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federal register

WEDNESDAY, JUNE 16, 1976

highlights

PART I:

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

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

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 trial program are invited. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

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CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order Nos. 6, 12 and 13]

MILK IN THE UPPER FLORIDA, TAMPA BAY AND SOUTHEASTERN FLORIDA MARKETING AREAS

Order Suspending Certain Provisions

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the orders regulating the handling of milk in the Upper Florida, Tampa Bay, and Southeastern Florida marketing areas.

It is hereby found and determined that for the months of May, June and July 1976, the following provisions of the orders do not tend to effectuate the declared policy of the Act:

PART 1006—MILK IN UPPER FLORIDA MARKETING AREA

In § 1006.13(b)—"that is neither an other order plant nor a producer-handler plant."

PART 1012—MILK IN TAMPA BAY MARKETING AREA

In § 1012.13(b)—"that is neither an other order plant nor a producer-handler plant."

PART 1013—MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

In § 1013.13(b)—"that is neither an other order plant nor a producer-handler plant."

STATEMENT OF CONSIDERATION

During the month of May 1976, substantial quantities of milk regularly associated with the three Florida orders moved for surplus disposition from farms where produced to plants regulated under other Federal milk orders. Provisions of the three orders do not allow milk to be diverted to other order plants.

Absent the action taken herein, milk excess to the fluid needs of the Florida markets, which is moved directly from farms to regulated plants under other orders for surplus disposition, would be priced and pooled as producer milk under such other orders rather than under the order regulating the markets with which such milk is associated. This has the effect of passing to the receiving markets the burden of handling the excess supplies for the Florida markets. The result is an unwarranted increase in uniform prices to producers under the Florida orders, and lower blend prices to producers on the markets where the Florida surplus milk is disposed of for manufacturing uses. Such result is contrary to the purposes and intent of the Act to insure stable and orderly conditions for marketing milk in Federal milk marketing order areas. Moreover, it is inconsistent with the policy followed in the milk order program generally of facilitating disposition of surplus milk on one Federal order market through manufacturing facilities in other Federal order markets without disrupting intermarket price relationships.

It is expected that the Florida markets' surplus milk disposition in June and July necessarily will be moved in the identical manner as in May. Therefore, to preclude the disruption of orderly marketing in the three Florida orders and adjacent orders, good cause exists for making this suspension effective for milk handled during the months of May, June, and July 1976.

For the foregoing reasons the provisions suspended in the three orders by this action are found to be contrary to the declared intent of the Act. Therefore, no useful purpose would be served by soliciting views prior to the issuance of this suspension. Moreover, it is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing areas, and

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date.

Therefore, good cause exists for making this order effective May 1, 1976.

It is therefore ordered, That the aforesaid provisions of the orders are hereby suspended for the months of May, June and July 1976.

(Secs. 1–19, 48 Stat. 31, as amended; 8 U.S.C. 601–674)

Effective date: May 1, 1976.

Signed at Washington, D.C., on June 11, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-17480 Filed 6-15-76;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Honey Purchase Regulations, 1976 Crop Honey Supplement]

PART 1434—HONEY

Subpart—1976 Crop Honey Purchase Program

OPERATING PROVISIONS

On February 2, 1976, notice of proposed rulemaking regarding purchase rates for 1976 crop honey and detailed operating provisions to carry out the 1976 crop honey purchase program was published in the FEDERAL REGISTER (41 FR 4832).

Four responses were received; two recommended the reinstatement of the honey loans deleted from last year's program and two recommended the continuation of the present purchase program. It has been determined that the present purchase program will be continued through the 1976 crop year, the only change being an increase in the purchase rates.

The regulations contained in 7 CFR 1434.40 through 1434.43 are revised to read as follows, effective as to 1976 crop honey. The material previously appearing in these sections remains in full force and effect as to the crops to which it was applicable.

Sec.
1434.40 Purpose.
1434.41 Availability.
1434.42 Purchase rates.
1434.43 Discounts.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 201, 401, 63 Stat. 1052, 1054 (7 U.S.C. 1446, 1421).

§ 1434.40 Purpose.

This subpart contains program provisions which, together with (a) the Honey Purchase Regulations for 1975 and Subsequent Crops (40 FR 30798), (b) the Cooperative Marketing Association Eligibility Requirements for Price Support in Part 1425 of this chapter, and (c) any amendments to such regulations, set forth the requirements with respect to purchases of 1976 crop honey.

§ 1434.41 Availability.

Producers desiring to offer eligible honey for purchase must complete a pur-

chase agreement (Form CCC–614) at the county ASCS office on or before March 31, 1977.

§ 1434.42 Purchase rates.

(a) *Table and nontable honey.* The rate for the quantity of 1976 crop honey purchased shall be the rate for the respective class and color set forth below:

	Cents per pounds
Class and color, table honey:	
1. White and lighter	30.2
2. Extra light amber	29.2
3. Light amber	28.2
4. Other table honey	26.2
Nontable honey	26.2

(b) *Objectionable flavor, fermentation, or caramelization.* The settlement value for a lot of honey delivered for purchase which grades substandard on account of objectionable flavor, fermentation, or caramelization shall be the lower of its market value as determined by CCC or a value determined on the basis of the purchase rate for nontable honey.

(c) *Grade not certified.* The settlement value for a lot of honey for purchase on which the grade cannot be certified shall be the lower of its market value as determined by CCC or a value as determined on the basis of the purcase rate for nontable honey.

(d) *Substandard.* The rate for a lot of honey delivered for purchase which grades substandard on account of defects or moisture or a combination of defects and moisture shall be adjusted by the discounts in § 1434.43.

§ 1434.43 Discounts.

(a) *Defects.* The purchase rate for a lot of honey delivered for purchase which grades substandard on account of defects shall be adjusted by the following discount:

	Discount (cents per pound)
Substandard account of: Defects	2

(b) *Moisture.* The purchase rate for a lot of honey delivered for purchase which contains moisture in excess of 18.5 percent shall be adjusted by the following discounts which shall be in addition to the discount for defects:

Moisture (percent):	Discount (cents per pound)
18.5	0
19.0	.5
19.5	1.0
20.0	1.5
20.5	2.0
21.0	2.5
21.5	3.0
22.0	3.5
22.5	4.0
23.0	4.5
23.5	5.0
24.0	5.5
24.5	6.0

(c) *Commingled storage.* The purchase rate for a lot of honey tendered for purchase by CCC while stored commingled in a warehouse or delivered to a warehouse in bulk shall be adjusted by the following discount:

	Discount (cents per pound)
Bulk commingled	1.5

Effective date: This amendment takes effect on June 16, 1976.

Signed at Washington, D.C., on June 7, 1976.

SEELEY M. LODWICK,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.76–17577 Filed 6–15–76;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Nonimmigrant Documentary Waivers

Correction

In FR Doc. 76–16186, appearing on page 22556, in the issue for Friday, June 4, 1976, the eleventh line in the third column now reading "ipants who are the holder of official", should read "ipants who are the holders of official".

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 78—BRUCELLOSIS

Brucellosis Areas

Correction

In FR Doc. 76–15771 appearing on page 22034 in the issue of Tuesday, June 1, 1976 make the following changes:

1. In column 2 on page 22034, the 1st entry on line 11 should read "corro * * *".

2. In column 1 on page 22035, the 2nd word of line 3 should read "Butte * * *".

3. In column 3 on page 22035, the 2nd word of line 20 should read "Marshall * * *".

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Crude Oil Supplier—Purchaser Rule

On January 15, 1976, the Federal Energy Administration ("FEA") proposed amendments to the crude oil supplier/purchaser rule (the "rule") set forth at 10 CFR 211.63 to reflect the changes in the domestic crude oil pricing structure mandated by the Energy Policy and Conservation Act (the "EPCA"). Amendments to the rule were adopted February 12, 1976 to provide that all supplier/purchaser relationships in effect under contracts for sales, purchases and exchanges of domestic crude oil on January 1, 1976 shall remain in effect for the duration of the mandatory allocation program. FEA adopted the amendments effective for the limited period of 90 days, through May 11, 1976. FEA indicated that, in light of a number of areas of concern raised in the written comments and testimony at the February 2 public hearing, a further proceeding to consider specific modifications to the rule would be initiated, and additional opportunity for public comment would be provided.

On April 16, 1976, the FEA issued a notice of proposed rulemaking and public hearing which solicited public comment on certain further amendments to the rule. Public hearings on this proposal were held on May 6 and 7, 1976.

SUMMARY OF PROPOSED AMENDMENTS

The amendments proposed would have retained the current general rule that all supplier/purchaser relationships in effect under contracts for sales, purchases and exchanges of domestic crude oil on January 1, 1976 are required to remain in effect for the duration of the mandatory allocation program, except purchases and sales made to comply with FEA's buy-sell program and sales of federal royalty oil made under the program administered by the Department of the Interior. As provided in the current rule, domestic crude oil produced and sold from a property from which domestic crude oil was not being produced and sold on January 1, 1976 may be sold to any person, but once that sale is made, a supplier/purchaser relationship under the rule would be established. The rule would have also provided that the first sale of domestic crude oil made subsequent to a valid termination of the supplier/purchaser relationship under § 211.63(d) would be frozen as if such relationship had been in effect on January 1, 1976.

The current provisions applicable to any increased production of a property (over December 1975 levels) were retained. Thus, increased production would be required to flow to the purchaser, or proportionately to the purchasers, that were entitled to the balance of the property's production. In this connection, a new provision was proposed reflecting FEA's previously stated view that the actual monthly volume of production determines a purchaser's volumetric rights under the rule and any decline in production of a particular property below December 1975 levels would result in a proportionate volumetric reduction in supply obligations to each January 1, 1976 purchaser for a given month. Thus, the supply obligations established by the rule as to a specified property in a given month would not exceed the actual production of that property for the month.

New provisions were also proposed to be applicable to instances wherein ownership of production subject to the rule or ownership of a refinery supplied under the rule is transferred to a different person. In the event that the ownership of or rights to the production of a property is transferred to a new person, the obligation under § 211.63 to supply the January 1, 1976 purchasers of that property's crude production would

attach to the new owner and new supplier/purchaser relationships would be established on that basis. In the event that a refinery to which crude oil subject to the rule is delivered is transferred to a new owner, the rights to deliveries of that crude oil to the refinery would be transferred to the new owner.

Modifications to the provisions relating to terminations of relationships under the rule were also proposed to reflect industry conditions more accurately and to facilitate application of the rule. Specifically, the proposed amendment to paragraph (a)(1) of the present rule (set forth in § 211.63(d)(1) in the proposal) would expressly confirm that a supplier/purchaser relationship may be unilaterally terminated by the purchaser without the consent of the supplier, provided that purchaser's subsequent purchasers also consent. This would be consistent with the principal objective of the rule to benefit historic purchasers by assuring continued availability of crude supplies.

The proposal also included new provisions to permit a seller of crude oil to terminate a supplier/purchaser relationship where (1) the crude oil involved is thereafter supplied to a small refiner with a refinery capacity of 50,000 barrels per day or less or (2) the crude oil involved is new or stripper well oil and the present purchaser refuses after notice by the seller, to meet any bona fide offer made by another purchaser to purchase such crude oil at a lawful price above the price paid by the present purchaser.

The proposed rule also provided that a producer could terminate a supplier/purchaser relationship involving stripper well oil upon 30 days written notice to the present purchaser where the present purchaser does not within a ten day period meet a bona fide offer by a proposed new purchaser to provide more favorable gathering and other enumerated services historically provided by purchasers.

The reseller substitution provisions previously set forth at 211.63(d) were also retained in the proposed rule (at proposed § 211.63(d)(2)), with proposed modifications providing that in cases where a reseller of crude oil can offer a price reflecting handling and transportation charges at least as favorable as the weighted average handling margin of the displaced reseller and offer to provide the same crude oil to the same ultimate refiner, a producer could terminate the supplier/purchaser relationship with its current reseller in favor of the new reseller, without obtaining the consent of the refiner (as was previously required under § 211.63(d)).

Section 211.63(d)(2) in the proposal provided for the following procedures pursuant to which a new reseller could be substituted for the current reseller. First, the new reseller would be required to offer to establish a supplier/purchaser relationship for the crude oil involved with the same refiner that was supplied by the displaced reseller. In addition, the handling margin per barrel (the difference between the price paid by the new reseller and the price received by that reseller for the domestic crude oil involved) could not exceed the weighted average per barrel handling margin charged by the displaced reseller for all of the domestic crude oil that it purchases and resells. The new reseller would be required to give 45 days notice in advance of any proposed termination to the reseller that it intends to displace. That reseller would then be required, within 30 days of receipt of this notice, (1) to provide copies of the notice to any refiner to which deliveries of crude oil would be affected by reason of the termination and (2) to advise the proposed new reseller as to the identity of these refiners, the volumes of production in question delivered to each of them and its weighted average handling margin per barrel. The new reseller would then be required to offer to establish supplier/purchaser relationships with the same refiners or other firms that were supplied by the displaced reseller, with a handling margin per barrel not exceeding the weighted average handling margin per barrel of the prior reseller.

In addition to requesting oral and written comments on the proposed amendments, the FEA also specifically requested comments on the desirability of exempting stripper well oil from allocation and pricing controls, as well as on the ability of the agency to make the necessary findings under the EPCA. FEA is continuing to review these comments and to consider other information available to it concerning the possible exemption of stripper well oil.

Amendments Adopted

While the majority of the comments received expressed general support for FEA's proposals, numerous critical comments were received from many segments of the industry concerning the proposed provisions permitting terminations where the crude oil involved is thereafter supplied to a small refiner or where a more favorable offer for gathering services is received.

