Mcfd which are properly classified in FPC Priorities 4 through 9. I have previously found that Columbia is not serving any uses classified in FPC Priorities 4 through 9. Columbia Gas Transmission Corporation, Docket No. E77-36 (February 26, 1977); Docket No. E77-38 (March 1, 1977). Thus, I authorize Northern, as agent for Columbia, to purchase up to 35,000 Mcfd from Pioneer.

Columbia and Peoples have agreed to pay Pioneer \$2.25 per MMBtu for the subject gas. I find this price to be fair and equitable in accordance with Order No. 2.

Pioneer will deliver all volumes to Northern at an existing interconnection in Hemphill County, Texas. Northern will make all deliveries to Peoples and charge 3.4 cents per Mcf per 100 miles (approximately 34.8 cents per Mcf for deliveries to Northern Minnesota) plus 7 percent of the volumes transported for compressor fuel. Northern will deliver all volumes purchased for the account of Columbia to Panhandle Eastern Pipe Line Company (Panhandle) at Mullinville, Kansas, and Panhandle will deliver to Columbia at Maumee, Ohio. For deliveries to Columbia, Northern will charge 5.4 cents per Mcf plus 1.0 percent of the volumes transported for compressor fuel, and Panhandle will charge 23.25 cents per Mcf plus 11.0 percent of the

volumes transported for compressor fuel.

Northern advises and I find that contractual provisions between Pioneer and its producers, transporters and other suppliers of gas prohibit the sale of natural gas in interstate commerce and the commingling of its intrastate pipeline system gas supplies with gas moving in interstate commerce. The transportation and delivery of gas for which Northern seeks approval may result in some commingling of interstate natural gas with Pioneer's normal intrastate pipeline system gas supplies and with gas owned by other third parties. This order shall be considered as applying to all such commingled gas. Under the provisions of section 9 (b), (c) of Pub. L. 95-2 (91 Stat. at 9), the suppliers of such gas, which is so commingled, may not terminate existing contracts with Pioneer or such other parties or require a redetermination of the prices provided in such contracts by reason of this transaction. Contractual termination, prohibition or redetermination provisions in any such contracts as referred to above are not enforceable by reason of section 9 of Pub. L. 95-2 since Pioneer is selling, delivering and transporting gas for Northern pursuant to section 6(a) of that Act. Pioneer and any third person whose gas is commingled with Northern's gas shall refer all relevant information concerning any attempt to terminate existing contracts or require a redetermination of prices to the Administrator for appropriate action.

According to the official files of the Federal Power Commission, Pioneer is not classified as a natural gas company within the meaning of the Natural Gas Act. Section 6(b)(1) of the Act provides in part that "[t]he provisions of the Natural Gas Act shall not apply . . . to any sale to an interstate pipeline . . . under the authority of subsection (a) or to any transportation by an intrastate pipeline in connection with such sale . . ." 91 Stat. at 8. In addition, 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, the sale, delivery and transportation of this gas will not subject Pioneer or any person supplying gas to Pioneer to the provisions of the Natural Gas Act or to regulation as a common carrier under state law.

Therefore, I authorize Pioneer to sell gas to Northern pursuant to the pricing provisions set forth above, and authorize and order Northern and Panhandle to transport and deliver gas to Columbia and Peoples on the above-stated terms and conditions.

Columbia and Peoples shall submit weekly reports as required by Order No. 4.

This order is issued pursuant to the authority delegated to be by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Northern, Pioneer, Peoples, Columbia and

Panhandle. 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.

MARCH 3, 1977.

[FR Doc. 77-6814 Filed 3-4-77; 8:45 am]

[Docket No. CI75-173, etc.]

GULF OIL CORP.

Order Consolidating Proceedings and Setting For Hearing

FEBRUARY 28, 1977.

On September 20, 1974, Gulf Oil Corporation (Gulf) filed in Docket No. CI75-173 an application for Commission authorization to abandon a sale of natural gas to National Fuel Gas Supply Corporation (National Fuel) under a December 1, 1952 contract which expired November 1, 1974. Gulf's application was noticed by the Commission on September 30, 1974, and appeared in the FEDERAL REGISTER on October 4, 1974, at 39 FR 35849. Petitions to intervene were filed by National Fuel, Tennessee Gas Pipeline Company, and Texas Eastern Transmission Corporation (Texas Eastern).

On November 30, 1976, Gulf filed in Docket No. CI77-131 for authorization to abandon a sale of gas to Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) under a gas sales contract dated January 23, 1956. Gulf states that it may terminate this contract pursuant to its terms effective April 23, 1977, and Gulf has notified Michigan Wisconsin that it will terminate the contract on that date. Notice of Gulf's application was issued on December 8, 1976, and was published in the FEDERAL REGISTER on December 15, 1976, at 41 FR 54807. Petitions to intervene have been received from Michigan Wisconsin, Algonquin Gas Transmission Company, Texas Eastern, and Philadelphia Gas Works.

On December 13, 1976, Gulf filed in Docket No. CI77-149 for authorization to abandon a sale of gas to Michigan Wisconsin under a gas sales contract dated November 6, 1953, which expired by its own terms on June 1, 1976. Notice of Gulf's application was issued on December 30, 1976, and was published in the FEDERAL REGISTER on January 7, 1977, at 42 FR 1509. Petitions to intervene have been received from Michigan Wisconsin, Algonquin Gas Transmission Company, Texas Eastern, General Motors Corporation, Philadelphia Gas Works, and Brooklyn Union Gas Company.

On December 30, 1976, Gulf filed an application in Docket No. CI77-199 requesting abandonment authorization for a sale of gas to Texas Eastern under an April 12, 1956 contract which had expired July 21, 1976. Gulf's application was noticed on January 12, 1977, and appeared in the FEDERAL REGISTER on January 25, 1977, at 42 FR 4531. Petitions

to intervene have been filed by Texas Eastern, Michigan Wisconsin, General Motors Corporation, Bay State Gas Company, Algonquin Gas Transmission Corporation, and Brooklyn Union Gas Company.

In its applications Gulf alleges that it should be permitted to abandon the subject sales on the grounds that it has been ordered by the Commission to serve Texas Eastern under its warranty contract and certificate issued in Docket No. CI64-26; that Texas Eastern's curtailment situation is considerably more severe than that of National Fuel and Michigan Wisconsin; that the current interstate purchasers have no claim to the gas inasmuch as their contracts with Gulf have expired and since the gas would remain in the interstate market; and that the price for the sale to Texas Eastern under its warranty contract is substantially lower than the likely price for continued sales to the current interstate purchasers.

We find that a hearing is desirable to determine, on the record, whether the present or future public convenience or necessity will be served by permitting the abandonment of service proposed herein. Moreover, in view of the fact that all four of Gulf's applications involve similar questions of law and policy, we conclude that their ultimate disposition would best be accomplished in a consolidated proceeding.

One of the issues to be considered at that hearing should be a "... comparison of the needs of the two natural gas systems and the public markets they serve * * *." *Transcontinental Gas Pipe Line Corp. v. F.P.C.*, 488 F. 2d 1325, 1330 (D.C. Cir. 1973). The Commission declares that the underlying validity of the Commission's orders concerning the Gulf warranty contract, as expressed in Opinions 692, 692-A, 780, and 780-A, is not an issue in this proceeding, nor is the impact of a decision on these applications with regard to the corporate financial situation of Gulf, National Fuel, Michigan Wisconsin, or Texas Eastern.

The Commission finds: Gulfs abandonment applications, filed in Docket Nos. CI75-173, CI77-131, CI77-149, and CI77-199 should be consolidated and set for hearing.

The Commission orders: (A) Docket Nos. CI75-173, CI77-131, CI77-149, and CI77-199 are consolidated for purposes of hearing and disposition.

(B) Pursuant to the authority of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a public hearing under Section 7(b) of the Act shall be held in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, to determine whether the present or future public convenience or necessity permit the proposed abandonment.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 C.F.R. Section 3.5(d)) shall preside at the hearing in this proceeding, with au-

thority to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided in the Rules of Practice and Procedure).

(D) Gulf and any intervenor supporting Gulf shall file their direct testimony and evidence on or before March 22, 1977. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties to this proceeding.

(E) The Presiding Administrative Law Judge shall preside at a pre-hearing conference to be held on April 6, 1977, at 9:30 a.m. EST, in a hearing room at the address noted in Ordering Paragraph (B).

(F) The above-named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further*, That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-6883 Filed 3-4-77; 8:45 am]

[Docket No. ER76-714]

INDIANA AND MICHIGAN ELECTRIC CO.

Extension of Time

FEBRUARY 28, 1977.

On February 22, 1977, Michigan Public Service Commission filed a motion to extend the date for filing comments fixed by notice issued February 8, 1977, in the above-designated matter.

Upon consideration, notice is hereby given that the date for filing comments is extended to and including March 11, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-6886 Filed 3-4-77; 8:45 am]

[Project No. 2360]

MINNESOTA POWER AND LIGHT CO.

Notice of Further Extension of Time

FEBRUARY 25, 1977.

On January 31, 1977, Minnesota Power and Light Company filed a motion to further extend the date within which to submit the initial statement of costs required by § 4.20 of the Commission's rules and regulations. By Notice issued November 16, 1976, an extension had been granted to and including February 28, 1977.

Notice is hereby given that an extension of time is granted to and including August 31, 1977, within which to submit the initial statement of costs.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-6685 Filed 3-4-77; 8:45 am]

[Docket No. ER76-46]

MONTAUP ELECTRIC CO.

Electric Rates; Order Approving Settlement

FEBRUARY 25, 1977.

On June 30, 1975, Montaup Electric Company (Montaup) submitted for filing a proposed increase in its rate to all of its wholesale customers. By order issued August 29, 1975, the Commission accepted the proposed rate for filing, suspended it for one month and permitted it to become effective October 1, 1975. By order issued November 3, 1975, the effective date of the rate increase was changed to February 1, 1976.

As a result of formal settlement conferences and other informal discussions between the parties, an uncontested settlement agreement was reached which was submitted to the Commission on December 10, 1976, with a motion for Commission approval thereof.

Based on our review of the record in these proceedings, including the settlement agreement itself, we conclude that the settlement agreement represents a reasonable resolution of the issues in the proceeding in the public interest and that accordingly the settlement should be approved.

The Commission finds:

The settlement agreement submitted to the Commission in this docket should be approved and made effective, as hereinafter ordered.

The Commission orders: (A) The settlement agreement submitted to the Commission in this docket on December 10, 1976, is hereby approved and made effective, and is incorporated herein by reference.

(B) Within 30 days from the date of this order, Montaup shall file with the Commission revised tariff sheets in conformance with the settlement agreement.

(C) Within 60 days after the settlement tariff sheets are accepted for filing, Montaup shall refund amounts collected in excess of the settlement rates with interest computed at 9% per annum.

(D) Within 15 days after refunds have been made, Montaup shall file with the Commission a compliance report showing monthly billing determinants and revenues under prior, present and settlement rates; the monthly settlement rate increase; the monthly revenue refund; and the monthly interest computation together with a summary of such information for the total refund period. A copy of such report shall also be furnished to each State Commission within whose jurisdiction the wholesale cus-

tomers distribute and sell electric energy at retail.

(E) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against Montaup or any person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-6681 Filed 3-4-77; 8:45 am]

[Docket No. CP77-250]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

MARCH 1, 1977.

Take notice that on February 22, 1977, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, and P.O. Box 1348, Kansas City, Missouri 64141, filed in Docket No. CP77-250 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon by sale to Consumers Power Company (Consumers) its Flint Town Border Measuring and Regulating Station, Flint, Michigan, and a related 12-inch lateral pipeline, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon by sale to Consumers the Flint Town Border Measuring and Regulating Station, Flint, Michigan, together with all miscellaneous fittings and valves appurtenant thereto, and the related 1,052 feet of 12-inch lateral pipeline and all right-of-way easements, permits and property rights affecting said facilities. Applicant further states that it proposes to sell the above described facilities for the sum of \$1.00.

Applicant asserts that the abandonment of such facilities would relieve it of the obligation of operating and maintaining a measuring and regulating station which is now in use solely as a regulating station to regulate gas which is sold to Michigan Gas Storage and ultimately flowing into Consumers' distribution system, and which is located in a highly commercialized, densely populated area, near a major highway intersection and a shopping center. It is further asserted that the acquisition of such facilities by Consumers would enable it to heat and regulate the pressure of the gas which flows through such facilities, enabling Consumers to serve more easily the requirements of its market area.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 24, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in ac-

cordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-6677 Filed 3-4-77; 8:45 am]

[Docket No. RP75-50]

PENNSYLVANIA GAS AND WATER CO. v. TENNESSEE GAS PIPELINE CO.

Order Accepting Settlement

FEBRUARY 28, 1977.

On October 3, 1975, as supplemented on October 20, 1975, the Administrative Law Judge in Docket No. RP75-50 certified a proposed settlement to the Commission for action. The instant proceeding was instituted by Commission order of February 14, 1975, which was issued in response to a number of complaints filed against Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) by several of its customers.¹ The proposed settlement as it is stated resolves all issues remaining in the instant docket.

In view of the somewhat convoluted procedural history of this proceeding, a brief review is in order. In response to the aforementioned complaints, the Commission by order of February 14, 1975, in Docket No. RP74-24, et al., inter alia, consolidated the complaints of Con-

¹ Complaints were filed against Tennessee by Consolidated Edison Company of New York, Inc. (Con Ed); Orange and Rockland Utilities, Inc. (O&R); Knoxville Utilities Board, et al. (Knoxville); Pennsylvania Gas and Water Company (PG&W) and the Berkshire Gas Company (Berkshire).

Ed, O&R, Knoxville, and PG&W for hearing and decision; construed filings by Alabama-Tennessee Natural Gas Company (filed in Docket No. RP75-45) and General Motors Corporation (filed in Docket No. RP74-24) as complaints under section 5(a) of the Natural Gas Act, and consolidated them with the aforementioned complaints. By order of March 14, 1975, the Commission dismissed Knoxville's complaint without prejudice, consolidated with the remainder of the proceeding a complaint filed by Berkshire against Tennessee, and redesignated the instant proceeding Docket Nos. RP75-35, et al. By order of April 28, 1975, the Commission allowed Berkshire to withdraw its complaint, and further severed Docket No. RP74-24 from the instant proceeding. On July 7, 1975, the Commission granted the joint motion of Con Ed and O&R to sever their complaints (Docket Nos. RP75-35 and RP75-36, respectively) from the remainder of the proceeding "since the balance of the proceeding relates to issues of law and fact different from that raised by Con Ed and O&R." (Order of July 7, 1975, p. 3). Then on September 9, 1975, the Commission designated the balance of the proceeding, i.e. PG&W's complaint, and Alabama-Tennessee's and GM's filings, Docket No. RP75-50. It is the issues contained in the latter docket which are the subject of the proposed settlement. The proposed settlement does not, according to the Presiding Judge, affect the issues in the Con Ed and O&R proceedings. (Certification of Proposed Settlement Agreement, October 3, 1975).

The Secretary of the Commission noticed this settlement agreement on November 6, 1975. Comments in support of the settlement were subsequently received from Brooklyn Union Gas Company, PG&W, Columbia Gas Transmission Corporation, Entex, Inc., General Motors Corporation, and Delta Natural Gas Company. No comments opposing the settlement were received.

THE SETTLEMENT

The proposed settlement in this proceeding consists of Exhibit 27, a nine page document with appendices A and B dated September 18, 1975, and Exhibit 28, a compilation of settlement end-use data which revises and takes the place of Exhibit 26.

The settlement agreement provides, *inter alia*:

a. That effective November 1, 1975, Tennessee shall use in the implementation of its presently effective curtailment plan the end use data reflected in Exhibit Nos. 25 and 26 (Settlement End Use Data) unless modified below.

b. That no motions, petitions, complaints, or other pleadings are to be filed with the Commission or the Courts directly or indirectly requesting a change in all or any part of the Settlement End Use Data, to be effective prior to November 1, 1980, except as hereinafter provided.

c. On or after November 1, 1976, pleadings may be filed with the Commission requesting revision of the Settlement

End Use Data, solely in regard to the effect of applying "a different method of allocation of the storage injection volumes reflected in each customer's total system and use profile underlying the Settlement End Use Data with no other changes in such total system end use profile."

d. If upon review of the Initial Decision in Docket No. RP74-24, the Commission revises the priority-of-service in Tennessee's presently effective curtailment plan, the Settlement End Use Data shall be revised upon a customer's request to the Commission solely to reflect the changes deemed appropriate by the Commission in its final decision. Any changes made by Tennessee pursuant to this section shall be made prospectively only and pursuant to Commission order.

e. That if the Commission modifies the Annual Volumetric Limitation (AVL) of any of Tennessee's customers, the end use data for such customer, as reflected in the Settlement End Use Data, may be changed prospectively by Tennessee or the Commission, upon the request of such customer or any party to this proceeding, solely to reflect the modification ordered by the Commission.

f. That the proposed settlement does not proscribe or prohibit the filing of petitions for extraordinary relief or requests for emergency relief under Article XXIV, section 4 of Tennessee's curtailment plan; however, the proposed settlement states that no petition for extraordinary relief will lie which is based on or requires a change in the customers end use profile as shown in the Settlement End Use Data.

g. That section 8 of the proposed settlement be construed as *ad hoc* petitions for relief from the provisions of Opinion No. 712. That those customers listed in Appendix A, attached to the Proposed Settlement, be allowed to group delivery points, and that the AVL of those customers listed in Appendix B be increased as reflected therein, starting with the annual period October 31, 1976.

h. That the Data Committee, which was established in this proceeding, will be, upon Commission approval of the proposed settlement dissolved. Tennessee will establish a Study Group "to evaluate various methods of allocating storage injection volumes to priorities-of-service categories in any customer's total system end use profile."

We have reviewed this uncontested settlement and find that it properly resolves the numerous base period end-use data issues raised in Docket No. RP75-50. Accordingly, we accept the settlement as being in the public interest.

The Commission further finds: The settlement of this proceeding on the basis of the settlement proposal of September 18, 1975, certified by the Presiding Administrative Law Judge on October 3, 1975, to the Commission for approval is just and reasonable and in the public interest in carrying out the provisions of the Natural Gas Act and should be approved.

The Commission orders: (A) The settlement proposal between Tennessee and

its customers, marked Exhibit 27, and accompanying end-use data, marked Exhibit 28, are incorporated by reference and are approved.

(B) The complaint proceedings encompassed by this docket are hereby terminated.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[PR Doc. 77-5684 Filed 3-4-77; 8:45 am]

[Docket No. CP77-239]

SEA ROBIN PIPELINE CO.

Notice of Application

MARCH 1, 1977.

Take notice that on February 17, 1977, Sea Robin Pipeline Company (Sea Robin) filed in Docket No. CP77-239, an application for a temporary and permanent certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act requesting authorization to transport natural gas for Natural Gas Pipe Line Company of America (Natural) from Block 315 Eugene Island Area, offshore Louisiana to the outlet side of metering and regulating facilities of Sea Robin on its pipeline near Earth, Vermilion Parish, Louisiana, all as more fully set forth in the application which is 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 application, on or before March 18, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-6679 Filed 3-4-77; 8:45 am]

[Docket Nos. G-12446, et al.; RI72-1 through -4]

**TEXAS EASTERN TRANSMISSION CORP.,
ET AL.**

**Order Vacating Prior Rate Increase Orders,
Consolidating Proceedings and Remanding
Matters to Administrative Law Judge**

FEBRUARY 28, 1977.

The United States Court of Appeals for the District of Columbia Circuit by order issued December 28, 1976, remanded to the Commission the appeals of the Public Service Commission of the State of New York, and Texas Eastern Transmission Corporation (Case Nos. 71-1814, et al.) from the Commission's orders of July 2 and August 30, 1971, Docket Nos. RI72-1, et al. These orders of the Commission were issued subsequent to Opinion Nos. 565 and 565A, 42 FPC 376 (1969), 44 FPC 1079, (1970), which had been issued on August 6, 1969, and September 29, 1970, in Texas Eastern Transmission Corporation, et al., Docket No. G-12446, et al. (Rayne Field certificate proceeding). On appeal of the Opinions to the Court of Appeals, the Court remanded the certificate cases with instructions relating to refunds, rate adjustments, and flow-through of refunds. *Public Service Commission of the State of New York v. FPC*, 543 F. 2d 757 and 830 (D.C. Cir. 1974, 1975), cert. denied, 44 U.S. L.W. 3471 (February 24, 1976).

On August 17, 1976, the Commission issued an order in Texas Eastern Transmission Corporation, et al., Docket No. G-12446, et al., remanding the proceeding to the Administrative Law Judge for further procedures. An Order clarifying the order was issued September 14, 1976, and on October 14, 1976, the Commission issued an order denying rehearing. Conferences and hearings have been held before the Administrative Law Judge in the remanded proceedings and were concluded on January 27, 1977. Briefs are to be filed with the administrative Law Judge on March 18 and April 18, 1977.

The decision of the Court of Appeals in the certificate case prescribed the application of just and reasonable rates for the sale of gas by the producers to Texas Eastern in order to "conventionalize" the lease-sale transfer. Texas Eastern and the New York Commission and contended that the rate increase orders modified or amended the certificate orders contained in Opinion Nos. 565 and 565A, which were in 1971 the subject of review before the Court of Appeals, and that the Commission lacked the author-

ity to modify or amend orders subject to judicial review by virtue of 19(b) of the Natural Gas Act. Other assertions were made by the appellants and applicants before the Commission.

Petitioners, Public Service Commission and Texas Eastern, filed a motion with the Court of Appeals, with the agreement of the respondents, that the appeal of the rate increase orders were ripe for summary disposition to effectuate the decision of the previous Court of Appeals decisions in the certificate cases. The Court, therefore, remanded the rate increase orders to the Commission with instructions to vacate the orders and to enter appropriate refund orders, all without prejudice to the right of any person to petition for review of such refund orders as may be entered.

In order to properly dispose of these matters, the Commission will vacate the rate increase orders of July 2, and August 30, 1971, and consolidate these matters with the certificate proceeding which is pending before the Administrative Law Judge. Should any further evidence be required on these matters not satisfactorily covered by the evidence in the record, any participant in the proceeding may by proper motion to the Administrative Law Judge request permission to supplement the record.

The Commission finds:

(1) The matters pending in Continental Oil Company, Sun Oil Company, M. H. Marr, and General Crude Oil Company, Docket Nos. RI72-1, RI72-2, RI72-3, and RI72-4, respectively, should be consolidated for hearing and decision with Docket Nos. G-12446, et al.

(2) The orders issued July 2, and August 20, 1971, in Continental Oil Company, et al., Docket Nos. RI72-1, et al., should be vacated.

(3) All parties to the rate increase dockets have been parties to the certificate proceedings and may by proper motion to the Administrative Law Judge seek to submit whatever further evidence may be required pursuant to this order.

(4) Expedition of the Commission's business requires that these matters be consolidated into a single proceeding as they involve common issues of fact and law.

The Commission orders:

(A) The orders issued July 2, and August 30, 1971, in Continental Oil Company, et al., Docket No. RI72-1, et al., are hereby vacated.

(B) The matters pending before the Commission in Continental Oil Company, et al., Docket Nos. RI72-1, et al., are hereby consolidated for hearing and decision with the matters previously consolidated in Texas Eastern Transmission Corporation, et al., Docket Nos. G-12446, et al.

(C) The matters pending before the Commission in Continental Oil Company, et al., Docket Nos. RI72-1, et al., are hereby remanded to the Administrative Law Judge for appropriate disposition in the consolidated proceeding consistent with the order of the Court of Appeals for the District of Columbia Circuit in *Public Service Commission,*

et al. v. FPC, Docket Nos. 71-1814, et al., issued December 27, 1976.

(D) Any participant in the consolidated proceeding may, within 30 days of the date of issuance of this order, file a motion for leave to submit additional evidence on the matters which are the subject of this remand from the Court of Appeals.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-6682 Filed 3-4-77; 8:45 am]

[Docket No. CP77-186]

**TEXAS EASTERN TRANSMISSION CORP.
Further Extension of Time**

FEBRUARY 28, 1977.

On February 25, 1977, Texas Eastern Transmission Corporation filed a motion to extend the time to comply with Ordering Paragraph (C) of the Commission's Order issued February 4, 1977, as most recently modified by Notice issued February 16, 1977.

Upon consideration, notice is hereby given that an extension of time is granted to and including March 7, 1977, to comply with Ordering Paragraph (C).

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-6815 Filed 3-4-77; 8:45 am]

[Docket No. CP76-279]

**TRANSCONTINENTAL GAS PIPE LINE
CORP.**

Order Providing for Formal Hearing, etc.

FEBRUARY 25, 1977.

Transcontinental Gas Pipeline Corporation (Transco) has made two filings in recent days in Docket No. CP76-279. On February 3, 1977 Transco filed, pursuant to Section 7(c) of the Natural Gas Act, a petition to amend further the certificate of public convenience and necessity issued herein on August 18, 1976, and as previously amended by order issued January 25, 1977, and temporary authorization issued January 29, 1977, to enable Transco to transport volumes of natural gas for use as boiler fuel at the Burlington Industries, Inc. (Burlington) facility at Rockleigh, New Jersey. Transco proposes to deliver said volumes to Public Service Electric and Gas Company of New Jersey (PSE&G) for Burlington's account. This additional facility is proposed to be serviced from the same 1,500 Mcf per day currently authorized in said docket. On February 11, 1977, Transco filed a petition to amend further the certificate in the instant docket to enable Transco to transport volumes of natural gas and deliver them at seven additional facilities located in Virginia, North Carolina, and South Carolina for Burlington Industries, Inc. (Burlington).

Transco is currently authorized to transport up to 1,500 Mcf per day of gas on an interruptible basis for various

¹ Involved are Continental's Rate Schedule No. 318, Sun's Rate Schedule No. 209, Marr's Rate Schedule No. 11, and General Crude's Rate Schedule No. 10.

Burlington plants which are existing industrial customers of Transco's resale customers. The transportation certificate has a term of two years beginning on September 1, 1976, and takes place between mutually agreeable existing authorized exchange points between Transco and United Gas Pipe Line Company (United) where the gas is delivered to Transco by United.

The February 3rd petition to amend seeks to add an additional delivery point to serve a Burlington facility in Rockleigh, New Jersey, which employs 423 people and contains Burlington's administrative and executive offices. In its affidavit dated January 31, 1977, Burlington states that the facility requirements are 95 Mcf on the average day and 135 Mcf per peak day for Priority 2 needs and that no alternate source of fuel is available. Burlington further states that without the proposed transportation volume, it would have to reduce the plant temperature to 45° F, which would necessitate the closing the facility. PSE&G indicated their willingness to transport the gas for the Rockleigh facility but also that the subject gas is to be used in a boiler fuel use which can technically utilize an alternate.

The February 3rd application was noticed on February 10, 1977, no petitions for leave to intervene, notice of intervention, or oppositions have been filed herein. Transco's January 11th petition to amend seeks to include deliveries to seven additional Burlington facilities located in Virginia, North Carolina and South Carolina:

K. M. Altavista, Hurt, Virginia.
 Altavista Glass, Hurt, Virginia.
 Brookneal, Brookneal, Virginia.
 Stokesdale, Stokesdale, North Carolina.
 Reidsville, Reidsville, North Carolina.
 Society Hill, Society Hill, South Carolina.
 James Fabrie, Cheraw, South Carolina.

Transco states that the additional facilities are proposed to be served from the same 1,500 Mcf per day currently authorized. The distributor that serves K. M. Altavista, Altavista Glass, and Brookneal is Virginia Pipe Line Company (Virginia). The distributors that serve Stokesdale and Reidsville are Piedmont and North Carolina Gas Service Division, Pennsylvania and Southern Gas Company (N.C. Gas), respectively. Carolina Pipeline Company (Carolina) is the distributor that serves Society Hill and James Fabrie. These distributors are existing Transco customers under Rate Schedule CD 2. Transco further states that it will perform the service under the same terms and conditions currently authorized.

Transco alleges that the seven Burlington facilities require the following

amounts of natural gas for high priority uses per average and peak day:

	Thousand cubic feet per day—	
	Average	Peak
K. M. Altavista	885	1,400
Altavista Glass	460	800
Brookneal	530	790
Stokesdale	110	175
Reidsville	110	180
Society Hill	1,275	2,000
James Fabrie	200	345

The volumes to be transported are not intended to meet these requirements fully, according to Transco, but rather to afford Burlington the opportunity to increase its flexibility in dealing with the current energy crisis related to the abnormally cold weather prevailing east of the Rocky Mountains. Burlington states that the needs of various plants shift due to weather, curtailment levels, and availability of propane; and with added flexibility, production schedules can be adjusted to keep plants operating which otherwise would be forced to close.

As alleged by Transco, the K. M. Altavista, Altavista Glass and Brookneal facilities use natural gas for essential process uses in finishing operations. The Society Hill and James Fabrie facilities use natural gas for finishing processes and heating, which it states is a Priority 2 commercial use. Likewise, the Stokesdale and Reidsville facilities use natural gas for Priority 2 commercial uses.

The gravamen of Transco's petition is that natural gas would be essential for open-flame processing in the finishing plants for the principal operations of singeing, drying, heat setting, thermosol drying, and curing. If gas services were terminated, Transco alleges that the operations of a finishing plant, as well as the dependent grieve operations, would cease. Natural gas is allegedly also essential for the commercial facilities, in that the plants could not operate effectively without the services provided by the commercial facilities. If the supply of natural gas were curtailed to the point where these seven facilities were forced to close, Transco states that approximately 4,841 employees would be affected.

This application was noticed on February 23, 1977. No petition for leave to intervene, notices of intervention, or opposition have yet been filed.

Our review of the circumstances expressed in the February 11, 1977 petition to further amend indicates that temporary authorization should be granted in order to permit the temporary continued operation of the seven additional facilities as to the use of natural gas in processing operations only. We find these proceedings should be set for im-

mediate hearing on an expedited basis. We reserve the right to review the record in these proceedings prior to making our final decision. The Commission has consistently denied authorization to use natural gas as boiler fuel or other lower priority uses during times of extreme curtailment pursuant to Section 2.79 of the Commission's Rules and believes that the question should be explored at a hearing to be established below us to what volumes of gas are to be used as boiler fuel and what alternate fuel capabilities there might be.

As to the February 3, 1977 petition to further amend we note the proposed transportation volumes are to be used for a boiler fuel use for which alternate fuels can technically be utilized, and there has been no showing that the proposed transportation meets the criteria of Section 2.79(c) of the Commission's General Policy and Interpretations (18 CFR 2.78 (c)). Said section provides that the uses which would qualify are uses contained in Priorities 2 and 3 as set forth in Section 2.78(c)(10) for which there exists no alternate fuel capabilities. "Alternate fuel capability" is defined as a situation where an alternate fuel could have been utilized whether or not the facilities for such use have actually been installed. We therefore feel that the temporary authorization sought by the February 3rd, 1977 filing be denied. We will however provide an opportunity for Transco and Burlington to come forward and present proof that the public convenience and necessity will be served by the grant of the requested authority in a hearing. The record in that hearing shall contain, inter alia, information as to the exact end-usage of all gas sought to be transported and the alternate fuel which could be utilized whether or not the facilities for such use have actually been installed.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that a public hearing be held on the matters involved and the issues presented in these proceedings as hereinbefore described.

(2) The public convenience and necessity require that the request for a temporary certificate authorizing transportation of volumes of natural gas as hereinbefore described in the Rockleigh, New Jersey facility of Burlington be denied.

(3) The granting of a temporary certificate to petitioner to transport natural gas for use in processing operations is required by the public convenience and necessity and therefore should be permitted as hereinafter ordered and conditioned.

The Commission orders:

(A) The proceedings in Docket No. CP76-279 and the issues raised by the February 3, 1977 and February 11, 1977

filings are hereby set for hearing and disposition. Pending the same, a temporary certificate of public convenience and necessity authorizing Transco to transport the aforementioned volumes of natural gas for use in processing operations is hereby granted as hereinafter ordered and conditioned, without prejudice to the final outcome of these proceedings:

(1) The volumes proposed to be transported shall be those dedicated for use in Priority 2 processing operations only. The transportation of volumes for use as boiler fuel is not authorized herein.

(2) Within ten days of the issuance of this temporary certificate, Transco shall advise the Commission in writing of the volumes of natural gas hereinbefore described which are to be dedicated to use in processing operations, and what volumes are proposed for use for heating fuel.

(3) The request for temporary authorization for the transportation of the aforementioned volumes of natural gas to the Rockleigh, New Jersey facility of Burlington is denied.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's Rules of Practice and Procedure, and the regulations under the Natural Gas Act (18 CFR Chapter 1), a public hearing on the issues presented by the applications filed in this proceeding will be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 at 10:00 a.m. on March 7, 1977 commencing with a pre-hearing conference concerning the matters involved in the issues presented by this application.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at a hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, and motions to consolidate and serve, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(E) On or before March 4, 1977 Transco and Burlington shall file with the Secretary of this Commission and serve upon all parties of this proceeding, including the Commission Staff, their testimony and exhibits.

By the Commission,

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-6687 Filed 3-4-77;8:45 am]

FEDERAL RESERVE SYSTEM

ALLEN BANCSHARES, INC.

Formation of Bank Holding Company

Allen Bancshares, Inc., Allen, Oklahoma, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842 (a) (1)) to become a bank holding company through acquisition of 94,375 per-

cent of the voting shares of Farmers State Bank, Allen, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 28, 1977.

Board of Governors of the Federal Reserve System, February 28, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-6621 Filed 3-4-77;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Order Approving Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)), to acquire 100 percent of the voting shares, less directors' qualifying shares, of the successor by merger to Beaumont State Bank, Beaumont, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Texas, controls 24 banks with aggregate deposits of approximately \$3.6 billion, representing approximately 7.67 percent of total commercial bank deposits in Texas.¹ Acquisition of Bank (approximately \$41.6 million in deposits) would increase Applicant's share of Statewide commercial bank deposits by less than 0.1 of one percent and would have no appreciable effect upon the concentration of banking resources in this State.

Bank is the fifth largest of 22 banking organizations in the Beaumont banking market, which is the relevant banking market,² and controls approximately 4.3

¹ All banking data are as of December 31, 1975, and reflect bank holding company formations and acquisitions through January 15, 1977.

² The relevant banking market is approximated by the Beaumont-Port Arthur-Orange SMSA, located on the Texas Gulf Coast, and includes Hardin, Jefferson, and Orange Counties.

percent of the total deposits in commercial banks in the market. Applicant's nearest subsidiary bank is approximately 74 miles west of Bank. In view of the distance between Bank and Applicant's nearest banking subsidiary, and other facts of record, no significant competition exists or is likely to develop in the future between Bank and Applicant's banking subsidiaries. Although Applicant has the financial capability to enter the market de novo, demographic data suggest that this is not a likely means of entry by Applicant. Consummation of the proposal would neither eliminate any significant existing or potential competition nor increase the concentration of banking resources in any relevant market. Accordingly, based on the above and other facts of record, it has been determined that competitive considerations are consistent with approval of the application.

Considerations relating to the financial and managerial resources and future prospects of Bank, Applicant, and its subsidiaries are regarded as satisfactory and consistent with approval, particularly in light of Bank's retention of \$200,000 of interim capital. Applicant will provide Bank with the capabilities of offering improved retail banking services and many services not currently provided by Bank, including servicing of large commercial accounts, investment analysis, trust portfolio management, natural gas property management, factoring, equipment leasing, and international banking. Applicant, through its insurance subsidiaries, will enable Bank to provide credit life and credit accident and health insurance for its borrowing customers at rates substantially below the maximum rate permitted by State regulatory authority. Thus, considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application. It has been determined that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective February 28, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-6622 Filed 3-4-77;8:45 am]

JACOBUS CO., INLAND HERITAGE CORP., AND INLAND BELOIT CORP.

Acquisition of Banks and Formation of Bank Holding Company

The Jacobus Company, Milwaukee, Wisconsin, and its 45.4 percent owned

subsidiary, Inland Heritage Corporation, Wauwatosa, Wisconsin, have applied for the Board's approval under § 3(a) (3) of the Bank Holding Company Act (12 U.S.C. § 182(a)(3)) to acquire, indirectly, 95.4 percent of The Beloit State Bank, Beloit, Wisconsin, through the acquisition of Financial Network Corporation, Beloit, Wisconsin, the parent holding company of The Beloit State Bank, by Inland Beloit Corporation, Milwaukee, Wisconsin, a wholly-owned subsidiary of Inland Heritage Company; and to acquire, indirectly, 75.3 percent of Community Bank of Beloit, Beloit, Wisconsin, through the acquisition of Community Holding Corporation, Beloit, Wisconsin, the parent holding company of Community Bank of Beloit, by Inland Beloit Corporation. At the same time, Inland Beloit Corporation has applied for the Board's approval under § 3(a) (1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company through the acquisition of Financial Network Corporation and Community Holding Corporation. Previous applications for Board approval of these proposed acquisitions were denied by the Board on February 7, 1977 (42 FR 9059). The factors that are considered in acting on the applications are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the applications should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 24, 1977.

Board of Governors of the Federal Reserve System, March 2, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 77-6612 Filed 3-4-77; 8:45 am]

KREMMLING HOLDING CO.

Formation of Bank Holding Company

Kremmling Holding Company, Kremmling, Colorado, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares of Bank of Kremmling, Kremmling, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 28, 1977.

Board of Governors of the Federal Reserve System, February 28, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 77-6623 Filed 3-4-77; 8:45 am]

RAMAPO FINANCIAL CORP.

Order Amending Time Requirement for Raising Equity Capital by Applicant to Augment the Capital of Its Subsidiary, The Ramapo Bank, Wayne Township, New Jersey

On August 31, 1973, the Board denied by Order an application by Ramapo Financial Corporation, Wayne Township, New Jersey ("Applicant"), then known as Cegrove Corporation, to acquire 100 per cent (less directors' qualifying shares) of the voting shares of The Ramapo Bank, Wayne Township, New Jersey ("Bank"). The Board's denial was based on concerns about Applicant's ability to service its acquisition debt without straining the capital of its existing and proposed subsidiaries and Applicant's ability to raise additional capital. On September 20, 1973, Applicant formally requested that the Board reconsider its previous denial. As part of its request for reconsideration, Applicant committed to sell \$400,000 of common stock within thirty days of the effective date of the proposed acquisition with the entire proceeds of such sale to be applied immediately to reduce Applicant's debt. In addition, Applicant committed to raise \$1 million in equity capital within 18 months of consummation of the proposed acquisition with the proceeds of such sale to be added directly to the equity capital funds of Bank. By Order of February 25, 1974, the Board, after granting Applicant's request for reconsideration, granted Applicant's application to acquire Bank, in reliance upon Applicant's commitments to reduce its debt and augment Bank's capital. On April 1, 1974, Applicant acquired the shares that were the subject of the Board's Order of February 25, 1974.

By letter dated October 22, 1976, Applicant requested an extension for an unspecified amount of time in which to fulfill its commitments under the Board's February 25, 1974 Order. Although such commitments were to have been satisfied by October 1, 1975, Applicant had been in contact with the Federal Reserve Bank of New York soon after that time concerning its inability to honor its commitment to raise equity capital by \$1 million. The commitment to sell \$400,000 in common stock within thirty days of acquisition of Bank and apply the proceeds to the acquisition debt was accomplished.

In support of its request for an extension of time, Applicant maintains that it has been unable to market a \$1 million equity issue. An investment banking firm hired by Applicant to study the feasibility of marketing a \$1 million equity issue in New Jersey confirms Applicant's inability to do so and attributes that inability to what it characterizes as the "depressed" condition of the market for bank stocks and the generally low earnings performance of the banking industry in New Jersey. Applicant has taken steps to avoid strain on capital in light of its inability to market its equity issue. However, Applicant increased its dividend in 1976, placing additional demand on Bank.

The Board has carefully considered Applicant's request for modification of the Order of February 25, 1974. Based upon all the facts of record, the Board believes that an extension of time in which to satisfy the requirements of its Order is justified. Accordingly, Applicant's request for a modification of the Board's Order of February 25, 1974, is hereby granted. Therefore, the Board hereby grants Applicant one year from the effective date of this Order in which to meet its previous commitment to raise \$1 million in equity capital. However, this extension of time is conditioned upon (1) Bank's refraining from further increases in dividends and (2) Applicant's submission of quarterly progress reports on its efforts to meet the capital commitment to the Federal Reserve Bank of New York beginning March 31, 1977, and continuing until the capital commitment is met. Accordingly, the Board's Order of February 25, 1974, is hereby so amended for the reasons summarized above.