Termination to supply small refiners

Section 211.63(d)(1)(ii) as proposed would have permitted termination of a supplier/purchaser relationship by the seller provided the crude oil involved was immediately supplied to a small refiner with a capacity not in excess of 50,000 barrels per day. Most members of the refining industry commented unfavorably on this particular provision. Specifically, many small refiners opposed this proposal on the grounds that the 50,000 barrels per day capacity limit for eligibility was not the appropriate measure and that the provision, if adopted, would increase the vulnerability of small refiners (including those eligible thereunder) to cutoffs of crude supplies, and would result in serious supply disruptions and unpredictability in the domestic crude markets.

Taking these comments into consideration and weighing the concern of the refiners for assured sources of domestic supplies against the problems encountered by producers locked into undesirable supplier/purchaser relationships, FEA is adopting this proposal in a modified form for stripper well producers. However, FEA is still concerned with the detrimental effects, both to producers and ultimate consumers, of the freeze of crude oil supplier/purchaser relationships. Therefore, FEA is continuing this rulemaking proceeding with respect to this issue while it further considers adoption of this proposed provision with respect to all domestic crude oil sales. A final decision will be made on this issue after clarification of the price rules for crude oil resellers and an opportunity to evaluate the operation of the modification adopted today.

The amendments adopted hereby in this regard provide that a producer may terminate a supplier/purchaser relationship for any stripper well production if that production will immediately upon termination be sold to or sold for resale to a small refiner (as defined in § 211.62, i.e., with a refinery capacity not exceeding 175,000 barrels per day), for processing by that small refiner. FEA believes that adoption of the proposal limited to stripper well production will minimize its possibility that the undesirable supply disruption effects mentioned by refiners in the comments may occur, while offering the benefits of greater marketing flexibility to the largest number of producers and thereby serving to alleviate potential distortions in the domestic crude oil market generally. FEA also believes that modifying this proposal to allow stripper well producers to terminate a relationship in order to supply any refiner with a refinery capacity not exceeding 175,000 barrels per day rather than 50,000 barrels per day will give such producers additional flexibility while avoiding any discrimination among small refiners as defined in the EPAA.

Termination for deterioration of services

Section 211.63(d)(1)(iv) as proposed would have permitted termination of supplier/purchaser relationships by a stripper well producer where the present purchaser did not meet a bona fide offer by a proposed new purchaser to provide the service of (1) gathering the producer's crude oil on a more regular basis than the present purchaser, (2) processing any required division orders and title documentation on a more prompt basis than the present purchaser or (3) gauging the producer's tanks on a more accurate or timely basis than the present purchaser.

Most of the comments were critical of this proposed provision citing difficulties that would be caused by the imprecision of the terms "more regular basis" with respect to gathering services, "more prompt basis" with respect to processing of division orders and title documentation or "more accurate or timely basis" with respect to gauging of tanks. Many comments questioned the administrative feasibility of auditing such terminations and pointed out the enforcement difficulties that would arise if terminations

under such standards were permitted. Many predicted numerous disputes concerning whether or not better services than those historically provided had in fact been offered. Some companies suggested that the provision would be invoked to terminate a relationship in spite of the fact that the current purchaser might be complying with all the service terms of a contract or otherwise performing satisfactorily. Fears were expressed that adoption of this provision would cause unnecessary supply disruptions within the industry and a general increase in prices.

After further consideration, FEA has concluded that these comments raise valid objections and, therefore, is not adopting this particular proposal.

RESELLER SUBSTITUTION PROPOSAL

As to the revised reseller substitution proposal, comments were generally unfavorable. Refiners objected strongly to the removal of the requirement to obtain their consent to resellers substitutions. In addition, it was pointed out that, if the provision as proposed were adopted, artificial shifts among resellers might occur with particular respect to shorter crude oil transportation movements, as it would be easier for the new reseller to meet a displaced reseller's weighted average handling margin in these cases.

It was also suggested that problems might arise under federal antitrust laws if the displaced reseller were required to divulge its gross profit margin to its competitor or lose the account.

On the basis of the foregoing, FEA has decided not to adopt the amendments permitting freer substitution of crude oil resellers in the form proposed. FEA has decided instead to amend these provisions in a manner which will permit increased competition among resellers as was contemplated by the proposal, yet avoid the undesirable results which many of the comments suggested would flow from adoption of this proposal. The amendments adopted basically provide that a new reseller may be substituted with the refiner's consent (as is the case under the rule previously in effect); however, the amendments adopted hereby also provide that no consent to the reseller substitution is required if the transportation and handling charges of the proposed new reseller will not exceed those currently charged by the reseller proposed to be displaced for the specific crude oil involved in the proposed termination. It should be noted that these amendments make reference to the actual transportation and handling charges of the particular crude production involved and do not refer to the company-wide weighted average handling margin of the displaced reseller as had been proposed.

FEA is aware that in certain cases the certification requirements of § 212.131 may not presently provide a refiner with sufficiently specific information as to the amount of such charges to enable the refiner to determine the charges attributable to particular volumes of crude oil delivered by resellers. FEA is preparing amendments to these provisons to require more detailed certifications, both for purposes of this amendment and to facilitate reporting under the domestic crude oil entitlements program. In any case, the rule adopted requires that where the refiner is unable to determine the exact transportation and handling charges for the particular volume of crude oil, it shall obtain such information from the reseller proposed to be displaced. The amendments adopted hereby require resellers to furnish the amount of their transportation and handling charges to refiners that request such information.

Upon request of a reseller who did not receive the consent of the refiner and who believes that the transportation and handling charges offered by it were in fact lower than those currently in effect, FEA will use its best efforts to assist that reseller by investigating the accuracy of those charges for the crude oil involved that were determined to have been in effect either by the refiner or by other resellers that are currently supplying that refiner.

OTHER MODIFICATIONS

Except as noted above, the amendments set forth in the proposal have been adopted substantially in the form proposed. However, the termination procedures set forth in § 211.63(d)(1) have been modified somewhat from the proposal in light of a number of comments. In this regard, a supplier/purchaser relationship may be terminated by a producer as to lower tier crude oil, as well as upper tier and stripper well crude oils, if the present purchaser refuses, within a fifteen day period after written notice from the producer, to meet a bona fide written offer made by another purchaser to purchase such crude oil at a lawful price above the price paid by the present purchaser. These revisions are in response to comments that pointed out that this provision should apply to lower tier crude oil as well as upper tier and stripper well crude oils, that the bona fide third party offer should be in writing and that the present purchaser should receive written notice of such bona fide offer.

(Emergency Petroleum Allocation Act of 1973, as amended by Pub. L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185).

In consideration of the foregoing, Part 211, Chapter II of Title 10, Code of Federal Regulations, is hereby amended as set forth below, effective immediately.

Issued in Washington, D.C., June 11, 1976.

DAVID G. WILSON,
Acting General Counsel.

Section 211.63 is revised in its entirety to read as follows:

§ 211.63 Domestic crude oil supplier/purchaser relationships.

(a) *Scope.* This section provides for the allocation of crude oil produced in the United States other than crude oil which is the subject of (1) purchases and sales made to comply with § 211.65 of this subpart; (2) sales of crude oil made pursuant to Parts 225 and 225a, Chapter II of Title 30 of the Code of Federal Regulations; (3) the first sale of crude oil under 10 U.S.C. 7430 (b), as amended by § 201 of the Naval Petroleum Reserves Production Act of 1976; and (4) the first sale of any domestic crude oil produced and sold from a property from which domestic crude oil was not produced and sold prior to January 1, 1976.

(b) *General rule.* (1) All supplier/purchaser relationships in effect under contracts for sales, purchases and exchanges of domestic crude oil on January 1, 1976 shall remain in effect for the duration of this program; *Provided, however,* that any such supplier/purchaser relationship to which this section is applicable may be terminated as provided in paragraph (d) of this section.

(2) Once any first sale, purchase or exchange of domestic crude oil is made which is exempt from this rule pursuant to paragraph (a)(4) of this section, or once the sale, purchase or exchange of any domestic crude oil that has at any time been the subject of a supplier/purchaser relationship under paragraph (b)(1) of this section is made in accordance with this section to a firm that was not the purchaser thereof on January 1, 1976, or has not continued to purchase that crude oil without interruption since December 31, 1975, a supplier/purchaser relationship between the seller and purchaser shall be established thereafter under this section as though it had been in effect on January 1, 1976.

(3) The provisions of this paragraph (b) shall not (i) operate to validate any supplier/purchaser relationship in effect on January 1, 1976 where the purchaser of the domestic crude oil involved was not the lawful purchaser thereof under the provisions of this section as in effect at any time prior to February 12, 1976, or (ii) impair any purchaser's rights under this section as in effect prior to February 12, 1976, including a purchaser's right to continue to receive the volumes of domestic crude oil flowing to it on December 1, 1973 or such later date at which its supplier/purchaser relationship was established under this section as in effect prior to February 12, 1976.

(c) *Supply obligations and purchase rights.* (1) Obligations and rights incident to supplier/purchaser relationships under this section applicable to domestic crude oil production from a property (as defined in Part 212) in a given month shall not exceed the actual production of that property for the month.

(2) Where the volume of domestic crude oil produced by a property in a given month is below December 1975 levels, the supply obligations under this section for that production shall be reduced for that month as to each January 1, 1976 purchaser of that production on a pro-rata basis, based on the respective volumes purchased by each such purchaser in December 1975.

(3) Increased production of domestic crude oil from a property over December 1975 production levels shall be sold

proportionately to the same purchaser or purchasers that are entitled to purchase the December 1975 levels of domestic crude oil production of that property under this section.

(4) In the event that a property which produces crude oil subject to this section is transferred to a new owner, the obligation to supply the January 1, 1976 purchasers of that property's crude oil production shall attach to the new owner and new supplier/purchaser relationships subject to this section shall be established on that basis.

(5) In the event that a refinery to which crude oil subject to this section is supplied is transferred to a new owner, the right to purchase such crude oil shall for purposes of this section be transferred to the new owner of the refinery and a new supplier/purchaser relationship subject to this section shall be established on that basis.

(d) *Termination of supplier/purchaser relationships.* (1) Any supplier/purchaser relationship established under paragraph (b) of this section may be terminated as follows:

(i) At the option of the purchaser, as evidenced by its written consent thereto together with notice of the termination date given to the producer, provided all subsequent purchasers of the crude oil involved have consented to such termination in writing;

(ii) By a producer with respect to any crude oil produced from a stripper well lease (as defined in § 212.74 of Part 212 of this chapter), provided that the production from a stripper well lease is upon termination immediately sold or sold for resale to any small refiner and continuously thereafter supplied to that small refiner purchaser for processing by that small refiner; and

(iii) By a producer (as defined in Part 212 of this chapter), if the present purchaser as to any old, new or stripper well lease crude oil (as defined in §§ 212.72 and 212.74 of Part 212 of this chapter) refuses, within a fifteen day period after receipt of written notice as to that offer from the producer, to meet any bona fide written offer made by another purchaser to purchase such crude oil at a lawful price above the price paid by the present purchaser.

(iv) By a producer (as defined in Part 212 of this chapter) or reseller as to a reseller purchasing from it, *Provided, that*:

(A) At least forty-five days in advance of any termination under this clause (iv), the producer or reseller shall give to a reseller purchasing from it whose supplier/purchaser relationship is proposed to be terminated a written termination notice stating the date of termination, the source and estimated volume of crude oil involved (including the portion of that volume that is priced as lower tier crude oil under Part 212 of this chapter), and the name and address of the new reseller to which such crude oil is proposed to be sold;

(B) Any reseller that has received a termination notice from a producer or reseller as provided in subclause (A) of this clause, which proposed termination would effect a reduction in deliveries of crude oil to any refiner shall, within 15 days thereafter, provide a copy of that notice to any such refiner and advise the proposed new reseller as to the identity of the refiner or refiners to which copies of the termination notice were so provided;

(C) The refiners notified under subclause (B) above shall be those refiners that received, either directly or through exchanges, the crude oil involved in the termination, and, if the crude oil involved in the termination is commingled with other crude oil and cannot be traced directly to a particular refiner, all refiners receiving crude oil from the commingled inventory shall be so notified;

(D) The proposed new reseller of that crude oil shall obtain from the refiner or refiners that received a copy of the termination notice their written consent to the proposed supplier substitution, except as provided in subclause (F) below;

(E) Any consent of a refiner under subclause (D) above may be upon such terms and conditions as shall be agreed upon between the parties, provided such terms and conditions are consistent with the provisions of Parts 211 and 212 of this chapter;

(F) The consent of a refiner required under subclause (D) shall not be necessary to effect a termination if (I) the proposed new reseller offers to supply the crude oil involved in the proposed termination to that refiner and (II) the transportation and handling charges for that crude oil involved agreed to by the proposed new reseller with the refiner do not exceed the transportation and handling charges to the refiner for that crude oil of the reseller whose supplier/purchaser relationship is proposed to be terminated;

(G) If a refiner is unable to determine the exact amount of the transportation and handling charges attributable to the crude oil involved in the proposed termination so that the refiner may make a determination as to whether the transportation and handling charges of the proposed new reseller do not exceed the transportation and handling charges of the present reseller for the particular crude oil involved, the refiner shall within ten days request the amount of these charges from the reseller whose supplier/purchaser relationships is proposed to be terminated;

(H) Upon request of a refiner in accordance with subclause (G) above, any reseller whose supplier/purchaser relationship is proposed to be terminated as to crude oil supplied to that refiner shall supply within ten days to that refiner the amount of the transportation and handling charges of that reseller for the crude oil involved in the proposed termination; and

(I) The provisions of this clause (iv) shall not permit any refiner to terminate or consent to the termination of a crude oil supplier/purchaser relationship if the termination would result in that refiner, or any affiliated entity, becoming the new purchaser of the crude oil involved, whether directly or through exchange.

(2) Nothing in this paragrah (d) shall be construed as authorizing any firm to terminate a supplier/purchaser relationship in breach of a contract or agreement it may have with another firm.

[FR Doc.76-17535 Filed 6-11-76;4:33 pm]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 8866-o]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

The Great Atlantic & Pacific Tea Company, Inc., et al.

Subpart—Discriminating in price under Section 2, Clayton Act—Knowingly inducing or receiving discriminating price under 2(f): § 13.855 Inducing or receiving discriminations. Subpart—Discriminating in price under Section 5, Federal Trade Commission Act: § 13.870 Charges and prices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 2, 49 Stat. 1526; 15 U.S.C. 45, 13)

In the Matter of The Great Atlantic & Pacific Tea Company, Inc., a corporation, and Borden, Inc., a corporation.

Order requiring a New York City operator of a large chain of retail grocery stores, among other things to cease knowingly inducing, accepting or receiving net prices below that of its competitors in the purchase of milk and other dairy products.

The Final Order, including further order requiring report of compliance therewith, is as follows: [1]

FINAL ORDER

This matter having been heard by the Commission upon the appeal of The Great Atlantic & Pacific Tea Company, Inc. (hereinafter "A&P") from that portion of the initial decision dealing with Counts I and II, and upon the appeal of complaint counsel from that portion of the initial decision concerning Count III; and

The Commission having considered the oral arguments of counsel, their briefs, and the whole record; and

The Commission for reasons stated in the accompanying opinion, having granted the appeal of A&P concerning Count I but otherwise denying the appeals of A&P and complaint counsel; accordingly

It is ordered, That except to the extent that it is inconsistent with the Commission's opinion, the initial decision of the Administrative Law Judge be, and it hereby is, adopted together with the opinion accompanying this order as the Commission's final findings of fact and conclusions of law in this matter; and

It is further ordered, That the following order be, and it hereby is, entered:

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

ORDER

It is ordered, That A&P, a corporation, and its officers, representatives, agents, and employees, directly or through the use of any other device in connection with the offering to purchase or purchase of milk and other dairy products in commerce, as "commerce" is defined in the Robinson-Patman Act, for resale in outlets operated by A&P, do forthwith cease and desist from directly or indirectly inducing, receiving, or accepting from any seller a net price that A&P knows or has reason to know is below the net price at which said products of like grade and quality are being sold by such seller to other purchasers with whom A&P is competing—*Provided, however,* that this prohibition shall not apply if A&P did not know and had no reason to know that the price difference in its favor did not make due allowance for cost differences resulting from differing methods or quantities in which such products are sold or delivered to such purchasers, or if A&P can show that said price was granted to it by the supplier to meet a competitor's equally low price, which price A&P reasonably believed to be lawful. For the purpose of determining the "net price" under the terms of this order, there shall be taken into account all discounts and other terms and conditions of sale.

It is further ordered, That A&P shall forthwith distribute a copy of this order to its operating divisions and to its suppliers of milk and other dairy products.

It is further ordered, That A&P notify the Commission at least thirty days prior to any proposed change in A&P's structure, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation, which may affect compliance obligations arising under this order.

It is further ordered, That A&P shall, within sixty (60) days after the effective date of this order, file with the Commission a written report setting forth in detail the manner and form of its compliance with this order.

Opinion of the Commission by Commissioner Nye.

Not having participated in the oral argument in this matter, Chairman Collier did not participate in the resolution of it.

The Final Order was issued by the Commission, Apr. 29, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-17437 Filed 6-15-76;8:45 am]

[Docket C-2676]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

McCrory Corporation, et al.

For codification under Part 13 and final order see 40 FR 30477.

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

In the Matter of McCrory Corporation, a corporation, and its wholly-owned subsidiary, Lerner Stores Corporation, a corporation.

Order modifying an earlier order dated June 18, 1975, 40 FR 30477, 85 F.T.C. 1106, by changing Paragraph 2 of the order to permit language on billing statements sent to respondents' charge account customers whose accounts reflect credit balance, that respondents' store at a specified address may be contacted for a cash refund, or respondents will send a check in six months or less.

The Order Modifying Order to Cease and Desist is as follows: [1]

ORDER MODIFYING ORDER TO CEASE AND DESIST

On March 23, 1976, respondent Lerner Stores Corporation (Lerner) by a paper entitled Motion to Modify an Order Dated June 18, 1975, which will be treated as a petition to reopen this proceeding, has requested that Paragraph 2 of the order be modified to permit language on billing statements sent to Lerner charge account customers whose accounts reflect a credit balance that a Lerner store at a specified address may be contacted for a cash refund, or Lerner will send a check in six [or a smaller number of] months. The Bureau of Consumer Protection has filed an answer wherein it advises that it does not oppose Lerner's request.

Since the requested language accurately describes Lerner's obligation under the order, the Commission has determined that the request should be granted.

It is ordered, That the proceeding be, and it hereby is reopened.

It is ordered, That the Order to Cease and Desist be, and it hereby is, modified by substituting the following provision as the last full paragraph of Paragraph 2:

Such disclosure need not be made by any store in the event it is that store's policy to refund automatically and without request all credit balances regardless of amount. In such case, one of the following disclosures must be made:

For refund contact [our] [any] store or we will send check in 6 [or smaller number] months; or

For refund contact Lerner Shops at [address] or we will send a check in 6 [or smaller number] months or less.

The Order Modifying Order to Cease and Desist was issued by the Commission May 18, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-17495 Filed 6-15-76;8:45 am]

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

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 76N-0152]

PART 53—TOMATO PRODUCTS

Canned Tomatoes; Standards of Identity and Quality Amendments

The Food and Drug Administration (FDA) is revising the standards of identity and quality for canned tomatoes. Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin on August 16, 1976 and all products initially introduced into interstate commerce on or after January 1, 1978, shall fully comply; objections by July 16, 1976.

Based on the proposal published in the FEDERAL REGISTER of April 29, 1974 (39 FR 14971) to amend the standards of identity (21 CFR 53.40), quality (21 CFR 53.41), and fill of container (21 CFR 53.42), the standards are being amended to: (1) Establish requirements for stewed tomatoes, (2) provide for use of tomato juice as an optional packing medium and "whole and pieces" and "pieces" as optional styles, (3) require the label declarations of all optional ingredients, and (4) make other changes, which will adopt to the extent practicable the "Recommended International Standard for Canned Tomatoes" (the Codex standard), which had been submitted to the United States for consideration for acceptance by the Joint Food and Agriculture Organization/World Health Organization Codex Alimentarius Commission.

The final regulation on the standard of quality (§ 53.41) contains the requirements on and methods of determining drained weight found in the existing regulations. These provisions have been retained in order to preserve the status quo while the Commissioner is considering the proposed changes in the requirements on drained weight published in the FEDERAL REGISTER of November 7, 1975 (40 FR 52172). Under the proposed revisions in the standards for tomatoes published on April 29, 1974, the existing provisions on drained weight would have been transferred from the standard of quality (§ 53.41) to the fill of container standard (§ 53.42). In the November 7, 1975 proposal, the Commissioner considered the comments received on the drained weight requirements for tomatoes, as well as comments on drained weight requirements for a number of foods. As a result, the proposed regulations on drained weight for a number of foods, including, in the case of tomatoes, a revised proposal on the fill of container standard (§ 53.42). The Commissioner is not revising the existing fill of container standard for tomatoes while that proposed revision is under consideration. If the standard of quality for tomatoes were

issued as set forth in the April 29, 1974 proposal, however, without the existing drained weight requirements, it would result in a deletion of the drained weight requirements, a result which would not be in the consumer interest and a result not intended by the proposals to improve the existing requirements. Consequently, the Commissioner is retaining the existing drained weight provisions for tomatoes. If the November 7, 1975 proposed revisions are adopted, they will be incorporated in the fill of container standard (§ 53.42), and the drained weight provisions in the standard of quality (§ 53.41) will be deleted, with appropriate corrections in the cross-references in Part 53 to the method for determining drained weight.

Seven comments were received in response to the proposal: One from a food processor, one from a consumers' association, four from trade associations, and one from a federal agency. The comments were directed at particular provisions and did not support or oppose the proposal as a whole. The comments on the fill of container aspects of the proposal were considered in the November 7, 1975 proposal dealing with the declaration of drained weight for canned fruits and vegetables and are not repeated here. The other comments received and the Commissioner's conclusion are as follows:

1. One comment supported the proposal's requirements that stewed tomatoes include onion, pepper, and celery, but three comments opposed the inclusion of any provision on stewed tomatoes in the canned tomato standard. One of the comments pointed out that stewed tomatoes are not included in the present standard. It suggested that the inclusion of stewed tomatoes in the sandard is premature, since it is a type of food "only recently developed" and particularly subject to evolutionary changes. Another comment opposed the proposal on stewed tomatoes as unworkable. It suggested "that any attempt to develop standards for stewed tomatoes should be done as separate standards, not as part of the standards for canned tomatoes."

The Commissioner concludes that those comments that expressed opposition to the provision concerning stewed tomatoes or expressed the opinion that stewed tomatoes should be dealt with separately failed to furnish reasonable grounds to support their positions. The Commissioner does not agree that the standard for "stewed tomatoes" is premature since the product "stewed tomatoes" containing onions, peppers, and celery has been marketed in interstate commerce for over 20 years. The requirement that stewed tomatoes must contain at least onions, celery, and peppers is reasonable since these three vegetables are the ones generally used in the production of the stewed tomatoes found in today's marketplace. Processors are not prevented from evolving new product variations, since the requirement permits the processors to add their own combinations of spices, seasonings and/or additional natural vegetable ingredients to stewed tomatoes with appropriate labeling. The standard also permits seasoned or spiced products, not containing all the optional ingredients required in stewed tomatoes, to be sold as tomatoes with a statement of the characterizing ingredients.

Therefore, the Commissioner concludes that stewed tomatoes shall be retained in the canned tomato standard, and he has revised the provisions on stewed tomatoes to clarify that the three vegetable ingredients required to be in the product must be present in a characterizing amount. The incidental use of these three ingredients in tomato products will not necessitate the labeling of the product as stewed.

2. One of the comments that opposed including stewed tomatoes in the standard suggested that, if the Commissioner does not choose to delete stewed tomatoes from the canned tomato standard, he should modify the proposal to permit the use of liquid sweeteners in stewed tomatoes. Another comment expressed the opinion that the proposal was deficient because it did not provide for the use of liquid sweeteners. It noted that the moisture content of liquid sweeteners ranges from about 16 to 23 percent. The comment considered this an insignificant quantity in comparison to the 93 percent moisture contained in tomatoes and tomato juice. It asserted that freedom of choice in the selection of ingredients used in foods is desirable from the standpoint of both the consumer and manufacturer and suggested that suitable sweeteners be allowed in dry and liquid form to accomplish this result.

The Commissioner is of the opinion that freedom of choice in the use of ingredients is beneficial to both consumers and manufacturers and, in the more recently amended standards, he has provided for more flexibility in the use of safe and suitable ingredients. However, in this case, it has long been the policy of the FDA to consider sweeteners that contain water as inappropriate for use in products where water is not normally added as an ingredient, because the water in the sweetener would dilute the product.

Therefore, the Commissioner concludes that liquid sweeteners are not appropriate ingredients for use in canned or stewed tomatoes.

3. Several comments raised questions in regard to "dietetic" canned tomatoes. One comment asked if artificial sweeteners and salt substitutes were permitted by the standard. Another comment seemed to assume that the standard included provision for dietetic tomatoes.

The Commissioner advises that the proposal did not provide for use of artificial sweeteners or salt substitutes, and no such provision has been adopted in the final regulation. In any event, he points out that saccharin and its salts are food additives and may not be used in food except under the conditions of use set forth in § 121.4001 (21 CFR 121.4001), which restricts use to valid special dietary foods (i.e., foods specifically for calorie control) and to certain limited technological uses other than calories reduction, as specified in that regulation. In addition, if the food purports to be or is represented to be for special dietary use by reason of its use as a means of regulating the intake of sodium or salt (sodium chloride), the label shall bear a statement as specified in § 125.9 (21 CFR 125.9).

4. One comment opposed the provision in the proposal for use of organic acids on the ground that a proper thermal process for canned tomatoes can be accomplished by increasing the processing time and temperature. The comment further stated that the addition of organic acids usually requires the use of sweeteners to mask the acid taste, unnecessarily adding extra calories to the finished product.

The identity standard for canned tomatoes was amended in 1966 to provide for the optional use of edible organic acids and dry nutritive sweeteners. These ingredients are also provided for in the present Codex standard. Information furnished at the time the standard was amended in 1966 indicated that some processors had tried increasing the processing time for canned tomatoes to aid in preventing spoilage, but found that the longer processing resulted in the tomatoes breaking down in the can to the extent that they were unacceptable to the consumer who expected to find discrete identifiable shapes of tomato in the can. Based upon the information that was available, the Commissioner concluded at that time that the optional use of edible organic acids to assist in preventing spoilage and the addition of nutritive sweeteners in a quantity reasonably necessary to reduce the tartness resulting from such added acids were in the interest of consumers. No data were submitted nor is the Commissioner aware of any that indicate that this conclusion is incorrect. If such information is available, it should be submitted in the form of a petition proposing to amend the standard so as to afford opportunity for other interested persons to comment.

5. One comment stated that there was no apparent need to include the words "for more effective heat processing" in the paragraph of the proposal providing for the use of organic acids. The comment stated that neither the proposed Codex standard nor the existing standard of identity for canned tomatoes uses these words. It suggested that the provision should read as follows: "Organic acids for the purposes of acidification and/or flavoring." Another comment suggested that organic acids be permitted in canned tomatoes for flavoring purposes.

The Commissioner agrees that inclusion of the phrase "for more effective processing" in the paragraph providing for the use of organic acids is unnecessary and is inconsistent with the wording in the Codex standard and the existing standard of identity. The Commissioner has revised the language in the standard to delete the phrase. However,

information has not been furnishd that would provide the Commissioner a basis for concluding that organic acids are flavoring ingredients in canned tomatoes. Moreover, the standard presently permits the addition of any flavoring without specifying particular ones, and no amendment of the standard is necessary to permit the use of an organic acid as flavoring if it serves that function and is generally recognized as safe or permitted for use as a flavoring under a food additive regulation.