By order of the Board of Governors,
effective February 28, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 77-6624 Filed 3-4-77; 8:45 am]

FEDERAL TRADE COMMISSION

CORRECTIVE ADVERTISING

Opportunity to Submit Comments on Petition to Adopt Interpretive Rule or Policy Statement

The Federal Trade Commission has been petitioned by the Institute for Public Interest Representation, Georgetown University Law Center, to adopt an interpretive rule or statement of policy requiring corrective advertising whenever (1) the advertiser makes a claim concerning health, safety or nutrition; and (2) the claim is found in an adjudication to be false or misleading; and (3) the false or misleading advertising campaign has lasted for one year or more, or six months if the claim was the major element of the campaign.

The Commission has determined that prior to considering the merits of this or any similar approaches to corrective advertising, or to publishing a specific proposal for further comment, interested parties should have the opportunity of making their views known. Accordingly, the Commission is soliciting written views on the Petition and on the various questions posed in this Notice.

Petitioners believe that the type of evidence necessary to demonstrate specifically, in a given case, the nature and extent of consumers' false beliefs will be rarely, if ever, available from respondents, and that it would be costly and burdensome for the Commission to develop it. Consequently, petitioners are concerned that if the Commission requires in each case elaborate empirical

¹ Voting for this action: Chairman Burns and Governors Gardner, Wallach, Coldwell, and Lilly. Absent and not voting: Governors Jackson and Partee.

evidence of the existence and nature of consumer beliefs, as a prerequisite to consideration of corrective advertising, the remedy will be ordered only in rare cases, a result that petitioners believe would be contrary to what is known about the effects of advertising and contrary to the public interest.

Petitioners argue that evidence as well as the Commission's own experience in three separate, detailed false advertising adjudications (Firestone Tire and Rubber Co., 81 F.T.C. 398, aff'd 481 F.2d 246 (6th Cir. 1973), cert. denied 414 U.S. 1112 (1973); ITT Continental Baking Co., Inc., 83 F.T.C. 865, mod. in part 532 F.2d 207 (2nd Cir. 1976); Warner-Lambert Co., Dkt. 8891 (Dec. 9, 1975), appeal docketed, No. 76-1138, D.C. Cir. (Feb. 13, 1976)), justify the Commission's drawing inferences (a) That consumers believe these three types of advertising claims, (b) That those beliefs play a material role in consumer purchasing decisions and (c) That a substantial number of consumers will continue to hold false beliefs even if advertising of the false claims has ceased. Therefore, petitioners argue, the Commission no longer needs additional evidence, specifically relating to each particular case, to support a requirement of corrective advertising in future instances of false claims of greater than the specified duration and involving health, safety or nutrition.

In publishing this petition and inviting interested persons to comment, the Commission takes no position on the issues raised by petitioner's proposal. The questions that accompany the petition are provided in order to facilitate public comment and should not be construed to limit the nature and scope of comments prepared in response to this notice.

A. AREAS OF FACTUAL INQUIRY

(1) What evidence exists to provide a factual basis for treating health, safety, and nutrition claims differently from other product characteristic claims for purposes of corrective advertising?

(a) What evidence establishes whether these claims are especially material and believed?

(b) Does the evidence establish that consumers are unable to determine for themselves the truth of these claims? Under what circumstances? To what extent?

(c) What evidence establishes whether false health, safety and nutrition claims cause physical injury to consumers? To what extent?

(d) What evidence establishes whether false claims about these products characteristics create persistent misimpressions or have other continuing effects? With what strength and duration?

(2) Do companies gather data on consumer beliefs about advertised products in the ordinary course of business? To what extent?

(3) Are there general, predictable and reliable relationships between the duration, frequency or other measure or exposure to advertisements and the persistence of consumer beliefs in their claims, or other lasting effects?

(4) Can uniform corrective advertising requirements (for example, as to content, duration, media) be designed that would correct persistent misimpressions caused by

these false claims? Could such requirements be keyed to the characteristics of individual false claims, or to their effects? Comments suggesting objective measurements should be specific.

(5) If the content, duration, media and other requirements of corrective advertisements were to be tailored to the facts of each case, would a major purpose of the rule (i.e., to expedite administrative determinations) be undermined?

(6) What are the anticipated effects of the rule?

(a) Would false claims be significantly deterred?

(b) Would advertisers simply charge their advertising campaigns more frequently to avoid the rule?

(c) Would truthful claims be deterred? To what extent? Why?

(d) Would advertisers eschew claims about the health, safety, and nutritional characteristics of their products?

(e) Will development and marketing of new products with health, safety, or nutritional advantages be affected? How? To what extent?

(f) How would the rule affect settlements? Would it prolong litigation over truthfulness?

(7) To what extent, if any, would a rule shifting to respondent the burden of proving non-belief, immateriality and non-persistence achieve the rule's purpose of expediting administrative determinations?

B. AREAS OF LEGAL AND POLICY INQUIRY

(1) Can the Commission, consistently with the Administrative Procedure Act, direct its Administrative Law Judges to order a particular mode of relief in a class of cases?

(2) Given the Commission's expertise, what should the state of general knowledge, or of a rulemaking record, be to permit the Commission to draw the inferences concerning the existence and stability of consumer beliefs that would be necessary in order to adopt a per se corrective advertising remedy for certain false advertisements? What is the bearing, if any, of the "substantial evidence" test for judicial review upon the Commission's authority to adopt a per se corrective advertising remedy for certain false advertisements?

(3) Are there constitutional limitations on the Commission's authority to adopt a per se remedy of corrective advertising?

(4) Does any provision of the Federal Trade Commission Act limit the Commission's authority to adopt a per se approach to a particular remedy?

(5) Should the Commission announce the adoption of a per se approach to a particular remedy in an interpretive rule or a policy statement or should it do so only in the context of a particular case? Should the Commission hold hearings prior to adopting the proposal in an interpretive rule or policy statement?

(6) In order to adopt a per se approach to remedy, should the Commission proceed under Section 18(a)(1)(B) of the Act, as amended?

(7) Petitioners assert that the considerations that support adoption of a per se rule with respect to corrective advertising are analogous to considerations which led to judicial adoption of a per se rule with respect to price fixing agreements under the Sherman Act.

(a) Do such judicial determinations, which dispense with the need for proving in each case that an act or practice is a violation of law, articulate criteria for determining whether or not to adopt a per se rule with respect to remedy rather than violation?

(b) Are there any prior administrative or judicial decisions which address the issue of whether, once a law violation has been found, proof in each case as to the appropriateness of a remedy is unnecessary?

(8) Would response to these questions be affected if the proposed rule provided for shifting of the burden of proof to an advertiser to demonstrate that his false advertisement had no significant lasting effect?

(9) Are there any other constitutional, statutory or legal impediments to the adoption of this proposed rule?

C. DEFINITIONS

(1) How would "health," "safety," and "nutrition" claims be defined?

(2) How should "advertising campaign" be defined?

Comments should be submitted to the Assistant Director for National Advertising, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 on or before May 6, 1977. Copies of the petition and its supporting memorandum are available for inspection during regular business hours in Room 130 of the Federal Trade Commission building at 6th and Pennsylvania Avenue, Northwest, Washington, D.C. Copies may be obtained from the Division of National Advertising.

By direction of the Commission dated February 10, 1977.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc. 77-6589 Filed 3-4-77; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of April 1977:

Name: United States National Committee on Vital and Health Statistics. Date and Time: April 5-6, 1977, 9:00 a.m. Place: Wardman Towers Conference Center, Sheraton-Park Hotel, 2680 Woodley Road, N.W., Washington, D.C. 20008. Open for entire meeting.

Purpose: The Secretary and by delegation the Assistant Secretary for Health and the Director, National Center for Health Statistics (NCHS) are charged under section 306 of the Public Health Service Act, as amended, 42 USC 242k, with the responsibility to collect, analyze and disseminate national health statistics on vital events and health activities, including the physical, mental, and physiological characteristics of the population, illness, injury, impairment, the supply and utilization of health facilities and manpower, the operation of the health services system, health economic expenditures, and changes in the health status of people; administer the Cooperative Health Statistics System; stimulate and conduct basic and applied research in health data systems and sta-

tistical methodology; coordinate the overall health statistical activities of the programs and agencies of the Health Resources Administration and provide technical assistance in the management of statistical information; maintain operational liaison with statistical gathering and processing services of other health agencies, public and private, and provide technical assistance within the limitations of staff resources, research, consultation and training programs in international statistical activities; and participate in the development of national health policy with Federal agencies.

Agenda: Review of legislative mandate for the Committee; discussion on relationship between the Committee, Office of Management and Budget, and NCHS; current activities of the NCHS; review of DHEW Health Statistics Plan; review status of Report on the Nations Health; review current activities of the Technical Consultant Panels; review annual report of the Committee; review research activities of NCHS; and discuss plans for the 1978 Public Health Conference on Records and Statistics.

The meeting is open to the public for observation and participation. Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should contact James A. Smith, National Center for Health Statistics, Room 8-21, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-1470.

Agenda items are subject to change as priorities dictate.

Dated: March 1, 1977.

JAMES A. WALSH,
Associate Administrator for
Operations and Management.

[FR Doc.77-6596 Filed 3-4-77; 8:45 am]

National Institutes of Health
ADVISORY COMMITTEE TO THE
DIRECTOR, NIH

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Advisory Committee to the Director, NIH, April 28-29, 1977, National Institutes of Health, Bethesda, Maryland, Building 31, Conference Room 10, C Wing. The meeting will take place from 9:00 a.m. to 5:00 p.m. on April 28, and from 9:00 a.m. to 1:00 p.m. on April 29. The entire meeting will be open to the public.

The purpose of the meeting will be to examine recent developments in the field of recombinant DNA research, and possible courses of action that may be taken to regulate such research; a review of FY 1978 budget proposals; and a consideration of technology assessment issues. In addition, other policy issues of concern to the Director, NIH, will be discussed. Attendance by the public will be limited to space available.

The Executive Secretary, Charles R. McCarthy, Ph. D., National Institutes of Health, Building 1, Room 224, Bethesda, Maryland 20014, 301-496-1480, will fur-

nish summaries of the meeting, rosters of Committee members and guests, and substantive program information.

Dated: March 1, 1977.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-6605 Filed 3-4-77; 8:45 am]

DRUG DEVELOPMENT COMMITTEE

Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the Drug Development Committee, National Cancer Institute, National Institutes of Health, March 29, 1977, which was published in the FEDERAL REGISTER on February 24, 1977 (42 FR 10898).

Dated: March 1, 1977.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-6599 Filed 3-4-77; 8:45 am]

CONTRACEPTIVE EVALUATION RESEARCH
CONTRACT REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Contraceptive Evaluation Research Contract Review Committee, National Institute of Child Health and Human Development on April 18, 1977, in Building 31, Conference Room 8, National Institutes of Health, Bethesda, Maryland.

The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on April 18 for the review of the current program, to discuss plans for new contracts and the budget for FY 1978. Attendance by the public will be limited to space available.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Building 31, Room 2A-04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1848, will provide summaries of the meeting and rosters of the committee members.

Dr. Heinz W. Berendes, Chief, Contraceptive Evaluation Branch, Center for Population Research, NICHD, Landow Building, Room A-716, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-4924, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.864, National Institutes of Health.)

Dated: March 1, 1977.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institute of Health.

[FR Doc.77-6603 Filed 3-4-77; 8:45 am]

LIPID METABOLISM ADVISORY
COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Lipid

Metabolism Advisory Committee, National Heart, Lung, and Blood Institute, April 11-12, 1977, Building 31, Conference Room 9, Bethesda, Maryland.

This meeting will be open to the public on April 11 from 9 a.m. to 10:30 a.m. to discuss the Lipid Metabolism Branch Program Review. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c) (4) and 552b(c) (6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on April 11 from 10:30 a.m. to adjournment on April 12 for the review, discussion and evaluation of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, National Institutes of Health, Building 31, Room 5A03, Bethesda, Maryland 20014, (301) 496-4236, will provide summaries of meetings and rosters of committee members. Dr. Basil M. Rifkind, Chief, Lipid Metabolism Branch, NHLBI, Building 31, Room 4A18, (301) 496-1681, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health.)

Dated: February 28, 1977.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-6603 Filed 3-4-77; 8:45 am]

MENTAL RETARDATION RESEARCH
COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Mental Retardation Research Committee, National Institute of Child Health and Human Development, on April 7-9, 1977, in the Landow Building, Room C-418, 7910 Woodmont Avenue, Bethesda, Maryland.

This meeting will be open to the public on April 7 from 12:30 p.m. to 3:00 p.m. to discuss items relative to the Committee's activities including announcements by the Chief of the Mental Retardation and Developmental Disabilities Branch and the Executive Secretary of the Committee. The Committee will review the Branch contracts program including concept clearance of any new contract areas not previously cleared by an outside review group.

In accordance with provisions set forth in sections 552b(c) (4) and 552b(c) (6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on April 7 from 3:00 p.m. to adjournment on April 9 for the review, discussion and evaluation of individual grant applications.

The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Building 31, Room 2A-04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1848 will provide a summary of the meeting and a roster of committee members. Dr. Lyle Lloyd Executive Secretary, Mental Retardation Research Committee, NICHD, Landow Building, Room C-704, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1383, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.865, National Institutes of Health.)

Dated: February 28, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-6601 Filed 3-4-77;8:45 am]

NATIONAL COMMISSION ON DIGESTIVE DISEASES

Meeting

Pursuant to Pub. L. 94-562, notice is hereby given of the meeting of the National Commission on Digestive Diseases, National Institute of Arthritis, Metabolism, and Digestive Diseases on April 11, 1977, in Building 1, Wilson Hall, Bethesda, Maryland. The entire meeting will be open to the public from 9 a.m. to 5 p.m.

The meeting is being held to discuss the scope of the Commission's work as set forth in the Arthritis, Diabetes and Digestive Disease Amendments of 1976 (Pub. L. 94-562) and to organize a plan for its accomplishment. Attendance by the public will be limited to space available.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496-3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.848, National Institutes of Health.)

Dated: March 1, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-6602 Filed 3-4-77;8:45 am]

PRIMATE RESEARCH CENTERS ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Pri-

mate Research Centers Advisory Committee, Division of Research Resources, March 15, 1977, Sheraton Inn New Orleans International Airport, Conference Room, 2150 Veterans Memorial Boulevard, New Orleans, Louisiana 70062.

This meeting will be open to the public on March 15, 1977, from 9:00 a.m. to 10:00 a.m., to discuss status of the Animal Resources Program as it relates to function of the Primate Centers and current status of primate supply. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 15, 1977, from 10:00 a.m. to adjournment for the review, discussion and evaluation of a renewal research grant application, three individuals initial pending research grant applications, and two individual contract proposals. The grant applications and contract proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries, and personal information concerning individuals associated with the grant applications and contract proposals.

Mr. James Augustine, Information Officer, Division of Research Resources, Building 31, Room 5B39, Bethesda, Maryland 20014, 301/496-5545, will provide summaries of the meeting and rosters of Committee members. Dr. Dennis Johnsen, Executive Secretary, Primate Research Centers Advisory Committee, Building 31, Room 5B33, Bethesda, Maryland 20014, 301/496-5507 will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.306, National Institutes of Health.)

Dated: February 28, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-6598 Filed 3-4-77;8:45 am]

SICKLE CELL CENTERS (CSCC) AD HOC REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Comprehensive Sickle Cell Centers (CSCC) ad hoc Review Committee, National Heart, Lung, and Blood Institute, April 4-5, 1977, National Institutes of Health, Building 31, Conference Room 9.

This meeting will be open to the public on April 4, 1977 from 8:30 a.m. to approximately 9:00 a.m. to discuss administrative details and the criteria to be used in the review of the Comprehensive Sickle Cell Centers (CSCC) applications. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section

10(d) of Pub. L. 92-463, the meeting of the Comprehensive Sickle Cell Centers (CSCC) ad hoc Review Committee will be closed to the public on April 4, 1977, from 9:00 a.m. to adjournment on April 5, 1977, for the review, discussion, and evaluation of individual grant applications. The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Building 31, Room 5A03, Bethesda, Maryland 20014, telephone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members. Michael A. Oxman, Ph. D., Executive Secretary, NHLBI, NIH, Westwood Building, Room 555A, telephone (301) 496-7351, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.839, National Institutes of Health.)

Dated: February 28, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-6600 Filed 3-4-77;8:45 am]

Office of Education

COMMUNITY EDUCATION ADVISORY COUNCIL

Meeting

AGENCY: Community Education Advisory Council.

ACTION: This notice sets forth the schedule and proposed agenda of the forthcoming meeting of the Community Education Advisory Council. It also describes the functions of the Council. Notice of these meetings is required under Section 10(a)(2) of the Federal Advisory Committee Act, P.L. 92-634. This document is intended to notify the general public of their opportunity to attend.

DATES: Meeting: March 24 and 25, 1977.

ADDRESSES: March 24—Board Room, Department of Education, San Diego County, 6401 Linda Vista Road, San Diego, California. March 25—Patio Room, Vacation Village, 1404 Vacation Road, Mission Bay, San Diego, California.

FOR FURTHER INFORMATION CONTACT:

Paul Tremper, Office of Education, Department of Health, Education, and Welfare, Room 5622-ROB 3, 7th and D Streets, S.W., Washington, D.C. 20202. Telephone: (202) 245-0691.

SUPPLEMENTARY INFORMATION: The Community Education Advisory Council is authorized under Public Law 93-380. The Council is established to ad-

vice the Commissioner of Education on policy matters relating to the interest of community schools.

The meetings on March 24 and 25, 1977, will be open to the public.

This meeting is being held simultaneously with the California State Community Education Association's Annual Conference. The Council plans to attend selected sessions of this Conference. The meeting on March 24 will begin at 9:00 a.m. Induction of the newly appointed members to the Community Education Advisory Council will take place at the opening session on March 24. The new members, all of whom will serve three-year terms, are: Mrs. Carol Kimmel, President, National Congress of Parents and Teachers, Chicago, Illinois, Honorable George W. Romney, Chairman of the Board, National Center for Voluntary Action, Washington, D.C. (former Governor of Michigan); Dr. Richard M. Turner, III, Dean of Faculty, Harbor Campus, Community College of Baltimore, Baltimore, Maryland; and Mrs. Joanne C. Walker, Chairperson, Dothan Board of Education, Dothan, Alabama.

At approximately 4:00 p.m. on March 24 the Council will depart on a site-visit to selected community schools in the area including a project funded under the Community Schools Act which is located at Imperial Beach, California.

The meeting on March 25 will begin at 8:00 a.m. and end at 5:00 p.m. During this meeting the Council will hear reports on community education development and unique community education models from: Centers for Community Education Development located in the State of California; Directors of local community education schools in California; the California State Department of Education; and, leaders in community education from the surrounding States.

The proposed agenda includes:

- (1) Induction of newly appointed Council members;
- (2) Site-visit to selected community education schools in the area;
- (3) Reports from the California State Department of Education;
- (4) Reports from Centers for Community Education Development located in California;
- (5) Reports on Community Education programs from Directors of local community education schools;
- (6) Reports on community education programs from community educators in surrounding States;
- (7) Review of the Community Education Advisory Council's Annual Report to Congress for 1976;
- (8) Update on Evaluation;
- (9) Schedule of Future Meetings;
- (10) Status of Advisory Council Special Projects;
- (11) Future Programmatic directions and recommendations;
- (12) Other administrative matters and related business.

Records shall be kept of all Council proceedings and shall be available for

public inspection in Room 5622, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C. 20202.

Signed at Washington, D.C. on February 28, 1977.

PAUL TREMPER,
Acting Director,

Community Education Program.

[FR. Doc. 77-6638 Filed 3-4-77; 8:45 am]

Office of the Secretary

WELFARE REFORM

Statement of Issues for Public Hearing

INTRODUCTION

In a notice published in the FEDERAL REGISTER on February 18, 1977, the Department of Health, Education, and Welfare announced that a public hearing would be held on March 10, 1977, to receive public comments on welfare reform. This statement provides background material for the public hearing and sets out major issues on which comment would be useful.

BACKGROUND

The Secretary of Health, Education, and Welfare has been asked by the President to undertake a comprehensive study of welfare reform. The President has requested a report by May 1, 1977. On January 26, 1977, the Secretary announced the beginning of the study and appointed an advisory panel, the Consulting Group on Welfare Reform, chaired by Henry Aaron, Assistant Secretary-Designate for Planning and Evaluation. This panel will provide the advice and views of a wide variety of Federal governmental agencies, the Congress, representatives of State and local governments, and designees of the Legal Services Corporation. The group's members from the Federal Government include representatives of the Secretaries of the Treasury, Agriculture, Labor, Commerce, and Housing and Urban Development, the Office of Management and Budget, the Council of Economic Advisors, the Domestic Council, the White House Office of Inter-Governmental Relations, the Senate Finance and Human Resources Committees, the Senate and House Budget Committees, and the House Ways and Means and Education and Labor Committees. State and local representatives on the panel include the National Governors' Conference, the National Conference of State Legislatures, the National Association of Counties, the National League of Cities, and the United States Conference of Mayors. In addition, three members have been designated by the Legal Services Corporation. The Consulting Group meets each Friday at 9:00 a.m. in the auditorium of HEW's South Portal Building, 200 Independence Avenue SW., Washington, D.C. 20201. The meetings are open to the public.

The Department has also begun a major effort to obtain the views of others interested and knowledgeable in the field of welfare reform. The Secretary has requested in writing the views of numerous

public and private organizations and individuals. Further, he has asked the ten Regional Directors of the Department of Health, Education, and Welfare to mount a wide ranging campaign to provide an opportunity for all interested persons and organizations to express their views on the appropriate approach to welfare reform. One person in each region has been designated to coordinate this effort, and their names appear at the end of this statement. To allow full opportunity for comment on the Department's analysis and proposals, staff papers will be available to interested parties.

The Secretary has also decided to chair personally a public hearing on welfare reform on March 10, 1977. This will ensure that he hears and understands the views and positions of many of the participants in the welfare debate. Within the constraints of time, as many speakers as possible will be scheduled. Anyone unable to testify at the hearing and anyone with a statement that goes beyond their oral testimony may add written comments to the record prior to March 18, 1977.

We recognize the complexity of welfare reform and the difficulty of preparing testimony and written statements within the extremely brief period since this hearing was announced. To meet the President's request, however, the Department will be preparing its report in the very near future. In order for advice and recommendations received from the public to be taken into account in a timely fashion, there is no alternative to the present rapid time table. To provide some focus for testimony at the hearing and for written comment, the Department has prepared a discussion of issues that it views as critical to decisions on welfare reform. The issues and questions set out in this statement are intended to organize public comments in a way that will be most useful to us, the President, and the Congress. In setting out these discussion points, however, we do not intend in any way to place limits on the content or subject of anyone's submission.

WELFARE REFORM ISSUES

The "welfare system" is best understood as an income maintenance system consisting of diverse Federal, State, and local programs including social insurance (principally Social Security, Railroad Retirement, Workmen's Compensation, Unemployment Insurance, Veterans Compensation, and Medicare) and income assistance (principally Aid for Families with Dependent Children, Supplemental Security Income, Veterans Pension, Food Stamps, Medicaid, Public Housing, and General Assistance). Social Services are also related to these programs. This system has several fundamental purposes: To provide access to basic goods and services; to provide protection against unpredictable catastrophic events; and to provide a cushion against a sudden interruption in earnings.

Social insurance programs share two common characteristics:

Eligibility for benefits is dependent upon previous work in covered employment and benefit levels are related, although not precisely, to previous earnings.

Eligibility is dependent upon the occurrence of a particular event such as unemployment, illness, disability, retirement, or death of a principal earner.

In Fiscal Year 1977 social insurance benefits will equal approximately \$134 billion. While some benefits will go to low income families, most will go to families and individuals with incomes above the official poverty line.

Benefits under income assistance programs are in general contingent on low total household income, and in some instances on other tests of dependency such as a dead or absent father. Some programs (such as AFDC and SSI) provide assistance in the form of cash. Others (such as Food Stamps and Section 8 Housing) provide vouchers. Still others (such as Medicaid and Public Housing) provide assistance in the form of direct services. In most cases, households can qualify for benefits from two or more of these programs. Benefits from these programs are conditioned upon income. In Fiscal Year 1977 approximately \$49 billion will be spent by all levels of government on income assistance benefits.

Families and individuals derive revenue from three primary sources: the labor market; private savings and charity; and the income maintenance system. The last acts as a safety net to assist those who either have insufficient income from their own efforts or have been forced (for whatever reason) to withdraw from the labor market. The private labor market provides most, but not all, Americans with sufficient income to meet their consumption needs. During 1975, for example, 17 percent of all heads of poor families worked full time, for a full year, and still had incomes below the official poverty line. Many other Americans do not work because of disability, old age, or responsibilities in the home. These individuals and their dependents must rely upon public and private transfers.

Even with additional assistance from the income maintenance programs, many Americans remain poor. In 1976, 11 percent of all families had incomes below the official poverty line after all cash income from public and private sources was taken into consideration. While this figure represents a decline from the 14 percent of all families who were poor in 1965, approximately 25 million Americans still remain in poverty.

Full employment and robust economic growth are essential for reducing poverty. But the performance of the income assistance programs in cushioning low income families against economic adversity is flawed. Some allege that benefits are too low to enable a poor family to achieve a minimally adequate level of consumption. Some maintain that the programs are inequitable because they provide limited benefits to some families (e.g., childless couples or two-parent families) and more generous assistance to others (e.g., single-parent families)

with equivalent needs. Many people are also disturbed by the disparities in benefit levels among States. Others believe that these programs waste assistance on those who are not truly needy.

Some observers have also argued that the welfare system contributes to family break-ups by providing higher benefits to single-parent families than to two-parent families. Others assert that it discourages the poor from working because a family may, by increasing its earnings by a small amount, lose its eligibility not only for cash assistance (AFDC or SSI) but for Medicaid and/or Public Housing as well. Thus, an income increase of a few dollars could reduce a family's total benefits by a far greater amount. Other critics point out that benefits in some States exceed earnings from many full time jobs. In addition, many believe that current assistance programs undermine the self-image of the poor and unduly intrude into the lives of recipients. Lastly, most people view the welfare system as excessively costly to administer, confusing to recipients and administrators alike, and full of opportunities for fraud and abuse.

While almost everyone agrees that the present system needs changing, there remains considerable disagreement on what changes should be made. Difficult choices must be made concerning such issues as the "adequacy" of benefits; the extent to which benefits should be concentrated on those most in need; the extent to which benefits should be in cash as opposed to assistance to purchase specific items such as food; the desirability of strong work incentives; the importance of promoting family stability and a positive self-image among the poor; the value of administrative efficiency; and reasonable burdens on taxpayers. Unfortunately, these objectives often come into conflict with one another. For example, those who want to raise benefit levels will come into conflict with those who want to lower costs or those who feel that welfare income should not exceed earnings from a low wage job. Similarly, many people believe that means-testing is desirable in order to concentrate resources on those most in need, while others believe that means-testing is undesirable because it stigmatizes the poor. Administrative efficiency may be consistent with a simple and coherent program structure, but may conflict with notions of individual need determination or of individualized prescriptions for work or training.

This hearing will not resolve these difficult choices. It will, however, provide a forum in which these and other choices can be clearly identified and defined. Below is a brief description of six issue areas central to any informed discussion of welfare reform. Those who choose to comment are invited to focus their observations around these issues and the list of specific questions appended to this document. No one should feel compelled to address all, most, or even any of these issues. They are designed merely to serve as a guide when they correspond to an area of particular

concern to the respondent. The six issue-areas are:

Coverage and benefit levels. The necessity of setting eligibility criteria, specifying benefit levels, and determining the scope and variety of programs through which benefits will flow.

Relationship between the income maintenance system and the labor market. The extent to which programs will encourage and/or require recipients to work, the role of government in making available employment opportunities, and the character of the jobs provided.

Appropriate roles for Federal, State, and local governments. The division of administrative and financial responsibility based upon criteria which include efficiency, accountability, and availability of resources.

Impact of the welfare system on the family. Consideration of the results of the present system and approaches available for promoting individual and family strength, stability, and self-image.

Relationship between welfare and social services. The kinds of services, if any, that should be provided to recipients, the manner in which they should be administered and financed, and the basis on which recipients should qualify for services.

Administration and management. The value placed on an efficient system, the degree of discretion allowed to administrators, the extent to which the programs intrude into the lives of recipients, and the steps that should be taken to discourage fraud and abuse.

Dated: March 3, 1977.

HENRY AARON,
Chairman,

Consulting Group on Welfare Reform.

APPENDIX

I. COVERAGE AND BENEFIT LEVELS

1. Should different categories of recipients be treated differently? Should all families be covered under a single program? Which categorical approaches should be considered?

(e.g., aged, disabled, single-parent families, two-parent families, families with children?)

2. How should benefit levels be set? What standards should be used? (e.g., the official poverty thresholds, eligibility levels in existing programs, prevailing entry level wage rates, a new standard?) Are there factors unique to any group which should be considered in formulating benefit levels?

3. How should other income and resources be treated in determining eligibility? (e.g., employment earnings, social insurance benefits, home-ownership and other assets, contributions from other family members?)

4. Should there be a basic minimum benefit for which any family qualifies? Should there be an upper income eligibility level above which no family can qualify?

5. Should benefits vary according to the cost-of-living or standard-of-living in a particular region or geographic area?

6. How should benefits be scaled down as other income and/or resources rises? Should all families face the same benefit reduction rate? For which families should it differ?

7. Should benefits be provided in the form of cash or in-kind services? Some combination? Do in-kind benefits unfairly restrict the consumption choices of the poor or should the consumption of certain goods and services be encouraged?

8. Which current welfare programs should be preserved? Which not? Which new ones added? How would new programs be coordinated with existing ones that remain?

9. How much more, or less, should the nation spend for income assistance?

10. If the present system is substantially altered, should any families be made "worse off" under the new system? Should there be a "hold harmless" provision? How would such a provision be financed?

II. RELATIONSHIP BETWEEN THE INCOME MAINTENANCE SYSTEM AND THE LABOR MARKET

1. Who among recipients should work? Should work be voluntary or mandatory? What kind of a "work test" or "work requirement" should be used? How should it be administered? Under a strict "work requirement" should a family forfeit all benefits if a member refuses a job?

2. What is the government's responsibility to provide jobs for recipients? Which level of government should provide and finance these jobs?

3. Where should the jobs be located? In the private sector? In the public sector? Some combination? How many jobs can government reasonably expect to create in either sector? What kinds of financing mechanisms can be used to create jobs? How much will it cost to provide jobs?

4. What is likely to be the impact of these jobs on private, low wage employment? Will this impact be good or bad?

5. What should be the minimum characteristics of these jobs? With respect to wage rates? Skills required/learned? Opportunities for advancement? With a minimum set of characteristics in mind, what specific kinds of jobs could be created?

6. Should jobs be available for all recipients who want them? Should they be limited to one per household?

III. APPROPRIATE ROLES FOR FEDERAL, STATE, AND LOCAL GOVERNMENTS

1. How should the welfare system be financed? Should costs be shared among levels of government?

2. Which level of government should administer the programs?

3. Which level of government should assume responsibility for establishing benefit levels and eligibility rules?

4. Assuming a Federally funded and administered basic income support program, should States supplement the Federal grant? Should such a supplement be optional or mandatory? Who should administer a State supplement?

IV. THE IMPACT OF THE WELFARE SYSTEM ON THE FAMILY

1. Should single-parent families be treated differently from two-parent families?

2. What has been the impact of the current welfare system on the family?

3. What should be the responsibility of one family member for another? (e.g., should children be responsible for poor, aged parents?) Should relatives live together in order to bear some responsibility?

4. What has been the impact of welfare on the migration patterns of low income families?

V. THE RELATIONSHIP BETWEEN WELFARE AND SOCIAL SERVICES

1. What kinds of services, if any, should accompany cash or in-kind assistance?

2. What changes in the provision of services will be required from a basic change in the income maintenance system?

3. Which level of government should provide the services? How should they be financed?

4. Should services be provided on a categorical or income-tested basis? Which service needs are income-related and which are not?

5. To what extent can an adequate income be a substitute for provided services?

6. What "special needs" should be met by services?

7. Should services be provided directly, through provider contracts with public or private agencies, or through vouchers which permit recipients to purchase them through the private market?

8. In the case of a separation of payments and services, which agency should assume responsibility for "protective payment" (i.e., payments made on behalf of clients who are not personally responsible)?

VI. ADMINISTRATION AND MANAGEMENT

1. How should recipients be treated? How can the welfare system support a more positive self-image among the poor?

2. To what extent should the system intrude into the lives of recipients? How much discretion should be allowed to program administrators? What steps should administrators be permitted to take to verify the statements of recipients?

3. What steps should be taken to prevent and discourage fraud or abuse? On the part of recipients? On the part of administrators? On the part of providers?

4. Should a quality control program be incorporated into a revised welfare system? What should be the objectives of such a system? How should it be structured? Who should administer it?

5. What practical steps can be taken to simplify welfare administration?

6. What factors should be included to insure the selection of program administrators who are sensitive to the cultural and linguistic needs of the communities they serve? What special provisions should be made for recipients whose primary language is not English?

REGIONAL CONTACTS ON WELFARE REFORM

Region I

Neil P. Fallon, Regional Commissioner, Social and Rehabilitation Service, Room 1309, John F. Kennedy Federal Building, Government Center, Boston, Massachusetts 02203, 617-229-6871.

Region II

Arthur O'Leary, Assistant Regional Director for Program Coordination, 3838 Federal Building, 26 Federal Plaza, New York, New York 10007, 212-264-4607.

Region III

Michael Mangano, Assistant Regional Director for Planning and Evaluation, Room 9220, 3535 Market Street, Philadelphia, Pennsylvania 19101, 215-596-6507.

Region IV

Walter D. Branch, Assistant Regional Director for Intergovernmental Affairs, Room 426, 50 Seventh Street N.E., Atlanta, Georgia 30323, 404-581-3873.

Region V

George R. Holland, Deputy Regional Director, 300 South Wacker Drive, Chicago, Illinois 60606, 312-353-5677.

Region VI

Dan Reed, Assistant Regional Director for Program Coordination, Room 1126, 1200 Main Tower Building, Dallas, Texas 75202, 214-655-3310.

Region VII

Darrel Stotts, Assistant Regional Director for Management and Finance, Room 612, 601 East 12th Street, Kansas City, Missouri 64106, 816-374-3436.

Region VIII

Edwin R. LaPedis, Deputy Regional Director, Room 10001, Federal Office Building, 1961 Stout Street, Denver, Colorado 80294, 303-837-3373.

Region IX

Daniel M. Sprague, Deputy Regional Director, Room 431, 50 United Nations Plaza, San Francisco, California 94102, 415-556-1901.

Region X

Louis Weissman, Director, Assistance Payments and Public Services, Room 5019, Arcade Plaza Building, Mail Stop 505, 1321 Second Avenue, Seattle, Washington 98101, 206-442-8526.

[FR Doc. 77-6832 Filed 3-4-77; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Filing of Plat of Survey

FEBRUARY 23, 1977.

1. Plat of survey of the lands described below will be officially filed in the Alaska State Office, Anchorage, Alaska, effective at 10:00 a.m., April 15, 1977.

SEWARD MERIDIAN, ALASKA

T. 16 N., R. 4 E.

Sec. 33: All

Sec. 34: Lots 1 to 3 inclusive, SW $\frac{1}{4}$ NE $\frac{1}{4}$.

W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.

Containing 1295.62 acres.

2. The land encompassed in this survey is bordered on the north by the Knik River, flowing northwest, and by the Chugach Mountains to the south. The soil is a thin sandy loam with some gravel mix.

Access to the township is an improved dirt road that enters the township in section 30.

The timber is cottonwood, birch and spruce. The undergrowth is alder, rose briar, willow, and devil's club.

The elevation of the portion of the township surveyed ranges from 100 feet to 1500 feet above sea level.

3. The public lands affected by this order are open to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, including Public Land Order 5418, filed March 28, 1974, and the requirements of applicable law, rules, and regulations.

4. Inquiries concerning the lands should be addressed to the State Director, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

Dated: February 23, 1977, Division of Cadastral Survey, Anchorage, Alaska.

JIM H. TYER,
Acting Chief,

Division of Cadastral Survey.

[FR Doc. 77-6651 Filed 3-4-77; 8:45 am]

[Serial No. A 9884]

ARIZONA

Application

Notice is hereby given that pursuant to Section 23 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 6, 1973 (87 Stat. 576), El Paso Natural Gas Company, Post Office Box 1492, El Paso, Texas 79978, has applied for a cathodic protec-

tion site across the following described land:

GILA AND SALT RIVER MERIDIAN,
ARIZONA

T. 14 N., R. 2 W.,
Sec. 9, NE $\frac{1}{4}$ SW $\frac{1}{4}$.

The cathodic protection site will serve to protect an existing 6" diameter natural gas pipeline from corrosive action and will occupy 495 feet of Federal land in Yavapai County, Arizona.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views on this matter should promptly send their name and address to the District Manager, Phoenix District Office, Bureau of Land Management, 2929 West Clarendon, Phoenix, Arizona 85073.

MARIO L. LOPEZ,
Chief, Branch of
Lands and Minerals Operations.

FEBRUARY 24, 1977.

[FR Doc. 77-6627 Filed 3-4-77; 8:45 am]

[OR 7964 (Wash.)]

WASHINGTON

Opportunity for Public Hearing and Re-Publication of Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 25, 1977.

The Department of Agriculture on behalf of the Forest Service, on May 3, 1971, filed application, Serial No. OR 7964 (Wash.), for the withdrawal of approximately 150 acres of national forest lands from location and entry under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights. The Department of Agriculture has requested that the withdrawal be granted for permanent duration.

The Forest Service desires these lands for use as the Wolf Creek Research Natural Area.

A notice of proposed withdrawal and reservation of lands was published on July 7, 1971 in the FEDERAL REGISTER (36 FR 12800).

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, at the address shown below, by April 2, 1977. Upon determination by the State Director that a public hearing will be held, the time and place will be announced.

All previous comments submitted in connection with the withdrawal proposal have been included in the case file record and will be considered in making a final determination on the proposal.

The lands involved in the application are:

WILLAMETTE MERIDIAN
OKANOGAN NATIONAL FOREST
Wolf Creek Research Natural Area

T. 34 N., R. 20 E., unurveyed,

Sec. 1, a tract of land within the N $\frac{1}{2}$ described as follows: Beginning at the section corner common to secs. 35 and 36, T. 35 N., R. 20 E., thence due south 1,425 feet to its intersection with Wolf Creek, thence following the left bank of said creek southeasterly 3,453 feet to a point due south of corner No. 3 of H.E.S. 217, thence due north 297 feet to said corner No. 3, thence due north 1,650 feet to corner No. 2 of said H.E.S., thence N. 89°49' W. 652.03 feet to south quarter corner of sec. 36, thence due west 2,640 feet to point of beginning.

The area described contains approximately 150 acres in Okanogan County, Washington.

All communications in connection with this withdrawal should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

CHAMP C. VAUGHAN, JR.,
Acting Chief, Branch of
Lands and Minerals Operations.

[FR Doc. 77-6629 Filed 3-4-77; 8:45 am]

Office of the Secretary

CARLOS GALANES

Appointee's Statement of Financial Interests

In accordance with the requirements of section 302(b) of Executive Order 10617, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on January 19, 1977, as DEPA Deputy Director, PR/VI, Defense Electric Power Admin., an officer or director:

PUERTO RICO WATER RESOURCES AUTHORITY

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests: None.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment: None.

CARLOS GALANES

FEBRUARY 16, 1977.

[FR Doc. 77-6630 Filed 3-4-77; 8:45 am]

DIRECTOR, NATIONAL PARK SERVICE

Delegation of Authority

This Notice is issued in accordance with the provisions of 5 U.S.C. 552(a) (1). The Secretary of the Interior has issued a revised general program delegation of authority to the Director, National Park Service. The revision combines authorities regarding historic preservation ac-

tivities which were previously separately described. The revision is reflected in paragraph 1A of Chapter 1, Part 245 of the Department of the Interior Manual which is published in its entirety below.

Further information regarding the revised delegation of authority may be obtained from Mr. Ernest A. Connally, Associate Director—Preservation of Historic Properties, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202-343-2573.

RICHARD R. HITE,
Deputy Assistant
Secretary of the Interior.

FEBRUARY 23, 1977.

DEPARTMENTAL MANUAL

DELEGATION, PART 245 NATIONAL PARK SERVICE,
GENERAL PROGRAM DELEGATION, CHAPTER 1,
DIRECTOR, NATIONAL PARK SERVICE 245.1.1

1. Delegation.

A. The Director, National Park Service, is authorized, except as provided in 209 DM 1 and 519 DM 1.4A, B, and D, to exercise the program authority of the Secretary of the Interior with respect to the supervision, management, and operation of the National Park System and the program authority of the Secretary of the Interior with respect to all historic preservation activities and responsibilities of the Secretary authorized pursuant to statute and/or executive order.

B. The Director is authorized to exercise the authority of the Secretary of the Interior to issue such rules and regulations as would amend by addition, revision, or revocation, regulations contained in Chapter 1, Title 36, Code of Federal Regulations.

C. The Director, National Park Service, is delegated the Secretary's authority to carry out the purposes of Public Laws 90-542 and 90-543 relating to the selection and location of boundaries, property acquisition, development, and administration for assigned components of the National Trails System, and Wild and Scenic Rivers. This authority will be exercised in accordance with the provisions of 710 DM 1.

D. The Director is delegated the Secretary's enforcement authority as specified in Sec. 8(b) of the Wild Free-Roaming Horse and Burro Act of 1971 (Stat. 649; 16 U.S.C. 1331-1340). This authority will be exercised in accordance with the provisions of 633 DM 1.

2. Limitations.

A. The following authority is not delegated in the general authority listed in 245 DM 1.1:

(1) Any action to be taken with the approval or concurrence of the President, or the head of any department or independent agency of the Government;

(2) Authority related to functions and responsibilities under the Act of June 23, 1936 (49 Stat. 1894), which have been or may be reserved by the Secretary;

(3) The establishment of criteria to be followed by the States in the preparation of statewide historic surveys and plans for the preservation, acquisition, and development of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture;

(4) Making final apportionments of funds among the States for comprehensive statewide historic surveys and plans, and for the projects in approved statewide historic preservation plans, as prescribed in Title I of the Act of October 15, 1966, 80 Stat. 915.

[FR Doc. 77-6631 Filed 3-4-77; 8:45 am]

INTERNATIONAL TRADE COMMISSION

[Investigation 337-TA-24]

CERTAIN EXERCISING DEVICES

Notice and Order Concerning Procedure for Commission Action

Notice is hereby given that—

1. The Commission will hold a hearing beginning at 10 a.m., e.s.t., March 29, 1977, in the Commission's Hearing Room, Room 331, 701 E Street NW., Washington, D.C., for the purpose of receiving information and hearing oral argument, as provided for in section 210.14(a) of the Commission's Rules of Practice and Procedure (41 FR 17710), concerning relief, bonding, and the public interest factors set forth in sections 337 (e) and (f) of the Tariff Act which the Commission is to consider in the event it determines that there is a violation of section 337 and determines that there should be relief.

For the purpose of the hearing on relief, bonding, and the public interest factors, each party, interested person and agency will be limited to no more than 30 minutes time for making its presentation, and each participant will be permitted an additional 5 minutes time for closing arguments after all of the 30 minutes presentations have been concluded. Questioning of presenters shall be limited to members of the Commission and its staff.

Requests for appearances at the hearing should be filed, in writing, with the Secretary of the Commission at his office in Washington no later than March 25, 1977. Requests should indicate the part of the hearing (i.e., with respect to the recommended determination; relief; or relief, bonding, and the public interest the requesting person desires to participate.

2. The Commission's investigative staff shall file and serve upon all parties a formal report reflecting its investigation of public interest factors to be considered by the Commission with the staff's recommendations and conclusions not later than Monday, March 14, 1977.

3. Written comments and information are encouraged by any party, interested person, Government agency or Government concerning relief, bonding, and the public interest factors set forth in sections 337(d) and (f) of the Tariff Act of 1930, as amended (19 U.S.C. 1337), which the Commission is to consider in the event it determines that there should be relief. A proposed order granting relief, including if appropriate a determination of bonding, shall be filed by Complainant and served by it upon all parties not later than the close of business, Monday, March 7, 1977; Respondents and all other interested persons, Government agencies and Governments shall file and serve upon all parties their comments and information on remedy, bonding and the aforesaid public interest factors not later than the close of business, Monday, March 14, 1977, and Complainant shall file and serve upon all parties their comments and informa-

tion on these matters not later than the close of business, Monday, March 21, 1977.

4. The Commission shall schedule oral argument on the recommended determination of the presiding officer that there is a violation of section 337 only if such argument is requested, in writing, by one or more of the parties to this investigation. Requests for such oral argument must be filed with the Secretary of the Commission at his office in Washington no later than noon, March 11, 1977.

Notice of the Commission's institution of investigation was published in the FEDERAL REGISTER of April 20, 1976 (41 FR 16617). A notice of Preliminary Conference was published June 28, 1976 (41 FR 26607).

By order of the Commission.

Issued: March 2, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc. 77-6702 Filed 3-4-77; 8:45 am]

[USITO SE-77-19A]

GOVERNMENT IN THE SUNSHINE

Additional Agenda Item for Meeting

In deliberations held March 1, 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 March 10, 1977:

9. Sugar (Inv. TA-201-16)—vote on remedy, if necessary (after 3 p.m.).

Commissioner Minchew, 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. Commissioner Parker was not present for the vote.

If you have any questions concerning the agenda for the March 10, 1977, Commission meeting, please contact the Secretary to the Commission at 202-523-0161. Access to documents to be considered by the Commission at the meeting is provided for in Subpart C of the Commission's rules (19 CFR 201.17-201.21).

On the authority of 19 U.S.C. 1335 and in conformity with proposed 19 CFR 201.38(a), when a person's privacy interests may be directly affected by holding a portion of a Commission meeting in public, that person may request the Commission to close such portion to public observation. Such requests should be communicated to the Office of the Chairman of the Commission.

By order of the Commission:

Issued: March 2, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc. 77-6701 Filed 3-4-77; 8:45 am]

PRELIMINARY DRAFT OF PARTS OF AN ENUMERATION OF ARTICLES TO PROVIDE FOR COMPARABILITY AMONG U.S. IMPORT, PRODUCTION, AND EXPORT DATA

Release for Public Comment

Notice is hereby given that the United States Departments of the Treasury and Commerce and the United States International Trade Commission are releasing for public comment the following preliminary draft of parts of an enumeration of articles which will provide for comparability among U.S. import, production, and export data pursuant to section 484(e) of the Tariff Act of 1930 (19 U.S.C. 1484(e)), as amended by section 608(a) of the Trade Act of 1974 (19 U.S.C. 2101):

Woven fabrics; fabrics of special construction or for special purposes; miscellaneous textile products; rags and scrap cordage—schedule 3, parts 3, 4, and 7, Tariff Schedules of the United States Annotated (TSUSA); release date: March 8, 1977;
Petroleum, natural gas, and products derived therefrom—schedule 4, part 10, TSUSA; release date: March 11, 1977;
Pigments and pigment-like materials; inks, paints, and related products—schedule 4, parts 9B and 9C, TSUSA; release date: March 2, 1977;
Chemical elements; inorganic acids; inorganic chemical compounds—schedule 4, part 2, subparts A, B, and C, TSUSA; release date: March 4, 1977;
Metal-bearing ores and other metal-bearing materials—schedule 6, part 1, TSUSA; release date: March 2, 1977;
Textile machines; laundry and dry-cleaning machines; sewing machines—schedule 6, part 4E, TSUSA; release date: March 3, 1977;
Generators, motors, motor generators, converters, transformers, rectifiers and rectifying apparatus, and inductors—schedule 6, part 5, items 682.05-682.65, TSUSA; release date: March 11, 1977;
Miscellaneous electrical machinery and equipment—schedule 6, part 5, items 682.70-684.50, TSUSA; release date: March 3, 1977;
Footwear—schedule 7, part 1A, TSUSA; release date: March 1, 1977.

Background.—The preparation of the draft by the three agencies has generally proceeded from recommendations made in a joint report of the Secretary of Commerce and the U.S. International Trade Commission, dated August 1, 1975, submitted to Congress and the President pursuant to section 608(b) of the Trade Act of 1974, and entitled Principles and Concepts Which Should Guide the Organization and Development of an Enumeration of Articles Which Would Result in Comparability of U.S. Import, Production, and Export Data.

The report noted that the principal advantages of achieving comparability among import, production, and export data are:

1. To permit the development and implementation of a more coordinated and efficient program for the administration, interpretation, and maintenance of national systems;
2. To improve and facilitate the publication of trade data most useful for international economic analysis;
3. To permit more reliable analysis of the impact of external trade on domestic industry.

In making specific recommendations concerning the organization and development of an enumeration of articles which would result in comparability, the report recognized various prerequisites to achieving comparability, such as adhering to sound nomenclature principles, employing identical descriptive techniques and product definitions, using compatible standards of valuation and measurement, and providing for centralized responsibility for interpretation and coordinated responsibility for maintenance. The report also acknowledged many of the practical considerations involved in achieving comparability among the three generally discordant classification systems presently used for the collection of import, production, and export data, including reconciling differences among the three existing systems, preserving statistical continuity, and achieving useful levels of product comparability with the least disruptive impact on current programs and reporting.

In summary, the specific recommendations provided that:

1. The organizational framework of the TSUS should be adopted as the basis for the enumeration of the export schedule.
2. The review and development of an enumeration should take into account the current import, production, and export product classes, with the primary aim of obtaining comparability at a common level.
3. Changes may be proposed to any system, including combinations, subdivisions, and modifications of existing language and content. In particular, consideration should be given to updating of definitions and terms to make them more reflective of current practice in the trade. It must be borne in mind that the TSUS structure and detail are legally based. Therefore, the enumeration should consist of individual TSUSA classifications, or combinations of individual TSUSA classifications (current or as proposed by this program), since this is the only way to attain comparability to the relatively rigid classifications of imports. Combinations may be made of commodities falling in different TSUS classes, if necessary, as long as they consist of aggregations of individual TSUSA classifications.

Continuing program for statistical annotation. The establishment of an enumeration for statistical purposes is, and should be looked upon as, a continuing program. It is intended that the initial modifications to the import, production, and export schedules will serve as a basis for further refinement and change. Modifications to each of the systems will be made from time to time to reflect changing statistical needs and also to improve the comparability of U.S. trade data with trade data reported by other countries on the basis of the Standard International Trade Classification and International Trade Classification (SITC). The publication of trade data by the Department of Commerce on the basis of the SITC will continue.

Modifications to the Tariff Schedules of the United States. Any proposals to modify the TSUS (other than statistical annotations thereto) could not be implemented without legislative approval. After comments have been recovered and reviewed, consideration may then be given to the extent of, and need for, amendatory legislation.

Comments by interested parties. Over the next several months further preliminary drafts will be released for public comment and consideration. Interested parties are invited to comment on all aspects of the comparability program. Specific recommendations and proposals are invited with respect to the extent to which the drafts would:

Recognize the specific needs of users of statistics; Facilitate economic analysis; Reflect sound principles of commodity identification and specifications; and Impose undue reporting burdens for business establishments.

We would also welcome comments with respect to modifications which would provide greater comparability with the SITC (revision 2).

Copies of the drafts are available from the Chief, Industry and Commodity Classification Branch, Economic Surveys Division, U.S. Bureau of the Census, Washington, D.C. 20233.

Written comments should be submitted at the earliest practicable date, but, to be assured of consideration, not later than 60 days after release of the drafts. Such statements should be submitted to the Chief, Industry and Commodity Classification Branch, at the address shown above.

By order of the Commission.

Issued: March 2, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc. 77-6700 Filed 3-4-77; 8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 76-29]

PATRICK L. TIGHE, M.D.

Revocation of Registration

On June 28, 1976, the Administrator of the Drug Enforcement Administration (DEA) directed to Patrick L. Tighe, M.D., the Respondent herein, an Order to Show Cause as to why Respondent's DEA Certificate of Registration (AT0573988) should not be revoked for reason that on June 11, 1976, in the United States District Court for the Middle District of Pennsylvania, Respondent had been convicted of 18 counts of unlawfully distributing controlled substances, felony violations of 21 U.S.C. 841(a)(1). Through counsel, Respondent requested a hearing on the Order to Show Cause. After preliminary procedures, including a Pre-hearing Conference conducted by telephone in which the Administrative Law Judge and Counsel for the Government and the respondent participated, a hearing was conducted by the Honorable Francis L. Young, Administrative Law Judge, in Washington, D.C., on October 14, 1976.

On January 31, 1977, Judge Young certified to the Administrator, pursuant to 21 CFR § 1316.65, the record of the proceedings in this matter, together with his recommended findings of fact and conclusions of law, and a recommended decision. Pursuant to 21 CFR § 1316.66, the

Administrator hereby publishes his Final Order in this proceeding, based upon the findings of fact and conclusions of law set forth below.

The Administrative Law Judge found, *inter alia*, that as a result of complaints from pharmacists in and around Scranton, Pennsylvania, routine checks of prescriptions filled, and other indicia, the Pennsylvania Department of Justice, Bureau of Drug Control, became aware that various individuals had been receiving multiple prescriptions from the Respondent and that such prescriptions resulted in the patients' receiving excessive amounts of controlled substances. In order to determine whether these prescriptions were proper or improper, the Bureau of Drug Control commenced an undercover investigation of the Respondent.

Judge Young found that during the course of the investigation, one of the State agent's visited the Respondent's office nine times and received a total of sixteen prescriptions, several of which were written in the names of women the Respondent had never seen and who, in fact, were fictitious characters whose names were invented by the agent. Respondent's prescriptions each called for the dispensing of a month's supply of Schedule II controlled substances, in spite of the fact that the agent's visits were often separated by less than a week. A second agent visited Respondent's office on five occasions, each time receiving a prescription for controlled substances. The circumstances under which the agents received prescriptions from the Respondent indicated to the Administrative Law Judge that they were clearly not in the course of the Respondent's professional practice and that the Respondent, by his comments and actions during his dealings with the agents, clearly showed that he realized that his actions were unlawful. Judge Young further found that on December 18, 1974, the Respondent was indicted by a federal grand jury and was charged in 18 counts with knowingly, willfully, unlawfully and intentionally distributing and dispensing Biphentamine, a Schedule II controlled substance, and that on June 5, 1975, the trial jury sitting in No. 74-204, United States of America v. Patrick L. Tighe, found the Respondent guilty of all 18 counts. On June 11, 1976, the Honorable Michael H. Sheridan, Chief Judge of the United States District Court for the Middle District of Pennsylvania, entered judgment of conviction upon the Respondent and thereupon sentenced him to two concurrent six-month terms, a \$15,000 fine and a 36 year special parole term. Judge Young concluded that there is a lawful basis for the revocation of Respondent's DEA registration pursuant to 21 U.S.C. 824(a)(2) and recommended that said registration be revoked. The Administrator hereby adopts the Administrative Law Judge's findings, conclusion and recommended decision as set forth above.

Judge Young further found that the Respondent is 67 years of age, has been practicing medicine since 1939, and that he intends to close his office for general

practice and concentrate on the practice of anesthesiology in hospitals if he is permitted to do so. The Administrator finds that the public interest will be served if the Respondent is permitted to administer or order the administration of controlled substances to hospitalized patients in the course of his professional practice as an anesthesiologist. The Administrator further finds that there is no legal or regulatory impediment to his doing so, as long as he remains licensed to practice medicine in the State of Pennsylvania and confines his practice to a hospital properly registered under the Controlled Substances Act. However, 21 CFR § 1301.76(a) provides that a "registrant shall not employ as an agent or employee who has access to controlled substances any person who has had * * * his registration revoked, at any time." Therefore, in order that this Respondent may be employed or practice in a registered hospital, the Administrator hereby waives the prohibition of 21 CFR § 1301.76(a) with respect to the employment or practice of Patrick L. Tighe, M.D. as an anesthesiologist.

Having reviewed the record of this proceeding in its entirety, and having concluded that the subject registration should be revoked for reason that the Respondent has been convicted of a felony relating to controlled substances, it is the Administrator's decision that said registration be revoked. Accordingly, pursuant to the authority vested in the Attorney General by Section 824 of Title 21, United States Code, and re-delegated to the Administrator of the Drug Enforcement Administration, the Administrator hereby orders that the Certificate of Registration, AT0573988, previously issued to Patrick L. Tighe, M.D., be, and it hereby is, revoked, effective thirty days after the publication of this Order in the FEDERAL REGISTER.

Dated: February 28, 1977.

PETER B. BENSINGER,
Administrator.

[FR Doc.77-6640 Filed 3-4-77;8:45 am]

SIGMA CHEMICAL CO.

Importation of Controlled Substances; Application

Pursuant to Section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with Section 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on January 15, 1976 and January 31, 1977, Sigma Chemical Co., 3500 Dekalb Street, St. Louis, MO 63118, made application to the Drug Enforcement Admin-

istration to be registered as an importer of the basic class of controlled substances listed below:

Drug:	Schedule
Ibogaine -----	I
Bufofentine -----	I
Dimethyltryptamine -----	I

As to the basic class of controlled substances listed above for which application for registration has been made, any other applicant therefor, and any existing bulk manufacturer registered therefor, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than April 8, 1977.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street NW., Washington, D.C. 20537.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in schedule I or II are and will continue to be required to demonstrate to the Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958 (a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e) and (f) are satisfied.

Dated: February 28, 1977.

DONALD E. MILLER,
Acting Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.77-6639 Filed 3-4-77;8:45 am]

Law Enforcement Assistance Administration

NATIONAL MINORITY ADVISORY COUNCIL ON CRIMINAL JUSTICE

Fact Finding and Needs Assessment Meeting

Notice is hereby given that the National Minority Advisory Council on Criminal Justice (NMACCJ) will meet Wednesday and Thursday, March 23 and 24, 1977, in San Antonio, Texas. The fact finding and needs assessment meeting is scheduled to convene at 7:30 p.m. on March 23, at La Mansion Hotel, located at 112 College Street in San Antonio, Texas, telephone number 512/225-2581. This meeting is scheduled to run from 6:00 p.m. until 10:00 p.m. on Wednesday evening, and 9:00 a.m. until 5:00 p.m. on Thursday, the 24th.

This meeting represents the efforts of the NMACCJ to gather factual information and data concerning the problems of minorities and the criminal justice system at the local, county, state and Federal level in the areas of community

crime prevention, criminal justice educational and training programs, police, courts, and corrections. The NMACCJ will not concentrate on specific allegations of discrimination but rather on the impact of the criminal justice system on minorities.

This will be an open meeting and persons wishing to attend must furnish their own transportation and accommodations. Anyone wishing to make written or oral statements should contact:

Lewis W. Taylor, Special Assistant for Minorities and Women, Law Enforcement Assistance Administration, 633 Indiana Avenue NW, Washington, D.C. 20531, 202/376-3936.

JAY A. BROZOST,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.77-6632 Filed 3-4-77;8:45 am]

NATIONAL MINORITY ADVISORY COUNCIL ON CRIMINAL JUSTICE

Meeting

Notice is hereby given that the National Minority Advisory Council on Criminal Justice will hold a quarterly meeting Friday and Saturday, March 25 and 26, 1977 in Denver, Colorado. The meeting is scheduled to convene at 12:00 noon on Friday, March 25th at the Executive Tower Inn, 1405 Curtis Street, Denver, Colorado, telephone number 303/571-0300. This meeting is scheduled to run from 12:00 noon until 5:00 p.m. on Friday and 9:00 a.m. until 5:00 p.m. on Saturday, the 26th.

Discussion at the meeting will focus on the community crime prevention program, San Antonio hearings, LEAA's new Administration, researchers, progress on overall workplan and reports from the executive and subcommittees. Additionally, time will be set aside to allow testimony from anyone who wishes to provide the Council with information.

The meeting will be open to the public. For further information, please contact:

Lewis W. Taylor, Special Assistant for Minorities and Women, Law Enforcement Assistance Administration, 633 Indiana Ave. NW, Washington, D.C. 20531, 202/376-3936.

JAY A. BROZOST,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.77-6633 Filed 3-4-77;8:45 am]

NATIONAL SCIENCE FOUNDATION

FEDERAL SCIENTIFIC AND TECHNICAL INFORMATION MANAGERS

Meeting

The next meeting of the Federal Scientific and Technical Information Managers will be held on Wednesday, March 16, 1977, from 9:30 a.m.-12 noon, at the National Aeronautics and Space Administration, 400 Maryland Avenue, SW., Conference Room 6004. The theme of this meeting will be the "Scientific and Technical Data Handling: Where are the Information Scientists?"

These meetings, sponsored by the National Science Foundation, provide a forum for the interchange of information concerning common problems and coordination in the areas of Federal scientific and technical information and communications.

These meetings are designed solely for the benefit of Federal employees and officers, and do not fall under the provisions of the Federal Advisory Committee Act (Pub. L. 92-463). However, this meeting is believed to be of sufficient importance and interest to the public to be announced in the FEDERAL REGISTER.

Any persons wishing to attend this meeting or requiring further information should notify Mr. Andrew A. Aines, Division of Science Information, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550, telephone: (202) 632-5836.

LEE G. BURCHINAL,
Director,
Division of Science Information.

FEBRUARY 28, 1977.

[FR Doc. 77-6553 Filed 3-4-77; 8:45 am]

SUBPANEL ON INSTRUCTIONAL SCIENTIFIC EQUIPMENT PROGRAM (ISEP) OF ADVISORY PANEL ON SCIENCE EDUCATIONAL PROJECTS

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subpanel on the Instructional Scientific Equipment Program (ISEP) of the Advisory Panel on Science Education Projects.

Date and time: March 23, 1977; 7:30 p.m.-10:00 p.m. March 24, 1977; 8:00 a.m.-5:00 p.m. March 25, 1977; 8:00 a.m.-5:00 p.m. March 26, 1977; 8:00 a.m.-4:00 p.m.

Place: Adolphus Hotel, 1321 Commerce Street, Dallas, Texas.

Type of meeting: Closed.

Contact person: Dr. Thomas S. Quarles, Program Manager, ISEP, Room W-424, National Science Foundation, Washington, D.C., telephone (202) 282-7751.

Purpose: To provide advice and recommendations concerning support for the ISEP Program.

Agenda: To review and evaluate specific science education 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.

[FR Doc. 77-6661 Filed 3-4-77; 8:45 am]

SUBPANEL OF THE NATO POSTDOCTORAL FELLOWSHIPS IN SCIENCE PROGRAM OF THE ADVISORY PANEL ON SCIENCE EDUCATIONAL PROJECTS

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subpanel on the NATO Postdoctoral Fellowships in Science Program of the Advisory Panel on Science Education Projects.
Date and time: March 24, 1977; 8:30 a.m.-5:00 p.m. March 25, 1977; 8:30 a.m.-5:00 p.m.

Place: Mayflower Hotel, 1127 Connecticut Avenue, Washington, D.C.

Type of meeting: Closed.

Contact person: Dr. Hall Taylor, Program Manager, NATO Postdoctoral Fellowships in Science, Room W-476, National Science Foundation, Washington, D.C. 20550, Telephone (202) 282-7751.

Purpose: To provide advice and recommendations concerning support for the NATO Postdoctoral Fellowships in Science Program.

Agenda: To review and evaluate specific science education 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.

[FR Doc. 77-6662 Filed 3-4-77; 8:45 am]

NUCLEAR REGULATORY COMMISSION

[Doc. No. 50-289]

METROPOLITAN EDISON CO., ET AL.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-50 issued to Metropolitan Edison Company, Jersey Central Power & Light Company, and Pennsylvania Electric Company (the licensees), for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility), located in Dauphin County, Pennsylvania.

The amendment would revise the provisions of the Technical Specifications to permit expansion of the spent fuel storage capacity at the facility in Spent Fuel Pool "B" from 174 elements to 496 elements in accordance with the licensees' application for amendment dated February 3, 1977.

Prior to issuance of the proposed license amendment, the Commission will

have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By April 6, 1977, the licensees may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to G. F. Trowbridge, Esq., Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036, the attorney for the licensees.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated February 3, 1977, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Box 1610 (Education Building), Harrisburg, Pennsylvania.

Dated at Bethesda, Maryland, this 1st day of March 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors
Branch No. 4, Division of Operating Reactors.

[FR Doc.77-6744 Filed 3-4-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 28, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Energy Information Needs Survey, single-time, industrial and public organizations which consume or produce energy, Ellett, C. A., 395-5867.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Draft Contract/Project Statement, single-time, film and video equipment access centers, Caywood, D. P., 395-3443.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

A Questionnaire for Manufacturers, Distributors and Researchers Currently Involved in Wind Energy Systems Development, single time, businesses and researchers involved in wind energy systems development, Ellett, C. A., 395-5867.

U.S. COMMISSION ON CIVIL RIGHTS

Bilingual Education for Franco Americans: an assessment of need, single time, school teacher and administrative staff, Kathy Wallman, 395-6140.

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis, Verification of Mailing List for BE-10, Survey of U.S. Direct Investment Abroad—1976, BE-10 (P), single time, firms with investment abroad, C. Louis Kincannon, 395-3211.

Economic Development Administration, Application for Financial Assistance, ED-201, on occasion, firms expanding or starting new operations, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development, A Survey Questionnaire: Training Programs for Home Visitors, single time, private institutions, charitable organizations, non-profit agencies, Warren Topellus, 395-5872.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary, Application for Co-insurance Benefits (multifamily), on occasion, approved co-insurance mortgagees, Housing, Veterans and Labor Division, 395-3532.

DEPARTMENT OF LABOR

Employment Standards Administration, Application for Federal Certificate of Age, WH-14, on occasion, minors applying for Federal certificate of age, Warren Topellus, 395-5872.

REVISIONS

VETERANS ADMINISTRATION

Application for Designation as Management Broker, 26-6885, on occasion, management broker, Warren Topellus, 395-5872.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Fruit Inquiries—Growers, monthly, fruit growers, Will Sherman, 395-4730.

Food and Nutrition Service, Application for Participation and Site Information (Summer Food Service Program for Children), FNS-81, FNS-81-1, on occasion, service institutions where Food and Nutrition Service administers program, Will Sherman, 395-4730.

Statistical Reporting Service, Monthly Cold Storage Survey, monthly, refrigerated warehouses, Will Sherman, 395-4730.

Agricultural Marketing Service, Fruit and Vegetable Market News Report, FV-8, FV-18, FV-28, FV-29, FY-29-1, FV-373, monthly, fruit and vegetable producers and processors, Will Sherman, 395-4730.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Consumer Affairs Regulatory Functions, Counseling Agency and Activity Report and Instructions, HUD 9902, quarterly, HUD-approved counseling agencies, Housing, Veterans and Labor Division, 395-3532.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, A—Establishment Information, B—Wage Data, C—Quarterly Report, D—Benefit Document, E—Benefit Change Document, 3076 Refinement Survey, A-3038A, B, C, D, E 3076, 3038C, quarterly, private nonfarm establishments, EXC. HH'S, States local governments, Strasser, A. 395-5867.

EXTENSIONS

GENERAL SERVICES ADMINISTRATION

Contractors Qualifications and Financial Information, GSA527, on occasion, construction contractors, Warren Topellus, 395-5872.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit, application for approval as investing mortgagee, 2001-G, on occasion, foundations, labor unions, Housing, Veterans and Labor Division, 395-3532.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, retail prices—fuel and utilities, BLS 2023, annually, business firms, Strasser, A., Ellett, C. A., 395-5867.

EXTENSIONS

DEPARTMENT OF THE INTERIOR

Bureau of Sport Fisheries and Wildlife, woodcock wing collection envelope, 3-156A, annually, woodcock hunters, Warren Topellus, 395-5872.

PHILLIP D. LARSEN,

Budget and Management Officer.

[FR Doc.77-6743 Filed 3-4-77;8:45 am]

PRIVACY PROTECTION STUDY COMMISSION

PUBLIC MEETING

The Privacy Protection Study Commission hereby announces that it will hold meetings from 9 a.m. to 5:30 p.m. on March 16, 17, and 18, 1977, in Washington, D.C. The meetings on March 16 and 18 will be held in Room 6202, Dirksen Senate Office Building, and the meeting on March 17 will be held in Room 155, Russell Senate Office Building. All meetings will be open to the public.

The agenda for the meetings will include a discussion of Commission business matters, as well as the Commission projects on employment and personnel, public assistance and social services, government access, implementation issues, and draft recommendations on the Privacy Act.

For further information, contact John Barker, Public Affairs Director, at (202) 634-1477.

CAROLE W. PARSONS,

Executive Director, Privacy Protection Study Commission.

[FR Doc.77-6909 Filed 3-4-77;9:48 am]

DEPARTMENT OF STATE

Agency for International Development

[168-14]

AID AFFAIRS OFFICER, REGIONAL DEVELOPMENT OFFICE/CARIBBEAN

Redelegation of Authority

Pursuant to the authority vested in me as Assistant Administrator for Latin America, Agency for International Development, by the Foreign Assistance Act of 1961, as amended, and the delegations of authority issued thereunder, I hereby delegate to the A.I.D. Affairs Officer, Regional Development Office/Caribbean, authority to execute Amendment No. 1 to A.I.D. Loan No. 538-L-002 (Caribbean Development Bank—Low Cost Housing and Secondary Mortgage Market) which is enclosed herewith.

This Delegation of Authority shall lapse within 60 days from the date of execution hereof.

FEBRUARY 22, 1977.

E. N. S. GIBARD, II,
Assistant Administrator.

[FR Doc.77-6635 Filed 3-4-77;8:45 am]

[Public Notice 526]

FISHERY CONSERVATION ZONE

Notice of Limits

The Fishery Conservation and Management Act of 1976 establishes a fishery conservation zone contiguous to the territorial sea of the United States, effective March 1, 1977, the outer boundary of which is a line drawn in such a manner that each point on it is 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

The Government of the United States of America has been, is, and will be, engaged in consultations and negotiations with the governments of neighboring countries concerning the delimitation of areas subject to the respective jurisdiction of the United States and of these countries.

The limits of the fishery conservation zone of the United States as set forth below are intended to be without prejudice to any negotiations with these countries or to any positions which may have been or may be adopted respecting the limits of maritime jurisdiction in such areas.

Therefore, the Department of State on behalf of the Government of the United States of America hereby announces the limits of the fishery conservation zone of the United States of America, within which the United States will exercise its exclusive fishery management authority as set forth in the Fishery Conservation and Management Act of 1976, pending the establishment of permanent maritime boundaries by mutual agreement.

Publication of a notice on this subject which is effective immediately upon publication is necessary to effectively exercise the foreign affairs responsibility of the Department of State. (See Title 5, U.S.C., 553 (a) (1) and (b) (B)).

The North American coordinates in this notice relate to the Clarke 1866 Ellipsoid and the North American 1927 datum for the contiguous United States.

Straight line in this notice means a geodetic line.

U.S. ATLANTIC COAST AND GULF OF MEXICO

In the Gulf of Main area the limit of the fishery conservation zone shall be determined by straight lines connecting the following coordinates:

- 1. 44°46'35.346" N., 66°54'11.253" W.
2. 44°44'41" N., 66°56'17" W.
3. 44°43'56" N., 66°56'26" W.
4. 44°39'18" N., 66°57'29" W.
5. 44°36'58" N., 67°00'35" W.
6. 44°33'27" N., 67°02'57" W.
7. 44°30'38" N., 67°03'36" W.
8. 44°29'03" N., 67°03'42" W.
9. 44°25'27" N., 67°02'16" W.
10. 44°21'43" N., 67°02'33" W.
11. 44°14'06" N., 67°08'38" W.
12. 44°07'42" N., 67°26'30" W.
13. 43°32'00" N., 67°50'00" W.
14. 43°23'00" N., 67°46'00" W.
15. 42°27'30" N., 67°06'00" W.
16. 42°23'42" N., 66°21'36" W.
17. 42°00'00" N., 65°40'00" W.
18. 41°29'18.07" N., 65°06'11.94" W.

Between point 18 and 19 the limit of

the fishery conservation zone is 200 nautical miles seaward from the baseline from which the territorial sea is measured.

In the area of the Blake Plateau, the Straits of Florida and the Eastern Gulf of Mexico, the limit of the fishery conservation zone shall be determined by straight lines connecting the following coordinates:

- 19. 28°17'10" N., 76°36'45" W.
20. 28°17'10" N., 79°11'24" W.
21. 27°52'54" N., 78°28'36" W.
22. 27°26'00" N., 79°31'36" W.
23. 27°16'12" N., 79°34'18" W.
24. 27°11'53" N., 79°34'56" W.
25. 27°05'58" N., 79°35'19" W.
26. 27°00'27" N., 79°35'17" W.
27. 26°55'15" N., 79°34'39" W.
28. 26°53'57" N., 79°31'33" W.
29. 26°45'45" N., 79°32'41" W.
30. 26°44'29" N., 79°32'23" W.
31. 26°43'39" N., 79°32'20" W.
32. 26°41'11" N., 79°32'01" W.
33. 26°38'12" N., 79°31'33" W.
34. 26°36'29" N., 79°31'07" W.
35. 26°35'20" N., 79°30'50" W.
36. 26°34'50" N., 79°30'46" W.
37. 26°34'10" N., 79°30'38" W.
38. 26°31'11" N., 79°30'15" W.
39. 26°29'04" N., 79°29'53" W.
40. 26°25'30" N., 79°29'58" W.
41. 26°23'28" N., 79°29'55" W.
42. 26°23'20" N., 79°29'54" W.
43. 26°18'56" N., 79°31'55" W.
44. 26°15'25" N., 79°33'17" W.
45. 26°15'12" N., 79°33'23" W.
46. 26°08'08" N., 79°35'53" W.
47. 26°07'46" N., 79°36'09" W.
48. 26°06'58" N., 79°36'35" W.
49. 26°02'51" N., 79°38'22" W.
50. 25°59'29" N., 79°40'03" W.
51. 25°59'15" N., 79°40'08" W.
52. 25°57'47" N., 79°40'38" W.
53. 25°56'17" N., 79°41'06" W.
54. 25°54'03" N., 79°41'38" W.
55. 25°53'23" N., 79°41'46" W.
56. 25°51'53" N., 79°41'59" W.
57. 25°49'32" N., 79°42'16" W.
58. 25°48'23" N., 79°42'23" W.
59. 25°48'10" N., 79°42'24" W.
60. 25°46'25" N., 79°42'44" W.
61. 25°46'15" N., 79°42'45" W.
62. 25°43'39" N., 79°42'59" W.
63. 25°42'30" N., 79°42'48" W.
64. 25°40'36" N., 79°42'27" W.
65. 25°37'23" N., 79°42'27" W.
66. 25°37'07" N., 79°42'27" W.
67. 25°31'02" N., 79°42'12" W.
68. 25°27'58" N., 79°42'11" W.
69. 25°24'05" N., 79°42'12" W.
70. 25°22'20" N., 79°42'20" W.
71. 25°21'28" N., 79°42'08" W.
72. 25°16'51" N., 79°41'24" W.
73. 25°15'56" N., 79°41'31" W.
74. 25°10'38" N., 79°41'31" W.
75. 25°09'50" N., 79°41'36" W.
76. 25°09'02" N., 79°41'45" W.
77. 25°03'53" N., 79°42'30" W.
78. 25°02'58" N., 79°42'57" W.
79. 25°00'28" N., 79°44'06" W.
80. 24°59'01" N., 79°44'49" W.
81. 24°55'26" N., 79°45'58" W.
82. 24°44'16" N., 79°49'25" W.
83. 24°43'02" N., 79°49'39" W.
84. 24°42'34" N., 79°50'51" W.
85. 24°41'45" N., 79°52'53" W.
86. 24°38'30" N., 79°59'59" W.
87. 24°36'25" N., 80°03'52" W.
88. 24°33'16" N., 80°12'44" W.
89. 24°33'03" N., 80°13'22" W.
90. 24°32'11" N., 80°15'17" W.
91. 24°31'25" N., 80°16'56" W.
92. 24°30'55" N., 80°17'48" W.
93. 24°30'12" N., 80°19'22" W.

- 94. 24°30'02" N., 80°19'45" W.
95. 24°29'36" N., 80°21'06" W.
96. 24°28'16" N., 80°24'36" W.
97. 24°28'04" N., 80°25'11" W.
98. 24°27'21" N., 80°27'21" W.
99. 24°26'28" N., 80°29'31" W.
100. 24°25'05" N., 80°32'23" W.
101. 24°23'28" N., 80°36'10" W.
102. 24°22'31" N., 80°39'57" W.
103. 24°22'05" N., 80°39'52" W.
104. 24°19'29" N., 80°45'22" W.
105. 24°19'14" N., 80°45'48" W.
106. 24°18'36" N., 80°46'50" W.
107. 24°18'33" N., 80°46'55" W.
108. 24°09'49" N., 80°59'48" W.
109. 24°09'46" N., 80°59'52" W.
110. 24°08'56" N., 81°01'08" W.
111. 24°08'28" N., 81°01'52" W.
112. 24°08'24" N., 81°01'58" W.
113. 24°07'26" N., 81°03'07" W.
114. 24°02'18" N., 81°09'06" W.
115. 23°59'58" N., 81°11'16" W.
116. 23°56'24" N., 81°13'27" W.
117. 23°55'00" N., 81°16'41" W.
118. 23°51'50" N., 81°25'09" W.
119. 23°50'37" N., 81°28'12" W.
120. 23°49'50" N., 81°30'08" W.
121. 23°49'41" N., 81°30'29" W.
122. 23°49'33" N., 81°32'39" W.
123. 23°49'22" N., 81°35'11" W.
124. 23°49'06" N., 81°38'57" W.
125. 23°49'05" N., 81°39'21" W.
126. 23°48'22" N., 81°46'48" W.
127. 23°48'24" N., 81°47'02" W.
128. 23°48'28" N., 81°47'53" W.
129. 23°48'48" N., 81°54'30" W.
130. 23°49'44" N., 82°08'01" W.
131. 23°49'50" N., 82°09'06" W.
132. 23°51'29" N., 82°17'58" W.
133. 23°51'35" N., 82°18'31" W.
134. 23°52'31" N., 82°21'53" W.
135. 23°52'28" N., 82°23'33" W.
136. 23°53'17" N., 82°33'15" W.
137. 23°53'30" N., 82°35'32" W.
138. 23°53'20" N., 82°36'04" W.
139. 23°49'25" N., 82°50'01" W.
140. 23°49'13" N., 82°50'46" W.
141. 23°49'08" N., 82°52'46" W.
142. 23°49'06" N., 82°54'21" W.
143. 23°49'06" N., 82°58'41" W.
144. 23°49'08" N., 83°58'40" W.
145. 23°49'30" N., 83°07'00" W.
146. 23°49'42" N., 83°09'13" W.
147. 23°49'53" N., 83°11'09" W.
148. 23°49'53" N., 83°11'10" W.
149. 23°50'02" N., 83°12'10" W.
150. 23°51'11" N., 83°20'13" W.
151. 23°52'49" N., 83°31'09" W.
152. 23°54'12" N., 83°39'45" W.
153. 23°56'09" N., 83°48'16" W.
154. 23°56'11" N., 83°48'23" W.
155. 23°58'20" N., 83°55'52" W.
156. 24°03'18" N., 84°11'20" W.
157. 24°10'23" N., 84°29'19" W.
158. 24°12'56" N., 84°36'44" W.
159. 24°14'17" N., 84°38'37" W.
160. 24°40'23" N., 85°31'20" W.
161. 24°51'56" N., 85°53'45" W.
162. 25°10'29" N., 86°27'25" W.
163. 25°13'03" N., 86°32'08" W.

Between point 163 and point 164 the limit of the fishery conservation zone is 200 nautical miles seaward from the baseline from which the territorial sea is measured.

In the area of the Central Gulf of Mexico, the limit of the fishery conservation zone shall be determined by straight lines connecting the following coordinates:

- 164. 25°41'56.52" N., 88°23'05.54" W.
165. 25°46'52.00" N., 90°29'41.00" W.
166. 25°42'13.05" N., 91°05'24.89" W.

Between point 166 and point 167, the limit of the fishery conservation zone is 200 nautical miles seaward from the baseline from which the territorial sea is measured.