6. One comment opposed the use of starch, asserting that its use misleads the consumer as to the amount of tomato solids contained in the product. The comment also stated that if the Commissioner failed to delete starch from the list of ingredients permitted, he should at least require that the origin of the starch be declared on the label.

The Commissioner advises that the provision for the use of starch in canned tomatoes was proposed in order to be consistent with the Codex standard. However, the Commissioner is now of the opinion that its use may mislead consumers. Therefore, the Commissioner concludes that, since its use is not provided for in the existing canned tomato standard nor to his knowledge is it used by U.S. manufacturers of stewed tomatoes, the final regulation for canned tomatoes will not provide for the use of starch as an optional ingredient.

7. Another comment concerning the use of starch suggested that the starch provision, as worded, limits the use to starch in its natural form and does not allow for modified food starch although it is considered to be a proper food ingredient as indicated in § 121.1031 (21 CFR 121.1031). The comment requested that the language be changed so that modified food starch can be used.

The Commissioner concludes that, since the provision for the use of natural starches in canned tomatoes is being deleted, a language change to provide for modified food starch is inappropriate.

8. One comment suggested that the amount of calcium salts permitted for use as firming agents for the styles sliced, diced and wedges should be changed from 0.08 to 0.1 percent of the weight of the food as specified in the current standard.

The level of calcium salts proposed for use in these styles was revised to agree with levels recently adopted and proposed by Codex so as to eliminate an inconsistency between the standards. The Commissioner is of the opinion that the standards should be consistent wherever possible. However, if tomato processors find that the 0.08 percent level is inadequate to firm sufficiently the styles sliced, diced or wedges, the Commissioner will consider a petition to increase the calcium level for these styles.

9. One comment asked whether or not tomatoes cut into four approximately equal parts may be considered, labeled, and marketed as "quarters" or "quartered."

Since the Commissioner has not received a request to provide for "quarters" as an optional style of tomato, they are not included in the standard. Consequently, if such a product is manufactured, the label must declare the term "wedges."

10. One comment suggested that the limits for "natural vegetable ingredients such as onions, peppers, and celery" and for blemishes and peel be given in terms of either "total contents" or "net weight."

The limits for "natural vegetable ingredients," peel and blemishes were intended to be calculated based on the total contents of the container. In the case of the natural vegetable ingredients, the term "percent by weight of the finished food" as proposed by the Commissioner means percent by weight of the total contents of the container. In the case of peel and blemish the Commissioner agrees that, since stewed tomatoes are included in the standard, the term "canned tomatoes in the container" as used in proposed § 53.41(a)(2) and (3) is inappropriate. Consequently, to avoid confusion, he has revised the standard to read in terms "of the finished food."

11. One comment stated that by contrasting the requirements of § 53.40(e)(2)(ii) with those of § 1.12 (21 CFR 1.12), the proposal "has evidently introduced a new meaning for the word 'characterizes'." Proposed § 53.40(e)(2)(ii) requires that the name of the spice, seasoning, or vegetable ingredient that characterizes the food be declared as part of the name or in close proximity to the name. The comment asserted that spices, seasonings, or vegetables that are generally added to canned tomatoes are not designed to characterize the tomato flavor but to contribute additional essences. For this reason, the comment stated, only a listing in the ingredient statement of spices, seasonings, or vegetables used is necessary. It further stated that the requirement to declare the name of the spice is contrary to section 403(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(i)), which states that spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings without naming each. The comment expressed the opinion that the requirement to declare spices and seasonings as part of the product name is unnecessary since § 53.40(f) requires that they be declared in the ingredient statement.

The Commissioner does not agree that § 53.40 has introduced a new meaning for the term "characterizes." He points out that the purpose of this section is to enable the consumer to detect readily and easily whether the tomatoes being purchased have a significantly different taste or flavor from that normally found in tomatoes. However, it may be that some processors add spices and/or flavorings as presently permitted by the canned tomato standard in amounts that do not produce a change in the taste of the product. If this is the case, the presence of such spices and flavorings need only be declared in the ingredient statement. On the other hand, if enough of the ingredients are added to change the taste of the product to the extent of adding a new flavor and thus "characterize" the product as different from the usual taste of canned tomatoes, the consumer should be informed of this fact.

The Commissioner does not agree that the mere listing of these substances in the ingredient statement is sufficient to alert the consumer that a different taste or flavor is present, hence, he concludes that they should also be declared in conjunction with the name of the food; spices and flavors may be declared as such, but, as stated in § 1.12, vegetables such as onions, peppers, and celery are not considered as spices even when dried and must be declared by their common or usual names. Accordingly, the Commissioner concludes that § 53.40(e)(2)(ii) shall require declaration in conjunction with the name of the food in the same manner as is set forth in § 1.12.

On the other hand, the Commissioner concludes that since the word "stewed" as part of the name "stewed tomatoes" alerts consumers that the product contains certain natural vegetables, the presence of these ingredients in stewed tomatoes need not be declared as part of the name but only in the ingredient listing unless a manufacturer elects to do so.

12. Two comments disagreed with the Commissioner's position that the presence of mold in canned tomatoes should not be included as a factor in the quality standard. One comment simply requested the inclusion of this factor in the quality standards. The other comment suggested that mold is not a casual accompaniment of tomatoes but indicative of the processors deliberate decision as to the level of care to be taken in avoiding rotten and decomposed tomatoes in the product. It further suggested that the present "standards" are long overdue for modification since the allowance of 40 percent positive fields in the Howard Plate Count Method represents about 15 percent rotten and decomposed tomatoes in a batch. The comment maintained that processors are capable of significantly better quality control "and hopefully most far exceed the standard." It recommended that "revised mold standards should be incorporated into the standard of quality, notwithstanding the agency's power to seize excessively moldly products as adulterated."

The Commissioner concludes that it would not promote the consumer's interest to establish standards of quality for mold because products with excess mold content could then be marketed legally under section 403(h) of the Act (21 U.S.C. 343(h)) with labeling as a substandard product. Rather, he concludes that foods, found to contain mold counts in excess of the defect action level, shall remain subject to regulatory action as adulterated foods under section 402 of the Act (21 U.S.C. 342). In addition, it should be noted that poor manufacturing practices which violate section 402(a)(4) of the Act could result in

regulatory action, whether the product is above or below the defect action level. The current (March 1, 1974) defect action level referred to by the comment as being 40 percent positive fields in the Howard Plate Count Method is for the concentrated tomato products, i.e., tomato paste or puree and tomato sauce. The current defect action level for canned tomatoes, with or without added tomato juice, is 12 percent positive fields. Even so, the Commissioner is not averse is a change in the defect action level for mold in tomato products if data are furnished to show that the present action levels are higher than necessary in light of existing technology.

13. One comment suggested that filth standards or defect action levels be incorporated into the standard of quality.

As in the case of mold tolerances, the Commissioner concludes that foods containing filth in excess of defect action levels should remain subject to regulatory action under section 402 of the Act and that action levels for filth should not be incorporated in quality standards, thus permitting products exceeding such action levels to be marketed legally under labeling as a substandard product.

14. One comment suggested that a statement relative to the quality of the natural vegetable ingredients permitted should be included in the standard.

Although the Commissioner agrees with the intent of the comment, he concludes that a general statement in regard to the quality of natural vegetables would be unenforceable. However, as in the case of all ingredients permitted in food, the vegetables used must be clean, sound, and fit for food (§ 10.1(c) (21 CFR 10.1 (c))) and be of such quality that they are not considered adulterated under the provisions of section 402 of the Act.

15. One comment suggested that the Commissioner adopt the Codex quality factors for color and flavor.

The Codex standard states that the color of the drained tomatoes shall be normal and that they "shall have a normal flavour and odour free from flavours or odours foreign to the product." The Commissioner is of the opinion that words such as "normal" are too general and vague to be enforced effectively. The existing standard of identity sets forth a specific method for determining the color of tomatoes, and the Commissioner concludes that it should be retained. Foods with abnormal flavors are presently removed from the marketplace as adulterated foods under section 402 of the Act. Therefore, he concludes that it is unnecessary to adopt the Codex provision for abnormal flavor.

In addition to the revisions already indicated, the Commissioner has made some editorial changes to clarify the intent of the regulations.

The Commissioner has considered the environmental effects of the issuance or amendment of food standards and has concluded in 21 CFR 6.1(d)(4) that food standards are not major agency actions significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required for this action. The Commissioner has also considered the inflation impact of this regulation and no major inflation impact has been found, as defined in Executive Order 11821, OMB Circular A–107, and Guidelines issued by the Department of Health, Education, and Welfare. Therefore, no inflation impact statement is required. A copy of the inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

21 CFR Part 53 is amended by revising §§ 53.40 and 53.41 to read as follows:

§ 53.40 Canned tomatoes; identity; label statement of optional ingredients.

(a) *Description.* (1) Canned tomatoes is the food prepared from mature tomatoes conforming to the characteristics of the fruit *Lycopersicum esculentum* P. Mill, of red or reddish varieties. The tomatoes may or may not be peeled, but shall have had the stems and calicies removed and shall have been cored, except where the internal core is insignificant to texture and appearance.

(2) Canned tomatoes may contain one or more of the safe and suitable optional ingredients specified in paragraph (b) of this section, be packed without any added liquid or in one of the optional packing media specified in paragraph (c) of this section and be prepared in one of the styles specified in paragraph (d) of this section. Such food is sealed in a container and before or after sealing is so processed by heat as to prevent spoilage.

(b) *Optional ingredients.* One or more of the following safe and suitable ingredients may be used:

(1) Calcium salts in a quantity reasonably necessary to firm the tomatoes, but the amount of calcium in the finished canned tomatoes is not more than 0.045 percent of the weight, except that when the tomatoes are prepared in one of the styles specified in paragraph (d) (4) to (6) of this section the amount of calcium is not more than 0.08 percent of the weight of the food.

(2) Organic acids for the purpose of acidification.

(3) Dry nutritive carbohydrate sweeteners whenever any organic acid provided for in paragraph (b)(2) of this section is used, in a quantity reasonably necessary to compensate for the tartness resulting from such added acid.

(4) Salt.

(5) Spices, spice oils.

(6) Flavoring and seasoning.

(7) Natural vegetable ingredients such as onion, peppers, and celery in a quantity not more than 10 percent by weight of the finished food.

(c) *Packing media.* (1) The liquid draining from the tomatoes during or after peeling or coring.

(2) The liquid strained from the residue from preparing tomatoes for canning consisting of peels and cores with or without tomatoes or pieces thereof.

(3) The liquid strained from mature tomatoes.

(4) Tomato juice, tomato puree or tomato pulp or tomato paste complying with the compositional requirements of §§ 53.1, 53.20, and 53.30.

(d) *Styles.* (1) Whole.

(2) Whole and pieces.

(3) Pieces.

(4) Diced.

(5) Sliced.

(6) Wedges.

(e) *Name of the food.* (1) The name of the food is "tomatoes", except that when the tomatoes are not peeled the name is "unpeeled tomatoes".

(2) The following shall be included as part of the name or in close proximity to the name of the food:

(i) A declaration of any flavoring that characterizes the product as specified in § 1.12 of this chapter.

(ii) A declaration of any added spice, seasoning, or natural vegetable ingredient that characterizes the product, (e.g., "with added_____" or, "with_____" the blank to be filled in with the word(s) "spice(s)," "seasoning(s)," or the name (s) of the vegetable(s) used or in lieu of the word(s) "spice(s)" or "seasoning (s)," the common or usual name(s) of the spice(s) or seasoning(s) used) except that no declaration of the presence of onion, peppers, and celery is required for stewed tomatoes.

(iii) The word "stewed" if the tomatoes contain characterizing amounts of at least the three optional vegetables listed in paragraph (b)(7) of this section.

(iv) The styles: "whole and pieces", "pieces", "diced", "sliced", or "wedges", as appropriate.

(v) The name of the packing medium: "tomato paste", "tomato puree", or "tomato pulp" as provided in paragraph (c)(4) of this section, or "strained residual tomato material from preparation for canning" as provided for in paragraph (c)(2) of this section, as appropriate. The name of the packing medium shall be preceded by the word "with".

(3) The following may be included as part of the name or in close proximity to the name:

(i) The word "whole" if the tomato ingredient present is whole or almost whole and the drained weight as determined in accordance with the method prescribed in § 53.41(b) is not less than 80 percent of the finished food.

(ii) The words "solid pack" when none of the optional packing media specified in paragraph (c) of this section are used.

(iii) The words "in tomato juice" if the packing medium specified in paragraph (c)(4) of this section is used.

(f) *Label declaration of optional ingredients.* The name of each optional ingredient used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

§ 53.41 Canned tomatoes; quality; label statement of substandard quality.

(a) The standard of quality for canned tomatoes is as follows:

(1) The drained weight, as determined by the method prescribed in paragraph (b)(1) of this section, is not less than 50 percent of the weight of water required to fill the container, as determined by the general method for water capacity of containers prescribed in § 10.6(a) of this chapter;

(2) The strength and redness of color as determined by the method prescribed in paragraph (b) of this section, are not less than that of the blended color of any combination of the color discs described in such method in which one-third the area of disc 1, and not more than one-third the area of disc 2, is exposed;

(3) Peel per kilogram (2.2 pounds) of the finished food covers an area of not more than 15 cm^2 (2.3 square inches) (6.8 cm^2 (1.06 square inch) per pound) on average of all containers examined provided, however, the area of peel is not a factor of quality for canned unpeeled tomatoes labeled in accordance with § 53.40(e)(1); and

(4) Blemishes per kilogram (2.2 pounds) of the finished food cover an area of not more than 3.5 cm^2 (0.54 square inch) (1.6 cm^2 (025 square inch) per pound) based on an average of all containers examined.