In the area of the western Gulf of Mexico, the limit of the fishery conservation zone shall be determined by straight lines connecting the following coordinates:

167. 25°59'48.28" N., 93°26'42.19" W.
168. 26°00'30" N., 95°39'26" W.
169. 26°00'31" N., 96°48'29" W.
170. 25°58'30.57" N., 96°55'27.37" W.

From point 170, the limit of the fishery conservation zone shall follow the line established by the United States of America and the United Mexican States in Article V(A) and annexes of the Treaty to Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado River as the International Boundary, signed at Mexico City, November 23, 1970.

U.S. PACIFIC COAST (WASHINGTON, OREGON AND CALIFORNIA)

In the area seaward of the Strait of Juan de Fuca the limit of the fishery conservation zone shall be determined by straight lines connecting the following coordinates:

1. 48°29'37.19" N., 124°43'33.19" W.
2. 48°30'11" N., 124°47'13" W.
3. 48°30'22" N., 124°50'21" W.
4. 48°30'14" N., 124°54'52" W.
5. 48°29'57" N., 124°59'14" W.
6. 48°29'44" N., 125°00'09" W.
7. 48°28'09" N., 125°05'47" W.
8. 48°27'10" N., 125°08'25" W.
9. 48°26'47" N., 125°09'12" W.
10. 48°20'16" N., 125°22'48" W.
11. 48°18'22" N., 125°29'58" W.
12. 48°11'05" N., 125°53'48" W.
13. 47°49'15" N., 126°40'57" W.
14. 47°36'47" N., 127°11'58" W.
15. 47°22'00" N., 127°41'23" W.
16. 46°42'05" N., 128°51'56" W.
17. 46°31'47" N., 129°07'30" W.

Between point 17 and 18 the limit of the fishery conservation zone is 200 nautical miles seaward from the baseline from which the breadth of the territorial sea is measured.

In the area of the Southern California coast the limit of the fishery conservation zone shall be determined by a series of straight lines connecting the following coordinates:

18. 30°32'31.20" N., 121°51'58.37" W.
19. 31°07'58" N., 118°36'18" W.
20. 32°37'37" N., 117°49'31" W.
21. 32°35'22.11" N., 117°27'49.42" W.

From point 21 the limit of the fishery conservation zone shall follow the line established by the United States of America and the United Mexican States in Article V(B) and annexes of the Treaty to Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado River as the International Boundary, signed at Mexico City, November 23, 1970.

ALASKA

Off the coast of Alaska, in the area of the Beaufort Sea, the eastern limit of the fishery conservation zone shall be determined by straight lines connecting the following coordinates:

1. 69°38'48.88" N., 140°59'52.57" W.
2. 69°38'52" N., 140°59'51" W.
3. 69°39'37" N., 140°59'01" W.
4. 69°40'10" N., 140°58'34" W.
5. 69°41'30" N., 140°57'00" W.
6. 69°46'25" N., 140°49'45" W.
7. 69°47'54" N., 140°47'07" W.
8. 69°51'40" N., 140°42'37" W.
9. 70°09'26" N., 140°19'22" W.
10. 70°11'30" N., 140°18'09" W.
11. 70°29'07" N., 140°09'51" W.
12. 70°29'19" N., 140°09'45" W.
13. 70°37'31" N., 140°02'47" W.
14. 70°48'25" N., 139°52'31" W.
15. 70°58'02" N., 139°47'16" W.
16. 71°01'15" N., 139°44'24" W.

17. 71°11'58" N., 139°33'58" W.
18. 71°23'10" N., 139°21'46" W.
19. 72°12'18" N., 138°28'19" W.
20. 72°46'39" N., 137°39'02" W.
21. 73°56'49" N., 137°34'08" W.

Between point 21 and point 22 at 72°46'53.00" N., 168°58'22.587" W., the limit of the fishery conservation zone is 200 nautical miles seaward from the baseline from which the territorial sea is measured.

From point 22, the limit of the fishery conservation zone extends southerly along the line set forth in the Convention signed at Washington, March 30, 1867, until point 23 at 69°36'53" N., 170°52'54" W., is reached.

From point 23 to point 24 at 56°19'03" N., 173°25'24" E., the limit of the fishery conservation zone is 200 nautical miles seaward from the baseline from which the territorial sea is measured.

From point 24, the limit of the fishery conservation zone extends southerly along the line set forth in the Convention signed at Washington, March 30, 1867, until point 25 at 51°18'15" N., 167°42'30" E., is reached.

From point 25 to point 26, the limit of the fishery conservation zone is 200 nautical miles from the baseline from which the breadth of the territorial sea is measured.

From point 26, the southern limit of the fishery conservation zone off the coast of Alaska shall be determined by straight lines connecting the following coordinates:

26. 53°28'27" N., 138°45'20" W.
27. 54°00'01" N., 135°45'57" W.
28. 54°07'30" N., 134°56'24" W.
29. 54°12'45" N., 134°25'03" W.
30. 54°12'57" N., 134°23'47" W.
31. 54°15'40" N., 134°10'49" W.
32. 54°20'33" N., 133°49'21" W.
33. 54°22'01" N., 133°44'24" W.
34. 54°30'08" N., 133°16'58" W.
35. 54°31'02" N., 133°14'00" W.
36. 54°30'42" N., 133°11'28" W.
37. 54°30'10" N., 133°07'43" W.
38. 54°30'03" N., 133°07'00" W.
39. 54°28'32" N., 132°56'28" W.
40. 54°28'25" N., 132°55'54" W.
41. 54°27'23" N., 132°50'42" W.
42. 54°27'07" N., 132°49'35" W.
43. 54°26'00" N., 132°44'12" W.
44. 54°24'54" N., 132°39'46" W.
45. 54°24'34" N., 132°38'16" W.
46. 54°24'39" N., 132°26'51" W.
47. 54°24'41" N., 132°24'35" W.
48. 54°24'41" N., 132°24'29" W.
49. 54°24'52" N., 132°23'39" W.
50. 54°21'51" N., 132°02'54" W.
51. 54°26'41" N., 131°49'28" W.
52. 54°28'18" N., 131°45'20" W.
53. 54°30'32" N., 131°38'01" W.
54. 54°29'53" N., 131°33'48" W.
55. 54°36'53" N., 131°19'22" W.
56. 54°39'09" N., 131°16'17" W.
57. 54°40'52" N., 131°13'54" W.
58. 54°42'11" N., 131°13'00" W.
59. 54°46'16" N., 131°04'43" W.
60. 54°45'39" N., 131°03'06" W.
61. 54°44'12" N., 130°59'44" W.
62. 54°43'46" N., 130°58'55" W.
63. 54°43'00" N., 130°57'41" W.
64. 54°42'34" N., 130°57'09" W.
65. 54°42'27" N., 130°56'18" W.
66. 54°41'26" N., 130°53'39" W.
67. 54°41'21" N., 130°53'18" W.
68. 54°41'05" N., 130°49'17" W.
69. 54°41'06" N., 130°48'31" W.
70. 54°40'46" N., 130°45'51" W.
71. 54°40'41" N., 130°44'59" W.
72. 54°40'42" N., 130°44'43" W.
73. 54°40'03" N., 130°42'22" W.
74. 54°39'48" N., 130°41'35" W.
75. 54°39'14" N., 130°39'18" W.
76. 54°39'54" N., 130°38'58" W.
77. 54°41'09" N., 130°38'58" W.
78. 54°42'22" N., 130°38'26" W.
79. 54°42'47" N., 130°38'06" W.

80. 54°42'58" N., 130°37'57" W.
81. 54°43'00" N., 130°37'55" W.
82. 54°43'15" N., 130°37'44" W.
83. 54°43'24" N., 130°37'39" W.
84. 54°43'30.15" N., 130°37'37.01" W.

THE CARIBBEAN SEA

Commonwealth of Puerto Rico and the Virgin Islands of the United States: The seaward limit of the fishery conservation zone around the Commonwealth of Puerto Rico and the Virgin Islands of the United States is a line 200 nautical miles from the baseline from which the breadth of the territorial sea is measured, except that to the west, south, and east, the limit of the fishery conservation zone shall be determined by straight lines connecting the following coordinates:

1. 21°48'41" N., 65°50'02" W.
2. 21°44'37" N., 65°49'19" W.
3. 20°41'49" N., 65°36'51" W.
4. 20°27'10" N., 65°33'41" W.
5. 20°18'44" N., 65°31'51" W.
6. 19°57'59" N., 65°27'17" W.
7. 19°38'16" N., 65°21'00" W.
8. 19°13'24" N., 65°08'29" W.
9. 18°41'12" N., 64°59'38" W.
10. 18°33'36" N., 64°55'50" W.
11. 18°29'25" N., 64°53'53" W.
12. 18°27'53" N., 64°53'29" W.
13. 18°26'15" N., 64°52'58" W.
14. 18°25'47" N., 64°52'49" W.
15. 18°25'23" N., 64°52'42" W.
16. 18°24'31" N., 64°52'23" W.
17. 18°24'30" N., 64°52'22" W.
18. 18°24'07" N., 64°52'03" W.
19. 18°23'55" N., 64°51'54" W.
20. 18°23'50" N., 64°51'40" W.
21. 18°23'46" N., 64°50'32" W.
22. 18°23'47" N., 64°50'25" W.
23. 18°23'53" N., 64°49'45" W.
24. 18°24'13" N., 64°49'10" W.
25. 18°24'19" N., 64°49'00" W.
26. 18°24'25" N., 64°48'36" W.
27. 18°24'31" N., 64°48'17" W.
28. 18°24'37" N., 64°48'01" W.
29. 18°24'23" N., 64°47'04" W.
30. 18°23'21" N., 64°46'41" W.
31. 18°23'20" N., 64°46'40" W.
32. 18°23'08" N., 64°46'14" W.
33. 18°23'02" N., 64°46'03" W.
34. 18°22'46" N., 64°45'22" W.
35. 18°22'47" N., 64°45'16" W.
36. 18°22'48" N., 64°45'05" W.
37. 18°22'49" N., 64°45'02" W.
38. 18°22'48" N., 64°44'56" W.
39. 18°22'50" N., 64°44'49" W.
40. 18°22'49" N., 64°44'39" W.
41. 18°22'50" N., 64°44'37" W.
42. 18°22'46" N., 64°44'26" W.
43. 18°22'44" N., 64°44'23" W.
44. 18°22'43" N., 64°44'10" W.
45. 18°22'46" N., 64°44'01" W.
46. 18°22'48" N., 64°43'45" W.
47. 18°22'40" N., 64°43'38" W.
48. 18°22'38" N., 64°43'36" W.
49. 18°22'38" N., 64°43'29" W.
50. 18°22'37" N., 64°43'25" W.
51. 18°22'33" N., 64°43'04" W.
52. 18°22'34" N., 64°43'00" W.
53. 18°22'34" N., 64°42'50" W.
54. 18°22'33" N., 64°42'38" W.
55. 18°22'34" N., 64°42'32" W.
56. 18°22'31" N., 64°42'20" W.
57. 18°22'30" N., 64°42'14" W.
58. 18°22'26" N., 64°42'05" W.
59. 18°22'24" N., 64°42'02" W.
60. 18°22'24" N., 64°41'49" W.
61. 18°22'28" N., 64°41'24" W.
62. 18°22'31" N., 64°41'09" W.
63. 18°22'32" N., 64°40'57" W.
64. 18°22'24" N., 64°40'47" W.
65. 18°22'13" N., 64°40'32" W.
66. 18°22'10" N., 64°40'27" W.
67. 18°22'06" N., 64°40'12" W.
68. 18°22'05" N., 64°40'04" W.
69. 18°22'05" N., 64°39'50" W.
70. 18°22'01" N., 64°39'25" W.

71. 18°22'01" N., 64°39'21" W.
 72. 18°22'02" N., 64°39'03" W.
 73. 18°21'59" N., 64°38'28" W.
 74. 18°21'59" N., 64°38'25" W.
 75. 18°21'28" N., 64°38'20" W.
 76. 18°21'23" N., 64°38'21" W.
 77. 18°20'46" N., 64°38'36" W.
 78. 18°20'44" N., 64°38'36" W.
 79. 18°20'10" N., 64°38'28" W.
 80. 18°19'29" N., 64°38'19" W.
 81. 18°19'21" N., 64°38'15" W.
 82. 18°19'12" N., 64°38'18" W.
 83. 18°17'48" N., 64°39'21" W.
 84. 18°17'18" N., 64°39'46" W.
 85. 18°16'13" N., 64°39'39" W.
 86. 18°04'26" N., 64°38'14" W.
 87. 18°03'06" N., 64°38'05" W.
 88. 18°03'04" N., 64°34'22" W.
 89. 18°03'03" N., 64°33'44" W.
 90. 18°03'01" N., 64°30'56" W.
 91. 18°03'01" N., 64°29'05" W.
 92. 18°02'55" N., 64°26'30" W.
 93. 18°02'37" N., 64°22'30" W.
 94. 18°02'37" N., 64°20'34" W.
 95. 18°02'37" N., 64°19'59" W.
 96. 18°01'38" N., 64°11'59" W.
 97. 18°00'48" N., 64°06'02" W.
 98. 18°00'29" N., 64°03'43" W.
 99. 17°59'20" N., 63°56'37" W.
 100. 17°58'53" N., 63°54'22" W.
 101. 17°56'35" N., 63°53'22" W.
 102. 17°39'48" N., 63°54'54" W.
 103. 17°37'15" N., 63°55'11" W.
 104. 17°30'28" N., 63°55'57" W.
 105. 17°11'43" N., 63°58'00" W.
 106. 17°05'07" N., 63°58'42" W.
 107. 16°45'47" N., 64°00'49" W.
 108. 16°43'22" N., 64°06'31" W.
 109. 16°43'10" N., 64°06'59" W.
 110. 16°42'40" N., 64°08'06" W.
 111. 16°41'43" N., 64°10'07" W.
 112. 16°35'10" N., 64°23'39" W.
 113. 16°23'30" N., 64°45'54" W.
 114. 15°39'31" N., 65°58'41" W.
 115. 15°30'10" N., 66°07'09" W.
 116. 15°14'08" N., 66°19'57" W.
 117. 14°55'48" N., 66°34'30" W.
 118. 14°56'06" N., 66°51'40" W.
 119. 14°58'27" N., 67°04'19" W.
 120. 14°58'45" N., 67°05'17" W.
 121. 14°58'58" N., 67°06'11" W.
 122. 14°59'10" N., 67°07'00" W.
 123. 15°02'32" N., 67°23'40" W.
 124. 15°05'07" N., 67°36'23" W.
 125. 15°10'38" N., 68°03'46" W.
 126. 15°11'06" N., 68°09'21" W.
 127. 15°12'33" N., 68°27'32" W.
 128. 15°12'51" N., 68°28'56" W.
 129. 15°46'46" N., 68°26'04" W.
 130. 17°21'30" N., 68°17'53" W.
 131. 17°38'01" N., 68°16'46" W.
 132. 17°50'24" N., 68°16'11" W.
 133. 17°58'07" N., 68°15'52" W.
 134. 18°02'28" N., 68°15'40" W.
 135. 18°06'10" N., 68°15'27" W.
 136. 18°07'27" N., 68°15'33" W.
 137. 18°09'12" N., 68°14'53" W.
 138. 18°17'06" N., 68°11'28" W.
 139. 18°19'20" N., 68°09'40" W.
 140. 18°22'42" N., 68°06'57" W.
 141. 18°24'39" N., 68°04'58" W.
 142. 18°25'25" N., 68°04'09" W.
 143. 18°28'08" N., 68°00'59" W.
 144. 18°31'27" N., 67°56'57" W.
 145. 18°32'58" N., 67°55'07" W.
 146. 18°34'34" N., 67°52'53" W.
 147. 18°54'37" N., 67°46'21" W.
 148. 19°00'42" N., 67°44'25" W.
 149. 19°10'00" N., 67°41'24" W.
 150. 19°19'03" N., 67°38'19" W.
 151. 19°21'20" N., 67°38'01" W.
 152. 19°59'45" N., 67°31'52" W.
 153. 20°00'59" N., 67°31'35" W.
 154. 20°01'17" N., 67°31'29" W.
 155. 20°02'49" N., 67°31'04" W.
 156. 20°03'30" N., 67°30'52" W.
 157. 20°06'28" N., 67°29'11" W.

158. 20°48'18" N., 67°17'50" W.
 159. 21°22'48" N., 67°02'34" W.
 160. 21°30'18" N., 66°59'05" W.
 161. 21°33'47" N., 66°57'30" W.
 162. 21°51'34" N., 66°49'30" W.

Navassa Island. The limits of the fishery conservation zone around Navassa Island remain to be determined.

CENTRAL AND WESTERN PACIFIC

Hawaii and Midway Island. The seaward limit of the fishery conservation zone is 200 nautical miles from the baseline from which the territorial sea is measured.

American Samoa. The seaward limit of the fishery conservation zone shall be determined by straight lines connecting the following points:

1. 11°01'21" S., 173°46'15" W.
 2. 11°02'26" S., 173°44'37" W.
 3. 11°22'08" S., 173°15'50" W.
 4. 11°28'56" S., 173°08'46" W.
 5. 11°40'49" S., 172°48'17" W.
 6. 11°53'57" S., 172°23'09" W.
 7. 11°54'06" S., 172°22'53" W.
 8. 12°05'27" S., 172°00'55" W.
 9. 12°13'49" S., 171°44'47" W.
 10. 12°14'01" S., 171°44'25" W.
 11. 12°17'36" S., 171°37'14" W.
 12. 12°23'34" S., 171°25'18" W.
 13. 12°27'27" S., 171°17'25" W.
 14. 12°29'47" S., 171°08'24" W.
 15. 12°35'21" S., 170°36'26" W.
 16. 12°36'11" S., 170°31'35" W.
 17. 12°36'16" S., 170°30'44" W.
 18. 13°09'05" S., 170°42'39" W.
 19. 13°13'56" S., 170°44'20" W.
 20. 13°50'40" S., 170°56'24" W.
 21. 13°53'43" S., 170°57'57" W.
 22. 13°54'30" S., 170°58'20" W.
 23. 13°56'54" S., 170°59'34" W.
 24. 14°03'05" S., 171°02'53" W.
 25. 14°03'27" S., 171°03'05" W.
 26. 14°03'28" S., 171°03'06" W.
 27. 14°06'18" S., 171°04'48" W.
 28. 14°27'02" S., 171°14'46" W.
 29. 14°46'48" S., 171°24'21" W.
 30. 15°01'58" S., 171°31'37" W.
 31. 15°14'19" S., 171°37'37" W.
 32. 15°50'12" S., 171°50'44" W.
 33. 15°50'48" S., 171°50'23" W.
 34. 15°58'20" S., 171°46'06" W.
 35. 16°04'47" S., 171°42'37" W.
 36. 16°13'29" S., 171°37'41" W.
 37. 16°49'33" S., 171°17'03" W.
 38. 16°48'46" S., 171°12'29" W.
 39. 16°39'17" S., 170°19'09" W.
 40. 16°34'58" S., 169°55'59" W.
 41. 16°37'36" S., 169°19'12" W.
 42. 16°37'55" S., 169°18'19" W.
 43. 16°56'20" S., 168°26'05" W.
 44. 17°31'45" S., 166°42'07" W.
 45. 17°30'42" S., 166°41'17" W.
 46. 15°38'59" S., 165°12'33" W.
 47. 14°51'29" S., 165°24'22" W.
 48. 14°38'30" S., 165°27'41" W.
 49. 14°03'59" S., 165°36'57" W.
 50. 14°00'54" S., 165°40'31" W.
 51. 13°35'14" S., 166°10'05" W.
 52. 13°24'32" S., 166°22'23" W.
 53. 13°01'48" S., 166°48'11" W.
 54. 12°47'31" S., 167°03'56" W.
 55. 12°30'48" S., 167°23'09" W.

Guam. The seaward limit of the fishery conservation zone is 200 nautical miles from the baseline from which the breadth of the territorial sea is measured, except that to the north of Guam, the limit of the fishery conservation zone shall be determined by straight lines connecting the following points:

1. 15°43'26" N., 142°05'43" E.
 2. 14°55'18" N., 143°15'29" E.
 3. 14°47'43" N., 143°26'23" E.
 4. 14°30'07" N., 143°51'50" E.
 5. 14°11'10" N., 144°26'36" E.

6. 14°05'34" N., 144°36'47" E.
 7. 13°57'14" N., 144°51'43" E.
 8. 13°53'11" N., 144°59'19" E.
 9. 13°51'18" N., 145°03'00" E.
 10. 13°51'16" N., 145°03'05" E.
 11. 13°51'00" N., 145°03'36" E.
 12. 13°50'11" N., 145°06'15" E.
 13. 13°49'15" N., 145°08'37" E.
 14. 13°47'40" N., 145°12'31" E.
 15. 13°46'00" N., 145°16'14" E.
 16. 13°45'27" N., 145°17'23" E.
 17. 13°41'18" N., 145°26'08" E.
 18. 13°37'16" N., 145°34'33" E.
 19. 13°36'23" N., 145°36'21" E.
 20. 13°35'54" N., 145°37'14" E.
 21. 13°16'24" N., 146°12'14" E.
 22. 13°05'18" N., 146°32'02" E.
 23. 13°00'17" N., 146°41'05" E.
 24. 12°33'02" N., 147°29'57" E.
 25. 12°14'34" N., 148°03'11" E.
 26. 12°13'55" N., 148°04'31" E.

and, except that to the south of Guam, the limit of the fishery conservation zone shall be determined by straight lines connecting the following points:

27. 11°38'25" N., 147°44'42" E.
 28. 11°36'53" N., 147°31'03" E.
 29. 11°31'48" N., 146°55'19" E.
 30. 11°27'15" N., 146°25'34" E.
 31. 11°22'13" N., 145°52'36" E.
 32. 11°17'31" N., 145°22'38" E.
 33. 11°13'32" N., 144°57'26" E.
 34. 11°13'23" N., 144°56'29" E.
 35. 10°57'03" N., 143°26'53" E.
 36. 10°57'30" N., 143°03'09" E.
 37. 11°52'33" N., 142°15'28" E.
 38. 12°54'00" N., 141°21'48" E.
 39. 12°54'17" N., 141°21'33" E.
 40. 13°57'34" E., 141°19'17" E.
 41. 13°06'32" N., 141°12'53" N.

Johnston Atoll. The seaward limit of the fishery conservation zone is 200 nautical miles from the baseline from which the breadth of the territorial sea is measured.

Palmyra Atoll. The seaward limit of the fishery conservation zone is 200 nautical miles from the baseline from which the breadth of the territorial sea is measured, except that to the southeast of Palmyra Atoll the limit of the fishery conservation zone shall be determined by straight lines connecting the following coordinates:

1. 7°55'04" N., 159°22'29" W.
 2. 7°31'05" N., 159°39'30" W.
 3. 7°09'43" N., 159°54'35" W.
 4. 6°33'40" N., 160°19'51" W.
 5. 6°31'37" N., 160°21'18" W.
 6. 6°25'31" N., 160°25'40" W.
 7. 6°03'05" N., 160°41'42" W.
 8. 5°44'12" N., 160°58'13" W.
 9. 4°57'25" N., 161°28'19" W.
 10. 4°44'38" N., 161°37'18" W.
 11. 3°54'25" N., 162°12'56" W.
 12. 2°39'50" N., 163°05'14" W.

Wake Island. The seaward limit of the fishery conservation zone is 200 nautical miles from the baseline from which the breadth of the territorial sea is measured, except that to the south of Wake Island the limit of the fishery conservation zone shall be determined by straight lines connecting the following coordinates:

1. 17°56'15" N., 169°54'00" E.
 2. 17°46'02" N., 169°31'18" E.
 3. 17°37'47" N., 169°12'53" E.
 4. 17°11'18" N., 168°13'30" E.
 5. 16°41'31" N., 167°07'39" E.
 6. 16°02'45" N., 166°43'30" E.

Jarvis Island. The seaward limit of the fishery conservation zone is 200 nautical miles from the baseline from which the breadth of the territorial sea is measured, except that to the north of Jarvis Island, the

limit of the fishery conservation zone shall be determined by straight lines connecting the following coordinates:

1. 2°01'00" N., 162°22'00" W.
2. 2°01'42" N., 162°01'35" W.
3. 2°03'20" N., 161°41'38" W.
4. 2°02'30" N., 161°36'20" W.
5. 2°00'13" N., 161°22'24" W.
6. 1°50'18" N., 160°20'42" W.
7. 1°45'46" N., 159°52'59" W.
8. 1°43'31" N., 159°39'27" W.

and, except that to the eastward of Jarvis Island, the limit of the fishery conservation zone between point No. 8 and a point at 3°10'40" S., 158°10'30" W. remains to be determined.

Howland and Baker Islands. The seaward limit of the fishery conservation zone is a line 200 nautical miles from the baseline from which the breadth of the territorial sea is measured, except that to the south of Howland and Baker Islands, the limit of the fishery conservation zone remains to be determined between 0°14'30" N., 173°08'00" W. and 02°58'45" S., 177°26'00" W.

FOOTNOTES

¹ The limits of the U.S. fishery conservation zone in areas adjacent to Canada do not correspond to limits of the Canadian fishery zone as described in the Canada Gazette of January 1, 1977.

² In view of the fact that the claimed limits of fishery jurisdiction published by the United States and Canada would leave an unclaimed area within the Gulf of Maine, the United States will exercise its fishery management jurisdiction to the Canadian claimed line where that line is situated eastward of the United States claimed line, until such time as a permanent maritime boundary with Canada is established in the Gulf of Maine.

³ Agreed with the Government of Mexico as a provisional maritime boundary on November 24, 1976.

⁴ Establishment of the fishery conservation zone as set forth in this notice is without prejudice to claims regarding the sovereignty of disputed islands.

Dated: March 1, 1977.

MARK B. FELDMAN,
Deputy Legal Adviser.

[FR. Doc. 77-6563 Filed 3-3-77; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard
[CGD 77-025]

UNITED STATES COAST GUARD ACADEMY ADVISORY COMMITTEE

Renewal and Charter

This is to give notice, in accordance with the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. 1) of October 6, 1972, that the U.S. Coast Guard Academy Advisory Committee has been renewed by the Secretary of Transportation for a two-year period beginning January 16, 1977 through January 16, 1979.

The U.S. Coast Guard Academy Advisory Committee was established under section 6 of an Act of Congress, Pub. L. 75-38 of April 16, 1937 (14 U.S.C. 193) as amended.

The purpose of the Advisory Committee is to examine the curriculum and faculty of the Academy and advise the Commandant of recommendations to maintain and improve the Academy's high quality.

CHARTER—U.S. COAST GUARD ACADEMY ADVISORY COMMITTEE

1. **Purpose.** The purpose of this instruction is to promulgate the charter of the Coast Guard Academy Advisory Committee in response to the provisions of reference (a).

2. **Cancellation.** Commandant Instruction 5420.10A is hereby canceled.

3. **Background.** The Coast Guard Academy Advisory Committee was authorized by section 6, of an Act of Congress, Pub. L. 75-38, on 16 April 1937. This Act permitted the Secretary to appoint an advisory committee of "five persons of distinction in the field of education who shall serve without pay." Subsequently, the 81st Congress increased the membership to "seven persons of distinction in education and other fields relating to the purposes of the Academy, who shall serve without pay."

4. **Objective.** The objective and mission of the Committee is to advise the Commandant, United States Coast Guard, on the status of the curriculum and faculty of the United States Coast Guard Academy, making recommendations for improvement and maintenance of its high quality.

5. **Membership.** The Committee will consist of seven members who are recognized persons of distinction in the field of education and other fields relating to the purpose of the Academy.

6. **Committee Officers.** a. The "Chairman" shall be appointed by the Secretary and shall conduct each meeting, provide opportunity for participation by each member, and ensure adherence to the agenda.

b. The "Executive Director" and permanent Vice Chairman shall be the Superintendent, United States Coast Guard Academy. He shall be responsible for preparing the agenda and submitting same to Commandant (G-P) eight weeks prior to the scheduled date of the meeting. He shall be the designated Federal Official required by section 10 of the Federal Advisory Committee Act and perform the duties pertaining thereto.

(c) The "Executive Secretary" shall be the Academic Dean, United States Coast Guard Academy. He will assist the chairman and the Executive Director in discharging committee responsibilities.

d. The "Coast Guard Headquarters Liaison Officer" shall be Chief, Office of Personnel. He will be the point of contact for the Committee, Executive Director and the Executive Secretary and will provide all the necessary support services to permit the effective execution of Committee functions.

7. **Meetings.** The Committee shall meet approximately once every six

months with special meetings called as necessary. Timely notice shall be published in the FEDERAL REGISTER. All meetings shall be open to the public, who shall be permitted to attend, appear before or file statements with the Committee. All members of the public may file written statements with the Advisory Committee before or after the meeting. The Committee may allow oral statements if desired and may establish procedures for their introduction. The Executive Director shall approve the calling of all meetings, approve all agenda, attend all meetings and is authorized to adjourn any meeting whenever he determines it to be in the public interest.

8. **Cost.** All necessary operating expenses will be borne by the United States Coast Guard. It is estimated that the annual cost will be \$5,000.00 and 0.1 man-years. All members serve voluntarily without compensation, except for reimbursement for travel expenses and lodging plus \$16.00 in lieu of subsistence, the total not to exceed \$35.00 per day.

9. **Sponsor.** The sponsor of the Committee shall be the Commandant, to whom the Committee shall report.

10. **Subcommittees.** The Chairman is authorized, with the approval of the sponsor, to establish subcommittees from among the membership of the Committee. Subcommittees shall comply with the provisions of paragraph 9. of DOT Order 1120.3A.

11. **Availability of Records.** Subject to section 552 of Title 5, U.S.C., the records, reports, minutes, agenda or other documents shall be made available for public inspection and copying at a single location in the offices of the Executive Secretary.

12. **Reports.** A detailed report, including the minutes of each meeting, shall be furnished to the Commandant and shall include:

- a. Persons present.
- b. Complete and accurate description of matters discussed and conclusions reached.
- c. Copies of reports received, issued or approved by the Committee.
- d. Certification of accuracy by the Chairman and Executive Director.

13. **Filing Date—January 16, 1977.** This is the effective date of the charter which will expire two years from that date unless sooner terminated or extended.

Interested persons may seek additional information by writing:

Capt. R. M. White, U.S.C.G., Executive Secretary, Coast Guard Academy Advisory Committee, U.S. Coast Guard Academy, New London, CT 06320.

or by calling: 203-443-8688.

Dated: March 2, 1977.

C. E. LARKIN,
Rear Adm., U.S. Coast Guard,
Chief, Office of Personnel.

[FR Doc. 77-6567 Filed 3-4-77; 8:45 am]

[COD 77-038]

PROPOSED PEDESTRIAN BRIDGE ACROSS AMERICAN RIVER BETWEEN CARMICHAEL AND RANCHO CORDOVA IN SACRAMENTO COUNTY, CALIFORNIA

Public Hearing

The Commandant has authorized a public hearing to be held by the Commander, Twelfth Coast Guard District in conjunction with the Sacramento County Board of Supervisors. The hearing will be held in the Sacramento County Board of Supervisors Chambers at 7:30 p.m., April 19, 1977. The purpose of the hearing is to consider the permit application from the County of Sacramento, California to construct a pedestrian bridge, across the American River between Carmichael and Rancho Cordova in Sacramento County, California. The proposed bridge will be a new crossing of the American River to provide for non-motorized access between two sections of the American River Parkway System and to provide the final link in the 23 mile long Jedediah Smith Memorial Trail.

A Draft Environmental Impact Statement (DEIS) on the project was filed with the Council on Environmental Quality on February 28, 1977 in compliance with the National Environmental Policy Act of 1969 (Pub. L. 91-190).

The determination of whether a Coast Guard bridge permit will be issued must rest primarily on the projects impact on navigation; however, all factors (environment, economics, etc.) will be given careful consideration by the Coast Guard and County decision-makers to determine whether the project is in the public interest.

The hearing will be informal. Both the Coast Guard and County representatives will preside at the hearing, make a brief opening statement describing the proposed bridge, and announce the procedures to be followed at the hearing. Each person who wishes to make an oral statement should notify the Commander (com), Twelfth Coast Guard District, 630 Sansome Street, San Francisco, California 94136, or the Sacramento County Board of Supervisors 3701 Branch Center Road, Sacramento, California 95827. Such notification should include the approximate time required to make the presentation. Comments previously submitted are a matter of record and need not be resubmitted at the hearing. Speakers are encouraged to provide written copies of their oral statements to the Chairman at the time of the hearing. Those wishing to make written comments only may submit these comments at the hearing, or to the Commander (com) Twelfth Coast Guard District, or to the Sacramento County Board of Supervisors through May 3, 1977. A transcript of the hearing, as well as written comments received outside the hearing, will be available for public review in the Coast Guard and Sacramento County offices approximately 10 days after the hearing.

All comments, oral and written, will be considered before a final determination is made of the subject application by the

Commandant, U.S. Coast Guard, Washington, D.C. 20590.

(Sec. 502, 60 Stat. 847, as amended; (33 U.S.C. 525, 49 U.S.C. 1655(g) (6) (C)); 49 CFR 146(c) (10).)

Dated February 24, 1977.

A. F. FUGARO,
Rear Admiral, United States
Coast Guard, Chief, Office of
Marine Environment and
Systems.

[FR Doc. 77-6688 Filed 3-4-77; 8:45 am]

National Highway Traffic Safety Administration

[Docket No. IP77-5; Notice No. 1]

GENERAL MOTORS CORP.

Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

General Motor Corporation of Warren, Michigan ("GM" herein) has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et. seq.) for an apparent noncompliance with 49 CFR 571.208, Motor Vehicle Safety Standard No. 208, Occupant Crash Protection, on the basis that it is inconsequential as it relates to motor vehicle safety.

Paragraph S4.1.2.3.1(c) of Standard No. 208 requires that each rear designated seating position in a passenger car shall have a Type 1 (lap belt) seat belt assembly that conforms to 49 CFR 571.209, Motor Vehicle Safety Standard No. 209, Seat Belt Assemblies. Paragraph S4.1(k) of Standard No. 209 requires each seat belt assembly to "be permanently and legibly marked or labeled with year of manufacture, model and name or trademark of manufacturer or distributor * * *". GM has discovered that the right rear seat belt assemblies in approximately 34,000 1977-model Pontiac, Oldsmobiles, Buick, and Cadillac passenger cars lack the required label, while the center rear seat belt assemblies have two labels. The company argues that the noncompliance is inconsequential as the seat belt assemblies comply in all other respects.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition. Interested persons are invited to submit written data, views and arguments on the petition of General Motors Corporation described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting mate-

rials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: April 21, 1977.

(Sec. 102, Pub. L. 93-402, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on February 28, 1977.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc. 77-6645 Filed 3-4-77; 8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

LEATHER WEARING APPAREL FROM THE REPUBLIC OF CHINA

Receipt of Countervailing Duty Petition and Initiation of Investigation

A petition in satisfactory form was received on January 21, 1977, alleging that payments or bestowals conferred by the Government of the Republic of China (Taiwan) upon the manufacture, production or exportation of leather wearing apparel from Taiwan constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

The term "leather wearing apparel", as used in the petition, covers wearing apparel, of leather, other than reptile leather, and is classifiable under item 791.75, Tariff Schedules of the United States (TSUS).

Taiwan is a designated "beneficiary developing country" for the purposes of the Generalized System of Preferences (GSP) under Title V of the 1974 Trade Act and, currently, all merchandise imported directly from Taiwan and classifiable under TSUS item number 791.75 is eligible for duty-free treatment under the GSP. In the event it becomes necessary to refer this matter to the United States International Trade Commission pursuant to section 303(a)(2), Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(2)), there is evidence on record concerning injury to, or likelihood of injury to, or prevention of establishment of an industry in the United States.

Pursuant to section 303(a)(4), Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Secretary of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of that statute within 6 months of receipt in satisfactory form of a petition alleging the payment or bestowal of a bounty or grant. A final determination must be issued within 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made no later than July 21, 1977, as to whether or not the alleged payments or bestowals conferred by the Government of the Republic of China upon the manufacture, production, or exportation of the above

described merchandise constitute a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended. A final determination will be issued no later than January 23, 1978.

(Sec. 303(a)(3) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)), and (19 CFR 159.47(c)).)

VERNON D. ACREE,
Commissioner of Customs.

Approved: February 25, 1977.

JOHN H. HARPER,
Acting Assistant Secretary of
the Treasury.

[FR Doc.77-6610 Filed 3-4-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-58297, (22-9145)]

PAN AMERICAN WORLD AIRWAYS, INC.

Application and Opportunity for Hearing

MARCH 4, 1977.

Notice is hereby given that Pan American World Airways, Inc. (the "Company") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Commission that the trusteeship of North Carolina National Bank ("NCNB") under three proposed indentures which are to be qualified under the Act 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 NCNB from acting as trustee under any of these 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 qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any of such indentures.

The Company alleges that:

1. A registration statement was filed on February 28, 1977, covering \$26,500,000 principal amount of Secured Equipment Certificates due May 15, 1994, Series A and \$26,500,000 principal amount of Secured Equipment Certificates due May 15, 1994, Series B. In addition, the registration statement may be amended prior to effectiveness

to provide for an issue of Secured Equipment Certificates due 1994, Series C.

2. Each series of Secured Equipment Certificates will be issued pursuant to a separate trust indenture to be qualified under the Act, between the Company and a trustee. The Company desires to appoint NCNB as trustee under each of the proposed indentures.

3. The proceeds from the sale of each series of Secured Equipment Certificates will be used to provide financing for 70 percent of the purchase price of one aircraft to be purchased by NCNB as trustee and leased to the Company. The balance of the purchase price will be provided by the Company or independent equity investors. The principal and interest on each series will be payable out of rentals owed by the Company on the related aircraft.

4. Pending delivery of each aircraft, NCNB will hold the proceeds (and any permitted investments thereof) in segregated accounts as security for that series of Secured Equipment Certificates. In addition, each series of Secured Equipment Certificates will be secured by a security interest in the related aircraft. Should NCNB have occasion to proceed against the security under one of the indentures, such action would not affect the security, or the use of any security, under the other indenture(s).

5. The differences in the provisions of the indentures are not so likely to involve the Bank in a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under any indenture.

The Company waives notice of hearing and waives hearing and waives any and all rights to specify procedures under Rule 8(b) of the Commission's Rules of Practice with respect to the application.

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 NW., Washington, D.C.

Notice is further given that any interested person may, not later than March 22, 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.77-6948 Filed 3-4-77;11:35 am]

AGRICULTURE DEPARTMENT

Office of the Secretary

NATIONAL ADVISORY COUNCIL ON CHILD NUTRITION

Cancellation of Meeting

Notice is hereby given that the March 8-9, 1977, meeting of the National Advisory Council on Child Nutrition as published on page 11029 of the FEDERAL REGISTER of February 25, 1977, has been cancelled. The meeting will be rescheduled at a later date.

Dated: March 4, 1977.

BOB BERGLAND,
Secretary.

[FR Doc.77-6950 Filed 3-4-77;11:59 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 339]

ASSIGNMENT OF HEARINGS

MARCH 2, 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 142045 Sub 1, McNeil Transport Limited now being assigned May 9, 1977 (1 week) at Buffalo, New York in a hearing room to be later designated.

MC 113666 Sub 105, Freeport Transport, Inc. now being assigned May 5, 1977 (2 days) at Buffalo, New York in a hearing room to be later designated.

MC 65626 Sub 31, Fredonia Express, Inc. now being assigned May 4, 1977 (1 day) at Buffalo, New York in a hearing room to be later designated.

MC 134922 (Sub-203), B. J. McAdams, Inc. now being assigned April 20, 1977 (1 day) at New Orleans, Louisiana, in a hearing room to be later designated.

MC 135797 (Sub-61), J. B. Hunt Transport, Inc., now being assigned April 21, 1977 (1 day) at New Orleans, Louisiana, in a hearing room to be later designated.

MC 119789 (Sub-306), Caravan Refrigerated Cargo, Inc., now being assigned April 22, 1977 (1 day) at New Orleans, Louisiana, in a hearing room to be later designated.

MC 140829 (Sub-No. 28), Cargo Contract Carrier Corp., application dismissed.

MC-C-9237, Southwestern Transportation Co. & St. Louis Southwestern Railway Co.—Investigation of Operations, now being assigned May 3, 1977 (1 day) at Dallas, Texas, in a hearing room to be later designated.

MC 104523 (Sub-65), Huston Truck Line, Inc., now being assigned May 4, 1977 (1 day) at Dallas, Texas, in a hearing room to be later designated.

MC 142426, C. T. Dykes, d.b.a. Dykes Garage, now being assigned May 5, 1977 (2 days) at Dallas, Texas, in a hearing room to be later designated.

MC 4405 (Sub-537), Dealers Transit, Inc., now being assigned May 9, 1977 (1 day) at Dallas, Texas, in a hearing room to be later designated.

MC 120761 (Sub-16), Newman Bros. Trucking Company, now being assigned May 10, 1977 (1 day) at Dallas, Texas, in a hearing room to be later designated.

MC 139495 (Sub-165), National Carriers, Inc., now being assigned May 11, 1977 (1 day) at Dallas, Texas, in a hearing room to be later designated.

MC 340 (Sub-41), Querner Truck Lines, Inc.; MC 127042 (Sub-174), Hagen, Inc. and MC 140033 (Sub-15), Cox Refrigerated Express, Inc., now being assigned May 12, 1977 (2 days) at Dallas, Texas, in a hearing room to be later designated.

MC 114737 Sub 7, O & A Tex-Pack Express, O Inc., now assigned March 22, 1977, at El Paso, Tex., will be held in the Ramada Inn (formerly Centro Del Paso) 325 North Kansas Street.

MC-C-9299, Antrim Transportation Co., Inc., v. A & D Rentals Inc., now assigned March 21, 1977, at New York, N.Y., will be held in Room E 2222, Federal Bldg., 26 Federal Plaza.

MC 119789 Sub 307, Caravan Refrigerated Cargo, Inc., now assigned March 22, 1977, at New York City, N.Y., will be held in Room E 2222 Federal Bldg., 26 Federal Plaza.

MC 12942 Sub 3, Metric Teen Tours, Inc., now assigned March 14, 1977, at New York, N.Y., will be held in Room E 2222, Federal Bldg., 26 Federal Plaza.

MC-C 9033, Browning Freight Lines, Inc., et al. v. Northwest Transport Service, Inc., now assigned April 13, 1977, at Salt Lake City, Utah, will be held in Room B-20, Federal Bldg., 125 South State Street.

MC 48315 Sub 6, Hopkins Motor Coach, Inc., MC 100853 Sub 15, Pinkett's Shore Lines, Inc., and MC 104656 Sub 13, Mandrell Motor Coach, Inc., now assigned March 22, 1977, at Cambridge, Maryland will be held in the Housing Authority, 700 Weaver Avenue.

MC-F-12986, All American Inc.—Purchase—Mid-Continent Freight Lines, Inc., now assigned March 29, 1977, at Chicago, Ill., will be held in Room 3955A, 230 South Dearborn Street.

FD 27972, Louisville & Nashville Railroad Company Trackage Rights Over Grand Trunk Western Railroad Company South Bend Subdivision Between Munster, Lake County, Indiana and Thornton Junction Cook County, Ill., now assigned April 4, 1977, at Chicago, Ill., will be held in Room

1319, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

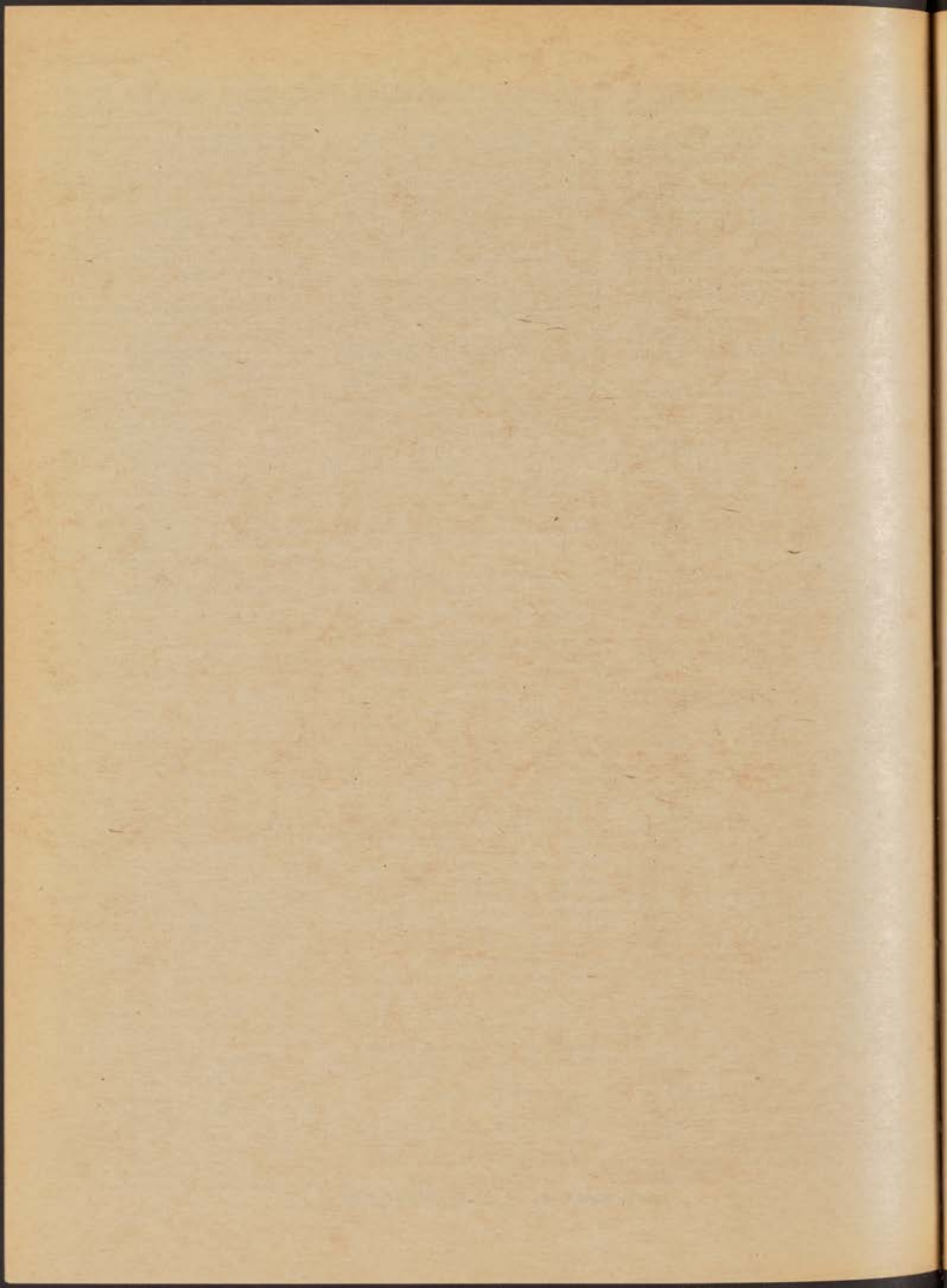
MC 135009 Sub 2, Peak Transfer Co., Inc., now assigned May 3, 1977, at Chicago, Ill., will be held in Room 1319, Everett McKinley Dirksen Bldg., 219 South Dearborn Street. PF 361, Sub 1, Crest Mayflower International, Inc., now assigned May 4, 1977, at Chicago, Ill., will be held in Room 1319 Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC 107743 Sub 41, System Transport, Inc., and MC 107743 Sub 42, System Transport, Inc., now assigned May 9, 1977, at Chicago, Ill., will be held in Room 1319 Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC-F-12844, Aurora Fast Freight Inc., Purchase-(Portion)-Kessman Tank Service Inc., and MC 120253 Sub 2, Aurora Fast Freight, Inc., now assigned April 12, 1977, at Chicago, Ill., will be held in Room 1319 Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

ROBERT L. OSWALD,
Secretary.

[PR Doc.77-6709 Filed 3-4-77;8:45 am]



Federal Register

MONDAY, MARCH 7, 1977

PART II



DEPARTMENT OF
THE INTERIOR

Fish and Wildlife Service



INJURIOUS WILDLIFE

Proposed Importation and Shipment
Requirements

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 16]

INJURIOUS WILDLIFE

Proposed Importation and Shipment Requirements

Notice is hereby given that the United States Fish and Wildlife Service proposes to amend Part 16 of Subchapter B, Chapter I of Title 50, Code of Federal Regulations. These amendments are proposed under authority of section 42 of Title 18, United States Code.

BACKGROUND

Section 42 of Title 18, United States Code, authorizes the Secretary to prescribe by regulation those wild mammals, wild birds, fish (including mollusks and crustaceans), amphibians, reptiles, and the offspring or eggs of any of the foregoing, (hereafter "prescribed wildlife") which are injurious to human beings, to the interests of agriculture, horticulture, forestry, wildlife, or to the wildlife resources of the United States (hereafter "the designated interests"). Aside from limited exceptions for zoological, educational, medical, or scientific permits, internal use by Federal agencies, dead natural history specimens, domesticated psittacine birds, and other situations authorized by statute, no injurious wildlife may be (1) imported into the United States, any territory of the United States, the Commonwealth of Puerto Rico or any possession of the United States, or (2) shipped between the continental United States, Hawaii, the Commonwealth of Puerto Rico or any possession of the United States. 18 U.S.C. § 42.

Information currently available shows that harm caused to the designated interests by the importation and shipment of wildlife is more wide-spread and serious than had been previously believed. Recent examples of injury to the designated interests and to similar interests in other countries demonstrate the need for thorough regulation of the importation and shipment of wildlife.

HISTORY OF THIS PROPOSAL

This publication gives notice of the third proposed rulemaking concerning Part 16 of Title 50, Code of Federal Regulations.

The first proposal was published in the FEDERAL REGISTER on December 20, 1973 (38 FR 34970). That proposal contained a determination that all wildlife is or could be injurious to the designated interests at some time or place and prohibited the importation of all live wildlife except as authorized by permit for scientific, educational, zoological or medical purposes. The first proposal also created a list of "low risk" species which the Secretary had determined posed little risk of injury to the designated interests. The proposal would have allowed the importation, without a permit of species listed as "low risk," and the prohibition of importation would thus have applied only to those species not listed as "low risk."

A draft environmental impact statement for the first proposal was made available to the public by notice published in the FEDERAL REGISTER on June 5, 1974 (39 FR 19969). The period for submission of public comments concerning the proposal was extended upon publication of the draft environmental impact statement (39 FR 19969) and on July 31, 1974, in response to requests for a second extension (39 FR 2744). Public hearings concerning the proposal were held during August of 1974 in Washington, D.C., Kansas City, Miami, and San Francisco.

After due consideration of the issues raised by the testimony of witnesses at the public hearings and the 4,315 public comments which were received, the Service made numerous changes in the first proposal. The cumulative effect of the changes was to significantly modify the original proposal. In order to give the public an opportunity to comment on the modifications, it was decided to publish the amended proposal as a notice of proposed rulemaking rather than as a final rulemaking action.

The second proposal was published in the FEDERAL REGISTER on February 24, 1975 (40 FR 7935), and a draft environmental impact statement for the proposal was made available to the public on that date. The second proposal was the same as the first proposal in its basic approach, prohibiting importation of all wildlife but allowing importation without a permit of species which were listed as "low risk." A summary of the specific changes which had been made in the first proposal was published in the preamble to the second proposal and is not repeated here.

COMMENTS ON THE SECOND PROPOSAL

The comment period for the second proposal expired on April 10, 1975. A total of 1,162 responses which had been received were classified by origin as follows:

Government (State and Federal)	25
Research (medical and university)	32
Zoos and aquaria	58
Pet industry	151
Conservation organizations	31
General public	444
Special interest groups:	
Aviculturists	214
Game bird breeders	137
Falconers	39
Aquarium hobbyists	12
Aquaculture	10
Herpetology hobbyists	5
Big game breeders	4

The following is a summary of the comments received and the issues raised by those comments:

GOVERNMENT

Several State and Federal agencies expressed concern that the regulations should be coordinated to avoid conflicts with their own.

RESEARCH

Although improvement of the permit system was acknowledged, there was still some misunderstanding and general opposition to the addition of the new ad-

ministrative workload that permits will require.

Biological supply houses called attention to the fact that, because the frogs *Rana pipiens* and *R. catesbiana* are not on the low risk list, every laboratory, university, or high school that uses frogs routinely would require a permit.

ZOO AND AQUARIA

Apparent discrepancies in the low risk list were pointed out, where a species not listed was closely related to one that was listed.

Certain permit restrictions were criticized as unreasonable. Questions were raised about restrictions on animals, already in the country, which would be designated as "injurious" by the new regulations.

PET INDUSTRY

The Pet Industry Joint Advisory Council and other respondents contended that the Secretary had insufficient proof to support a determination that all wildlife is injurious.

Some respondents were critical that the criteria used in judging the low risk status of animals were not published.

Many responses expressed concern about possible adverse effects of regulation on the industry and urged that an economic impact statement be prepared.

CONSERVATION ORGANIZATIONS

Some responses criticized the low risk list as being too permissive.

OTHER SEGMENTS OF THE PUBLIC

Aviculturists, game bird breeders, falconers, and other hobbyists objected that because of the wording of the definition of "zoological purpose," in proposed § 16.22(b)(2), it appeared that an applicant would have to meet both criteria, that is, zoological display and propagation. Very few hobbyists could meet both criteria.

Aviculturists urged that the published list of low risk birds be replaced with a list they prepared. Some aviculturists were concerned that the canary did not appear on the low risk list.

Aquaculture interests objected that the giant prawn, *Macrobrachium rosenbergii*, was not on the low risk list, and presented information to show that it could be so classed.

Fish food distributors and aquarium hobbyists urged reconsideration of the restrictions on importation of brine shrimp eggs.

All the comments which had been received on the second proposal were carefully reviewed by the Service, and as a result parts of that proposal have again been substantially revised. In order to provide an adequate opportunity for public comment on the changes made, the Service has decided to publish a third proposal instead of final regulations based on the second proposal.

DESCRIPTION OF THIS PROPOSAL

Part 16 of Title 50, Code of Federal Regulations, governs the importation and shipment of wildlife prescribed by

the Secretary as injurious. This proposal would restructure Part 16 for clarity and would add a number of species to the list of wildlife declared injurious.

Part 16 currently lists those species of wildlife which have been designated injurious and therefore cannot be imported or shipped. Preceding proposed amendments of Part 16 would have abandoned this "dirty list" approach in favor of an expansive "clean list" of species which present a low risk of injury to the designated interests and therefore could be imported or shipped. This proposal preserves the present structure of Part 16 and provides a specific list of injurious species. In addition, the proposal adds a number of species to the list of wildlife deemed injurious.

The Secretary believes that all wildlife outside its native habitat is potentially injurious to one or more of the designated interests. However, the Secretary recognizes that the degree of risk to the designated interests varies from species to species. The species which this proposal would add to the present list of injurious wildlife have been determined by the Secretary to be injurious on the basis of one or more of the following criteria:

1. The species occupies an ecological niche (including feeding habits, roosting habits, requirements for reproduction, and other factors) that overlaps to a considerable extent the ecological niche of a native species;

2. The species is a close relative of a native species with which it might be expected to compete with for food, space, or some other resource, or with which it might be expected to interbreed;

3. The species has behavioral traits, feeding habits, or ecological requirements that could be disruptive or destructive to natural communities or environmental features, or in conflict with man's use of the environment;

4. The species is known to have feeding or foraging habits that include crops or other agricultural products or harvested natural resources, or that suggest that it may readily be able to adapt to such food resources;

5. The species is known to be the host of a parasite that would be detrimental to humans, domestic animals, or native wildlife, or is known to be a reservoir or vector of, or the host of a parasite that is a vector of, a disease that can readily be transmitted to humans, domesticated animals, or native wildlife;

6. The species is known to be dangerously venomous or toxic or otherwise noxious to man or to other animals;

7. The species occupies ecologically disturbed areas, particularly urbanized areas or those altered by the addition of exotic vegetation, as a major portion of its habitat;

8. The species has demonstrated an ease of establishment, colonization, or dispersal, or has reproductive characteristics that suggest an ease of establish-

ment in the absence of its normal population controls; or

9. The species is a close relative of a species that falls into one of the above categories.

Using these guidelines, it is proposed to add the following species to the existing lists of injurious wildlife for the reasons assigned:

Vampire bats feed only, as far as is known, on fresh blood lapped from wounds inflicted on warm-blooded vertebrates, including domestic mammals and man. They are carriers and transmitters of rabies, and some harbor the causative virus of equine encephalitis.

Ferrets, stoats, weasels and mink have been destructive to native wildlife where they have been introduced deliberately or accidentally. Being ecologically similar to native species, they would be detrimental to native wildlife by both competition and predation. They may carry and transmit rabies.

Bulbuls are gregarious birds that feed on fruit, berries, and insects. Two species are established in the United States, and the ecological similarity in the genus suggests that other species could become established.

Starlings and mynahs in the genera listed are gregarious, aggressive, and omnivorous. Species in these three genera have demonstrated an ease of colonization and have been introduced widely throughout the world. Four species in these genera are established in the United States and Canada.

The Japanese white-eye is established in Hawaii, where it appears to compete with native species for food. It readily colonizes new habitats and would compete with many continental species if established.

The skin glands of newts produce a toxic secretion that could be extremely dangerous to humans if accidentally ingested. This toxin is very effective against potential predators, and these salamanders would be difficult to eliminate or control if established. They would compete with native species. Other genera of newts and salamanders are similarly toxic, but are not listed because the likelihood of importation is low.

The African clawed frog, established in southern California, feeds on almost all other forms of aquatic animals, and not only competes with but preys on native amphibians.

The giant toad, already established in the United States, competes with and preys on other wildlife species. Poison produced in its parotid glands can be harmful to domesticated pets and to other potential predators.

All the snakes listed are venomous and can inflict serious, even fatal, bites on humans. Some species in the genera listed are frequently imported and may be sold to persons unaware of the danger involved. Other venomous genera of snakes are not listed because the likelihood of importation is low.

There are 50 genera of fishes belonging to 22 families included on the list. The fishes included on the list are either parasitic, venomous, electric, large aggressive predators or superior competitors and would be detrimental if introduced into U.S. waters. There are presently no known safe and efficient means for control of these fishes if they become established.

There are 28 genera of fishes in nine families (Centropomidae, Characidae, Cichlidae, Citharinidae, Ctenopomidae, Erythrinidae, Hepsetidae, Lebiasinidae, Ophiocephalidae) included on the list that are considered to be injurious to man and fish and other aquatic resources due to their (1) aggressive predatory behavior, (2) superior competitive ability, and (3) tendency to disrupt habitats into which they are introduced. Some of the predators attain lengths of three to four feet and have powerful jaws well armed with teeth. In some cases, the smaller species, such as piranhas, which rarely exceed 18 inches, are most dangerous.

There are several genera of fishes on the list which have the capacity to produce an electric discharge. These fishes include the electric eels in the genus *Electrophorus* (family Gymnotidae), the electric catfishes in the genus *Malapterurus* (family Malapteruridae) and the electric rays of the family Torpedinidae. The electric shocks of these fishes range up to 600 volts. The electric eel is one of the most powerful, adults producing an average output of 350 volts. Electric eels are largely air breathers, which would make control very difficult. Other electric fishes, the electric rays and electric catfishes are less powerful usually producing less than 200 volts.

The candiru, diminutive catfishes native to South America, are often parasitic on fishes, feeding on the blood of the gills. The opercle and preopercle of these fishes are armed with retrose spines which, when extended, enables the fish to become hooked to objects it contacts. These fishes are feared by South American natives due to their habit of penetrating the urogenital openings of swimmers causing severe pain and inflammation which often necessitates surgery.

Several genera belonging to six families are included on the list due to their venomous nature. The toxicity of the venom varies depending on the species and the type of venom. The venomous toad fishes of the genus *Daector* and *Thalassophryne* (family Batrachoididae), all genera of stingrays both freshwater and saltwater (family Dasyatidae and Potamotrygonidae), the catfish eels of the genus *Plotosus* (family Plotosidae), five genera of scorpion fishes *Brachirus*, *Dendrochirus*, *Inimicus*, *Pterois* and *Synanceja* (family Scorpaenidae) and the weever fishes of the genus *Trachinus* (family Trachinidae) are all dangerous to fishermen, swimmers and other aquatic recreationists who may come in contact with these fishes. The

reaction of the victim, to their sting, is dependent on a number of variables, but it may result in death.

The climbing perch of the genus *Anabas* (family Anabantidae) would be detrimental to native fishes. This fish is very aggressive, prolific, and is an air-breathing species with the ability to move over land.

The six genera *Aristichthys*, *Ctenopharyngodon*, *Hypothalmichthys*, *Leuciscus*, *Mylopharyngodon*, *Opsariichthys* of cyprinid fishes (family Cyprinidae) included on the list would be detrimental if introduced and subsequently became established. These fishes are prolific, tenacious and aggressive. If established, these fishes, through competition for food and space, could eliminate native fishes which occupy the same or similar niche.

The pike killifish of the genus *Belonesox* (family Poeciliidae) is a very aggressive predator which attains lengths up to eight inches. It preys on small aquatic life including fishes. In Florida where this species is already established, it is reported to seriously impair the natural control of mosquito larvae by the mosquito fish, *Gambusia affinis*.

In accordance with 18 U.S.C. § 42, this proposal would prohibit the importation into the United States, any territory of the United States, Puerto Rico, or any possession of the United States, of these additional injurious species and of the injurious wildlife already listed in the current Part 16. Pursuant to the statute, the proposed regulations would also prohibit the shipment of injurious wildlife between any two of the following geographic areas: the continental United States, the State of Hawaii, Puerto Rico, or any possession of the United States. Limited exceptions to the prohibitions would be provided through permits for zoological, educational, medical or scientific purposes, importation or shipment by Federal agencies for their own use, importation or shipment of dead natural history specimens for museums or scientific collections, and importation or shipment of domesticated psittacine birds or certified salmon. As authorized by statute, an exception would also be reserved for additional designated cage birds.

ENVIRONMENTAL ASSESSMENT

An assessment of the environmental effects of these proposed amendments is now being prepared, and when completed it will be available for public inspection during regular business hours at the Service's Office of Wildlife Assistance, Suite 1200, 1612 K Street, N.W., Washington, D.C. 20036.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons are invited to participate in this rulemaking by submitting written comments to the Director, United States Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036.

Comments should contain file number REG 16-02-2. The Service will attempt to acknowledge receipt of comments, and all written communications received on or before May 6, 1977, will be considered by the Service before final rulemaking activity is initiated. The proposal contained in this notice may be changed in consideration of comments received.

Comments received will be available for public inspection between 7:45 a.m. and 4:15 p.m., Monday through Friday, in Suite 600 of the Service's office at 1612 K Street, N.W., Washington, D.C.

AUTHOR OF REGULATIONS

The principal author of these proposed regulations is David R. Endres, a legal specialist for the Fish and Wildlife Service.

Dated: February 25, 1977.

HARVEY K. NELSON,
Acting Director,
Fish and Wildlife Service.

In consideration of the foregoing, it is proposed to amend Part 16 of Subchapter B, Chapter I of Title 50, Code of Federal Regulations, as set forth below:

1. The table of sections would be amended to read as follows:

PART 16—INJURIOUS WILDLIFE

Subpart A—Introduction

- | | |
|------|-------------------------|
| Sec. | |
| 16.1 | Purpose of regulations. |
| 16.2 | Scope of regulations. |
| 16.3 | Definitions. |

Subpart B—List of Injurious Wildlife

- | | |
|-------|------------------------|
| 16.11 | Injurious wildlife. |
| 16.12 | Amendment of the list. |

Subpart C—Prohibitions

- | | |
|-------|--------------|
| 16.21 | Importation. |
| 16.22 | Shipment. |

Subpart D—Exceptions

- | | |
|-------|---|
| 16.31 | Injurious wildlife permits. |
| 16.32 | Importation and shipment by Federal agencies. |
| 16.33 | Importation and shipment of dead natural history specimens. |
| 16.34 | Importation and shipment of domesticated canaries, parrots or other psittacine birds. |
| 16.35 | Importation and shipment of designated cage birds. [Reserved] |
| 16.36 | Importation and shipment of Salmonidae. |

AUTHORITY: Lacey Act, 18 U.S.C. § 42, 74 Stat. 753.

2. Part 16 would be revised to read as follows:

Subpart A—Introduction

§ 16.1 Purpose of regulations.

The regulations contained in this Part restrict the importation and shipment of those species of wildlife which have been designated injurious to human beings, to the interests of agriculture, horticulture, forestry, wildlife, or to the wildlife resources of the United States. These regulations implement section 42 of Title 18, United States Code (the Lacey Act).

§ 16.2 Scope of regulations.

(a) The provisions of this Part are in addition to, and not in lieu of, other regulations contained in this subchapter which require a permit or prescribe restrictions or conditions for the importation or shipment of wildlife.

(b) The provisions of this Part are in addition to, and not in lieu of, the laws or regulations of any State, county, municipality, or other Federal agency which prohibit or restrict activity involving wildlife.

§ 16.3 Definitions.

In addition to the definitions contained in Part 10 of this subchapter, and unless the context requires otherwise, in this Part 16:

"Continental United States" includes the 48 conterminous states, the State of Alaska and the District of Columbia.

"Educational purpose" means the use of wildlife for teaching or demonstrating the concepts of an academic discipline relating to animals, such as biology, zoology, anthropology or wildlife management, in a regular curriculum or laboratory program through an educational institution or facility.

"Injurious wildlife" means any wild mammal, bird, fish, mollusk, crustacean, amphibian or reptile, alive or dead, listed in § 16.11, including any offspring or egg thereof.

"Medical purpose" means the use of wildlife for medical or pharmaceutical research, for the production of vaccines or tissues to be used in the preparation of medicines or for laboratory tests, by a bona fide medical institution, clinic, laboratory or researcher, and includes the use of such wildlife to establish captive-bred colonies for such purposes.

"Scientific purpose" means the use of wildlife for (i) scientific research by a bona fide scientific institution, clinic, laboratory or researcher, and includes the use of such wildlife to establish captive-bred colonies for such research; or (ii) scientific research related to wildlife management programs or aquaculture carried out by or under the auspices of State or local governments, but not including release of animals to the wild.

"United States" includes the fifty States and the District of Columbia.

"Zoological purpose" means the use of wildlife for (i) public display by bona fide zoological institutions, or (ii) developing propagation and animal husbandry technology for maintaining captive strains of wildlife.

Subpart B—List of Injurious Wildlife

§ 16.11 Injurious wildlife.

Pursuant to section 42 of Title 18, United States Code, the Director has determined that the following species of wildlife are injurious to human beings, to the interests of agriculture, horticulture, forestry or to wildlife or the wildlife resources of the United States:

Family	Genus	Species
MAMMALS		
Pteropidae (Flying foxes, fruit bats)	<u>Pteropus</u> *	All
Mylostomatidae (Vampire bats)	<u>Desmodus</u> <u>Diphylla</u> <u>Diazos</u>	All
Mustelidae (weasels, ferrets, stoats)	<u>Mustela</u>	All (except <u>M. vison</u>)
Viverridae (mongoose, meerkats)	<u>Ailurus</u> <u>Cynictis</u> <u>Neogale</u> <u>Serpentes</u> <u>Ichneumia</u> <u>Mungos</u> <u>Suricata</u> *	All
Lepidae (European rabbit)	<u>Oryctolagus</u> *	All
Canidae (Indian wild dog, red dog, dhole)	<u>Canis</u> *	All
Meridae (Multimammate rat or mouse)	<u>Mastomys</u> *	All
BIRDS		
Falconidae (Bulbuls)	<u>Falconotus</u> *	All
Zosteropidae (Japanese white-eye)	<u>Zosterops</u>	isponica
Sturnidae (Starlings, mynahs)	<u>Acridotheres</u> <u>Gracula</u> <u>Sturnus</u> *	All
Floceidae (Dioch, Quoles)	<u>Quoles</u> *	quoles
Striidae (Java sparrow)	<u>Padda</u> *	oryzivora
REPTILES		
Viperidae (Vipers)	<u>Atheris</u> <u>Atractaspis</u> <u>Burke</u> <u>Crotalus</u> <u>Echis</u> <u>Aristocrotalis</u> <u>Vipera</u>	All
AMPHIBIANS		
Crotalidae (Pit. vipers, rattlesnakes)	<u>Agkistrodon</u> <u>Bothrops</u> <u>Callisquamis</u> <u>Crotalus</u> <u>Lachesis</u> <u>Sistrurus</u> <u>Trimeresurus</u>	All
Elapidae (Cobras)	<u>Bungarus</u> <u>Dendroaspis</u> <u>Nemachilus</u> <u>Nicoturus</u> <u>Naja</u> <u>Ophiophagus</u>	All
Colubridae (Soomlang) (Vine snake)	<u>Dispholidus</u> <u>Imantodes</u>	typus kirtlandii
Adrianiidae		
Salamandridae (Newts, salamanders)	<u>Cynops</u> <u>Parasotriton</u> <u>Salamandra</u> <u>Triturus</u> <u>Tylositron</u>	All
Rhacophoridae (African clawed frog)	<u>Xenopus</u>	laevis
Bufoidea (Giant toad)	<u>Bufo</u>	marinus
FISHES		
Anabantidae (Climbing fishes)	<u>Anabas</u>	All
Serranidae (Venomous coelacanth)	<u>Barrot</u> <u>Thalassopygus</u>	All
Centropomidae (Sila perch)	<u>Lates</u>	All
Characidae (Piranhas and caribes)	<u>Astyanax</u> <u>Pycnopterus</u> <u>Serrasalmo</u>	All

Family	Genus	Species	Family	Genus	Species
			FISHES (cont'd)		
Cyprinidae (Carps and minnows)	<i>Epiplatys</i>	All	Poeciliidae (Top minnows)	<i>Plectoncus</i>	All
	<i>Gambusia</i>	All		<i>Belontiopsis</i>	All
	<i>Lates niloticus</i>	All		All	All
	<i>Melanocheilichthys</i>	All		<i>Brachirus</i>	All
	<i>Parachanna</i>	All		<i>Hydrocheilichthys</i>	All
	<i>Pseudorasbora</i>	All		<i>Isinicus</i>	All
	<i>Rasbora</i>	All		<i>Pterois</i>	All
	<i>Tetraodon</i>	All		<i>Synbranchia</i>	All
	<i>Tetraodon</i>	All		All	All
	<i>Tetraodon</i>	All		<i>Stegophilus</i>	All
	<i>Tetraodon</i>	All		<i>Trichomycterus</i>	All
	<i>Tetraodon</i>	All		<i>Vandellia</i>	All
Serranidae (Salmon, trout)	<i>Aristichthys</i>	All	Trachinidae (Sea-trout)	<i>Trachinus</i>	All
	<i>Coregonus</i>	All		All*	All
	<i>Salvelinus</i>	All		All*	All
	<i>Salvelinus</i>	All			
	<i>Salvelinus</i>	All			
	<i>Salvelinus</i>	All			
	<i>Salvelinus</i>	All			
	<i>Salvelinus</i>	All			
	<i>Salvelinus</i>	All			
	<i>Salvelinus</i>	All			
	<i>Salvelinus</i>	All			
	<i>Salvelinus</i>	All			
Clariidae (Walking catfish)	<i>Clarias</i>	All	Clariidae (Walking catfish)	<i>Clarias</i>	All
	<i>Clarias</i>	All			
	<i>Clarias</i>	All			
	<i>Clarias</i>	All			
	<i>Clarias</i>	All			
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	<i>Clarias</i>	All			
	<i>Clarias</i>	All			
	<i>Clarias</i>	All			
	<i>Clarias</i>	All			
Mormonidae (Electric rays)	<i>Demmaphys</i>	All	Torpedinidae (Electric rays)	<i>Demmaphys</i>	All
	<i>Demmaphys</i>	All		<i>Demmaphys</i>	All
	<i>Demmaphys</i>	All		<i>Demmaphys</i>	All
	<i>Demmaphys</i>	All		<i>Demmaphys</i>	All
	<i>Demmaphys</i>	All		<i>Demmaphys</i>	All
	<i>Demmaphys</i>	All		<i>Demmaphys</i>	All
	<i>Demmaphys</i>	All		<i>Demmaphys</i>	All
	<i>Demmaphys</i>	All		<i>Demmaphys</i>	All
	<i>Demmaphys</i>	All		<i>Demmaphys</i>	All
	<i>Demmaphys</i>	All		<i>Demmaphys</i>	All
	<i>Demmaphys</i>	All		<i>Demmaphys</i>	All
	<i>Demmaphys</i>	All		<i>Demmaphys</i>	All
Trachinidae (Sea-trout)	<i>Trachinus</i>	All	Trichomycteridae (Catfishes)	<i>Trichomycterus</i>	All
	<i>Trachinus</i>	All		<i>Trichomycterus</i>	All
	<i>Trachinus</i>	All		<i>Trichomycterus</i>	All
	<i>Trachinus</i>	All		<i>Trichomycterus</i>	All
	<i>Trachinus</i>	All		<i>Trichomycterus</i>	All
	<i>Trachinus</i>	All		<i>Trichomycterus</i>	All
	<i>Trachinus</i>	All		<i>Trichomycterus</i>	All
	<i>Trachinus</i>	All		<i>Trichomycterus</i>	All
	<i>Trachinus</i>	All		<i>Trichomycterus</i>	All
	<i>Trachinus</i>	All		<i>Trichomycterus</i>	All
	<i>Trachinus</i>	All		<i>Trichomycterus</i>	All
	<i>Trachinus</i>	All		<i>Trichomycterus</i>	All
Serranidae (Salmon, trout)	<i>Salvelinus</i>	All	Serranidae (Salmon, trout)	<i>Salvelinus</i>	All
	<i>Salvelinus</i>	All		<i>Salvelinus</i>	All
	<i>Salvelinus</i>	All		<i>Salvelinus</i>	All
	<i>Salvelinus</i>	All		<i>Salvelinus</i>	All
	<i>Salvelinus</i>	All		<i>Salvelinus</i>	All
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	<i>Salvelinus</i>	All		<i>Salvelinus</i>	All
	<i>Salvelinus</i>	All		<i>Salvelinus</i>	All
	<i>Salvelinus</i>	All		<i>Salvelinus</i>	All
	<i>Salvelinus</i>	All		<i>Salvelinus</i>	All
	<i>Salvelinus</i>	All		<i>Salvelinus</i>	All
	<i>Salvelinus</i>	All		<i>Salvelinus</i>	All
Clariidae (Walking catfish)	<i>Clarias</i>	All	Clariidae (Walking catfish)	<i>Clarias</i>	All
	<i>Clarias</i>	All		<i>Clarias</i>	All
	<i>Clarias</i>	All		<i>Clarias</i>	All
	<i>Clarias</i>	All		<i>Clarias</i>	All
	<i>Clarias</i>	All		<i>Clarias</i>	All
	<i>Clarias</i>	All		<i>Clarias</i>	All
	<i>Clarias</i>	All		<i>Clarias</i>	All
	<i>Clarias</i>	All		<i>Clarias</i>	All
	<i>Clarias</i>	All		<i>Clarias</i>	All
	<i>Clarias</i>	All		<i>Clarias</i>	All
	<i>Clarias</i>	All		<i>Clarias</i>	All
	<i>Clarias</i>	All		<i>Clarias</i>	All
Mormonidae (Electric rays)	<i>Demmaphys</i>	All	Mormonidae (Electric rays)	<i>Demmaphys</i>	All
	<i>Demmaphys</i>	All		<i>Demmaphys</i>	All
	<i>Demmaphys</i>	All		<i>Demmaphys</i>	All
	<i>Demmaphys</i>	All		<i>Demmaphys</i>	All
	<i>Demmaphys</i>	All		<i>Demmaphys</i>	All
	<i>Demmaphys</i>	All		<i>Demmaphys</i>	All
	<i>Demmaphys</i>	All		<i>Demmaphys</i>	All
	<i>Demmaphys</i>	All		<i>Demmaphys</i>	All
	<i>Demmaphys</i>	All		<i>Demmaphys</i>	All
	<i>Demmaphys</i>	All		<i>Demmaphys</i>	All
	<i>Demmaphys</i>	All		<i>Demmaphys</i>	All
	<i>Demmaphys</i>	All		<i>Demmaphys</i>	All
Serranidae (Salmon, trout)	<i>Salvelinus</i>	All	Serranidae (Salmon, trout)	<i>Salvelinus</i>	All
	<i>Salvelinus</i>	All		<i>Salvelinus</i>	All
	<i>Salvelinus</i>	All		<i>Salvelinus</i>	All
	<i>Salvelinus</i>	All		<i>Salvelinus</i>	All
	<i>Salvelinus</i>	All		<i>Salvelinus</i>	All
	<i>Salvelinus</i>	All		<i>Salvelinus</i>	All
	<i>Salvelinus</i>	All		<i>Salvelinus</i>	All
	<i>Salvelinus</i>	All		<i>Salvelinus</i>	All
	<i>Salvelinus</i>	All		<i>Salvelinus</i>	All
	<i>Salvelinus</i>	All		<i>Salvelinus</i>	All
	<i>Salvelinus</i>	All		<i>Salvelinus</i>	All
	<i>Salvelinus</i>	All		<i>Salvelinus</i>	All
Clariidae (Walking catfish)	<i>Clarias</i>	All	Clariidae (Walking catfish)	<i>Clarias</i>	All
	<i>Clarias</i>	All		<i>Clarias</i>	All
	<i>Clarias</i>	All		<i>Clarias</i>	All
	<i>Clarias</i>	All		<i>Clarias</i>	All
	<i>Clarias</i>	All		<i>Clarias</i>	All
	<i>Clarias</i>	All		<i>Clarias</i>	All
	<i>Clarias</i>	All		<i>Clarias</i>	All
	<i>Clarias</i>	All		<i>Clarias</i>	All
	<i>Clarias</i>	All		<i>Clarias</i>	All
	<i>Clarias</i>	All		<i>Clarias</i>	All
	<i>Clarias</i>	All		<i>Clarias</i>	All
	<i>Clarias</i>	All		<i>Clarias</i>	All

* denotes species presently listed as injurious. The status of species designated by an asterisk is already determined and is therefore not an issue for comment in this proposal.

+ indicates a genus in which some species, but not all species, are presently listed as injurious. The status of species currently listed is not an issue for comment in this proposal.

§ 16.12 Amendment of the list.

(a) The list in § 16.11 may be revised from time to time as additional data become available which show, to the Director's satisfaction, that a species should be added to or removed from the list.

(b) At any time, any interested person may petition the Director to review the status of any species, with a view to taking one of the actions described in paragraph (a) of this section. Such petitions must be dated and in writing, and must be submitted to the Director. The petition must contain the following information:

- (1) Name and address of the person making the request;
- (2) Association, organization, or business, if any, represented by the person making the request;
- (3) Designation of the particular species in question by common and scientific names;
- (4) Narrative explanation of the request for review and justification for a change in the status of the species in question;
- (5) Scientific, commercial, or other data believed to support the request; and
- (6) Signature of the person making the request.

If it is determined that substantial evidence has been presented which warrants a review, a finding to that effect, shall be published in the FEDERAL REGISTER. Such notice shall give all interested persons an opportunity to comment and to submit additional data and information.

Subpart C—Prohibitions

§ 16.21 Importation.

Except as provided in subpart D of this Part, no person may import into the United States, any territory of the United States, the Commonwealth of Puerto Rico, or any possession of the United States, any wildlife listed in § 16.11.

§ 16.22 Shipment.

Except as provided in subpart D of this Part, no person may ship any wildlife listed in § 16.11 between any of two of the following geographic areas: the continental United States, the State of Hawaii, the Commonwealth of Puerto Rico, or any possession of the United States.

Subpart D—Exceptions

§ 16.31 Injurious wildlife permits.

(a) *General.* In accordance with the criteria set forth in paragraph (d) of this section, the Director may issue a permit authorizing importation or shipment of injurious wildlife otherwise prohibited by §§ 16.21 or 16.22 if such importation or shipment is for a zoological, educational, medical or scientific purpose. The permit may be issued either to a person who will actually use the injurious wildlife for a zoological, educational, medical or scientific purpose, or to

a person who will transfer the wildlife to a permittee under this section.

(b) *Scope.* Permits issued under this section may authorize a single importation or shipment, a series of importations or shipments, or importations and shipments within a specific time period. Injurious wildlife permits may specifically designate the wildlife to be imported or shipped or may designate larger taxonomic groups, such as genera or families, from which wildlife may be imported or shipped.