(b) Canned tomatoes shall be tested by the following method to determine whether or not they meet the requirements of paragraph (a) (1) and (2) of this section:

(1) Remove lid from container, but in the case of a container with lid attached by double seam, do not remove or alter the height of the double seam. Tilt the opened container so as to distribute the contents over the meshes of a circular sieve which has previously been weighed The diameter of the sieve used is 20.3 centimeters (8 inches) if the quantity of the contents of the container is less than 1.4 kilograms (3 pounds) or 30.5 centimeters (12 inches) if such quantity is 1.4 kilograms (3 pounds) or more. The meshes of such sieve are made by so weaving wire of 1.4 mm (0.054-inch) diameter as to form square openings 11.3 mm by 11.3 mm (0.446 inch by 0.446 inch). Without shifting the tomatoes, so incline the sieve as to facilitate drainage of the liquid. Two minutes from the time drainage begins, weigh the sieve and drained tomatoes. The weight so found, less the weight of the sieve, shall be considered to be the drained weight.

(2) Remove from the sieve the drained tomatoes, cut out and segregate successively those portions of least redness until 50 percent of the drained weight has been so segregated. Comminute the segregated portions to a uniform mixture without removing or breaking the seeds. Fill the mixture into a black container to a depth of at least 25.4 mm (1 inch). Free the mixture from air bubbles, and skim off or press below the surface all visible seeds. Compare the color of the mixture, in full diffused daylight or its equivalent, with the blended color of combinations of the following concentric Munsell color discs of equal diameter, or the color equivalent of such discs:

(i) Red—Munsell 5 R 2.6/13 (glossy finish).

(ii) Yellow—Munsell 2.5 YR 5/12 (glossy finish).

(iii) Black—Munsell N 1/ (glossy finish).

(iv) Grey—Munsell N 4 (mat finish).

(c) *Sampling and acceptance procedure.* A lot is to be considered acceptable when the number of "defectives" does not exceed the acceptance number in the sampling plans given in paragraph (c)(2) of this section.

(1) Definitions of terms to be used in the sampling plans in paragraph (c)(2) of this section are as follows:

(i) *Lot.* A collection of primary containers or units of the same size, type, and style manufactured or packed under similar conditions and handled as a single unit of trade.

(ii) *Lot size.* The number of primary containers or units in the lot.

(iii) *Sample size (n).* The total number of sample units drawn for examination from a lot.

(iv) *Sample unit.* A container, the entire contents of a container, a portion of the contents of a container, or a composite mixture of product from small containers that is sufficient for examination or testing as a single unit.

(v) *Defective.* Any sample unit shall be regarded as defective when the sample unit does not meet the criteria set forth in the standards.

(vi) *Acceptance number (c).* The maximum number of defective sample units permitted in the sample in order to consider the lot as meeting the specified requirements.

(vii) *Acceptable quality level (AQL).* The maximum percent of defective sample units permitted in a lot that will be accepted approximately 95 percent of the time.

(2) Sampling plans and acceptance procedure:

Acceptable Quality level 6.5

Lot size (primary containers)	Size of container	
	Net weight equal to or less than 1 kilogram (2.2 pounds)	
	n[1]	c[2]
4,800 or less	13	2
4,801 to 24,000	21	3
24,001 to 48,000	29	4
48,001 to 84,000	48	6
84,001 to 144,000	84	9
144,001 to 240,000	126	13
over 240,000	200	19
	Net weight greater than 1 kilogram (2.2 pounds) but not more than 4.5 kilograms (10 pounds)	
	n[1]	c[2]
2,400 or less	13	2
2,401 to 15,000	21	3
15,001 to 24,000	29	4
24,001 to 42,000	48	6
42,001 to 72,000	84	9
72,001 to 120,000	126	13
over 120,000	200	19
	Net weight greater than 4.5 kilograms (10 pounds)	
	n[1]	c[2]
600 or less	13	2
601 to 2,000	21	3
2,001 to 7,200	29	4
7,201 to 15,000	48	6
15,001 to 24,000	84	9
24,001 to 42,000	126	13
over 42,000	200	19

[1] n=Number of primary containers in sample.
[2] c=Acceptance number.

(d) If the quality of canned tomatoes falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.7(a) of this chapter in the manner and form therein specified; if, however, the quality of canned tomatoes falls below standard with respect to only one of the factors of quality specified by paragraph (a) (1) to (3) of this section, there may be substituted for the second line of such general statement of substandard quality ("Good Food—Not High Grade") a new line, appropriate for the corresponding subparagraph designation of paragraph (a) of this section which the canned tomatoes fail to meet, to read as follows: (1) "Poor color" or (2) "Excessive peel" or (3) "Excessive blemishes".

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 16, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objec-

tions may be seen in the above office during working hours, Monday through Friday.

Effective date. Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin August 16, 1976 and all products initially introduced into interstate commerce on or after January 1, 1978, shall fully comply. Notice of the filing of objections or lack thereof will be published in the FEDERAL REGISTER.

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371 (a)).)

Dated: June 9, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-17494 Filed 6-15-76;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Oxytocin Injection

The Food and Drug Administration has evaluated a new animal drug application (99-169V) filed by Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph, MO 64502, proposing safe and effective use of oxytocin injection for horses, cows, swine, sheep, dogs, and cats as a uterine contractor to precipitate and accelerate normal parturition and postpartum evacuation of uterine debris, to facilitate involution and resistance to large inflow of blood following cesarean section, and to contract smooth muscle cells of the mammary gland for milk letdown if the udder is in proper physiological state. The application is approved June 16, 1976.

The Commissioner of Food and Drugs is amending Part 522 (21 CFR Part 522) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner (21 CFR 5.1) recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262), § 522.1680 is amended by revising paragraph (b), to insert numerically sponsor number 000010, to read as follows:

§ 522.1680 Oxytocin injection.

* * * * *

(b) *Sponsors.* See Nos. 000010, 000845, 000856, 010469, 011811, 012481, and 032420 in § 510.600(c) of this chapter.

* * * * *

Effective date. This regulation shall be effective June 16, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b (i)).)

Dated: June 9, 1976.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.76-17492 Filed 6-15-76;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 630—PRECONSTRUCTION PROCEDURES EMERGENCY FUNDS PROCEDURES

Correction

In FR Doc 76-16304 appearing on page 22813 in the FEDERAL REGISTER for June 7, 1976 on page 22814 in the left hand column, in § 630.513(d), the sentence which reads as follows: "(d) Permanent restoration work shall * * *" should be corrected by adding the word "not" after the word "shall".

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

PART 712—THE ACQUISITION FUNCTION

General Provisions and Procedures; Right-of-Way Revolving Fund

● *Purpose.* The purpose of this document is to amend Federal Highway Administration (FHWA) regulations to reflect certain changes in existing law made by the Federal-Aid Highway Act of 1976. ●

Sections 115(b) and 115(c), respectively, of said Highway Act, amend 23 U.S.C. 108(a) and 108(c) to provide that the 10-year period within which highway construction must commence after a State acquires right-of-way under 108(a) or 108(c), may be extended if a longer period is determined to be reasonable by the Secretary.

The notice and public rulemaking procedure requirements contained in 5 U.S.C. 553 are omitted as unnecessary because the matter of this regulation relates to grants, benefits, and contracts and is, therefore, exempt from such requirements.

The Federal Highway Administration hereby amends title 23, Code of Federal Regulations, Chapter I, Part 712, Subpart B published in the FEDERAL REGISTER on August 16, 1974 (39 FR 29591) and Subpart G published on July 19, 1974 (39 FR 26421) with sections redesignated on August 9, 1974 (39 FR 28629), as follows:

1. Part 712—The Acquisition Function; Subpart B—General Provisions and Procedures—By revising § 712.204(g)(3) to read as follows:

§ 712.204 Project procedures.

* * * * *

(g) * * *

(3) Project agreements covering acquisition of right-of-way shall, pursuant to 23 U.S.C. 108(a), contain a clause providing for the refund of any payments made by the FHWA in the event that actual construction of a road on such rights-of-way is not undertaken by the close of the 10th fiscal year following the fiscal year in which the agreement was executed. Pursuant to a State's written request, FHWA may approve a longer period which is determined to be reasonable. The SHD will be considered in compliance with the statutory requirements where, before the expiration of the approved period, it has taken all of the following actions:

(i) Awarded a contract for construction of a reasonable section of the highway covered by the agreement,

(ii) Proceeded with sufficient actual work to give visual evidence thereof at the construction site, and

(iii) Provided evidence of good faith to proceed without delay to complete construction of the highway upon the entire length of right-of-way covered by such project agreement.

2. Part 712—The Acquisition Function; Subpart G—Right-of-Way Revolving Fund—By revising § 712.702(d) to read as follows:

§ 712.702 Policies.

* * * * *

(d) Actual construction of a highway on rights-of-way, with respect to which revolving funds are advanced, shall be commenced within a period of not less than 2 years nor more than 10 years following the end of the fiscal year in which the advance of funds is made to the right-of-way project, unless FHWA in its discretion shall provide an earlier or later termination date.

Effective date: June 16, 1976.

Issued on: June 8, 1976.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.76-17497 Filed 6-15-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-880]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Cupertino, California

On February 13, 1976, in 41 FR 6727, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Cupertino, California. Map No. H 060339B 01 indicates that the following property in the City of Cupertino, California, is in its entirety within the Special Flood Hazard Area:

Lots 3, 4, and 7, Tract No. 2722, Rivercrest, as recorded in Map Book 119, Page 32; Lots 13 and 14, Tract No. 1960, Corte Madera Highlands, as recorded in Map Book 91, Pages 50 and 51; Lots 18, 19, 36, 37, 41, 43 through 50, 54, 55, 58, and 59, Tract No. 3442, Oakdell

Ranch, as recorded in Map Book 165, Pages 30 and 31; and Lots 78, 79, 85, and 88, Tract No. 3628, Oakdell Ranch Unit No. 2, as recorded in Map Book 177, Page 31, in the office of the Recorder of Santa Clara County, California.

It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structures on the above mentioned property are not within the Special Flood Hazard Area. Accordingly, Map No. H 060339B 01 is hereby corrected to reflect that the existing structures on the above property are not within the Special Flood Hazard Area identified on February 15, 1974 and January 16, 1976.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: May 21, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–17499 Filed 6–15–76;8:45 am]

[Docket No. FI–326]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Town of Branford, Connecticut

On August 7, 1974, in 39 FR 28424, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the Town of Branford, Connecticut. Map No. H 090073 10 indicates that Lot 3A, Proffitt Lots, Branford, Connecticut, as recorded on Map No. 1237, on file in the office of the Town Clerk of Branford, Connecticut, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that structures 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 through 27, 29 through 42, 44, 46, 48, and 50, as shown on the Final "As Built" Map "Castle Rock", prepared by Gordon Bilides, P. E., on January 23, 1976, of the above mentioned property are not within the Special Flood Hazard Area. Accordingly, Map No. H 090073 10 is hereby corrected to reflect that these structures on the above property are not within the Special Flood Hazard Area identified on July 26, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: May 21, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–17500 Filed 6–15–76;8:45 am]

[Docket No. FI–893]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Village of Downers Grove, Illinois

On March 19, 1976, in 41 FR 11486, the Federal Insurance Administrator published a list of communities with special hazard areas which included the Village of Downers Grove, Illinois. Map No. H 170204A 06 indicates that Lot 42, Harmarc Estates, Unit No. 2—Downers Grove, Illinois, recorded as Document No. R 75–71882 in the office of the Recorder of DuPage County, Illinois, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above property is not within the Special Flood Hazard Area. Accordingly, Map No. H 170204A 06 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on March 15, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: May 21, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–17501 Filed 6–15–76;8:45 am]

[Docket No. FI–270]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Indianapolis, Indiana

On May 17, 1974, in 39 FR 17518, the Federal Insurance Administrator published a list of communities with special hazard areas which included the City of Indianapolis, Indiana. Map No. H 180159 49 indicates that Lots 87 and 88, Spring Valley Subdivision, Section Four, Indianapolis, Indiana, recorded as Instrument No. 75–59826 in the office of the Recorder of Marion County, Indiana, are located within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, Map No. H 180159 49 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on May 17, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: May 24, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–17502 Filed 6–15–76;8:45 am]

[Docket No. FI–209]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Town of Yarmouth, Maine

On March 1, 1974, in 39 FR 7935, the Federal Insurance Administrator published a list of communities with special hazard areas which included the Town of Yarmouth, Maine. Map No. H 230055 03 indicates that Lot 23, Yarmouth, Maine, as recorded in Book 3115, Page 448, Partial Y14–23 in the office of the Register of Deeds of Cumberland County, Maine is within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above property is not within the Special Hazard Area. Accordingly Map No. H 230055 03 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on March 1, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: May 24, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–17503 Filed 6–15–76;8:45 am]

[Docket No. FI–410]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Anne Arundel County, Maryland

On November 29, 1974, in 39 FR 41504, the Federal Insurance Administrator

published a list of communities with special hazard areas which included Anne Arundel County, Maryland. Map No. H 2040008 44 indicates that Lot 5, Cape Arthur Subdivision, being 10 Beach Road, Anne Arundel County, Maryland, recorded as Plat No. 999 in Book 22, Folio 11 in the office of the Clerk of the Circuit Court of Anne Arundel County, Maryland, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above property is not within the Special Flood Hazard Area. Accordingly, Map No. H 240008 44 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on November 15, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: May 21, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–17504 Filed 6–15–76;8:45 am]

[Docket No. FI–326]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Charter Township of Delhi, Michigan