(c) *Application requirements.* Applications for a permit to import or ship injurious wildlife must be submitted to the Director on an application Form 3-200 by the person who wishes to engage in the activity for which a permit is required. Unless waived by the Director, each application must contain the general information and certification required by § 13.12(a) of this subchapter plus the following additional information:

(1) Common and scientific names of the species, number, age and sex (if applicable) of the wildlife to be covered by the permit, or, where this information is inappropriate because of the large number of separate species involved, a listing of the taxonomic groups, by family or genus;

(2) A statement of justification for the permit, including a summary of the project or other plans for utilization of the wildlife in relation to zoological, educational, medical, or scientific purposes;

(3) A description and the address of the institution or other facility where the wildlife will be used or maintained, with a description of the area and facilities in which the wildlife will be housed; the description must be sufficiently complete and detailed to allow a judgment on the adequacy of the facilities for securely housing the numbers and kinds of wildlife to be imported;

(4) A statement as to what precautions the importer or shipper plans to take to insure that importation, shipment and holding of the wildlife will not result in injury to human beings, the interests of agriculture, horticulture, forestry, wildlife, or wildlife resources of the United States, or uncontrollable exposure of these interests to parasites, pathogens or other pests;

(5) A description of disposal methods for animal wastes and dead diseased animals; and

(6) A summary of the technical expertise available to the applicant, and any experience the applicant or his personnel have had in transporting and maintaining in captivity the species to be imported or shipped, or closely related species.

(d) *Issuance criteria.* Upon receiving an application completed in accordance with the preceding paragraph, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider the following factors:

(1) The degree of threat of injury to human beings, to the interests of agri-

culture, horticulture, forestry, or to wildlife or the wildlife resources of the United States presented by such importation or shipment;

(2) Whether the wildlife to be imported or shipped will in fact be used by the permittee for zoological, educational, medical or scientific purposes, or will in fact be transferred by the permittee to another permittee under this section;

(3) Whether the facilities for transportation and holding the wildlife in captivity are adequately designed and constructed to prevent escape;

(4) Whether the applicant by reason of his knowledge, experience, and facilities can reasonably be expected to provide adequate protection to the interests of human beings, agriculture, horticulture, forestry, wildlife, and wildlife resources, and is aware of and can act responsibly regarding the dangers to these interests posed by such wildlife; and

(5) The applicant's prior history of compliance with the terms of a permit issued under this Section.

(e) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter b, every permit issued under this section shall be subject to the following special conditions, unless otherwise stated on the face of the permit:

(1) Each permittee shall keep complete records of the importation, shipment, transfer, birth of progeny or death of wildlife imported or shipped under authority of the permit. Summaries of such records shall be submitted in writing to the Director within 30 days after the end of each one-year period for which the permit is held, or if the permit is for less than one year, within 30 days after the expiration date of the permit; the records, and the summary report, shall show the following data for the reporting period:

(i) The number of animals of each species (using the species designated in the application) imported or shipped;

(ii) The number of progeny born to such wildlife;

(iii) The number of such wildlife or their progeny transferred the dates of such transfers, and the name and the address of the transferee; and

(iv) The death or escape of such wildlife or their progeny, including dates of death or escape.

(2) All injurious wildlife possessed under permit and all progeny thereof, must be confined in the facilities and on the premises authorized in the permit;

(3) No injurious wildlife imported or shipped under a permit, and no eggs or progeny thereof, may be released to the wild, or sold, donated, traded, loaned or transferred to any other person unless that person has a permit issued under this section, valid at the time of the transfer;

(4) Permittees must notify the Director by letter (see § 10.21 of this Chapter), telephone 202-343-9242, or telegraph within 24 hours following the escape of any wildlife or progeny thereof possessed

under the authority of a permit, and must file a complete written report of the facts regarding the escape within 10 days of the notification of the Director. The report must contain, in addition to the factual description of the escape, a summary of attempts to recapture the wildlife, and steps taken to assure no further escapes; and

(5) Each injurious wildlife permit shall expire on the date designated on the face of the permit, and in no case shall any such permit be valid for more than two years from the date of issuance.

§ 16.32 Importation and shipment by Federal agencies.

Nothing in this Part restricts the importation or shipment, without a permit, of injurious wildlife by a Federal agency solely for its own use.

§ 16.33 Importation and shipment of dead natural history specimens.

Nothing in this Part restricts the importation or shipment, without a permit, of dead injurious wildlife to be used solely as a natural history specimen for a museum or scientific collection.

§ 16.34 Importation and shipment of domesticated canaries, parrots or other psittacine birds.

Nothing in this Part restricts the importation or shipment, without a permit, of domesticated canaries, parrots or other species of psittacine birds.

§ 16.35 Importation and shipment of designated cage birds.

[Reserved.]

§ 16.36 Importation and shipment of Salmonidae.

(a) Nothing in this Part restricts the importation or shipment of the fish family Salmonidae if such importation or shipment is direct and is accompanied by certification that the fish or eggs in question are free of the protozoan *Myxosoma cerebralis*, the causative agent of so-called "whirling disease," and the virus causing viral hemorrhagic septicemia or "Egtved disease." The certification shall be signed in the country of origin by a designated official acceptable to the Director as being qualified in fish pathology, or in the United States by a qualified fish pathologist designated for this purpose by the Director.

(b) The certificate required by this section shall consist of a statement in the English language, printed or typewritten, that the shipment of fish or eggs is free of the protozoan *Myxosoma cerebralis* and the virus causing viral hemorrhagic septicemia by the methods outlined in Fish Disease Leaflet 9, and shall contain (i) the date and port of export in the country of origin and the anticipated United States date of arrival and port of entry, (ii) the name of the surface or air carrier and flight number, or the vessel name or number, (iii) the bill of lading number or airway bill number,

and (iv) the handwritten signature, in ink, of the authorized certifying officer. The certificate shall be substantially in the following form:

I, _____, approved by the Director of the U.S. Fish and Wildlife Service, on _____, as a certifying official for _____, as required by Title _____, (Country) 50 CFR 16.36(b), do hereby certify, using the methodology described in Fish Disease Leaflet (FDL-9, July 1968), that this shipment of _____ of dead or live fish or (Weight in pounds) fish eggs to be shipped under _____ is (Bill of Lading number, or airway bill number) free of the protozoan *Myxosoma cerebralis*, the causative agent of so-called "Whirling disease," and the virus causing viral hemorrhagic septicemia or "Egtved disease." The shipment is scheduled to depart _____ on _____, via _____ (City and country) (Date) (Name of carrier) with anticipated arrival at the port of _____ U.S.A. on _____ (City) (Date) (Date) (Signature in ink of certifying officer) (Date) [FR Doc.77-6495 Filed 3-4-77; 8:45 am]

Federal Register

MONDAY, MARCH 7, 1977

PART III



**DEPARTMENT OF
HOUSING AND
URBAN
DEVELOPMENT**

■

**HOUSING ASSISTANCE
PAYMENTS PROGRAM**

Miscellaneous Amendments

Title 24—Housing and Urban Development
 CHAPTER VIII—LOW-INCOME HOUSING,
 DEPARTMENT OF HOUSING AND
 URBAN DEVELOPMENT

[Docket No. R-77-380]

PART 880—SECTION 8—HOUSING AS-
 SISTANCE PAYMENTS PROGRAM—
 NEW CONSTRUCTION

Miscellaneous Amendments

The Department gave notice on December 15, 1976, at 41 FR 54856 that it was proposing to amend 24 CFR Part 880 to implement section 2(d) of the Housing Authorization Act of 1976, which revised section 8(c) (4) of the U.S. Housing Act of 1937 and states:

And subject to the provisions of the following sentence, such payments may be made, in the case of a newly constructed or substantially rehabilitated project, after such sixty-day period in an amount equal to the debt service attributable to such an occupied dwelling unit for a period not to exceed one year, if a good faith effort is being made to fill the unit and the unit provides decent, safe, and sanitary housing. No such payment may be made after such sixty-day period (i) if the unoccupied unit is in a project insured under the National Housing Act, except pursuant to section 244 of such Act, or (ii) if the Secretary determines that the dwelling unit is in a project which provides the owner with revenues exceeding the costs incurred by such owner with respect to such project.

The Department has received 21 comments in response to the December 15, 1976, publication. All comments were carefully considered, and changes have been made to the proposed regulation based on these and other comments. A discussion of the principal changes and the more recurrent and significant comments is set forth below:

1. Section 880.107(d) as proposed has been renumbered for clarity. References contained herein refer to the new paragraph numbers.

2. Section 880.107(d) (1) has been revised to provide that claims shall be submitted and payments made on a semi-annual basis. It has been determined that it would not be administratively feasible to establish a more frequent claims procedure.

3. Many comments objected to the provision in § 880.107(d) (2) limiting the additional payments to an aggregate of 12 months for each unit during the entire term of the Contract. In reconsidering this issue, it has been determined that removing this limitation would substantially enhance the security provided by the Housing Assistance Payments Contract so as to result in savings in the cost of financing which will be reflected in lower Contract Rents. It is expected that the savings from lower Contract Rents should more than compensate for payments under the revised provision. It should be emphasized that the removal of the limitation in no way affects the obligation of the Owner to maintain the units in decent, safe, and sanitary condition and to make maximum efforts to fill the vacancies.

4. Several comments suggested that the units in projects insured under the National Housing Act be made eligible for the additional payments. This is not possible since the statute prohibits payments if the unit is in a project insured under the National Housing Act (except under section 244, where coinsurance is involved). However, the Department is considering recommending legislation for the removal of this restriction.

5. Several comments requested clarification of the method to be used for determining whether revenues equal or exceed costs in connection with the provision in § 880.107(d) (2) (iv) requiring the Owner to show that the project is not providing the Owner with revenues exceeding costs. In response, a provision has been added to clarify that the amount of the payments requested shall not be in excess of that portion of the deficiency which is attributable to the vacant units for the period of the vacancies. Similar clarifying language has been added to paragraph d(1) with respect to debt service. The amount of the payments will be (a) the portion of the deficiency attributable to the units for the period of the vacancies; or (b) the similarly attributable portion of the debt service, whichever is less. Further details as to the method of making these determinations will be discussed in the program Handbook which will be made available to Owners upon request to the field offices.

6. There were several objections to the provision in § 880.107(d) (2) (v) that debt service payments shall be made only if the project can reasonably be expected to achieve financial soundness, on the ground that this clause would adversely affect financing. Such a provision is required pursuant to the legislative intent expressed in the floor debate in the House of Representatives. The provision has been modified to require in connection with such semiannual claim, a statement by the Owner with relevant supporting evidence that there is a reasonable prospect that the project can achieve financial soundness within a reasonable time. The statement shall indicate the causes of the deficiency; the corrective steps that have been and will be taken; and the time by which it is expected that the project revenues will at least equal project costs without the additional payments provided under this paragraph. A further provision, § 880.107(d) (3), is added to specify that HUD may deny an application or suspend or terminate payments if it determines that there is not such a reasonable prospect.

7. There were numerous objections to the last sentence of § 880.107(d) as published for comment. This sentence stated that the new provision would be applicable to projects "for which the permanent financing has not been secured as of the effective date of this paragraph." It was suggested that the paragraph be made applicable to projects receiving permanent financing on or after August 3, 1976, the date the Housing Authorization Act of 1976 was enacted. Several comments suggested that all Housing

Assistance Payments Contracts executed on or after August 3, 1976, be covered by the new provision. Questions were also raised as to the meaning of "secured" in this context.

Accordingly, § 880.107(d) (4) has been revised in several respects. Paragraph (d) is being made applicable to projects where the " * * * permanent financing was not secured * * * prior to December 15, 1976." The Department has determined that December 15th will be the cutoff date since a lender making a commitment for permanent financing before the regulations were proposed on that date could not assume how or when section 2(d) of the Housing Authorization Act would be implemented. The terms of the financing, therefore, presumably did not take into consideration the more favorable security offered. The additional security provided by § 880.107(d) which involves potential additional obligations by the Government should not be made available to projects financed prior to December 15th since this would constitute a "windfall" in these situations. In line with this, a new provision has been added to authorize an Owner of a project for which a commitment was secured prior to December 15, 1976, to apply to HUD to make paragraph (d) applicable on a showing that the financing terms have been renegotiated to result in a lower cost of financing and lower Contract Rents. In response to questions concerning the meaning of "secured," the provision has been clarified to make it applicable to projects "for which a conditional or unconditional commitment for permanent financing has not been secured by the Owner from a lender or underwriter prior to December 15, 1976." The program Handbook will include additional guidance concerning what constitutes a "commitment," and will be available upon request to the field offices.

8. Several comments asked why conforming amendments to the Section 8 Housing Finance and Development Agencies Regulations, 24 CFR Part 883, Subparts A-D were not proposed. This omission was an oversight. Also, conforming amendments to the Section 8 New Construction Set-Aside for Section 515 Rural Rental Housing Projects Regulations, 24 CFR Part 883, Subparts G and H were inadvertently omitted. Conforming amendments to Part 883, Subparts A-D and G and H are being published for effect in this edition of the FEDERAL REGISTER.

A finding of inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. In addition, a finding of inapplicability of inflation impact statement requirements has been made in accordance with HUD procedures. Copies of these findings will be available for public inspection during regular business hours at the office of the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C.

Accordingly, 24 CFR Part 880 is amended as follows:

1. A new § 880.107(d) is added, and the old paragraph (d) is redesignated as (e), to read:

§ 880.107 Housing assistance payments to owners.

(d) *Debt service payments.* (1) If a unit continues to be vacant after the 60-day period specified in paragraph (b) or (c) of this section, the Owner may submit a claim and receive additional housing assistance payments on a semi-annual basis with respect to such a vacant unit in an amount equal to the principal and interest payments required to amortize the portion of the debt attributable to that unit for the period of the vacancy, whether such vacancy commenced during rent-up or after rent-up.

(2) Additional payments under this paragraph (d) for any unit shall not be for more than 12 months for any vacancy period, and shall be made only if:

(i) The unit is not in a project insured under the National Housing Act except pursuant to section 244 of that Act.

(ii) The unit was in decent, safe, and sanitary condition during the vacancy period for which payments are claimed.

(iii) The Owner has taken and is continuing to take the actions specified in paragraphs (b) (1), (2) and (3) or paragraphs (c) (1) (i) and (ii) and (c) (2) of this section, as appropriate.

(iv) The Owner has demonstrated in connection with the semiannual claim on a form and in accordance with the standards prescribed by HUD with respect to the period of the vacancy, that the project is not providing the Owner with revenues at least equal to the project costs incurred by the Owner, and that the amount of the payments requested is not in excess of that portion of the deficiency which is attributable to the vacant units for the period of the vacancies.

(v) The Owner has submitted, in connection with the semiannual claim, a statement with relevant supporting evidence that there is a reasonable prospect that the project can achieve financial soundness within a reasonable time. The statement shall indicate the causes of the deficiency; the corrective steps that have been and will be taken; and the time by which it is expected that the project revenues will at least equal project costs without the additional payments provided under this paragraph.

(3) HUD may deny any claim for additional payments or suspend or terminate payments if it determines that based on the Owner's statement and other evidence, that there is not a reasonable prospect that the project can achieve financial soundness within a reasonable time.

(4) This paragraph (d) shall be applicable to any project eligible for payments under this paragraph for which a conditional or unconditional commitment for permanent financing was not secured by the Owner from a lender or underwriter prior to December 15, 1976. An Owner of a project for which a com-

mitment for permanent financing was secured prior to December 15, 1976, may request HUD to agree to make this paragraph applicable, on a showing that the financing terms have been renegotiated to result in a lower cost of financing and lower contract rents.

(Sec. 7(d), Department of HUD Act, (42 U.S.C. 3835(d)); sec. 5(b) of the United States Housing Act of 1937, (42 U.S.C. 1437c (b)); sec. 8 of the United States Housing Act of 1937, (42 U.S.C. 1437f).)

NOTE.—It is hereby certified that the economic and inflationary impact of these regulations have been carefully evaluated in accordance with Executive Order No. 11821.

Effective Date: These amendments are effective on March 7, 1977.

Issued at Washington, D.C. on February 25, 1977.

JOSEPH BURSTEIN,
Acting Deputy Assistant Secretary
for Housing—Federal
Housing Commissioner.

[FR Doc. 77-6675 Filed 3-4-77; 8:45 am]

[Docket No. R-77-387]

PART 881—SECTION 8—HOUSING ASSISTANCE PAYMENTS PROGRAM—SUBSTANTIAL REHABILITATION

Miscellaneous Amendments

The Department gave notice on December 15, 1976, at 41 FR 54856 that it was proposing to amend 24 CFR Part 881 to implement section 2(d) of the Housing Authorization Act of 1976, which revised section 8(c) (4) of the U.S. Housing Act of 1937 and states:

And subject to the provisions of the following sentence, such payments may be made, in the case of a newly constructed or substantially rehabilitated project, after such sixty-day period in an amount equal to the debt service attributable to such an occupied dwelling unit for a period not to exceed one year, if a good faith effort is being made to fill the unit and the unit provides decent, safe, and sanitary housing. No such payment may be made after such sixty-day period (1) if the unoccupied unit is in a project insured under the National Housing Act, except pursuant to section 244 of such Act, or (2) if the Secretary determines that the dwelling unit is in a project which provides the owner with revenues exceeding the costs incurred by such owner with respect to such project.

The Department has received 21 comments in response to the December 15, 1976, publication. All comments were carefully considered, and changes have been made to the proposed regulation based on these and other comments. A discussion of the principal changes and the more recurrent and significant comments is set forth below:

1. Section 881.107(d) as proposed has been renumbered for clarity. References contained herein refer to the new paragraph numbers.

2. Section 881.107(d) (1) has been revised to provide that claims shall be submitted and payments made on a semiannual basis. It has been determined that it would not be administratively feasible to establish a more frequent claims procedure.

3. Many comments objected to the provision in § 881.107(d) (2) limiting the additional payments to an aggregate of 12 months for each unit during the entire term of the Contract. In reconsidering this issue, it has been determined that removing this limitation would substantially enhance the security provided by the Housing Assistance Payments Contract so as to result in savings in the cost of financing which will be reflected in lower Contract Rents. It is expected that the savings from lower Contract Rents should more than compensate for payments under the revised provision. It should be emphasized that the removal of the limitation in no way affects the obligation of the Owner to maintain the units in decent, safe, and sanitary condition and to make maximum efforts to fill the vacancies.

4. Several comments suggested that the units in projects insured under the National Housing Act be made eligible for the additional payments. This is not possible since the statute prohibits payments if the unit is in a project insured under the National Housing Act (except under section 244, where coinsurance is involved). However, the Department is considering recommending legislation for the removal of this restriction.

5. Several comments requested clarification of the method to be used for determining whether revenues equal or exceed costs in connection with the provision in § 881.107(d) (2) (iv) requiring the Owner to show that the project is not providing the Owner with revenues exceeding costs. In response, a provision has been added to clarify that the amount of the payments requested shall not be in excess of that portion of the deficiency which is attributable to the vacant units for the period of the vacancies. Similar clarifying language has been added to paragraph d(1) with respect to debt service. The amount of the payments will be (a) the portion of the deficiency attributable to the units for the period of the vacancies; or (b) the similarly attributable portion of the debt service, whichever is less. Further details as to the method of making these determinations will be discussed in the program Handbook which will be made available to Owners upon request to the field offices.

6. There were several objections to the provision in § 881.107(d) (2) (v) that debt service payments shall be made only if the project can reasonably be expected to achieve financial soundness, on the ground that this clause would adversely affect financing. Such a provision is required pursuant to the legislative intent expressed in the floor debate in the House of Representatives. The provision has been modified to require in connection with such semiannual claim, a statement by the Owner with relevant supporting evidence that there is a reasonable prospect that the project can achieve financial soundness within a reasonable time. The statement shall indicate the causes of the deficiency;

the corrective steps that have been and will be taken; and the time by which it is expected that the project revenues will at least equal project costs without the additional payments provided under this paragraph. A further provision, Section 881.107(d)(3), is added to specify that HUD may deny an application or suspend or terminate payments if it determines that there is not such a reasonable prospect.

7. There were numerous objections to the last sentence of § 881.107(d) as published for comment. This sentence stated that the new provision would be applicable to projects "for which the permanent financing has not been secured as of the effective date of this paragraph." It was suggested that the paragraph be made applicable to projects receiving permanent financing on or after August 3, 1976, the date the Housing Authorization Act of 1976 was enacted. Several comments suggested that all Housing Assistance Payments Contracts executed on or after August 3, 1976, be covered by the new provision. Questions were also raised as to the meaning of "secured" in this context.

Accordingly, § 881.107(d)(4) has been revised in several respects. Paragraph (d) is being made applicable to projects where the " * * * permanent financing was not secured * * * prior to December 15, 1976." The Department has determined that December 15th will be the cutoff date since a lender making a commitment for permanent financing before the regulations were proposed on that date could not assume how or when section 2(d) of the Housing Authorization Act would be implemented. The terms of the financing, therefore, presumably did not take into consideration the more favorable security offered. The additional security provided by § 881.107(d) which involves potential additional obligations by the Government should not be made available to projects financed prior to December 15th since this would constitute a "windfall" in these situations. In line with this, a new provision has been added to authorize an Owner of a project for which a commitment was secured prior to December 15, 1976, to apply to HUD to make paragraph (d) applicable on a showing that the financing terms have been renegotiated to result in a lower cost of financing and lower Contract Rents. In response to questions concerning the meaning of "secured," the provision has been clarified to make it applicable to projects "for which a conditional or unconditional commitment for permanent financing has not been secured by the Owner from a lender or underwriter prior to December 15, 1976." The program Handbook will include additional guidance concerning what constitutes a "commitment," and will be available upon request to the field offices.

8. Several comments asked why conforming amendments to the section 8 Housing Finance and Development Agencies Regulations, 24 CFR Part 883, Subparts A-D were not proposed. This

omission was an oversight. Also, conforming amendments to the Section 8 New Construction Set-Aside for section 515 Rural Rental Housing Projects Regulations, 24 CFR Part 883, Subparts G and H were inadvertently omitted. Conforming amendments to Part 883, Subparts A-D and G and H are being published for effect in this edition of the FEDERAL REGISTER.

A finding of inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. In addition, a finding of inapplicability of inflation impact statement requirements has been made in accordance with HUD procedures. Copies of these findings will be available for public inspection during regular business hours at the office of the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C.

Accordingly, 24 CFR Part 881 is amended as follows:

1. A new § 881.107(d) is added and the old paragraph (d) is redesignated as (e) to read:

§ 881.107 Housing assistance payments to owners.

(d) *Debt service payments.* (1) If a unit continues to be vacant after the 60-day period specified in paragraph (b) or (c) of this section, the Owner may submit a claim and receive additional housing assistance payments on a semiannual basis with respect to such a vacant unit in an amount equal to the principal and interest payments required to amortize the portion of the debt attributable to that unit for the period of the vacancy, whether such vacancy commenced during rent-up or after rent-up.

(2) Additional payments under this paragraph (d) for any unit shall not be for more than 12 months for any vacancy period, and shall be made only if:

(i) The unit is not in a project insured under the National Housing Act except pursuant to section 244 of that Act.

(ii) The unit was in decent, safe, and sanitary condition during the vacancy period for which payments are claimed.

(iii) The owner has taken and is continuing to take the actions specified in paragraphs (b)(1), (2) and (3) or paragraphs (c)(1) (i) and (ii) and (c)(2) of this section, as appropriate.

(iv) The Owner has demonstrated in connection with the semiannual claim on a form and in accordance with the standards prescribed by HUD with respect to the period of the vacancy, that the project is not providing the Owner with revenues at least equal to the project costs incurred by the Owner, and that the amount of the payments requested is not in excess of that portion of the deficiency which is attributable to the vacant units for the period of the vacancies.

(v) The Owner has submitted, in connection with the semiannual claim, a

statement with relevant supporting evidence that there is a reasonable prospect that the project can achieve financial soundness within a reasonable time. The statement shall indicate the causes of the deficiency; the corrective steps that have been and will be taken; and the time by which it is expected that the project revenues will at least equal project costs without the additional payments provided under this paragraph.

(3) HUD may deny any claim for additional payments or suspend or terminate payments if it determines that based on the Owner's statement and other evidence, there is not a reasonable prospect that the project can achieve financial soundness within a reasonable time.

(4) This paragraph (d) shall be applicable to any project eligible for payments under this paragraph for which a conditional or unconditional commitment for permanent financing was not secured by the Owner from a lender or underwriter prior to December 15, 1976. An Owner of a project for which a commitment for permanent financing was secured prior to December 15, 1976, may request HUD to agree to make this paragraph applicable, on a showing that the financing terms have been renegotiated to result in a lower cost of financing and lower contract rents.

(Sec. 7(d), Department of HUD Act, (42 U.S.C. 3535(d)); sec. 5(b) of the United States Housing Act of 1937, (42 U.S.C. 1437e(b)); sec. 8 of the United States Housing Act of 1937, (42 U.S.C. 1437f).)

Effective date: These amendments are effective on March 7, 1977.

Issued at Washington, D.C. on February 25, 1977.

JOSEPH BURSTEIN,
Acting Deputy Assistant Secretary
for Housing—Federal
Housing Commissioner.

NOTE.—It is hereby certified that the economic and inflationary impact of these regulations have been carefully evaluated in accordance with Executive Order No. 11821.

[FR Doc. 77-6676 Filed 3-4-77; 8:45 am]

[Docket No. R-77-309]

PART 893—SECTION 8—HOUSING ASSISTANCE PAYMENTS PROGRAM—HOUSING FINANCE AND DEVELOPMENT AGENCIES AND NEW CONSTRUCTION SET-ASIDE FOR SECTION 515 RURAL RENTAL HOUSING PROJECTS

Miscellaneous Amendments

The Department gave notice on December 15, 1976, at 41 FR 54856 that it was proposing to amend 24 CFR Parts 880 and 881 to implement section 2(d) of the Housing Authorization Act of 1976, which revised section 8(c)(4) of the U.S. Housing Act of 1937 and states:

And subject to the provisions of the following sentence, such payments may be made, in the case of a newly constructed or substantially rehabilitated project, after such sixty-day period in an amount equal to the debt service attributable to such an unoccupied dwelling unit for a period not to exceed one year, if a good faith effort is being

made to fill the unit and the unit provides decent, safe, and sanitary housing. No such payment may be made after such sixty-day period (i) if the unoccupied unit is in a project insured under the National Housing Act, except pursuant to section 244 of such Act, or (ii) if the Secretary determines that the dwelling unit is in a project which provides the owner with revenues exceeding the costs incurred by such owner with respect to such project.

Conforming amendments to the section 8 Housing Finance and Development Agencies Regulations, 24 CFR Part 883, Subpart B were omitted which was an oversight. Also, conforming amendments to the Section 8 New Construction Set-Aside for Section 515 Rural Rental Housing Projects Regulations, 24 CFR Part 883, Subpart G, were inadvertently omitted. Conforming amendments to Part 883 are being published because of the importance of this amendment in facilitating the implementation of the section 8 program.

The Department has received 21 comments in response to the December 15, 1976 publication. All comments were carefully considered, and changes have been made to the proposed regulation based on these and other comments. A discussion of the principal changes and the more recurrent and significant comments is set forth below as if amendments to Part 883, conforming to those proposed to Parts 880 and 881 had also been published for comment.

1. Sections 883.204 (d) and (e) and 883.706(d) proposed as 880.107(d) and 881.107(d) have been renumbered for clarity. References contained herein refer to the new paragraph numbers.

2. Sections 883.204(d)(1) and 883.706(d)(1) have been revised to provide that claims shall be submitted and payments made on a semiannual basis. It has been determined that it would not be administratively feasible to establish a more frequent claims procedure.

3. Many comments objected to the provision in §§ 883.204 (d) (2) and 883.706 (d) (2) limiting the additional payments to an aggregate of 12 months for each unit during the entire term of the Contract. In reconsidering this issue, it has been determined that removing this limitation would substantially enhance the security provided by the Housing Assistance Payments Contract so as to result in savings in the cost of financing, which will be reflected in lower Contract Rents. It is expected that the savings from lower Contract Rents should more than compensate for payments under the revised provision. It should be emphasized that the removal of the limitation in no way affects the obligation of the Owner to maintain the units in decent, safe, and sanitary condition and to make maximum efforts to fill the vacancies.

4. Several comments suggested that units in projects insured under the National Housing Act be made eligible for the additional payments. This is not possible since the statute prohibits payments if the unit is in a project insured under the National Housing Act (except under section 244, where coinsurance is

involved). However, the Department is considering recommending legislation for the removal of this restriction.

5. Several comments requested clarification of the method to be used for determining whether revenues equal or exceed costs in connection with the provision in §§ 883.204(d)(2)(iv) and 883.706(d)(2)(iv) requiring the Owner to show that the project is not providing the Owner with revenues exceeding costs. In response, a provision has been added to clarify that the amount of the payments requested shall not be in excess of that portion of the deficiency which is attributable to the vacant units for the period of the vacancies. Similar clarifying language has been added to paragraph d(1) with respect to debt service. The amount of the payments will be (a) the portion of the deficiency attributable to the units for the period of the vacancies; or (b) the similarly attributable portion of the debt service, whichever is less. Further details as to the method of making these determinations will be discussed in the program Handbook, which will be made available to Owners upon request to the field offices.

6. There were several objections to the provision in §§ 883.204(d)(2)(v) and 883.706(d)(2)(v) that debt service payments shall be made only if the project can reasonably be expected to achieve financial soundness, on the ground that this clause would adversely affect financing. Such a provision is required pursuant to the legislative intent expressed in the floor debate in the House of Representatives. The provision has been modified to require, in connection with such semiannual claim, a statement by the Owner with relevant supporting evidence that there is a reasonable prospect that the project can achieve financial soundness within a reasonable time. The statement shall indicate the causes of the deficiency; the corrective steps that have been and will be taken; and the time by which it is expected that the project revenues will at least equal project costs without the additional payments provided under this paragraph. Further provisions, §§ 883.204(d)(3) and 883.706(d)(3), are added to specify that HUD may deny an application or suspend or terminate payments if it determines that there is not such a reasonable prospect.

7. There were numerous objections to the last sentence of §§ 883.204(d) and 883.706(d) as published for comment. This sentence stated that the new provision would be applicable to projects "for which the permanent financing has not been secured as of the effective date of this paragraph." It was suggested that the paragraph be made applicable to projects receiving permanent financing on or after August 3, 1976, the date the Housing Authorization Act of 1976 was enacted. Several comments suggested that all Housing Assistance Payments Contracts executed on or after August 3, 1976, be covered by the new provision. Questions were also raised as to the meaning of "secured" in this context.

Accordingly, §§ 883.204(d)(4) and 883.706(d)(4) have been revised in sev-

eral respects. Paragraph (d) is being made applicable to projects where the " * * * permanent financing was not secured * * * prior to December 15, 1976." The Department has determined that December 15th will be the cutoff date since a lender making a commitment for permanent financing before the regulations were proposed on that date could not assume how or when section 2(d) of the Housing Authorization Act would be implemented. The terms of the financing, therefore, presumably did not take into consideration the more favorable security offered. The additional security provided by §§ 883.204(d) and 883.706(d) which involves potential additional obligations by the Government shall not be made available to projects financed prior to December 15th since this would constitute a "windfall" in these situations.

In line with this, a new provision has been added to authorize an Owner of a project for which a commitment was secured prior to December 15, 1976, to apply to HUD to make paragraph (d) applicable on a showing that the financing terms have been renegotiated to result in a lower cost of financing and lower Contract Rents. In response to questions concerning the meaning of "secured," the provision has been clarified to make it applicable to projects "for which a conditional or unconditional commitment for permanent financing has not been secured by the Owner from a lender or underwriter prior to December 15, 1976." The program Handbook will include additional guidance concerning what constitutes a "commitment," and will be available upon request to the field offices.

A finding of inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. In addition, a finding of inapplicability of inflation impact statement requirements has been made in accordance with HUD procedures. Copies of these findings will be available for public inspection during regular business hours at the office of the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C.

Accordingly, 24 CFR Part 883 is amended as follows:

1. Sections 883.204(d) and 883.706(d) are added and the old paragraphs 883.204(d) and 883.706(d) are redesignated as paragraphs (e), and § 883.204(e) is redesignated as § 883.204(f) to read:

(d) *Debt service payments.* (1) If a unit continues to be vacant after the 60-day period specified in paragraph (b) or (c) of this section, the Owner may submit a claim to receive additional housing assistance payments on a semiannual basis with respect to such a vacant unit in an amount equal to the principal and interest payments required to amortize the portion of the debt attributable to that unit for the period of the vacancy, whether such vacancy commenced during rent-up or after rent-up.

(2) Additional payments under this paragraph (d) for any unit shall not be for more than 12 months for any vacancy period, and shall be made only if:

(i) The unit is not in a project insured under the National Housing Act except pursuant to Section 244 of that Act.

(ii) The unit was in decent, safe, and sanitary condition during the vacancy period for which payments are claimed.

(iii) The Owner has taken and is continuing to take the actions specified in paragraphs (b) (1), (2) and (3) or paragraphs (c) (1) (i) and (ii) and (c) (2) of this section, as appropriate.

(iv) The Owner has demonstrated in connection with the semiannual claim on a form and in accordance with the standards prescribed by HUD with respect to the period of vacancy, that the project is not providing the Owner with revenues at least equal to the project costs incurred by the Owner, and that the amount of the payments requested is not in excess of that portion of the deficiency which is attributable to the vacant units for the period of the vacancies.

(v) The Owner has submitted, in connection with the semiannual claim, a statement with relevant supporting evidence that there is a reasonable prospect that the project can achieve financial soundness within a reasonable time. The statement shall indicate the causes of the deficiency; the corrective steps that have been and will be taken; and the time by which it is expected that the project revenues will at least equal project costs without the additional payments provided under this paragraph.

(3) HUD may deny any application for additional payments or suspend or terminate payments if it determines based on the Owner's statement and other evidence, that there is not a reasonable prospect that the project can achieve financial soundness within a reasonable time.

(4) This paragraph (d) shall be applicable to any project eligible for payments under this paragraph for which a conditional or unconditional commitment for permanent financing was not secured by the Owner from a lender or underwriter prior to December 15, 1976.

An Owner of a project for which a commitment for permanent financing was secured prior to December 15, 1976, may request HUD to agree to make this paragraph applicable on a showing that the financing terms have been renegotiated to result in a lower cost of financing and lower Contract Rents.

(Sec. 7(d), Department of HUD Act, (42 U.S.C. 3535(d)); sec. 5(b) of the United States Housing Act of 1937, (42 U.S.C. 1437c (b)); (sec. 8 of the United States Housing Act of 1937, (42 U.S.C. 1437f).)

NOTE.—It is hereby certified that the economic and inflationary impact of these regulations have been carefully evaluated in accordance with Executive Order No. 11821.

Effective Date: These amendments are effective on March 7, 1977.

Issued at Washington, D.C. on February 25, 1977.

JOSEPH BURSTEIN,
Acting Deputy Assistant Secretary
for Housing-Federal
Housing Commissioner.

[FR Doc.77-6574 Filed 3-4-77;8:45 am]

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register

MONDAY, MARCH 7, 1977

PART IV



OFFICE OF THE
FEDERAL REGISTER

■
THESAURUS OF INDEXING
TERMS

Request For Public Comment

OFFICE OF THE FEDERAL REGISTER

THESAURUS OF INDEXING TERMS

ACTION: Publication of a thesaurus of indexing terms and request for comments.

SUMMARY: The purpose of this notice is to announce the development of a thesaurus or list of subject headings to be used by the Office of the Federal Register in indexing the Federal Register, Code of Federal Regulations and related publications, and to invite comments on the suitability of the subject headings to meet the needs of users of these publications.

Federal Register users may frequently find the same or similar material identified in different terms by different Government agencies. The vocabulary used by Government agencies in turn often differs from Federal Register indexing terms and users' search terms.

The thesaurus is intended to support the public information function of Federal Register publications by standardizing, wherever possible, the language used to describe Federal regulations. In this connection it may be useful not only to the Office of the Federal Register in its indexing function, but also to Government agencies in drafting regulations, and to the public in researching regulations.

ADDRESSES: Comments and suggestions on the thesaurus should be submitted to: Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Carol Mahoney, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408. (202-523-5242.)

SCOPE AND ARRANGEMENT OF THIS THESAURUS

The Federal Register and Code of Federal Regulations are large volume publications containing detailed regulations on a wide variety of subjects. Indexing terms are needed to describe the specific program regulations of individual agencies and those general administrative provisions common to all agencies. The variety of subject matter covered is further complicated by the variety of users of these publications. Indexing terms are needed to express and organize the often technical regulatory concepts under research terms familiar to the layperson.

The subject terms included in this thesaurus were derived from terms previously used in Federal Register and Code of Federal Regulations indexes. These terms were reviewed and consolidated and a cross-reference structure showing the relationships between terms was added. Various published thesauruses and indexes were consulted in selecting terms and cross-references. While the list of subject terms and cross-references in this first edition of the thesaurus will undoubtedly require additions and changes, the thesaurus establishes a basic structure on which to build a controlled vocabulary for Government regulations.

There are two sections to this thesaurus. The first is an alphabetical list of all terms with a series of notations under each term to refer users to preferred or related terms. The second is an alphabetical listing of terms under broad subject categories, allowing the user to determine quickly the extent of coverage for any one of the categories within the thesaurus.

USE OF THIS THESAURUS

The compilation of a thesaurus at the Office of the Federal Register is one part of a phased program to develop an automated publication and information system for Federal regulations. Until this system is installed, use of the thesaurus at the Office of the Federal Register will be essentially experimental. Any use of the thesaurus in indexing will be directed toward refining or adding to existing terminology and developing a publication format for providing this additional subject access to Federal regulations in the future.

Publishing the thesaurus at this time however provides the Office of the Federal Register the opportunity to invite comments from the public and Government agency personnel on the suitability of the terminology to their needs. Federal agencies are especially encouraged to review the thesaurus. Agencies should consider using it on a trial basis, by assigning terms from the thesaurus to the documents they submit to the Office of the Federal Register for publication, or by using the terms in the thesaurus in drafting the summary paragraph prescribed by the Administrative Committee of the Federal Register in the new preamble requirements for proposed and final rules documents (December 29, 1976, 41 FR 56623). Staff of the Office of the Federal Register will be available to assist agencies wishing to use the thesaurus in their drafting or indexing functions.

FRED J. EMERY,
Director of the Federal Register.