On August 7, 1974, in 39 FR 28427, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the Charter Township of Delhi, Michigan. Map No. H 260088 02 indicates that Lot 2, Beaufort Estates, Delhi Charter, Michigan, as recorded in Liber 26, Page 38, in the office of the Register of Deeds of Ingham County, Michigan, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 260088 02 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on July 26, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–17505 Filed 6–15–76;8:45 am]

[Docket No. FI–2131]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Township of Pequannock, New Jersey

On May 21, 1971, in 36 FR 9247, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the Township of Pequannock, New Jersey. Map No. H 345311 02 indicates that Lots 6 and 7, Turnpike Manor, Pequannock, New Jersey, as recorded on Map No. 1988–G, on file in the office of the Clerk of Morris County, New Jersey, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structures on the above mentioned property are within Zone B, and are not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H 345311 02 is hereby corrected to reflect that the structures on the above property are not within the Special Flood Hazard Area identified on May 21, 1971.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: May 24, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–17506 Filed 6–15–76;8:45 am]

[Docket No. FI–277]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Whitewater, Wisconsin

On January 9, 1974, in 39 FR 1437, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Whitewater, Wisconsin. Map No. H 550200 01 indicates that property on Fremont Street in Whitewater, Wisconsin, as recorded in Volume 150, Page 377, in the office of the Register of Deeds of Walworth County, Wisconsin, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the most westerly existing structure on the above mentioned property as shown on the U.S. Corps of Engineers Flood Hazard Investigation Map of Spring Brook and Whitewater Creek, City of Whitewater, Wisconsin, July 1975, Plate 2, is not within the Special Flood Hazard Area. Accordingly, Map No. H 550200 01 is hereby corrected to reflect that the above mentioned structure on the above property is not within the Special Flood Hazard Area identified on December 28, 1973.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: May 21, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–17507 Filed 6–15–76;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 4—PROCEDURE GOVERNING APPLICATION FOR CERTIFICATES OF EXEMPTION

PART 4a—PROCEDURES GOVERNING APPLICATIONS FOR CERTIFICATES OF EXEMPTION UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

United States Board of Parole; Change of Title

Pursuant to 18 U.S.C. 4203(a)(1), 28 CFR Chapter I is amended as follows:

Wherever the title "Board" or "United States Board of Parole" appears in the chapter, it is changed to read "Commission" or "United States Parole Commission" respectively. In addition wherever the phrase "member of the Board" appears in the chapter, it is changed to read "Commissioner".

Pub. L. 94–233, the Parole Commission and Reorganization Act, established the new United States Parole Commission, and abolished the United States Board of Parole. All functions, powers and duties formerly given the Board have been transferred by this legislation to the Commission.

This amendment is entirely administrative in nature and therefore not subject to the public rulemaking process. This amendment will become effective on June 24, 1976.

Dated: June 10, 1976.

CURTIS C. CRAWFORD,
Vice Chairman,
United States Parole Commission.

[FR Doc.76–17440 Filed 6–15–76;8:45 am]

Title 33—Navigation and Navigable Water

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 207—NAVIGATION REGULATIONS

Glen Canyon Dam, Arizona

Pursuant to section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) 33 CFR, § 207.644 governing the use and navigation of that portion of Lake Powell extending 1,500 feet above the axis of the Glen Canyon Dam and that portion of the Colorado River extending 2,500 feet below the dam, is hereby revoked.

According to the National Park Service and the Bureau of Reclamation the restricted area established under 33 CFR 207.644 is no longer required. Authority to regulate use within the channels leading to the spillway gates on the upstream side of the Glen Canyon Dam and as necessary for public safety below the dam is contained in 36 CFR 3.14(f) and 3.15 (b) and (c). Accordingly, since this revocation serves to eliminate duplicate controls affecting the waters of the Glen Canyon Dam notice of proposed rulemaking and public procedures thereto are considered unnecessary.

§ 207.644 [Revoked]

Section 207.644 is hereby revoked.

[Regs., April 29, 1976] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

Dated: April 29, 1976.

By authority of the Secretary of the Army.

R. W. HAMPTON,
Colonel, U.S. Army, Director, Administrative Management, TAGCEN.

[FR Doc.76-17486 Filed 6-15-76;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 200—ORGANIZATION, FUNCTIONS, AND PROCEDURES

Organizational Changes and Corrections

Subpart A of Part 200, Title 36, Code of Federal Regulations, is revised to reflect six consolidations of Forest Supervisor headquarters, several corrections, and general updating.

Subpart A—Organization

Sec.
200.1 Central Organization.
200.2 Field Organization.

AUTHORITY: 81 Stat. 54 (5 U.S.C. 552).

Subpart A—Organization

§ 200.1 Central organization.

(a) *Central office.* The national office of the Forest Service is in Washington, D.C., in the South Agriculture Building. It consists of the Office of the Chief and Associate Chief, and a Deputy Chief for each of the following five activities: Programs and Legislation, National Forest System, Research, State and Private Forestry, and Administration. All communications should be addressed to the Forest Service, Department of Agriculture, 12th Street and Independence Avenue, S.W., Washington, D.C. 20250.

(b) *Chief of the Forest Service.* The Chief of the Forest Service, under the direction of the Secretary of Agriculture, administers the formulation, direction, and execution of Forest Service policies, programs, and activities.

(c) *Deputy Chiefs.* The major activities of the Forest Service at the headquarters level are divided into five Deputy Chief areas with each further divided into staff units. The programs and functions of staff units are directed by staff directors and may be subdivided into groups headed by group leaders. A description of the major activities of each Deputy Chief follows:

(1) *Programs and legislation.* Overall planning of Forest Service programs, policy formulation and analysis, budgeting, legislative development, reporting and liaison, and environmental coordination.

(2) *National Forest System.* Administration of National Forest System lands and management of natural resources within the principle of multiple use and sustained yield. Management includes planning, coordinating, and directing the national resource programs of timber, range, wildlife, recreation, watershed, and mineral areas; and support activities of fire, engineering, lands, aviation, and computer systems. The National Forest System includes:

154 Proclaimed or designated National Forests
19 National Grasslands
30 Purchase Units
16 Land Utilization Projects
25 Research and Experimental Areas
33 Other Areas

(The first four classifications listed above are administered as 121 Forest Service Administrative Units, each headed by a Forest Supervisor.) National Recreation Areas, National Forest Wildernesses, and Primitive Areas are included in the above land classifications.

(3) *Research.* Plan, coordinate, and direct research programs to learn how man can best use and protect the plant, animal, soil, water, and esthetic resources of nonagricultural rural and exurban lands for his well-being and enjoyment. These programs include research on timber management, forest products and engineering, forest economics and marketing, watersheds, wildlife and fish habitat, range, recreation and other environmental concerns, forest insects and disease, forest fire and atmospheric science. Plans and directs international forestry activities and disseminates forestry research information throughout the world.

(4) *State and private forestry.* Coordinate and provide leadership for intergovernmental resource programs for technical and financial assistance to improve and protect State and privately-owned forest resources and urban and community forestry. Carries out this action through cooperative forestry, area planning and development, cooperative fire protection, forest insect and disease management, cooperative tree planting, and overall Forest Service participation in rural development and environmental concern, including civil defense and other emergency activities.

(5) *Administration.* Provide support for Forest Service programs through management improvement, fiscal and accounting, administrative services, personnel management, manpower and youth conservation, antipoverty programs, communication and electronics, internal review system, external audits, coordination of civil rights activities, public information, and Service-wide management of systems and computer applications.

§ 200.2 Field organization.

The field organization of the Forest Service consists of regions, stations, and areas as described below:

(a) *Regions of the National Forest System.* For the purpose of managing the lands administered by the Forest Service, the United States is divided into nine geographic regions of the National Forest System. Each region has a headquarters office and is supervised by a Regional Forester who is responsible to the Chief for the activities assigned to his region. Within each region are located national forests and other lands of the Forest Service.

(1) *National forests.* Each forest has a headquarters office and is supervised by a Forest Supervisor who is responsible to the Regional Forester. Each forest is divided into ranger districts.

(2) *Ranger districts.* Each district may include a portion of a national forest, a national grassland or portion thereof, a national recreation area, a wilderness or primitive area, and other lands administered by the Forest Service. Each district has a headquarters office and is supervised by a District Ranger (or Area Ranger in some cases) who is responsible to the Forest Supervisor.

(b) *Experiment stations for forest and range research.* To facilitate forestry research in the field, the United States is divided into eight geographic regions referred to as experiment stations. Each station has a headquarters office and a Director who is responsible to the Chief for all research activities assigned to his station. The Forest Products Laboratory and Institute of Tropical Forestry are additional research organizations headed by Directors. Each experiment station has research project locations and laboratories dispersed within the geographic boundaries of experiment stations.

(1) *Laboratories.* Research activities are in 82 locations, including 48 modern research laboratories.

(2) *Field facilities.* Within experiment stations there are 96 experimental forests and ranges and 120 research natural areas.

(c) *Areas for State and private forestry cooperation.* Field-level cooperation between the Forest Service, States, and the private sector on forestry activities is accomplished within two geographic

areas in the Eastern United States, and within the national forest regions in the Western United States. Each of the two Eastern areas has a headquarters office and is supervised by an Area Director, who is responsible to the Chief for the activities assigned to his Area. Regional Foresters in Western Regions 1 through 6 and Region 10 are responsible for State and private forestry activities within their regions.

(d) *Field addresses.* The addresses of Regional Foresters, Station Directors, and Area Directors are given below. Under each Regional Office address is a list of National Forests by States with locations of Forest Supervisor headquarters. Headquarters locations for Ranger Districts, National Grasslands, and National Recreation Areas are not listed but may be obtained from Forest Supervisors.

National forests by region

State in which forest is located	National forest	Headquarters of supervisor
Region 1, Northern Region (Regional Forester, Federal Bldg., Missoula, Mont. 59801):		
Idaho	Clearwater	Orofino.
	Idaho Panhandle National Forests (Kaniksu-Coeur 'dAlene-St. Joe.	Coeur d'Alene.
	Nezperce	Grangeville.
Montana	Beaverhead	Dillon.
	Bitterroot	Hamilton.
	Custer	Billings.
	Deerlodge	Butte.
	Flathead	Kalispell.
	Gallatin	Bozeman.
	Helena	Helena.
	Kootenai	Libby.
	Lewis and Clark	Great Falls.
	Lolo	Missoula.
Region 2, Rocky Mountain Region (Regional Forester, 11177 West 8th St., Lakewood, Colo. 80225):		
Colorado	Arapaho-Roosevelt	Fort Collins.
	Grand Mesa-Uncompahgre and Gunnison	Delta.
	Pike-San Isabel	Pueblo.
	Rio Grande	Monte Vista.
	Routt	Steamboat Springs.
	San Juan	Durango.
	White River	Glenwood Springs.
Nebraska	Nebraska (Samuel R. McKelvie)	Chadron.
South Dakota	Black Hills	Custer.
Wyoming	Bighorn	Sheridan.
	Medicine Bow	Laramie.
	Shoshone	Cody.
Region 3, Southwestern Region (Regional Forester, Federal Bldg., 517 Gold Ave. SW., Albuquerque, N. Mex. 87102):		
Arizona	Apache-Sitgreaves	Springerville.
	Coconino	Flagstaff.
	Coronado	Tucson.
	Kaibab	Williams.
	Prescott	Prescott.
	Tonto	Phoenix.
New Mexico	Carson	Taos.
	Cibola	Albuquerque.
	Gila	Silver City.
	Lincoln	Alamogorde.
	Santa Fe	Santa Fe.
Region 4, Intermountain Region (Regional Forester, 324 25th St., Ogden, Utah 84401):		
Idaho	Boise	Boise.
	Caribou (Cache-Idaho portion)	Pocatello.
	Challis	Challis.
	Payette	McCall.
	Salmon	Salmon.
	Sawtooth	Twin Falls.
	Targhee	St. Anthony.
Nevada	Humboldt	Elko.
	Toiyabe	Reno.
Utah	Ashley	Vernal.
	Dixie	Cedar City.
	Fishlake	Richfield.
	Manti-La Sal	Price.
	Uinta	Provo.
	Wasatch (Cache-Utah portion)	Salt Lake City.
Wyoming	Bridger-Teton	Jackson.
Region 5, California Region (Regional Forester, 630 Sansome St., San Francisco, Calif. 94111):		
California	Angeles	Pasadena.
	Cleveland	San Diego.
	Eldorado	Placerville.
	Inyo	Bishop.
	Klamath	Yreka.
	Lassen	Susanville.
	Los Padres	Goleta.
	Mendocino	Willows.
	Modoc	Alturas.
	Plumas	Quincy.
	San Bernardino	San Bernardino.
	Sequoia	Porterville.
	Shasta-Trinity	Redding.
	Sierra	Fresno.
	Six Rivers	Eureka.
	Stanislaus (Calaveras Bigtree)	Sonora.
	Tahoe	Nevada City.