- Accounting (02, 08)
 sa Uniform System of Accounts
 xx Business and industry
- Acreage allotments
 see Marketing quotas and acreage allotments
- Additives
 see Food additives
 Fuel additives
- Adjustment assistance
 see Trade adjustment assistance
- Administrative practice and procedure (08)
 x Practice and procedure
- Adult education (04)
 x Continuing education
 Extension and continuing education
 xx Education
- Advertising (02)
 xx Business and industry
- Advisory committees (08)
 [Use only for documents on the management of advisory committees within an agency]
 x Committees
- AFDC
 see Aid to Families with Dependent Children
- Affirmative action plans
 see Equal employment opportunity
- Aged (13)
 sa Medicare
 Supplemental Security Income (SSI)
 x Elderly
 Senior citizens
- Agricultural commodities (01)
 sa *Specific commodities*
 Commodities exchanges
 Crop insurance
 Fruits
 Grains
 Marketing quotas and acreage allotments
 Oilseeds
 Price support programs
 Surplus agricultural commodities
 Vegetables
 x Commodities
 Crops
 xx Agriculture
- Agricultural research (01, 17)
 xx Agriculture
 Research
- Agricultural statistics (01)
 x Statistics
 xx Agriculture
- Agriculture (01)
 sa Agricultural commodities
 Agricultural research
 Agricultural statistics
 Farm loans
 Farmers
 Fertilizers
 Food relief programs
 Foods
 Foreign agriculture
 Forestry
 Irrigation
 Migrant labor
 Pesticides and pests
 Range management
 Rural areas
- Aid to Families with Dependent Children (18)
 sa Public Assistance Programs
 x AFDC
 xx Child welfare
 Public Assistance Programs
- Air carriers (19)
 [Organizations operating passenger or cargo carrying aircraft]
 x Airlines
 Common carriers
 Shipping
 xx Civil air transportation
- Air fares (19)
 x Rates and fares
 xx Civil air transportation
- Air pollution control (06)
 sa Motor vehicle pollution
 xx Air quality
- Air quality (06)
 sa Air pollution control
 x Clean Air Act
 xx Environmental protection
- Air taxis (19)
 xx Aircraft
- Air traffic control (19)
 xx Air transportation
- Air transportation (19)
 sa Air traffic control
 Aircraft
 Aircraft pilots
 Airports
 Airways
 Aviation safety
 Civil air transportation
 Military air transportation
 Navigation (air)
 xx Transportation
- Aircraft (19)
 sa Air taxis
 Airworthiness directives
 Helicopters
 x Airplanes
 xx Air transportation
- Aircraft pilots (13, 19)
 x Pilots
 xx Air transportation
- Aircraft safety
 see Airworthiness directives
- Airlines
 see Air carriers
- Airplanes
 see Aircraft
- Airports (19)
 sa Heliports
 xx Air transportation
- Airspace
 see Airways
- Airways (19)
 x Airspace
 xx Air transportation
- Airworthiness directives (19)
 x Aircraft safety
 xx Aircraft
 Aviation safety
- Alcoholic beverages (01)
 sa Beer
 Liquors
 Wine
 xx Beverages
- Alcoholism (09)
 xx Drug abuse
- Alien property (07)
- Aliens (07, 13)
 sa Immigration
 Naturalization
 Refugees
 x Foreign persons
 xx Immigration
 Naturalization
 Refugees
- American revolution bicentennial (08)
 x Bicentennial
- Amnesty (12)
 sa Pardon
 xx Pardon
- Anchorage grounds (19)
 sa Harbors
 xx Water transportation
- Animal drugs (01, 09)
 xx Animals
 Drugs
- Animal feeds (01)
 sa Fish meal
 xx Animals

see refers to authorized terms; x refers from terms not used; sa refers to more specific or related terms; xx refers from broader or related terms

Numbers in parenthesis refer to subject category listings following alphabetical listing of terms

- Animals (01)
 sa Animal drugs
 Animal feeds
 Birds
 Livestock
 Pets
 Wildlife
- Antibiotics (09)
 xx Drugs
- Antidumping (02, 07)
 [Prohibition on sales of imports at less than fair value]
 xx Foreign trade
 Imports
- Antitrust (02)
 xx Business and industry
- Apartments (10)
 xx Housing
- Apprenticeship programs
 see Manpower training programs
- Architecture (04)
- Archives and records (08)
 x Historical records
 Records
- Armed forces (14)
 sa Armed forces reserves
 Conscientious objectors
 Desertion from armed forces
 Military academies
 Military law
 Military personnel
 Selective service
 xx National defense
- Armed forces reserves (14)
 sa National guard
 x Reserve forces
 xx Armed forces
- Arms and munitions (14)
 sa Firearms
 Military arms sales
 Nuclear weapons
 x Guns
 Munitions
 Weapons
 xx National defense
- Arms control (07, 14)
 x Disarmament
 xx Foreign relations
 National defense
- Art (04)
- Artificial sweeteners
 see Sugar substitutes
- Athletics (16)
- Atomic energy
 see Nuclear energy
- Attorneys
 see Lawyers
- Authority delegations (Government agencies) (08)
- Automatic data processing
 see Computer technology
- Automobiles (19)
 sa Carpools
 Motor vehicles
 xx Motor vehicles
- Aviation safety (09, 19)
 sa Airworthiness directives
 xx Air transportation
 Safety
- Awards
 see Decorations, medals, awards
- Bakery products (01)
 x Bread
 xx Foods
- Bankruptcy (02)
 xx Business and industry
- Banks, banking (02)
 sa Federal home loan banks
 Federal reserve system
 Foreign banking
 Savings and loan associations
 xx Finance
- Barley (01)
 xx Grains
- Beaches (16)
 sa Coastal zone
 xx Coastal zone
 Recreation areas
- Beer (01)
 xx Alcoholic beverages
- Berries (01)
 xx Fruits
- Beverages (01)
 sa Alcoholic beverages
 Coffee
 Fruit juices
 Soft drinks
 Tea
 Vegetable juices
 xx Foods
- Bicentennial
 see American revolution bicentennial
- Bilingual education (04)
 xx Education
 Minority education
- Biologics (09)
 [Viruses, serums, toxins, etc., used in disease treatment]
 sa Blood
 x Serums
 Toxins
 Vaccines
 Viruses
 xx Drugs
- Birds (15)
 sa Wildlife
 xx Animals
- Birth control methods (09)
 sa Family planning
 x Contraceptives
 Sterilization
 xx Family planning
- Black lung benefits (09)
 xx Health insurance
- Black lung disease (09)
 x Pneumoconiosis
 xx Diseases
- Blind (09, 13)
 xx Handicapped
- Blood (09)
 xx Biological products
- Boats and boating (16)
 sa Marine safety
 xx Recreation
- Bonding
 see Surety bonds
- Bonds (02)
 x Savings bonds
 xx Securities
- Borders
 see International boundaries
- Bread
 see Bakery products
- Bridges (19)
 x Drawbridges
 xx Highways
 Transportation
 Waterways
- Broadcasting
 see Broadcasting facilities
 Radio broadcasting
 Television broadcasting
- Broadcasting facilities (03)
 x Broadcasting
- Brokers (02, 13)
 xx Investments

see refers to authorized terms; x refers from terms not used; sa refers to more specific or related terms; xx refers from broader or related terms

Numbers in parenthesis refer to subject category listings following alphabetical listing of terms

- Buses (19)
 sa Motor carriers
 Motor vehicles
 xi Motor carriers
 Motor vehicles
- Business and industry (02)
 sa Accounting
 Advertising
 Antitrust
 Bankruptcy
 Construction industry
 Franchises
 Holding companies
 Labeling
 Minority businesses
 Packaging and containers
 Small businesses
 Trade adjustment assistance
 Trade names
 Trade practices
 Trademarks
 x Industry
- Butter (01)
 xx Dairy products
- Cable television (03)
 x CATV
 Community antenna television systems
 xx Television
- Cacao products (01)
 xx Foods
- Campaign funds (08)
 x Election finance
 xx Elections
 Political candidates
- Camping (16)
 xx Recreation
- Cancer (09)
 xx Diseases
- Candy (01)
 xx Foods
- Cargo
 see Freight
- Cargo vessels (19)
 sa Maritime carriers
 xx Maritime carriers
 Vessels
- Carpools (19)
 xx Automobiles
 Highway transportation
- Cattle (01)
 xx Livestock
- CATV
 see Cable television
- Census data (08)
 sa Population census
 x Statistics
- Cereals (commodity)
 see Grains
- Cereals (food) (01)
 xx Foods
- Charter flights (19)
 xx Civil air transportation
- Cheese (01)
 xx Dairy products
- Chemicals (01, 09)
 sa Drugs
 Fertilizers
 Hazardous materials
 Pesticides and pests
- Child abuse
 see Child welfare
- Child health
 see Maternal and child health
- Child labor (11, 13)
 xx Child welfare
 Labor
- Child support
 see Child welfare
- Child welfare (18)
 sa Aid to Families with Dependent Children
 Child labor
 Day care
 Maternal and child health
 x Child abuse
 Child support
 xx Infants and children
- Children
 see Infants and children
- Cigars and cigarettes (01)
 xx Tobacco
- Citizens radio services
 see Radio communications
- Citrus fruits (01)
 sa *Specific fruits*
 xx Fruits
- Civil air transportation (19)
 sa Air carriers
 Air fares
 Charter flights
 xx Air transportation
- Civil defense (14)
 sa Disaster assistance
 x Emergency mobilization
 xx Disaster assistance
 National defense
- Civil disorders (12)
 sa Riots
- Civil rights (12)
 sa Desegregation in education
 Equal employment opportunity
 Fair housing
 Racial discrimination
 Religious discrimination
 Sex discrimination
 Voting rights
 x Discrimination
 Nondiscrimination
- Claims (12)
 sa Foreign claims
 Tort claims
- Classified information (14)
 x Information
 Intelligence
 National security information
 Security information
 xx National defense
- Clean Air Act
 see Air quality
- Coal (05)
 sa Coal allocation
 Coal conversion program
 Coal lands
 xx Energy
 Mineral resources
- Coal allocation (05)
 xx Coal
- Coal conversion program (05)
 xx Coal
- Coal lands (15)
 x Land
 xx Coal
 Public lands
- Coal miners
 see Miners
- Coal mines
 see Mine safety
 Mines
- Coastal zone (15)
 sa Beaches
 Wetlands
 x Estuaries
 xx Beaches
 Natural resources
 Wetlands
- Coffee (01)
 xx Beverages
- Collective bargaining (11)
 xx Labor management relations

see refers to authorized terms; x refers from terms not used; sa refers to more specific or related terms; xx refers from broader or related terms

Numbers in parenthesis refer to subject category listings following alphabetical listing of terms

- Colleges and universities (04)
 sa Medical and dental schools
 Military academies
 Nursing schools
 x Community colleges
 Higher education
 Universities
 xx Education
 Schools
- Commercial fisheries
 see Fisheries
- Committees
 see Advisory committees
- Commodities
 see Agricultural commodities
- Commodities exchanges (01, 02)
 xx Agricultural commodities
 Investments
- Common carriers
 see Air carriers
 Freight forwarders
 Maritime carriers
 Motor carriers
 Railroads
- Communications (03)
 sa Communications equipment
 Defense communications
 Motion pictures
 News media
 Recordings
 Telecommunications
- Communications equipment (03)
 xx Communications
- Community Action Programs (18)
 [Financial assistance to local communities
 to provide basic antipoverty services]
 x Poverty
 xx Community development
- Community antenna television systems
 see Cable television
- Community colleges
 see Colleges and universities
- Community development (10)
 [Economic development of deprived
 areas, emphasizing improved living con-
 ditions and participation of the local
 population]
 sa Community Action Programs
 Open Space Land Program
 Urban renewal
 xx Urban renewal
- Community development block grants
 (10)
- Compensation
 see Unemployment compensation
 Wages
 Workmen's compensation
- Comprehensive Employment and
 Training Act
 see Manpower training programs
- Computer technology (17)
 x Automatic data processing
 Data processing
 Electronic data processing
- Condominiums (10)
 xx Housing
- Conduct standards
 see Conflict of interests
- Conflict of interests (08)
 sa Financial disclosure
 Political activities (Government em-
 ployees)
 x Conduct standards
 xx Government employees
- Conscientious objectors (13, 14)
 xx Armed forces
- Conservation
 see Natural resources
- Construction industry (02)
 xx Business and industry
- Consumer protection (02)
 sa Truth in lending
 Truth in saving*
- Consumers (02, 13)
- Containers
 see Packaging and containers
- Continental shelf (15)
 x Outer continental shelf
 xx Natural resources
- Continuing education
 see Adult education
- Contraceptives
 see Birth control methods
- Contracts
 see Government contracts
- Copyright (12)
- Cosmetics (09)
 x Toiletries
- Cotton (01)
 xx Agricultural commodities
- Cottonseeds (01)
 xx Oilseeds
- Courts (12)
- Courts-martial (12, 14)
 xx Military law
- Credit (02)
 sa Credit cards
 Credit unions
 xx Finance
- Credit cards (02)
 xx Credit
- Credit unions (02)
 xx Credit
- Crime (12)
 sa Drug abuse
 Juvenile delinquency
- Crime insurance (02)
 xx Insurance
- Crop insurance (01, 02)
 xx Agricultural commodities
 Insurance
- Crops
 see Agricultural commodities
- Crude oil
 see Petroleum
- Cultural affairs (04)
- Cultural exchange programs (04, 07)
 sa Exchange visitor program
 xx Foreign relations
- Currency (02)
 sa Foreign currencies
 Gold
 x Money
 xx Finance
- Customs duties (02, 07)
 sa Imports
 x Tariffs
 xx Foreign trade
 Imports
- Dairy products (01)
 sa Specific dairy products
 xx Foods
- Dams (15)
 xx Water supply
- Dance (04)
- Dangerous cargo
 see Hazardous materials transportation
- Data processing
 see Computer technology
- Day care (18)
 xx Child welfare

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Numbers in parenthesis refer to subject category listings following alphabetical listing of terms

- Daylight saving time (08)
x Time
- Deaf (09, 13)
xx Handicapped
- Decorations, medals, awards (08)
x Awards
Medals
- Defense
see National defense
- Defense communications (03, 14)
xx Communications
National defense
- Delinquency
see Juvenile delinquency
- Dental health (09)
xx Health
- Dental schools
see Medical and dental schools
- Dentists (09, 13)
xx Health professions
- Desegregation in education (04, 12)
x Discrimination in education
School integration
Segregation in education
xx Civil rights
Education
- Desertion from armed forces (14)
xx Armed forces
- Dietary foods (01)
xx Foods
- Disabled
see Handicapped
- Disadvantaged (13)
[Persons with educational, economic or social handicaps resulting from poverty or cultural isolation from the community]
sa Education of the disadvantaged
- Disarmament
see Arms control
- Disaster assistance (08)
sa Civil defense
Flood assistance
xx Civil defense
- Discrimination
see Civil rights
- Discrimination in education
see Desegregation in education
- Discrimination in employment
see Equal employment opportunity
- Discrimination in housing
see Fair housing
- Diseases (09)
sa *Names of diseases, groups of diseases and diseases of particular organs, e.g. Cancer, Venereal diseases, Kidney diseases*
xx Health
- Distilled spirits
see Liquors
- Doctors
see Physicians
- Domestic animals
see Livestock
- Draft
see Selective service
- Drawbridges
see Bridges
- Drug abuse (09)
sa Alcoholism
xx Crime
Health
- Drug traffic control (12)
- Drugs (09)
sa Animal drugs
Antibiotics
Biologics
Marihuana
Methadone
Narcotics
Prescription drugs
x Chemicals
Health
- Ecology
see Environmental protection
- Economic impact statements (02)
[Use only for documents on the drafting and issuance of economic impact statements]
x Inflation impact statements
xx Economics
- Economic statistics (02)
xx Economics
Statistics
- Economics (02)
sa Economic impact statements
Economic statistics
Impounded funds
Wage and price controls
- Education (04)
sa Adult education
Bilingual education
Colleges and universities
Desegregation in education
Education of the disadvantaged
Education of the handicapped
Educational facilities
Educational study programs
Elementary and secondary education
Libraries
Minority education
School breakfast and lunch programs
School construction
Schools
Student aid
Students
Teachers
Vocational education
- Education of the disadvantaged (04)
x Follow Through Program
Head Start Program
Upward Bound Program
xx Disadvantaged
Education
- Education of the handicapped (04)
xx Education
Handicapped
- Educational facilities (04)
xx Education
Schools
- Educational study programs (04)
[Use for particular areas of study, e.g. Reading, Foreign languages]
xx Education
- Eggs (01)
xx Foods
- Elderly
see Aged
- Election finance
see Campaign funds
- Elections (08)
sa Campaign funds
Political activities (Government employees)
Political candidates
Voting rights
- Electric power (05)
sa Electric power allocation
Electric power plants
Electric power rates
Electric utilities
x Hydroelectric power
xx Energy
- Electric power allocation (05)
xx Electric power

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Numbers in parenthesis refer to subject category listings following alphabetical listing of terms

- Electric power plants (05)
xx Electric power
- Electric power rates (05)
x Rates and fares
xx Electric power
- Electric utilities (05)
x Public utilities
Utilities
xx Electric power
- Electronic data processing
see Computer technology
- Electronic surveillance
see Wiretapping and electronic surveillance
- Elementary and secondary education (04)
x Secondary education
xx Education
- Emergency mobilization
see Civil defense
- Emergency powers (08, 14)
[Extraordinary authority delegated to the Executive in time of national emergency]
xx National defense
- Employee benefit plans (11)
[Various plans established by employers to provide financial protection to employees against accidents, illness, death; or to provide certain services such as training, day care, etc.]
xx Labor
Pensions
- Employee management relations
see Labor management relations
- Employment
see Equal employment opportunity
Manpower
Unemployment
- Endangered and threatened wildlife (15)
xx Wildlife
- Energy (05)
sa Coal
Electric power
Energy conservation
Geothermal energy
Natural gas
Nuclear energy
Petroleum
Pipelines
Solar energy
x Fuel
Power resources
xx Natural resources
- Energy conservation (05)
xx Energy
- Engineers (13)
- Environmental impact statements (06)
xx Environmental protection
- Environmental protection (06)
sa Air quality
Environmental impact statements
Natural resources
Noise control
Pesticides and pests
Waste treatment and disposal
Water pollution
x Ecology
Pollution
xx Natural resources
- Equal employment opportunity (11, 12)
x Affirmative action plans
Discrimination in employment
Employment
xx Civil rights
Labor
- Estate taxes (02)
xx Taxes
- Estuaries
see Coastal zone
- Exchange visitor program (04, 07)
xx Cultural exchange programs
- Excise taxes (02)
x Stamp taxes
xx Taxes
- Explosives (09)
xx Hazardous materials
- Exports (02, 07)
xx Foreign trade
- Expositions
see Fairs and expositions
- Extension and continuing education
see Adult education
- Fair housing (10, 12)
x Discrimination in housing
xx Civil rights
Housing
- Fairs and expositions (02, 07)
x Expositions
International expositions
Trade fairs
xx Foreign trade
- Family health (09)
sa Maternal and child health
x Health
Maternal and child health
- Family planning (09, 18)
sa Birth control methods
x Population control
xx Birth control methods
Health
- Farm loans (01)
xx Agriculture
- Farmers (01, 13)
xx Agriculture
- Fats and oils
see Oils and fats
- Federal buildings and facilities (08)
x Government buildings
Public buildings
xx Government property
- Federal employees
see Government employees
- Federal home loan banks (02)
xx Banks, banking
- Federal reserve system (02)
xx Banks, banking
- Federal-State relations
see Intergovernmental relations
- Federally affected areas (08)
[Use for local jurisdictions, especially school districts, financially burdened by serving Federal installations in the area]
x Impacted areas programs
- Feed grains (01)
xx Grains
- Fellowships
see Scholarships and fellowships
- Fertilizers (01)
xx Agriculture
Chemicals
- Films
see Motion pictures
- Finance (02)
sa Banks, banking
Credit
Currency
Investments
Loan programs
Mortgages
Revenue sharing
Trusts
- Financial assistance programs
see Public Assistance Programs
- Financial disclosure (08)
[Disclosure of personal finances by public officials]
xx Conflict of interests

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Numbers in parenthesis refer to subject category listings following alphabetical listing of terms

- Fines and penalties
see Penalties
- Fire prevention (09)
xx Safety
- Firearms (12, 14)
[Use for small arms]
x Guns
xx Arms and munitions
- Firemen (13)
- Fish (15)
[Use for documents on the conservation, etc., of fish as marine life. Use Seafood for documents on fish as food]
sa Fisheries
Seafood
xx Natural resources
Seafood
- Fish meal (01)
xx Animal feeds
- Fisheries (15)
[Use for documents on commercial fishing]
x Commercial fisheries
xx Fish
Seafood
- Fishing (16)
[Use for documents on sport fishing]
xx Recreation
- Fishing vessels (19)
xx Vessels
- Flags (08)
- Flammable materials (09)
xx Hazardous materials
- Flavorings
see Spices and flavorings
- Flax (01)
xx Agricultural commodities
- Flaxseed
see Linseeds
- Flood assistance (08)
xx Disaster assistance
- Flood insurance (02)
xx Insurance
- Follow Through Program
see Education of the disadvantaged
- Food additives (01)
sa Sugar substitutes
x Additives
- Food grades and standards (01)
- Food labeling (01)
xx Labeling
- Food relief programs (01, 18)
sa Food stamps
School breakfast and lunch programs
xx Agriculture
- Food stamps (01, 18)
xx Food relief programs
- Foods (01)
sa *Specific foods*
Bakery products
Beverages
Cacao products
Dairy products
Dietary foods
Frozen foods
Fruits
Meat and meat products
Nuts
Oils and fats
Poultry
Seafood
Spices and flavorings
Sugar
Vegetables
xx Agriculture
- Foreign agriculture (01)
xx Agriculture
- Foreign aid (07)
xx Foreign relations
- Foreign banking (02)
xx Banks, banking
- Foreign claims (07, 12)
sa War claims
xx Claims
Foreign relations
- Foreign countries (07)
- Foreign currencies (02)
xx Currency
- Foreign investments (02)
[Use for documents on investment of U.S. funds in foreign countries]
x Overseas private investment
xx Investments
- Foreign persons
see Aliens
- Foreign relations (07)
sa Arms control
Cultural exchange programs
Foreign aid
Foreign claims
Foreign Service
Foreign trade
Immigration
International boundaries
Naturalization
Passports and visas
Treaties
- Foreign Service (07)
xx Foreign relations
Government employees
- Foreign trade (02, 07)
sa Antidumping
Customs duties
Exports
Fairs and expositions
Imports
Military arms sales
Trade adjustment assistance
Trade agreements
x International trade
xx Foreign relations
- Forestry (01)
xx Agriculture
- Forests
see National forests
- Foundations (13)
- Franchises (02)
xx Business and industry
Small businesses
- Freedom of Information Act (08)
x Information
Records
- Freight (19)
sa Hazardous materials transportation
x Cargo
xx Transportation
- Freight forwarders (19)
x Common carriers
Shipping
- Frozen foods (01)
xx Foods
- Fruit juices (01)
xx Beverages
- Fruits (01)
sa *Specific fruits*
Berries
Citrus fruits
xx Agricultural commodities
Foods
- Fuel
see Energy

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Numbers in parenthesis refer to subject category listings following alphabetical listing of terms

Fuel additives (05)

- x Additives
- Gasoline additives
- xx Petroleum

Gambling (12)

Gas

- see Natural gas

Gas exploration

- see Oil and gas exploration

Gas reserves

- see Oil and gas reserves

Gas utilities (05)

- x Public utilities
- Utilities
- xx Natural gas

Gasoline (05)

- xx Petroleum

Gasoline additives

- see Fuel additives

Geothermal energy (05)

- xx Energy

Gift taxes (02)

- xx Taxes

Gold (02)

- xx Currency

Government buildings

- see Federal buildings and facilities

Government contracts (08)

- x Contracts

Government employees (08, 11, 13)

- sa Conflict of interests
- Foreign Service
- Military personnel
- Postal employees
- x Federal employees

Government procurement (08)

- x Procurement

Government property (08)

- sa Federal buildings and facilities
- Surplus government property

Grain sorghum (01)

- xx Grains

Grains (01)

- sa *Specific grains*
- Feed grains
- x Cereals (commodity)
- xx Agricultural commodities

Grant programs (08)

[Use for programs involving grants of money by the Federal Government to a State or local government for a public undertaking, or to an institution or individual for an educational or artistic project. Divide by the following categories to indicate broad area of grant: Agriculture, Business, Communications, Education, Energy, Environmental protection, Foreign relations, Health, Housing and community development, Labor, Law, National defense, Natural resources, Recreation, Science and technology, Social programs, Transportation]

Grazing lands (15)

- x Land
- xx Public lands

Guns

- see Arms and munitions
- Firearms

Handicapped (09, 13)

- sa Blind
- Deaf
- Education of the handicapped
- Mentally handicapped
- Supplemental Security Income (SSI)
- Vocational rehabilitation
- x Disabled
- Physically handicapped
- xx Health

Harbors (19)

- x Ports
- xx Anchorage grounds
- Water transportation

Hatch Act

- see Political activities (Government employees)

Hazardous materials (09)

- sa Explosives
- Flammable materials
- Radioactive materials
- x Poisons
- Toxins
- xx Chemicals
- Safety

Hazardous materials transportation (19)

- x Dangerous cargo
- xx Freight

Head Start Program

- see Education of the disadvantaged

Health (09)

- sa Dental health
- Diseases
- Drug abuse
- Drugs
- Family health
- Family planning
- Handicapped
- Health care
- Health facilities
- Health insurance
- Health maintenance organizations (HMO)
- Health professions
- Maternal and child health
- Medical devices
- Medical research
- Medical and dental schools
- Mental health
- Nursing schools
- Nutrition
- Public health
- Quarantine
- Safety

Health care (09)

- sa Hospital care
- Medicaid
- x Medical care
- xx Health

Health facilities (09)

- sa Hospitals
- Mental health centers
- Nursing homes
- x Medical facilities
- xx Health

Health insurance (02, 09)

- sa Black lung benefits
- Medicare
- xx Health
- Insurance

Health insurance for the aged

- see Medicare

Health maintenance organizations (HMO) (09)

- [Prepaid group medical practice]
- xx Health

Health professions (09, 13)

- sa Dentists
- Nurses
- Physicians
- x Medical personnel
- xx Health

Hearing aids (09)

- xx Medical devices

Helicopters (19)

- xx Aircraft

Heliports (19)

- xx Airports

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Numbers in parenthesis refer to subject category listings following alphabetical listing of terms

- Herbicides
see Pesticides and pests
- Higher education
see Colleges and universities
- Highway safety (09, 19)
xx Highways
Safety
- Highway transportation (19)
sa Carpools
Highways
Motor carriers
Motor vehicle safety
Motor vehicles
Parking
xx Transportation
- Highways (19)
sa Bridges
Highway safety
x Roads
xx Highway transportation
- Historic places (15)
sa National Register of Historic Places
xx Historic preservation
- Historic preservation (15)
sa Historic places
- Historical records
see Archives and records
- Hobbies (16)
- Hogs (01)
x Swine
xx Livestock
- Holding companies (02)
xx Business and industry
- Holidays (08)
- Homesteads (15)
xx Public lands
- Horses (01)
xx Livestock
- Hospital care (09)
xx Health care
- Hospitals (09)
xx Health facilities
- Housing (10)
sa Apartments
Condominiums
Fair housing
Low income housing
Mobile homes
Mortgages
Public housing
Relocation assistance
- Hunting (16)
xx Recreation
- Hydroelectric power
see Electric power
- Immigration (07)
sa Aliens
Naturalization
xx Aliens
Foreign relations
Naturalization
- Impacted areas programs
see Federally affected areas
- Imports (02, 07)
sa Antidumping
Customs duties
Oil imports
Trade adjustment assistance
xx Customs duties
Foreign trade
- Impounded funds (02, 08)
xx Economics
- Income taxes (02)
xx Taxes
- Indian education
see Minority education
- Indians
see Minority groups
- Industrial safety
see Occupational safety and health
- Industry
see Business and industry
- Infants and children (13)
sa Child welfare
Youth
x Children
xx Youth
- Inflation impact statements
see Economic impact statements
- Information
see Classified information
Freedom of Information Act
- Insecticides
see Pesticides and pests
- Insignia
see Seals and insignia
- Insurance (02)
sa Crime insurance
Crop insurance
Flood insurance
Health insurance
Life insurance
Mortgage insurance
Surety bonds
War risk insurance
Workmen's compensation
- Intelligence
see Classified information
- Interest equalization tax (02)
xx Taxes
- Intergovernmental relations (08)
x Federal-State relations
State-Federal relations
- Internal revenue
see Taxes
- International boundaries (07)
x Borders
xx Foreign relations
- International expositions
see Fairs and expositions
- International organizations (07)
- International trade
see Foreign trade
- Inventions and patents (17)
x Patents
- Investments (02)
sa Brokers
Commodities exchanges
Foreign investments
Securities
Securities exchanges
xx Finance
- Irrigation (01)
xx Agriculture
Water supply
- Juvenile delinquency (12)
x Delinquency
xx Crime
Youth
- Kidney diseases (09)
x Renal diseases
xx Diseases
- Labeling (02)
sa Food labeling
Packaging and containers
xx Business and industry
Packaging and containers

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Numbers in parenthesis refer to subject category listings following alphabetical listing of terms

- Labor (11)
- sa Child labor
 - Employee benefit plans
 - Equal employment opportunity
 - Labor management relations
 - Labor statistics
 - Manpower
 - Migrant labor
 - Occupational safety and health
 - Retirement
 - Unemployment
 - Wages
- Labor disputes (11)
- xx Labor management relations
- Labor management relations (11)
- sa Collective bargaining
 - Labor disputes
 - Labor unions
 - x Employee management relations
 - xx Labor
- Labor statistics (11)
- x Statistics
 - xx Labor
- Labor unions (11)
- x Trade unions
 - Unions
 - xx Labor management relations
- Land
- see Coal lands
 - Grazing lands
 - Public lands
- Land sales (10)
- Landfills (06)
- xx Waste treatment and disposal
- Landmarks
- see Natural landmarks
- Law enforcement (12)
- Lawyers (12, 13)
- x Attorneys
- Lead poisoning (09)
- xx Poison prevention
- Legal services (12)
- Libraries (04)
- xx Education
- Life insurance (02)
- xx Insurance
- Linseeds (01)
- x Flaxseed
 - xx Oilseeds
- Liquors (01)
- x Distilled spirits
 - xx Alcoholic beverages
- Livestock (01)
- sa *Specific animals*
 - Meat and meat products
 - x Domestic animals
 - xx Animals
- Loan programs (02, 08)
- [Divide by the following categories to indicate broad area of loan: Agriculture, Business, Communications, Education, Energy, Environmental protection, Foreign relations, Health, Housing and community development, Labor, Law, National defense, Natural resources, Recreation, Science and technology, Social programs, Transportation]
- xx Finance
- Low income housing (10)
- sa Public housing
 - xx Housing
 - Public housing
- Magazines
- see Newspapers and magazines
- Mail
- see Postal service
- Manpower (11)
- sa Manpower training programs
 - xx Employment
 - Labor
- Manpower training programs (11)
- [Use for occupational or on-the-job training, distinguished from vocational education within a school curriculum]
- sa Vocational education
 - Work incentive programs
 - x Apprenticeship programs
 - Comprehensive Employment and Training Act
 - Occupational training
 - Training programs
 - xx Manpower
 - Vocational education
- Marihuana (09)
- xx Drugs
- Marine mammals (15)
- Marine safety (09, 19)
- xx Boats and boating
 - Safety
 - Water transportation
- Maritime carriers (19)
- [Organizations operating passenger or cargo carrying vessels]
- sa Cargo vessels
 - Passenger vessels
 - x Common carriers
 - Merchant marine
 - Shipping
 - xx Cargo vessels
 - Passenger vessels
 - Water transportation
- Marketing quotas and acreage allotments (01)
- x Acreage allotments
 - xx Agricultural commodities
- Mass transportation (19)
- xx Transportation
- Maternal and child health (09)
- sa Family health
 - x Child health
 - xx Child welfare
 - Family health
 - Health
- Meat and meat products (01)
- sa Meat inspection
 - Stockyards
 - xx Foods
 - Livestock
- Meat inspection (01)
- xx Meat and meat products
- Medals
- see Decorations, medals, awards
- Medicaid (09, 18)
- sa Public Assistance Programs
 - x Medical assistance program
 - xx Health care
 - Public Assistance Programs
- Medical and dental schools (04, 09)
- x Dental schools
 - xx Colleges and universities
 - Health
- Medical assistance program
- see Medicaid
- Medical care
- see Health care
- Medical devices (09)
- sa Hearing aids
 - x Prosthetic devices
 - xx Health
 - Scientific equipment
- Medical facilities
- see Health facilities
- Medical personnel
- see Health professions
- Medical research (09, 17)
- xx Health
 - Research
- Medicare (09)
- x Health insurance for the aged
 - xx Aged
 - Health insurance
 - Social security
- Mental health (09)
- xx Health

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- Mental health centers (09)
xx Health facilities
- Mentally handicapped (09, 13)
xx Handicapped
- Merchant marine
see Maritime carriers
- Methadone (09)
xx Drugs
- Metric system (17)
- Migrant labor (01, 11, 13)
xx Agriculture
Labor
- Migratory birds
see Wildlife
- Military academies (04, 14)
xx Armed forces
Colleges and universities
- Military air transportation (14, 19)
xx Air transportation
National defense
- Military arms sales (02, 07)
xx Arms and munitions
Foreign trade
- Military law (12, 14)
sa Courts-martial
x Uniform Code of Military Justice
xx Armed forces
- Military personnel (13, 14)
xx Armed forces
Government employees
- Milk (01)
xx Dairy products
- Milk marketing orders (01)
xx Agriculture
- Mine safety (09)
x Coal mines
xx Mines
Occupational safety and health
Safety
- Mineral resources (15)
sa Coal
Oil and gas reserves
xx Natural resources
- Miners (13)
x Coal miners
xx Mines
- Mines (15)
sa Mine safety
Miners
x Coal mines
- Minimum wages (11)
xx Wages
- Minority businesses (02)
xx Business and industry
Small businesses
- Minority education (04)
sa Bilingual education
x Indian education
xx Education
- Minority groups (13)
x Indians
Spanish speaking persons
- Mobile homes (10)
xx Housing
- Money
see Currency
- Mortgage insurance (02, 10)
xx Insurance
Mortgages
- Mortgages (02, 10)
sa Mortgage insurance
xx Finance
Housing
- Motion pictures (03)
x Films
xx Communications
- Motor carriers (19)
[Organizations operating passenger or
cargo carrying motor vehicles]
sa Buses
Trucks
x Common carriers
Shipping
xx Buses
Highway transportation
Trucks
- Motor vehicle pollution (06, 19)
xx Air pollution control
Motor vehicles
- Motor vehicle safety (09, 19)
xx Highway transportation
Motor vehicles
Safety
- Motor vehicles (19)
sa Automobiles
Buses
Motor vehicle pollution
Motor vehicle safety
Motorcycles
Taxicabs
Trucks
xx Automobiles
Buses
Highway transportation
Trucks
- Motorcycles (19)
xx Motor vehicles
- Munitions
see Arms and munitions
- Museums (04)
- Music (04)
- Narcotics (09)
xx Drugs
- National defense (14)
sa Armed forces
Arms and munitions
Arms control
Civil defense
Classified information
Defense communications
Emergency powers
Military air transportation
Strategic and critical materials
x Defense
- National forests (15)
x Forests
xx Natural resources
Public lands
Recreation areas
- National guard (14)
xx Armed forces reserves
- National parks (15)
x Parks
xx Public lands
Recreation areas
- National Register of Historic Places (15)
xx Historic places
- National Registry of Natural Landmarks
(15)
xx Natural landmarks
- National security information
see Classified information
- National trails system (16)
x Trails
xx Recreation areas
- National wild and scenic rivers system
(16)
xx Rivers
- National Wildlife Refuge System (15)
xx Wildlife refuges
- Natural gas (05)
sa Oil and gas exploration
Oil and gas reserves
Gas utilities
x Gas
xx Energy

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Numbers in parenthesis refer to subject category listings following alphabetical listing of terms

- Natural landmarks (15)
 sa National Registry of Natural Landmarks
 x Landmarks
 xx Natural resources
- Natural resources (15)
 sa Coastal zone
 Continental shelf
 Energy
 Environmental protection
 Fish
 Mineral resources
 National forests
 Natural landmarks
 Public lands
 Recreation
 Soil conservation
 Water resources
 Wildlife
 x Conservation
 xx Environmental protection
- Naturalization (07)
 sa Aliens
 Immigration
 xx Aliens
 Foreign relations
 Immigration
- Naval stores (01)
 [Turpentine, resin products]
- Navigation (air) (19)
 xx Air transportation
- Navigation (water) (19)
 xx Water transportation
- News media (03)
 sa Newspapers and magazines
 Radio broadcasting
 Television broadcasting
 xx Communications
- Newspapers and magazines (03)
 x Magazines
 xx News media
- Noise control (06, 19)
 xx Environmental protection
 Transportation
- Nondiscrimination
 see Civil rights
- Nonprofit organizations (13)
- Nuclear energy (05)
 sa Nuclear materials
 Nuclear power plants
 Nuclear reactors
 x Atomic energy
 xx Energy
- Nuclear materials (05)
 xx Nuclear energy
 Radioactive materials
- Nuclear power plants (05)
 xx Nuclear energy
- Nuclear reactors (05)
 xx Nuclear energy
- Nuclear safety
 see Radiation protection
- Nuclear vessels (19)
 xx Vessels
- Nuclear weapons (14)
 x Weapons
 xx Arms and munitions
- Nursery stock (01)
 sa Plants (agriculture)
- Nurses (09, 13)
 xx Health professions
- Nursing homes (09)
 xx Health facilities
- Nursing schools (04, 09)
 xx Colleges and universities
 Health
- Nutrition (09)
 sa Vitamins
 xx Health
- Nuts (01)
 xx Foods
- Oats (01)
 xx Grains
- Occupational safety and health (09, 11)
 sa Mine safety
 Workmen's compensation
 x Industrial safety
 xx Labor
 Safety
- Occupational training
 see Manpower training programs
 Vocational education
- Oceanographic vessels (19)
 xx Vessels
- Oil
 see Petroleum
- Oil and gas exploration (05)
 x Gas exploration
 xx Natural gas
 Petroleum
- Oil and gas reserves (05, 15)
 x Gas reserves
 xx Mineral resources
 Natural gas
 Petroleum
- Oil imports (02, 05, 07)
 xx Imports
 Petroleum
- Oil pollution (06)
 xx Water pollution
- Oils and fats (01)
 x Fats and oils
 xx Foods
- Oilseeds (01)
 sa Cottonseeds
 Linseeds
 Soybeans
 Tung nuts
 xx Agricultural commodities
- Old-age, Survivors and Disability Insurance (11, 18)
 xx Social security
- Open Space Land Program (10)
 xx Community development
- Organization and functions (Government agencies) (08)
- Outer continental shelf
 see Continental shelf
- Overseas private investment
 see Foreign investments
- Packaging and containers (02)
 sa Labeling
 x Containers
 xx Business and industry
 Labeling
- Pardon (12)
 sa Amnesty
 xx Amnesty
- Parking (19)
 xx Highway transportation
- Parks
 see National parks
- Parole
 see Probation and parole
- Passenger vessels (19)
 sa Maritime carriers
 xx Maritime carriers
 Vessels
- Passports and visas (07, 19)
 x Visas
 xx Foreign relations
 Travel
- Patents
 see Inventions and patents
- Pay
 see Wages

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Numbers in parenthesis refer to subject category listings following alphabetical listing of terms

- Penalties (12)
 x Fines and penalties
- Pensions (11)
 sa Employee benefit plans
 xx Retirement
- Pesticides and pests (01, 06)
 x Herbicides
 Insecticides
 Poisons
 Rodenticides
 xx Agriculture
 Chemicals
 Environmental protection
- Petroleum (05)
 sa Fuel additives
 Gasoline
 Oil and gas exploration
 Oil and gas reserves
 Oil imports
 Petroleum allocation
 Petroleum price regulations
 x Crude oil
 Oil
 xx Energy
- Petroleum allocation (05)
 xx Petroleum
- Petroleum price regulations (02, 05)
 xx Petroleum
 Wage and price controls
- Pets (01)
 xx Animals
- Physically handicapped
 see Handicapped
- Physicians (09, 13)
 x Doctors
 xx Health professions
- Pilots
 see Aircraft pilots
- Pipeline safety (09, 19)
 xx Pipelines
 Safety
- Pipelines (05, 19)
 sa Pipeline safety
 xx Energy
 Transportation
- Plants (agriculture) (01)
 xx Nursery stock
- Pneumoconiosis
 see Black lung disease
- Poison prevention (09)
 sa Lead poisoning
 x Poisons
 Toxins
 xx Safety
- Poisons
 see Hazardous materials
 Pesticides and pests
 Poison prevention
- Police (12, 13)
- Political activities (Government employees) (08)
 x Hatch Act
 xx Conflict of interests
 Elections
- Political candidates (08)
 sa Campaign funds
 xx Elections
- Pollution
 see Environmental protection
- Population census (08)
 xx Census data
- Population control
 see Family planning
- Ports
 see Harbors
- Postal employees (08, 11, 13)
 xx Government employees
 Postal service
- Postal rates (03)
 x Rates and fares
 xx Postal service
- Postal service (03)
 sa Postal employees
 Postal rates
 x Mail
- Poultry (01)
 xx Foods
- Poverty
 see Community Action Programs
 Public Assistance Programs
- Power resources
 see Energy
- Practice and procedure
 see Administrative practice and procedure
- Prescription drugs (09)
 xx Drugs
- Price controls
 see Wage and price controls
- Price support programs (01)
 xx Agricultural commodities
- Prisoners (12, 13)
- Prisons (12)
 sa Probation and parole
- Privacy Act (08, 12)
 x Records
- Private schools (04)
 xx Schools
- Probation and parole (12)
 x Parole
 xx Prisons
- Procurement
 see Government procurement
- Prosthetic devices
 see Medical devices
- Public Assistance Programs (18)
 [Cash assistance programs under the Social Security Act]
 sa Aid to Families with Dependent Children
 Medicaid
 x Financial assistance programs
 Poverty
 Welfare programs
 xx Aid to Families with Dependent Children
 Medicaid
 Social security
- Public buildings
 see Federal buildings and facilities
- Public health (09)
 sa Quarantine
 xx Health
- Public housing (10)
 sa Low income housing
 xx Housing
 Low income housing
- Public lands (15)
 sa Coal lands
 Grazing lands
 Homesteads
 National forests
 National parks
 Reclamation
 x Land
 xx Natural resources
- Public utilities
 see Electric utilities
 Gas utilities
 Water supply
- Public works (10)
- Quarantine (09)
 xx Health
 Public health
- Racial discrimination (12)
 xx Civil rights

see refers to authorized terms; x refers from terms not used; sa refers to more specific or related terms; xx refers from broader or related terms

Numbers in parenthesis refer to subject category listings following alphabetical listing of terms

- Radiation protection (09)
 sa Radioactive materials
 x Nuclear safety
 xx Radioactive materials
 Safety
- Radio (03)
 sa Radio broadcasting
 Radio communications
 Radio frequencies
 Radio operators
 Radio stations
 xx Telecommunications
- Radio broadcasting (03)
 x Broadcasting
 Radio programs
 xx News media
 Radio
- Radio communications (03)
 x Citizens radio services
 xx Radio
- Radio frequencies (03)
 xx Radio
- Radio operators (03, 13)
 xx Radio
- Radio programs
 see Radio broadcasting
- Radio stations (03)
 xx Radio
- Radioactive materials (09)
 sa Nuclear materials
 Radiation protection
 xx Hazardous materials
 Radiation protection
- Railroad employees (13, 19)
 xx Railroads
- Railroad retirement (11)
 xx Retirement
- Railroads (19)
 sa Railroad employees
 x Common carriers
 Shipping
 xx Transportation
- Range management (01)
 xx Agriculture
- Rates and fares
 see Air fares
 Electric power rates
 Postal rates
- Reclamation (15)
 xx Public lands
- Record retention (08)
 [Use for document requiring the keeping
 of records by the public]
 x Records
- Recordings (03)
 xx Communications
- Records
 see Archives and records
 Freedom of Information Act
 Privacy Act
 Record retention
- Recreation (16)
 sa Boats and boating
 Camping
 Fishing
 Hunting
 Recreation areas
 xx Natural resources
- Recreation areas (16)
 sa Beaches
 National forests
 National parks
 National trails system
 Rivers
 Wilderness areas
 xx Recreation
- Recycling (06)
 xx Waste treatment and disposal
- Refugees (07, 13)
 sa Aliens
 xx Aliens
- Religious discrimination (12)
 xx Civil rights
- Religious orders (13)
- Relocation assistance (10)
 xx Housing
- Renal diseases
 see Kidney diseases
- Reporting requirements (Government
 agencies) (08)
- Research (17)
 sa Agricultural research
 Medical research
- Reserves forces
 see Armed forces reserves
- Reservoirs (15)
 xx Water supply
- Retirement (11)
 sa Pensions
 Railroad retirement
 Social security
 xx Labor
- Revenue sharing (02, 08)
 xx Finance
- Rice (01)
 xx Grains
- Riots (12)
 xx Civil disorders
- Rivers (16, 19)
 sa National wild and scenic rivers
 system
 xx Recreation areas
 Waterways
- Roads
 see Highways
- Rodenticides
 see Pesticides and pests
- Rural areas (01)
 xx Agriculture
- Rye (01)
 xx Grains
- Safety (09)
 sa Aviation safety
 Fire prevention
 Hazardous materials
 Highway safety
 Marine safety
 Mine safety
 Motor vehicle safety
 Occupational safety and health
 Pipeline safety
 Poison prevention
 Radiation protection
 xx Health
- Salaries
 see Wages
- Satellite communications (03)
 xx Telecommunications
- Savings and loan associations (02)
 xx Banks, banking
- Savings bonds
 see Bonds
- Scholarships and fellowships (04)
 x Fellowships
 xx Student aid
- School breakfast and lunch programs
 (01, 04, 18)
 xx Education
 Food relief programs
- School construction (04)
 xx Education
 Schools
- School integration
 see Desegregation in education
- Schools (04)
 sa Colleges and universities
 Educational facilities
 Private schools
 School construction
 xx Education

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Numbers in parentheses refer to subject category listings following alphabetical listing of terms

- Science and technology (17)
- Scientific equipment (17)
sa Medical devices
- Seafood (01)
[Use for documents on fish as food. Use Fish for documents on conservation, etc., of fish as marine life]
sa Fish
Fisheries
xx Fish
Foods
- Seals and insignia (08)
x Insignia
- Seamen (13, 19)
- Secondary education
see Elementary and secondary education
- Securities (02)
sa Bonds
x Stocks
xx Investments
- Securities exchanges (02)
x Stock exchanges
xx Investments
- Security information
see Classified information
- Security measures (08)
- Segregation in education
see Desegregation in education
- Selective service (14)
x Draft
xx Armed forces
- Senior citizens
see Aged
- Serums
see Biologics
- Sewage disposal (06)
xx Waste treatment and disposal
- Sex discrimination (12)
xx Civil rights
- Sheep (01)
xx Livestock
- Shipping
see Air carriers
Freight forwarders
Maritime carriers
Motor carriers
Railroads
- Ships
see Vessels
- Small businesses (02)
sa Franchises
Minority businesses
xx Business and industry
- Social security (11, 18)
sa Medicare
Old-age, Survivors and Disability Insurance
Public Assistance Programs
Supplemental Security Income (SSI)
xx Retirement
- Soft drinks (01)
xx Beverages
- Soil conservation (01, 15)
xx Natural resources
- Solar energy (05)
xx Energy
- Solid waste disposal
see Waste treatment and disposal
- Soybeans (01)
xx Oilseeds
- Space exploration (17)
- Spanish speaking persons
see Minority groups
- Spices and flavorings (01)
x Flavorings
xx Foods
- Stamp taxes
see Excise taxes
- State-Federal relations
see Intergovernmental relations
- Statistics
see Agricultural statistics
Census data
Economic statistics
Labor statistics
- Sterilization
see Birth control methods
- Stock exchanges
see Securities exchanges
- Stockpiling
see Strategic and critical materials
- Stocks
see Securities
- Stockyards (01)
xx Meat and meat products
- Strategic and critical materials (14)
x Stockpiling
xx National defense
- Student aid (04)
sa Scholarships and fellowships
xx Education
- Students (04, 13)
xx Education
- Sugar (01)
xx Foods
- Sugar substitutes (01)
x Artificial sweeteners
xx Food additives
- Sunshine Act (08)
- Supplemental Security Income (SSI) (18)
[Assistance to aged, blind and handicapped]
xx Aged
Handicapped
Social security
- Surety bonds (02)
x Bonding
xx Insurance
- Surplus agricultural commodities (01)
xx Agricultural commodities
- Surplus government property (08)
xx Government property
- Swine
see Hogs
- Tariffs
see Customs duties
- Tax reform (02)
xx Taxes
- Taxes (02)
sa Estate taxes
Excise taxes
Gift taxes
Income taxes
Interest equalization tax
Tax reform
x Internal revenue
- Taxicabs (19)
sa Motor vehicles
xx Motor vehicles
- Tea (01)
xx Beverages
- Teachers (04, 13)
xx Education
- Technical education
see Vocational education

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Numbers in parenthesis refer to subject category listings following alphabetical listing of terms

- Telecommunications (03)
 sa Radio
 Satellite communications
 Telegraph
 Telephone
 Television
 xx Communications
- Telegraph (03)
 xx Telecommunications
- Telephone (03)
 xx Telecommunications
- Television (03)
 sa Cable television
 Television broadcasting
 Television stations
 xx Telecommunications
- Television broadcasting (03)
 x Broadcasting
 Television programs
 xx News media
 Television
- Television programs
 see Television broadcasting
- Television stations (03)
 xx Television
- Time
 see Daylight saving time
- Tobacco (01)
 sa Cigars and cigarettes
 xx Agricultural commodities
- Toiletries
 see Cosmetics
- Tort claims (08, 12)
 xx Claims
- Toxins
 see Biologics
 Hazardous materials
 Poison prevention
- Trade adjustment assistance (02, 07)
 [Aid to domestic industries or workers injured by competition from imported products]
 x Adjustment assistance
 xx Business and industry
 Foreign trade
 Imports
- Trade agreements (02, 07)
 xx Foreign trade
 Treaties
- Trade fairs
 see Fairs and expositions
- Trade names (02)
 xx Business and industry
- Trade practices (02)
 xx Business and industry
- Trade unions
 see Labor unions
- Trademarks (02)
 xx Business and industry
- Trails
 see National trails system
- Training programs
 see Manpower training programs
- Transportation (19)
 sa Air transportation
 Bridges
 Freight
 Highway transportation
 Mass transportation
 Noise control
 Pipelines
 Railroads
 Water transportation
- Travel (19)
 sa Passports and visas
 Travel and transportation expenses
 Travel restrictions
- Travel and transportation expenses (19)
 xx Travel
- Travel restrictions (19)
 xx Travel
- Treaties (07)
 sa Trade agreements
 xx Foreign relations
- Trucks (19)
 sa Motor carriers
 Motor vehicles
 xx Motor carriers
 Motor vehicles
- Trusts (02)
 xx Finance
- Truth in lending (02)
 xx Consumer protection
- Truth in savings (02)
 xx Consumer protection
- Tung nuts (01)
 xx Oilseeds
- Unemployment (11)
 sa Unemployment compensation
 x Employment
 xx Labor
- Unemployment compensation (11)
 x Compensation
 xx Unemployment
- Uniform Code of Military Justice
 see Military law
- Uniform System of Accounts (02, 08)
 xx Accounting
- Unions
 see Labor unions
- Universities
 see Colleges and universities
- Upward Bound Program
 see Education of the disadvantaged
- Urban renewal (10)
 sa Community development
 xx Community development
- Utilities
 see Electric utilities
 Gas utilities
 Water supply
- Vaccines
 see Biologics
- Vegetable juices (01)
 xx Beverages
- Vegetables (01)
 sa *Specific vegetables*
 xx Agricultural commodities
 Foods
- Venereal diseases (09)
 xx Diseases
- Vessels (19)
 sa Cargo vessels
 Fishing vessels
 Nuclear vessels
 Oceanographic vessels
 Passenger vessels
 x Ships
 xx Water transportation
- Veterans (13)
- Veterinarians (01, 13)
- Viruses
 see Biologics
- Visas
 see Passports and visas
- Vitamins (09)
 xx Nutrition

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Numbers in parenthesis refer to subject category listings following alphabetical listing of terms

- Vocational education (04)
 [Use for vocational instruction within a school curriculum. Distinguish from manpower training programs for on-the-job training]
 sa Manpower training programs
 x Occupational training
 Technical education
 xx Education
 Manpower training programs
- Vocational rehabilitation (18)
 [Training of the handicapped for employment]
 xx Handicapped
- Volunteers (13)
- Voting rights (08, 12)
 xx Civil rights
 Elections
- Wage and price controls (02, 11)
 sa Petroleum price regulations
 x Price controls
 xx Economics
 Wages
- Wages (11)
 sa Minimum wages
 Wage and price controls
 x Compensation
 Pay
 Salaries
 xx Labor
- War claims (07, 12)
 xx Foreign claims
- War risk insurance (02)
 xx Insurance
- Warehouses (02)
- Waste treatment and disposal (06)
 sa Landfills
 Recycling
 Sewage disposal
 x Solid waste disposal
 xx Environmental protection
 Water pollution
- Water bank program (15)
 xx Water resources
- Water pollution (06)
 sa Oil pollution
 Waste treatment and disposal
 Water quality standards
 x Water quality
 xx Environmental protection
- Water quality
 see Water pollution
- Water quality standards (06)
 xx Water pollution
- Water resources (15)
 sa Water bank program
 Water supply
 Watersheds
 Wetlands
 xx Natural resources
- Water supply (15)
 sa Dams
 Irrigation
 Reservoirs
 x Public utilities
 Utilities
 xx Water resources
- Water transportation (19)
 sa Anchorage grounds
 Harbors
 Marine safety
 Maritime carriers
 Navigation (water)
 Vessels
 Waterways
 xx Transportation
- Waterfowl
 see Wildlife
- Watersheds (15)
 xx Water resources
- Waterways (19)
 sa Bridges
 Rivers
 xx Water transportation
- Weapons
 see Arms and munitions
 Nuclear weapons
- Weather (17)
- Welfare programs
 see Public Assistance Programs
- Wetlands (15)
 sa Coastal zone
 xx Coastal zone
 Water resources
- Wheat (01)
 xx Grains
- Wilderness areas (16)
 xx Recreation areas
- Wildlife (15)
 sa Endangered and threatened wildlife
 Wildlife refuges
 x Migratory birds
 Waterfowl
 xx Animals
 Birds
 Natural resources
- Wildlife refuges (15)
 sa National Wildlife Refuge System
 xx Wildlife
- Wine (01)
 xx Alcoholic beverages
- Wiretapping and electronic surveillance (12)
 x Electronic surveillance
- Women (13)
- Work incentive programs (11)
 xx Manpower training programs
- Workmen's compensation (11)
 x Compensation
 xx Insurance
 Occupational safety and health
- Youth (13)
 sa Infants and children
 Juvenile delinquency
 xx Infants and children

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Numbers in parenthesis refer to subject category listings following alphabetical listing of terms

01

AGRICULTURE AND FOOD

Agricultural commodities
 Agricultural research
 Agricultural statistics
 Agriculture
 Alcoholic beverages
 Animal drugs
 Animal feeds
 Animals
 Bakery products
 Barley
 Beer
 Berries
 Beverages
 Butter
 Cacao products
 Candy
 Cattle
 Cereals (food)
 Cheese
 Chemicals
 Cigars and cigarettes
 Citrus fruits
 Coffee
 Commodities exchanges
 Cotton
 Cottonseeds
 Crop insurance
 Dairy products
 Dietary foods
 Eggs
 Farm loans
 Farmers
 Feed grains
 Fertilizers
 Fish meal
 Flax
 Food additives
 Food grades and standards
 Food labeling
 Food relief programs
 Food stamps
 Foods
 Foreign agriculture
 Forestry
 Frozen foods
 Fruit juices
 Fruits
 Grain sorghum
 Grains
 Hogs
 Horses
 Irrigation
 Linseeds
 Liquors
 Livestock
 Marketing quotas and acreage allotments
 Meat and meat products
 Meat inspection
 Migrant labor
 Milk
 Milk marketing orders
 Naval stores
 Nursery stock
 Nuts
 Oats
 Oils and fats
 Oilseeds
 Pesticides and pests
 Pets
 Plants (agriculture)
 Poultry
 Price support programs
 Range management
 Rice
 Rural areas
 Rye
 School breakfast and lunch programs

Seafood
 Sheep
 Soft drinks
 Soil conservation
 Soybeans
 Spices and flavorings
 Stockyards
 Sugar
 Sugar substitutes
 Surplus agricultural commodities
 Tea
 Tobacco
 Tung nuts
 Vegetable juices
 Vegetables
 Veterinarians
 Wheat
 Wine

02

COMMERCE

Accounting
 Advertising
 Antidumping
 Antitrust
 Bankruptcy
 Banks, banking
 Bonds
 Brokers
 Business and industry
 Commodities exchanges
 Construction industry
 Consumer protection
 Consumers
 Credit
 Credit cards
 Credit unions
 Crime insurance
 Crop insurance
 Currency
 Customs duties
 Economic impact statements
 Economic statistics
 Economics
 Estate taxes
 Excise taxes
 Exports
 Fairs and expositions
 Federal home loan banks
 Federal reserve system
 Finance
 Flood insurance
 Foreign banking
 Foreign currencies
 Foreign investments
 Foreign trade
 Franchises
 Gift taxes
 Gold
 Health insurance
 Holding companies
 Imports
 Impounded funds
 Income taxes
 Insurance
 Interest equalization tax
 Investments
 Labeling
 Life insurance
 Loan programs
 Military arms sales
 Minority businesses
 Mortgage insurance
 Mortgages
 Oil imports
 Packaging and containers
 Petroleum price regulations

Revenue sharing
 Savings and loan associations
 Securities
 Securities exchanges
 Small businesses
 Surety bonds
 Tax reform
 Taxes
 Trade adjustment assistance
 Trade agreements
 Trade names
 Trade practices
 Trademarks
 Trusts
 Truth in lending
 Truth in savings
 Uniform System of Accounts
 Wage and price controls
 War risk insurance
 Warehouses

03

COMMUNICATIONS

Broadcasting facilities
 Cable television
 Communications equipment
 Defense communications
 Motion pictures
 News media
 Newspapers and magazines
 Postal rates
 Postal service
 Radio
 Radio broadcasting
 Radio communications
 Radio frequencies
 Radio operators
 Radio stations
 Recordings
 Satellite communications
 Telecommunications
 Telegraph
 Telephone
 Television
 Television broadcasting
 Television stations

04

EDUCATION

Adult education
 Architecture
 Art
 Bilingual education
 Colleges and universities
 Cultural affairs
 Cultural exchange programs
 Dance
 Desegregation in education
 Education of the disadvantaged
 Education of the handicapped
 Educational facilities
 Educational study programs
 Elementary and secondary education
 Exchange visitor program
 Libraries
 Medical and dental schools
 Military academies
 Minority education
 Museums

EDUCATION—Con.

Music
Nursing schools
Private schools
Scholarships and fellowships
School breakfast and lunch programs
School construction
Schools
Student aid
Students
Teachers
Vocational education

05

ENERGY

Coal
Coal allocation
Coal conversion program
Electric power
Electric power allocation
Electric power plants
Electric power rates
Electric utilities
Energy conservation
Fuel additives
Gas utilities
Gasoline
Geothermal energy
Natural gas
Nuclear energy
Nuclear materials
Nuclear power plants
Nuclear reactors
Oil and gas exploration
Oil and gas reserves
Oil imports
Petroleum
Petroleum allocation
Petroleum price regulations
Pipelines
Solar energy

06

ENVIRONMENTAL PROTECTION

Air pollution control
Air quality
Environmental impact statements
Landfills
Motor vehicle pollution
Noise control
Oil pollution
Pesticides and pests
Recycling
Sewage disposal
Waste treatment and disposal
Water pollution
Water quality standards

07

FOREIGN RELATIONS

Alien property
Aliens
Antidumping
Arms control
Cultural exchange programs
Customs duties
Exchange visitor program
Exports

Fairs and expositions
Foreign aid
Foreign claims
Foreign countries
Foreign Service
Foreign trade
Immigration
Imports
International boundaries
International organizations
Military arms sales
Naturalization
Oil imports
Passports and visas
Refugees
Trade adjustment assistance
Trade agreements
Treaties
War claims

08

GOVERNMENT

Accounting
Administrative practice and procedure
Advisory committees
American revolution bicentennial
Archives and records
Authority delegations (Government agencies)
Campaign funds
Census data
Conflict of interests
Daylight saving time
Decorations, medals, awards
Disaster assistance
Elections
Emergency powers
Federal buildings and facilities
Federally affected areas
Financial disclosure
Flags
Flood assistance
Freedom of Information Act
Government contracts
Government employees
Government procurement
Government property
Grant programs
Holidays
Impounded funds
Intergovernmental relations
Loan programs
Organization and functions (Government agencies)
Political activities (Government employees)
Political candidates
Population census
Postal employees
Privacy Act
Record retention
Reporting requirements (Government agencies)
Revenue sharing
Seals and insignia
Security measures
Sunshine Act
Surplus government property
Tort claims
Uniform System of Accounts
Voting rights

09

HEALTH AND SAFETY

Alcoholism

Animal drugs
Antibiotics
Aviation safety
Biologics
Birth control methods
Black lung benefits
Black lung disease
Blind
Blood
Cancer
Chemicals
Cosmetics
Deaf
Dental health
Dentists
Diseases
Drug abuse
Drugs
Explosives
Family health
Family planning
Fire prevention
Flammable materials
Handicapped
Hazardous materials
Health
Health care
Health facilities
Health insurance
Health maintenance organizations (HMO)
Health professions
Hearing aids
Highway safety
Hospital care
Hospitals
Kidney diseases
Lead poisoning
Marihuana
Marine safety
Maternal and child health
Medicaid
Medical and dental schools
Medical devices
Medical research
Medicare
Mental health
Mental health centers
Mentally handicapped
Methadone
Mine safety
Motor vehicle safety
Narcotics
Nurses
Nursing homes
Nursing schools
Nutrition
Occupational safety and health
Physicians
Pipeline safety
Poison prevention
Prescription drugs
Public health
Quarantine
Radiation protection
Radioactive materials
Safety
Venereal diseases
Vitamins

10

HOUSING AND COMMUNITY DEVELOPMENT

Apartments
Community development
Community development block grants
Condominiums
Fair housing

HOUSING AND COMMUNITY DEVELOPMENT—Con.

Housing
Land sales
Low income housing
Mobile homes
Mortgage insurance
Mortgages
Open Space Land Program
Public housing
Public works
Relocation assistance
Urban renewal

11

LABOR

Child labor
Collective bargaining
Employee benefit plans
Equal employment opportunity
Government employees
Labor disputes
Labor management relations
Labor statistics
Labor unions
Manpower
Manpower training programs
Migrant labor
Minimum wages
Occupational safety and health
Old-age, Survivors and Disability Insurance
Pensions
Postal employees
Railroad retirement
Retirement
Social security
Unemployment
Unemployment compensation
Wage and price controls
Wages
Work incentive programs
Workmen's compensation

12

LAW

Amnesty
Civil disorders
Civil rights
Claims
Copyright
Courts
Courts-martial
Crime
Desegregation in education
Drug traffic control
Equal employment opportunity
Fair housing
Firearms
Foreign claims
Gambling
Juvenile delinquency
Law enforcement
Lawyers
Legal services
Military law
Pardon
Penalties
Police
Prisoners
Prisons
Privacy Act
Probation and parole

Racial discrimination
Religious discrimination
Riots
Sex discrimination
Tort claims
Voting rights
War claims
Wiretapping and electronic surveillance

13

NAMED GROUPS

Aged
Aircraft pilots
Aliens
Blind
Brokers
Child labor
Conscientious objectors
Consumers
Deaf
Dentists
Disadvantaged
Engineers
Farmers
Firemen
Foundations
Government employees
Handicapped
Health professions
Infants and children
Lawyers
Mentally handicapped
Migrant labor
Military personnel
Miners
Minority groups
Nonprofit organizations
Nurses
Physicians
Police
Postal employees
Prisoners
Radio operators
Railroad employees
Refugees
Religious orders
Seamen
Students
Teachers
Veterans
Veterinarians
Volunteers
Women
Youth

14

NATIONAL DEFENSE

Armed forces
Armed forces reserves
Arms and munitions
Arms control
Civil defense
Classified information
Conscientious objectors
Courts-martial
Defense communications
Desertion from armed forces
Emergency powers
Firearms
Military academies
Military air transportation
Military law
Military personnel

National guard
Nuclear weapons
Selective service
Strategic and critical materials

15

NATURAL RESOURCES

Birds
Coal lands
Coastal zone
Continental shelf
Dams
Endangered and threatened wildlife
Fish
Fisheries
Grazing lands
Historic places
Historic preservation
Homesteads
Marine mammals
Mineral resources
Mines
National forests
National parks
National Register of Historic Places
National Registry of Natural Landmarks
National Wildlife Refuge System
Natural landmarks
Oil and gas reserves
Public lands
Reclamation
Reservoirs
Soil conservation
Water bank program
Water resources
Water supply
Watersheds
Wetlands
Wildlife
Wildlife refuges

16

RECREATION

Athletics
Beaches
Boats and boating
Camping
Fishing
Hobbies
Hunting
National trails system
National wild and scenic rivers system
Recreation areas
Rivers
Wilderness areas

17

SCIENCE AND TECHNOLOGY

Agricultural research
Computer technology
Inventions and patents
Medical research
Metric system
Research
Scientific equipment
Space exploration
Weather

18

SOCIAL PROGRAMS

Aid to Families with Dependent Children
 Child welfare
 Community Action Programs
 Day care
 Family planning
 Food relief programs
 Food stamps
 Medicaid
 Old-age, Survivors and Disability Insurance
 Public Assistance Programs
 School breakfast and lunch programs
 Social security
 Supplemental Security Income (SSI)
 Vocational rehabilitation

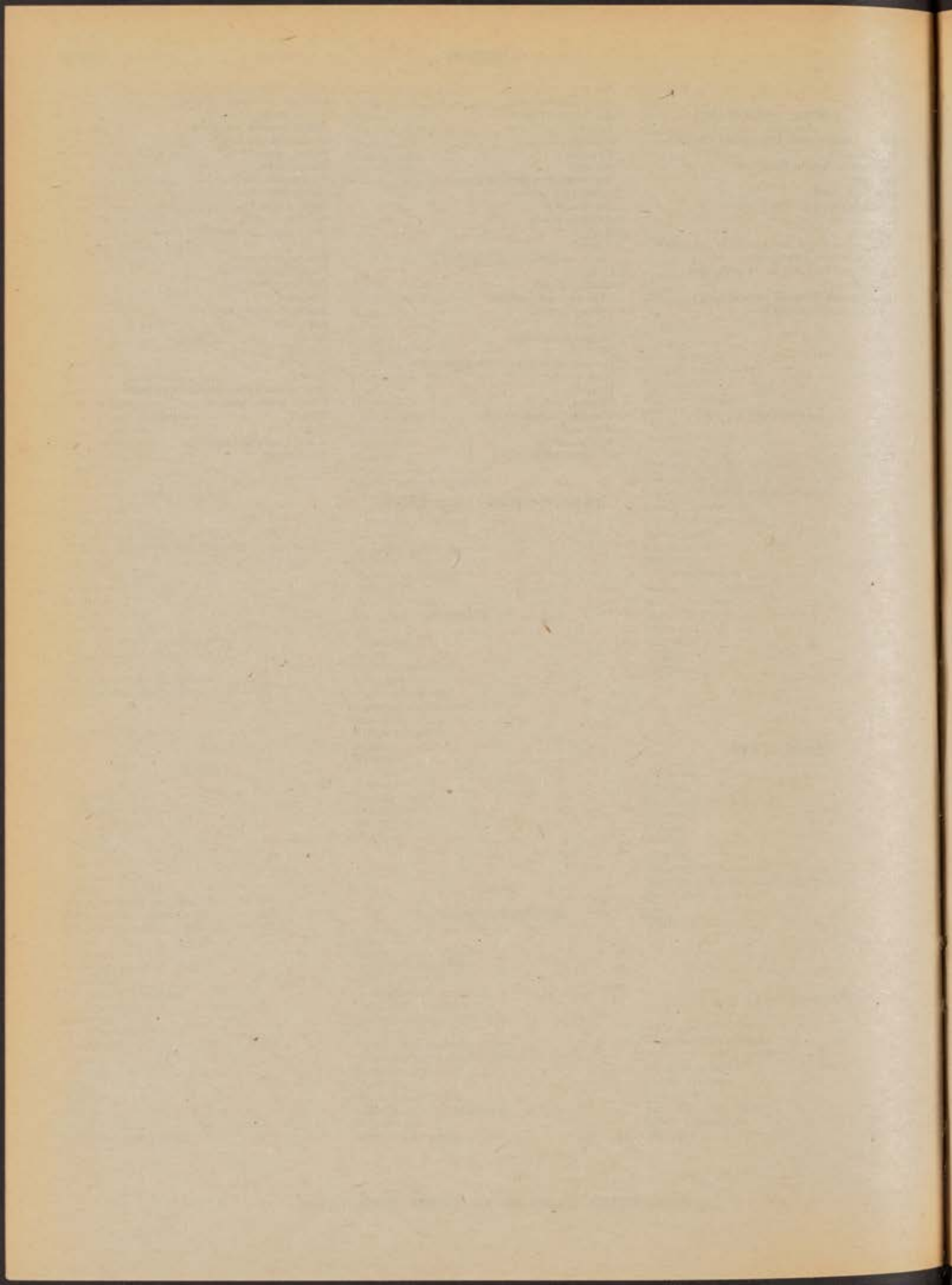
19

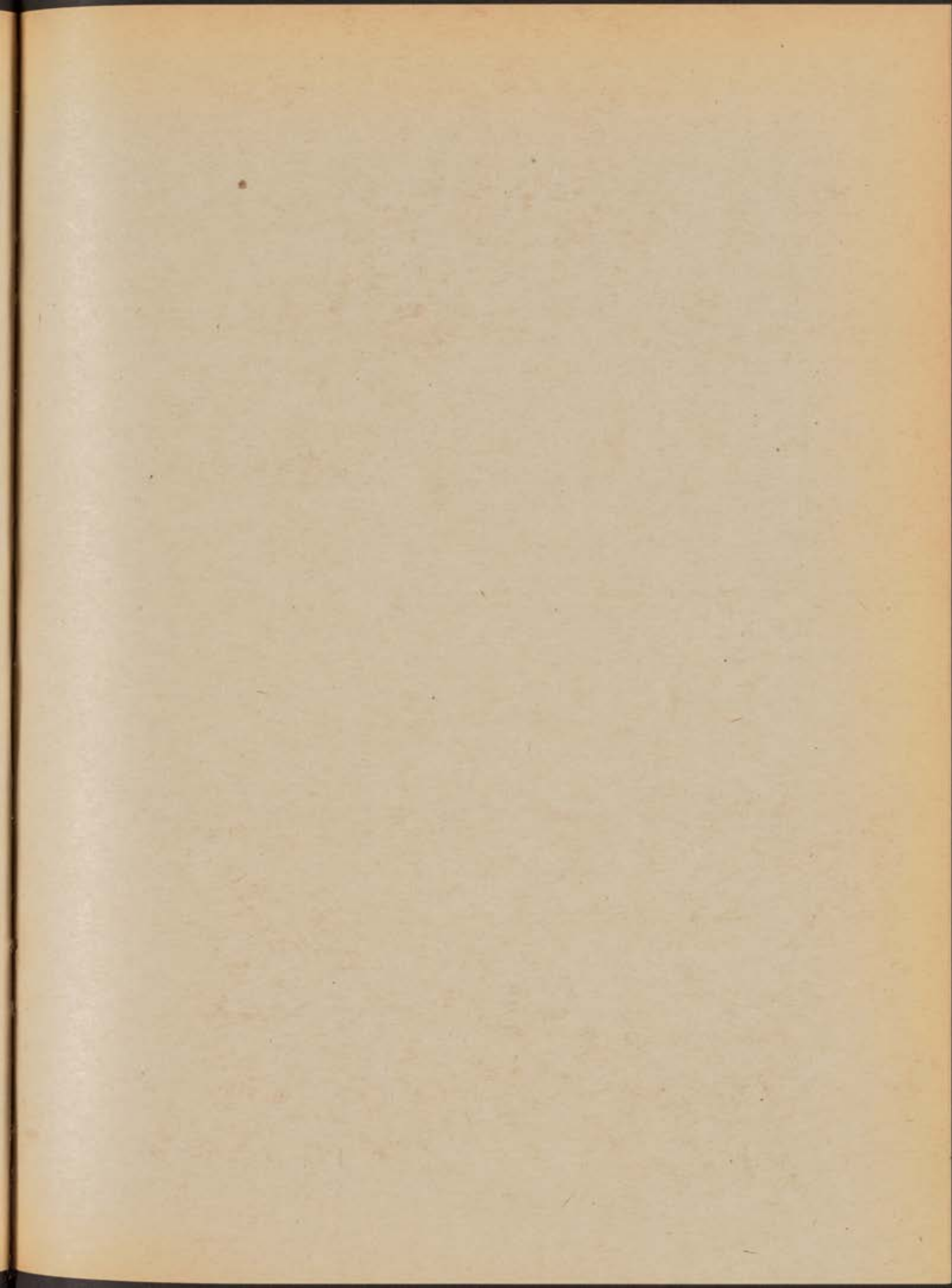
TRANSPORTATION

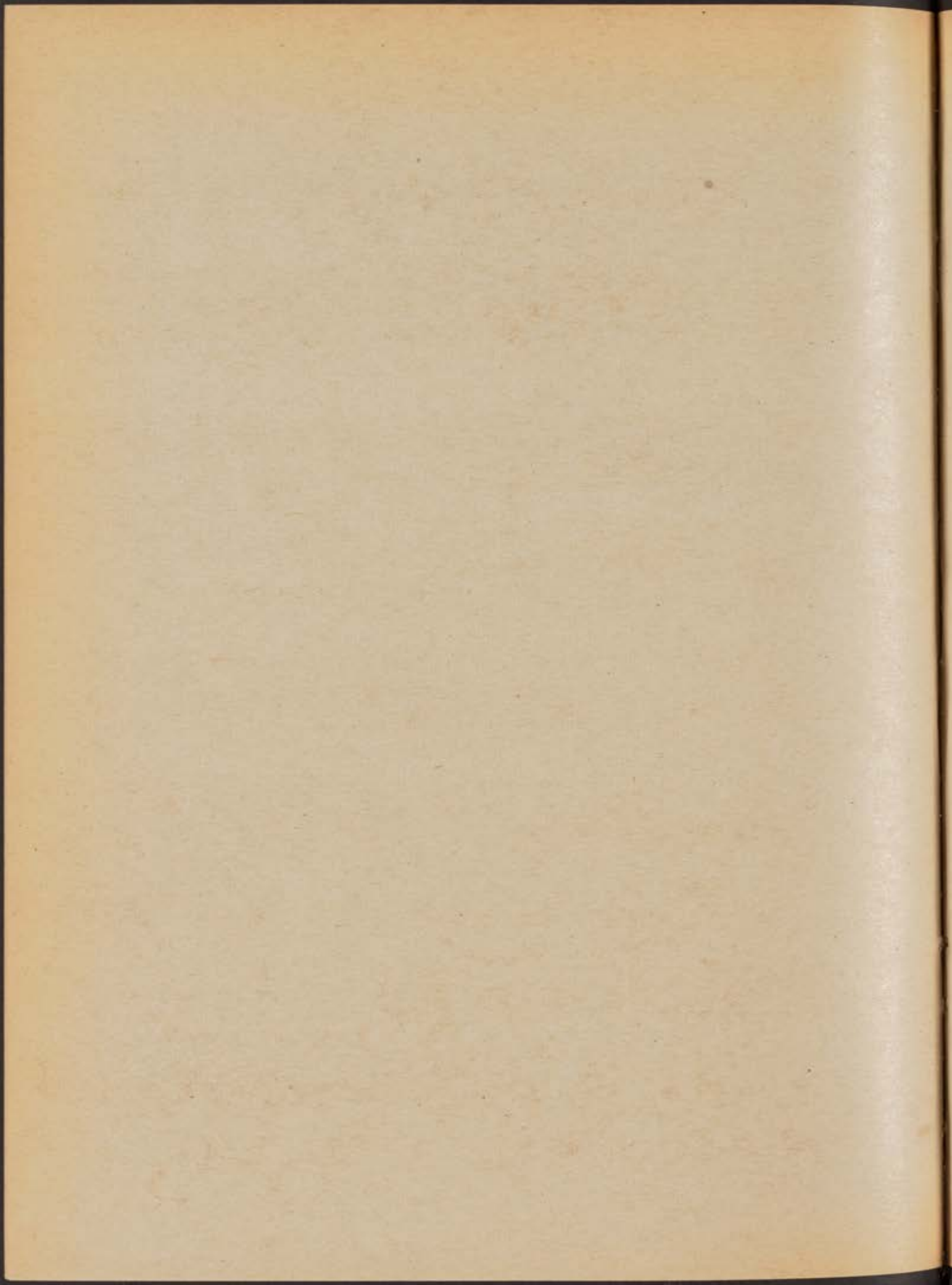
Air carriers
 Air fares

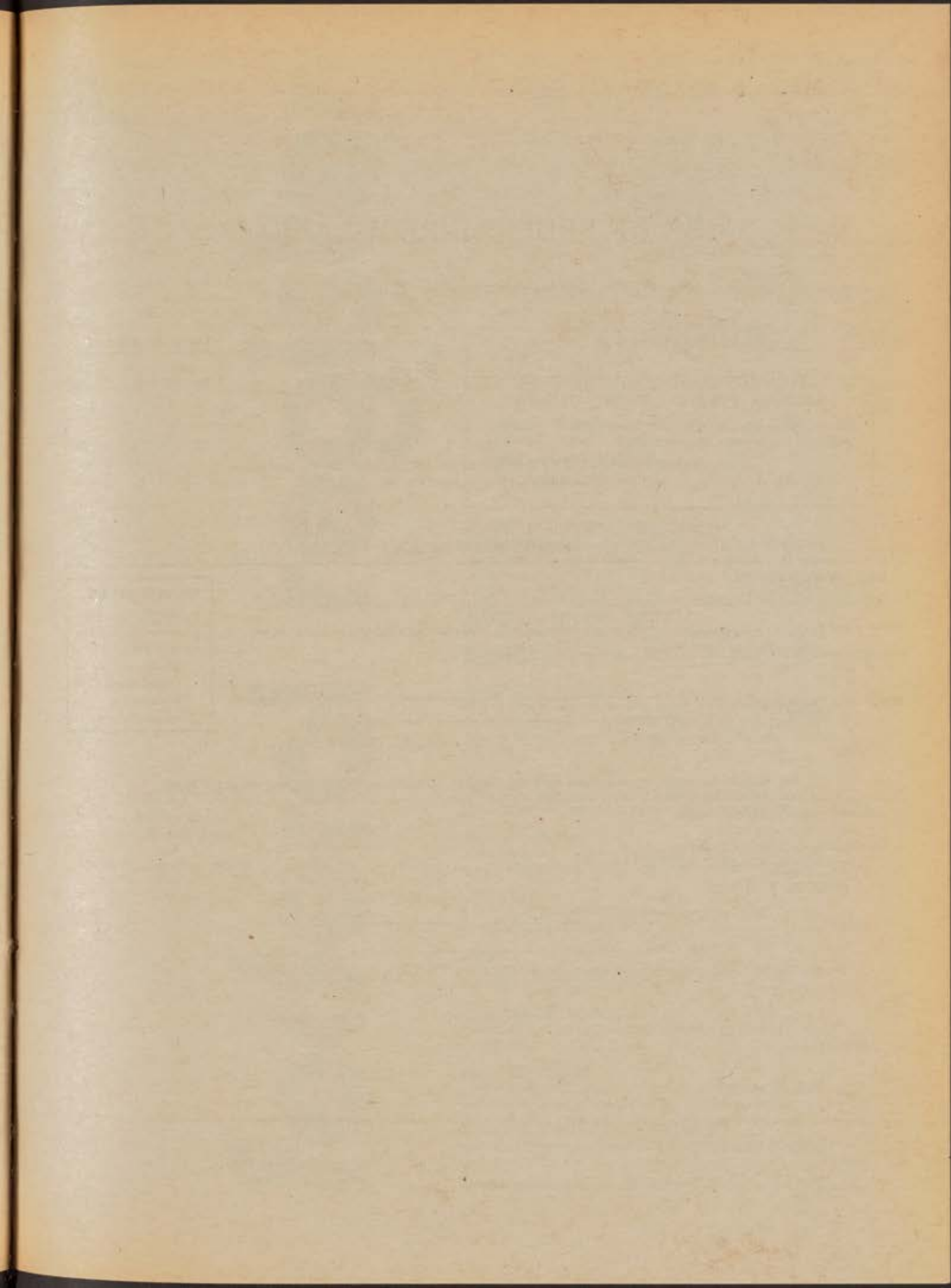
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 Air traffic control
 Air transportation
 Aircraft
 Aircraft pilots
 Airports
 Airways
 Airworthiness directives
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 Aviation safety
 Bridges
 Buses
 Cargo vessels
 Carpools
 Charter flights
 Civil air transportation
 Fishing vessels
 Freight
 Freight forwarders
 Harbors
 Hazardous materials transportation
 Helicopters
 Heliports
 Highway safety
 Highway transportation
 Highways
 Marine safety
 Maritime carriers
 Mass transportation
 Military air transportation
 Motor carriers
 Motor vehicle pollution
 Motor vehicle safety
 Motor vehicles
 Motorcycles
 Navigation (air)
 Navigation (water)
 Noise control
 Nuclear vessels
 Oceanographic vessels
 Parking
 Passenger vessels
 Passports and visas
 Pipeline safety
 Pipelines
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[FR Doc.77-6591 Filed 3-4-77;8:45 am]









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