National forests by region—Continued

State in which forest is located	National forest	Headquarters of supervisor
Region 6, Pacific Northwest Region (Regional Forester, 319 Southwest Pine St., P.O. Box 3623, Portland, Oreg. 97208):		
Oregon	Deschutes	Bend.
	Fremont	Lakeview.
	Malheur	John Day.
	Mount Hood	Portland.
	Ochoco	Prineville.
	Rogue River	Medford.
	Siskiyou	Grants Pass.
	Siuslaw	Corvallis.
	Umatilla	Pendleton.
	Umpqua	Roseburg.
	Wallowa-Whitman	Baker.
	Willamette	Eugene.
	Winema	Klamath Falls.
Washington	Colville	Colville.
	Gifford Pinchot	Vancouver.
	Mount-Baker-Snoqualmie	Seattle.
	Okanogan	Okanogan.
	Olympic	Olympia.
	Wenatchee	Wenatchee.
Region 8, Southern Region (Regional Forester, 1720 Peachtree Rd. NW., Atlanta, Ga. 30309):		
Alabama	National forests in Alabama (William B. Bankhead, Conecuh, Talladega, Tuskegee).	Montgomery.
Arkansas	Ouachita	Hot Springs.
	Ozark-St. Francis	Russellville.
Florida	National forests in Florida (Apalachicola, Ocala, Osceola).	Tallahassee.
Georgia	Chattahoochee-Oconee	Gainesville.
Kentucky	Daniel Boone	Winchester.
Louisiana	Kisatchie	Prineville.
Mississippi	National Forests in Mississippi (Bienville, Delta, De Soto, Holly Springs, Homochitto, Tombigbee).	Jackson.
North Carolina	National forests in North Carolina (Croatan, Nantahala, Pisgah, Uwharrie).	Asheville.
Puerto Rico	Caribbean	Rio Piedras, P.R.
South Carolina	Francis Marion and Sumter	Columbia.
Tennessee	Cherokee	Cleveland.
Texas	National forests in Texas (Angelina, Davy Crockett, Sabine, Sam Houston).	Lufkin.
Virginia	George Washington	Harrisonburg.
	Jefferson	Roanoke.
Region 9, Eastern Region (Regional Forester, 633 West Wisconsin Ave., Milwaukee, Wis. 53203):		
Illinois	Shawnee	Harrisburg.
Indiana and Ohio	Wayne-Hoosier	Bedford, Ind.
Michigan	Hiawatha	Escanaba.
	Huron-Manistee	Cadillac.
	Ottawa	Ironwood.
Minnesota	Chippewa	Cass Lake.
	Superior	Duluth.
Missouri	Mark Twain	Rolla.
New Hampshire and Maine	White Mountain	Laconia, N.H.
Pennsylvania	Allegheny	Warren.
Vermont	Green Mountain	Rutland.
West Virginia	Monongahela	Elkins.
Wisconsin	Chequamegon	Park Falls.
	Nicolet	Rhinelander.
Region 10, Alaska Region (Regional Forester, Federal Office Bldg., P.O. Box 1628, Juneau, Alaska 99802):		
Alaska	Chugach	Anchorage.
	Tongass:	
	Chatham area	Sitka.
	Ketchikan area	Ketchikan.
	Stikine area	Petersburg.

FOREST AND RANGE EXPERIMENT STATIONS

NAME OF STATION AND HEADQUARTERS OF DIRECTOR

Intermountain—507 25th Street, Ogden, UT 84401

North Central—Folwell Avenue, St. Paul, MN 55101

Northeastern—6816 Market Street, Upper Darby, PA 19082

Pacific Northwest—809 N.E. Sixth Avenue, P.O. Box 3141, Portland, OR 97208

Pacific Southwest—1960 Addison Street, P.O. Box 245, Berkeley, CA 94701

Rocky Mountain—240 West Prospect Street, Fort Collins, CO 80521

Southeastern—Post Office Building, P.O. Box 2570, Asheville, NC 28802

Southern—T-10210 Postal Services Building, 701 Loyola Avenue, New Orleans, LA 70113

Institute of Tropical Forestry—U.S. Forest Service, University of Puerto Rico Agricultural Experiment Station Grounds, P.O. Box AQ, Rio Piedras, PR 00928

Forest Products Laboratory—Post Office Box 5130, North Walnut Street, Madison, WI 53705

STATE AND PRIVATE FORESTRY AREAS

Director, Northeastern Area—6816 Market Street, Upper Darby, PA 19082

Director, Southeastern Area—1720 Peachtree Road N.W., Atlanta, GA 30309

NOTE.—In Regions 1 through 6 and 10, State and private forestry activities are directed from Regional headquarters.

(81 Stat. 54 (5 U.S.C. 552).)

JOHN R. MCGUIRE,
Chief, Forest Service.

JUNE 10, 1976.

[FR Doc.76-17306 Filed 6-15-76;8:45 am]

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-187]

PART 73—RADIO BROADCAST SERVICES ORDER

Correction

In FR Doc. 76-16513 appearing in the FEDERAL REGISTER issue of Tuesday, June 8, 1976, on page 22943, in the right hand column in § 73.564(b) the word "license" appearing in the last full line of paragraph (b) should be corrected to read as follows: "licensee"

Also appearing in the same document, § 73.660(b)(2) appearing on page 22944 the word "license" should be inserted immediately after the word "station" appearing in the second line of paragraph (b)(2).

[Docket No. 20706; RM-2588]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignments

1. The Commission has under consideration its Notice of Proposed Rule Making (41 Fed. Reg. 7120) proposing the substitution of Channel 221A for Channel 244A at Enterprise, Oregon. Channel 244A is unoccupied and unapplied for. The rule making was instituted on a petition filed by STL, Inc., Walla Walla, Washington. There were no oppositions to the proposal.

2. Enterprise (pop. 1,680), the seat of Wallowa County (pop. 6,247), Oregon, is situated in the northeast corner of Oregon approximately 68 miles southeast of Walla Walla, Washington. There are no FM broadcast stations operating in Enterprise, but it has a Class IV AM station (KWVR).

3. Petitioner stated that grant of the proposed substitution of Channel 221A would eliminate the 6.78 mile short-spacing from the transmitter site proposed for an FM station it had applied for on Channel 246 (BPH-9370) in Walla Walla, Washington, to the reference point of the second adjacent channel (244A) located at the city center in Enterprise, Oregon. The reference points used for assignment of Channel 246 to Walla Walla comply with our spacing requirements; however, the transmitter site chosen by the applicant for its station is short-spaced to Channel 244A in Enterprise. Petitioner contended that the substitution of Channel 221A for Channel 244A would remove such short-spacing and eliminate the need for a waiver of Section 73.207 (minimum mileage separation requirements) of the Rules. It added that no one would be affected by the exchange of the channels and the new assignment would be available for applicants at Enterprise.

4. The Canadian government has given its concurrence to the requested substitution of channels.

5. Since a substitute channel has been found for Enterprise and in light of the

above circumstances, the petitioner's request to substitute Channel 221A for Channel 244A appears to be in the public interest. We are therefore substituting Channel 221A for Channel 244A in Enterprise, Oregon.

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

7. In view of the foregoing, It Is Ordered, That effective July 21, 1976, Section 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended to read as follows:

City	Channel No.
Enterprise, Oreg	221A

8. It Is Further Ordered, That this proceeding is TERMINATED.

(Secs. 4, 5, 303, 307, 48 Stat. as amended, 1066, 1068, 1082, 1083; 47 U.S.C. 154, 155, 303, 307)

Adopted: June 7, 1976.

Released: June 10, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-17538 Filed 6-15-76;8:45 am]

[Docket No. 20705; RM-2599]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignments

1. The Commission has under consideration its *Notice of Proposed Rule Making*, adopted February 4, 1976, 41 Fed. Reg. 7786, inviting comments on a proposal to assign Channel 221A to La Belle, Florida, and to substitute Channel 249A for Channel 221A at Naples, Florida.[1] This proceeding was instituted on the basis of a petition filed by Thomas A. Smith. Petitioner has reaffirmed his intention to promptly apply for the channel if it is assigned and, if authorized, to construct the station. Comments were also filed by Sterling Communications Corporation (Sterling), holder of the construction permit for a new FM broadcast station on Channel 221A at Naples, Florida.

2. La Belle, a community of 1,823 persons,[2] is located approximately 85 miles west of West Palm Beach and 30 miles east of Fort Myers, Florida, and is the seat of Hendry County which has a population of 11,859. It has no local broadcast facilities. The assignment of Channel 221A to La Belle and the substitution of Channel 249A for Channel 221A at Naples would be in conformity with the minimum mileage separation rule (Section 73.207(a)), provided the site for an FM station at La Belle is located east of the community in order to meet the required spacing of 65 miles to Station WAMR-FM (Channel 221A) at Venice, Florida.

3. Petitioner states, in a profile of La Belle and Hendry County, that the area is primarily agricultural specializing in the production of vegetables, citrus fruits and cattle, and major industries related to frozen citrus juices and agriculture. He further states that there is a particular need for providing current local information to farmers and workers and coverage of general events in the community as well as high school sports from area schools and for an additional local communication facility to assist in planning an orderly growth in a growing community.

4. Sterling states in its comments that, while it takes no position on the merits of the proposed assignment, equitable considerations dictate it should be reimbursed for the reasonable costs of any channel change, and that such reimbursement should come from the party benefitting from the change, i.e., whoever becomes the licensee of the La Belle station.

5. Sterling further states that a rule making proposal pending before the Commission to assign Channel 288A to North Naples, Florida (RM-2653) should be consolidated with this proceeding. It contends that, if Channels 221A and 288A were assigned to La Belle and North Naples, respectively, those assignments would foreclose the assignment of a first FM channel to Immokalee, Florida.

6. Petitioner, in reply comments, opposed Sterling's request for reimbursement stating that the Sterling application was granted subject to the outcome of the proceeding in this docket. Petitioner further states that, while Sterling consents to modification of its construction permit, it places the burden and cost of changing the frequency on the petitioner.

7. The request of Sterling Communications Corporation that it be accorded reimbursement for expenses incurred in changing its channel of operation must be denied. This case does not come under the general policy that existing stations, which are required to change channel assignments as the result of a rule making proceeding, are entitled to be reimbursed for the reasonable expenses incurred as the result of a change in channel assignment. Although Sterling's application was filed before the rule making petition was filed, it was granted after that filing. Sterling's construction permit was conditioned on the outcome of the instant proceeding. This put Sterling on notice that the future status of the Channel 221A assignment at Naples was in question. Sterling, knowing the nature of the conditional construction permit, proceeded at its own peril and therefore is not entitled to reimbursement.[3]

8. Although Sterling urges the consolidation of the North Naples (RM-2653) proposal for assignment of Channel 288A with this proceeding, we believe it should be considered separately. The merits for assignment of Channel 221A to La Belle is not affected by the proposal to assign a channel to North Naples. The channel assignment here would only affect the availability of another channel in the preclusion area created by the proposal for North Naples, and it may be dealt with independently under a separate rule making proceeding.

9. We have given careful consideration to the proposal and comments filed herein and believe that Channel 221A should be assigned to La Belle, Florida. Since it has been shown that there is a demand for the channel assignment and that it would provide a first local broadcast transmission facility to La Belle, the public interest would be served by making the channel assignment.

10. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r), 307(b) and 316 of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules and Regulations.

11. Accordingly, IT IS ORDERED, That effective July 21, 1976, the Table of Assignments (Sections 73.202(b)) IS AMENDED with respect to the communities listed, as follows:

City	Channel No.
La Belle, Fla	221A
Naples, Fla	228A, 233, 249A

12. It is further ordered, That effective July 21, 1976, and pursuant to Section 316(a) of the Communications Act of 1934, as amended, the construction permit held by Sterling Communications Corporation for Station WNTU, Naples, Florida, IS MODIFIED to specify operation on Channel 249A in lieu of Channel 221A, subject to the following conditions:

(a) The permittee shall inform the Commission in writing by no later than July 21, 1976, of its acceptance of this modification.

(b) The permittee shall submit to the Commission by August 20, 1976, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation on Channel 249A at Naples, Florida.

(c) Prior to commencing operation on Channel 249A, the permitee shall submit the same measurement data normally required in an application for an FM broadcast station license.

(d) The permittee shall not commence operation on Channel 249A until the Commission specifically authorizes it to do so.

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

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[1] A construction permit was granted on March 12, 1976, for Channel 221A to Sterling Communication (BPH-9583) with the condition that it was subject to any action the Commission may take in the proceeding herein.

[2] All population figures are taken from the 1970 U.S. Census.

[3] See *Bayou Vista and Franklin, Louisiana, Report and Order*, 40 Fed. Reg. 42883 (1975).

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083, Sec. 316, Sec. 12, 66 Stat., 717; 47 U.S.C. 154, 155, 303, 307, 316.)

Adopted: June 7, 1976.

Released: June 10, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-17537 Filed 6-15-76;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 225—FEDERAL/STATE COOPERATION IN THE CONSERVATION OF ENDANGERED AND THREATENED SPECIES

Final Rulemaking

Notice is hereby given that pursuant to the authority vested in the Secretary of Commerce by Section 6(h) of the Endangered Species Act of 1973, 87 Stat. 884, 16 U.S.C. 1531-1543 (the "Act"), Part 225 of Title 50, Chapter II of the Code of Federal Regulations, as set forth below, is adopted as final regulations. The authority of the Secretary has been delegated to the Director, National Marine Fisheries Service (NMFS). This final rulemaking sets forth procedures governing applications by States for Federal financial assistance under Section 6 of the Act and criteria for approval of Grants-In-Aid to the States.

This rulemaking states the policies and procedural requirements of the NMFS for the negotiation of Cooperative Agreements and Grant-In-Aid Awards pertaining to marine species under the jurisdiction of the Department of Commerce (see 50 CFR 222.23(a)). Once a State has entered into a Cooperative Agreement under subsection 6(c) of the Act, it may seek the financial assistance offered pursuant to subsection 6(d) of the Act. Such financial assistance requires the negotiation of a Grant-In-Aid Award, as set forth in § 225.7 and defined in § 225.3 (b)(2) of these regulations.

At present, the NMFS has no funds appropriated for this purpose. States having applied for or entered into a Cooperative Agreement with the NMFS will be notified as soon as funds become available.

Similar regulations have been published by the U.S. Fish and Wildlife Service in 50 CFR Part 81.

On February 28, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 8566). Sixty days were given within which any person could file written comments, suggestions, or objections to the proposed regulations with the Director, NMFS. All comments with respect to the proposed regulations were given due consideration.

After consideration of all relevant material presented, the proposed rulemaking was modified as follows:

1. In order to make titles of forms for "Federal Assistance" consistent, the title "Grant-In-Aid Award" has been substituted for "Financial Assistance Award/Project Agreement" in every instance except the heading for § 225.7.

2. The heading for § 225.7 has been changed to "Financial Assistance" to more fully reflect the breadth of that section. The dropping of "Project Agreement" serves also to limit the scope of these regulations to Department of Commerce procedural requirements.

3. To make these regulations consistent with other NMFS endangered species regulations, and to clarify the role of the Director, "Director" has been substituted for "Secretary" in various provisions of these regulations.

4. In order to achieve consistency with other NMFS endangered species regulations, a change in style was adopted in § 225.3, the definitions section.

5. The words "receiving Federal financial assistance" have been added in § 225.3(b)(2) to further clarify the scope of Grant-In-Aid Awards.

6. The words "objectives and costs of such actions" have been substituted for "benefits derived, cost of actions" in § 225.3(b)(2) to refine information requirements of Grant-In-Aid Awards.

7. The term "Application for Federal Assistance" has been added as § 225.3(c).

8. A semicolon has been substituted for a comma after the word "threatened" and the words "plan and" have been eliminated in § 225.4(b) to highlight the distinction between a plan and a program.

9. The first sentence of § 225.5 has been rewritten to clarify, among other things, that these regulations apply only with respect to species under the jurisdiction of the Department of Commerce (for a listing of those marine species see 50 CFR § 222.23(a)).

10. At the beginning of the third sentence of § 225.5, the words "The Cooperative Agreement" have been substituted for "It" for clarification purposes.

11. The introduction to the last sentence in § 225.5 has been changed from "Further, such agreement must contain:" to "In order for a State to receive financial assistance, such Cooperative Agreement must also contain:" to clearly indicate that Section 6(d) of the Act imposes additional requirements for Cooperative Agreements where financial assistance is sought.

12. Since the cost information required by § 225.5(d) is required by the definition of a Grant-In-Aid Award (§ 225.3(b)(2)), § 225.5(d) has been eliminated.

13. The words "of the Act" have been added after "Section 6" in § 225.6.

14. The words "Documents to provide financial assistance" have been substituted for "Financial agreements" in the third sentence of § 225.7 for clarification purposes.

15. The fourth sentence of § 225.7 has been rewritten for clarification purposes.

16. The words "the Grant-In-Aid Award" have been substituted for "this agreement" and "an agreement" in the ninth and tenth sentences of § 225.7 for clarification purposes.

17. In the last sentence of § 225.7, "Federal Aid Handbook/Manual" has been changed to "Federal Aid Handbook No. 22" to limit the scope of these regulations to Department of Commerce procedural requirements.

18. The term "State agency" has been substituted for "State fish and game departments" and "State fish and game department" in § 225.9(c) and for "State fish and wildlife agency" in § 225.9(d) for consistency.

19. Section 225.11 has been rewritten to reflect the fact that the scope of these regulations is limited to Section 6 of the Act and to the responsibilities under the jurisdiction of the Department of Commerce, as well as to provide a mailing address for the submission of documents.

20. The words "or any other related matter will be considered" have been substituted for the words "are considered" in § 225.12 to broaden the scope of this section. The section title has also been changed to reflect accurately its purpose.

21. The proposed § 225.14—"Comprehensive plan alternative."—has been eliminated in its entirety as not being applicable to the NMFS.

22. A Purpose and Scope section has been added (and section numbers adjusted accordingly).

In addition, certain minor technical changes have been made.

An Environmental Impact Statement was considered but determined not to be necessary, since this proposed action does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*), and therefore does not require the preparation of an environmental impact statement under section 4332(2)(c) of NEPA.

In accordance with Executive Order 11821 dated November 27, 1974, it is hereby certified that the inflationary impact of this action has been carefully evaluated; no substantial impact is anticipated.

Issued at Washington, D.C.

Effective date: This part becomes effective on July 16, 1976.

Dated: June 10, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

In consideration of the foregoing, Chapter II of Title 50 of the Code of Federal Regulations is amended by adding the following new Part 225.

Sec.
225.1 Purpose of regulations.
225.2 Scope of regulations.
225.3 Definitions.
225.4 Cooperation with the states.
225.5 Cooperative agreement.
225.6 Allocation of funds.
225.7 Financial assistance.

Sec.
225.8 Availability of funds.
225.9 Payments.
225.10 Assurances.
225.11 Submission of documents.
225.12 Project evaluation.
225.13 Contracts.
225.14 Inspection.

AUTHORITY: Endangered Species Act of 1973, 87 Stat. 884, 16 U.S.C. 1531–1543, Pub. L. 93–205.

§ 225.1 Purpose of regulations.

The regulations in this part implement Section 6 of the Endangered Species Act of 1973, 87 Stat. 884, 16 U.S.C. 1531–1543, Public Law 93–205 which provides, under certain circumstances, for cooperative agreements with and financial assistance to the States.

§ 225.2 Scope of regulations.

This part applies to endangered and threatened species under the jurisdiction of the Department of Commerce (see 50 CFR 222.23(a)).

§ 225.3 Definitions.

In addition to the definitions contained in the Act, and unless the context otherwise requires, in this Part 225:

(a) "Act" means the Endangered Species Act of 1973, 87 Stat. 884, 16 U.S.C. 1531–1543, Public Law 93–205.

(b) "Agreements" mean signed documented statements of the actions to be taken by the State(s) and the Director in furthering certain purposes of the Act. They include:

(1) A Cooperative Agreement entered into pursuant to Section 6(c) of the Act and, where appropriate, containing provisions found in section 6(d)(2) of the Act.

(2) A Grant-In-Aid Award which includes a statement of the actions to be taken in connection with the conservation of endangered or threatened species receiving Federal financial assistance, objectives and costs of such actions, and costs to be borne by the Federal Government and by the State(s).

(c) "Application for Federal Assistance" means a description of work to be accomplished, including objectives and needs, expected results and benefits, approach, cost, location and time required for completion.

(d) "Director" means the Director of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, or his authorized designee.

(e) "Program" means a State-developed plan for the conservation and management of all resident species which are deemed by the Secretary to be endangered or threatened and those which are deemed by the State to be endangered or threatened, which includes goals, priorities, strategies, actions, and funding necessary to accomplish the objectives on an individual species basis.

(f) "Project" means a substantial undertaking to conserve the various endangered or threatened species.

(g) "Project segment" means an essential part or a division of a project, usually separated as a period of time, occasionally as a unit of work.

(h) "Resident species" means, for purposes of these regulations, with respect to a State, a species which exists in the wild in that State during any part of its life.

(i) "Secretary" means the Secretary of Commerce or his authorized designee.

§ 225.4 Cooperation with the states.

The Director shall cooperate with any State which establishes and maintains an adequate and active program for the conservation of endangered and threatened species. In order for a State program to be deemed an adequate and active program, the Director must find and reconfirm, on an annual basis, that:

(a) Authority resides in a State agency to conserve resident species determined by the State agency or the Director to be endangered or threatened;

(b) The State agency has established an acceptable conservation program, consistent with the purposes and policies of the Act, for all resident species in the State which are deemed by the Director to be endangered or threatened; and has furnished a copy of such program together with all pertinent details, information and data requested to the Director;

(c) The State agency is authorized to conduct investigations to determine the status and requirements for survival of resident species;

(d) The State agency is authorized to establish programs, including the acquisition of land or aquatic habitat or interests therein, for the conservation of resident endangered or threatened species; and

(e) Provisions are made for public participation in designating resident species as endangered or threatened.

§ 225.5 Cooperative agreement.

Following receipt of an application by a State for a Cooperative Agreement and a determination by the Director that the State program for endangered and threatened species is adequate and active, the Director shall enter into an Agreement with the State. A Cooperative Agreement is necessary before a Grant-In-Aid Award can be approved for endangered or threatened species projects. The Cooperative Agreement must be reconfirmed annually to insure that it reflects new laws, species lists, rules or regulations, and programs, and to demonstrate that the program is still active and adequate. In order for a State to receive financial assistance, such Cooperative Agreement must also contain:

(a) The actions that are to be taken by the Director and the State;

(b) The benefits that are expected to be derived in connection with the conservation of endangered or threatened species; and

(c) The estimated cost of these actions.

§ 225.6 Allocation of funds.

The Director shall allocate funds, appropriated for the purpose of carrying out Section 6 of the Act, to various States using the following as the basis for his determination:

(a) The international commitments of the United States to protect endangered or threatened species;

(b) The readiness of a State to proceed with a conservation program consistent with the objectives and purposes of the Act;

(c) The number of federally listed endangered and threatened species within a State;

(d) The potential for restoring endangered and threatened species within a State; and

(e) The relative urgency to initiate a program to restore and protect an endangered or threatened species in terms of survival of the species.

§ 225.7 Financial assistance.

Before any Federal funds may be obligated for any project to be undertaken in a State, the State must have entered into a Cooperative Agreement. Subsequent to such agreement, the Director may further agree with a State(s) to provide financial assistance in the development and implementation of acceptable projects for the conservation of endangered and threatened species. Documents to provide financial assistance will consist of an Application for Federal Assistance and a Grant-In-Aid Award. The availability of Federal funds under a Grant-In-Aid Award shall be contingent upon the continued existence of the Cooperative Agreement.

To meet the requirements of the Act, the Application for Federal Assistance shall certify that the State agency submitting the project is committeed to its execution and that it has been reviewed by the appropriate State officials and is in compliance with other requirements of the Office of Management and Budget Circular No. A-95 (as revised and published in the FEDERAL REGISTER on January 13, 1976 (41 FR 2052)).

The mutual obligations by the cooperating agencies will be set forth in a Grant-In-Aid Award executed between the State and the Director. The Grant-In-Aid Award shall cover the proposed financing and the work items described in the documents supporting it. The form and content for both the Application for Federal Assistance and the Grant-In-Aid Award are provided in the Federal Aid Handbook No. 22.

§ 225.8 Availability of funds.

Funds allocated to a State are available for obligation during the fiscal year for which they are allocated and until the close of the succeeding fiscal year. For the purpose of this section, obligation of allocated funds occurs when a Grant-In-Aid Award is signed by the Director.

§ 225.9 Payments.

The payment of the Federal share of costs incurred in the conduct of activities included under a Grant-In-Aid Award shall be in accordance with Treasury Circular 1075.

(a) Federal payments under the Act shall not exceed 66⅔ percent of the pro-

gram costs as stated in the agreement; except, the Federal share may be increased to 75 percent when two or more States having a common interest in one or more endangered or threatened resident species, the conservation of which may be enhanced by cooperation of such States, jointly enter into an agreement with the Director.

(b) The State share of program costs may be in the form of cash or in-kind contributions, including real property, subject to standards established by the Director as provided in Federal Management Circular 74–7.

(c) Payments of funds, including payment of such preliminary costs and expenses as may be incurred in connection with projects, shall not be made unless all documents that may be necessary or required in the administration of the Act shall have first been submitted to and approved by the Director. Payments shall be made for expenditures reported and certified by the State agency. Payments shall be made only to the State office or official designated by the State agency and authorized under the laws of the State to receive public funds for the State.

(d) Vouchers and forms provided by the Director and certified as therein prescribed, showing amounts expended and the amount of Federal Aid funds claimed to be due on account thereof, shall be submitted to the Director by the State agency.

§ 225.10 Assurances.

A State shall certify that it will comply with all applicable Federal laws, regulations, and requirements as they relate to the application, acceptance, and use of Federal funds for projects under the Act in accordance with Federal Management Circular 74–7.

§ 225.11 Submission of documents.

Documents required by Section 6 of the Act or by these regulations shall be addressed to the Director, National Marine Fisheries Service, Washington, D.C. 20235.

§ 225.12 Project evaluation.

Any difference of opinion about a proposed project or appraised value of land to be acquired or any other related matter will be considered by qualified representatives of the Director and the State. Final determination in the event of continued disagreement rests with the Director.

§ 225.13 Contracts.

The State may use its own regulations in obtaining services provided they adhere to Federal laws and the requirements set forth in Federal Management Circular 74–7. The State is the responsible authority without recourse to the Director regarding settlement of contractual issues.

§ 225.14 Inspection.

Supervision of each project by the State shall include adequate and continuous inspection. The project will be subject to periodic Federal inspection.

[FR Doc.76–17475 Filed 6–15–76;8:45 am]

proposed rules

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

FOREIGN TAX CREDIT FOR U.S. CORPORATE SHAREHOLDERS IN FOREIGN CORPORATIONS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by August 2, 1976. Pursuant to 26 CFR 601.601 (b), designations of material as confidential or not to be be disclosed, contained in such comments, will not be accepted. Thus, persons submitting written comments should not include therein material that they consider to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702 (d) (9).

Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Commissioner by August 2, 1976. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the Federal Register, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 78, 901, 902, and 960 of the Internal Revenue Code of 1954 in order to conform them to the Act of January 12, 1971 (Pub. L. 91-684, 84 Stat. 2068) and section 602(c) (6) of the Tax Reduction Act of 1975 (89 Stat. 59).

The existing regulations under section 902 deal with the foreign tax credit available to U.S. corporate shareholders of foreign corporations prior to the enactment of the statutory amendments cited above. The existing regulations provide for the computation of this credit at two levels. In order to qualify, a domestic corporation must own at least 10 percent of the voting stock of a foreign corporation at the time it receives a dividend from the foreign corporation; a foreign corporation with respect to which a domestic corporation satisfies this requirement is referred to as a first-tier corporation. If a first-tier corporations owns at least 50 percent of the voting stock of another foreign corporation at the time when it receives a dividend from the other foreign corporation, the other foreign corporation is referred to as a second-tier corporation. A domestic corporation is deemed to have paid a certain portion of the foreign income taxes paid, accrued, or deemed to be paid, by its first-tier corporation on or with respect to the accumulated profits out of which the first-tier corporation paid the dividend to the domestic corporation. Similarly, a first-tier corporation, with respect to its accumulated profits for its taxable year in which it receives a dividend from its second-tier corporation, is deemed to have paid a portion of the foreign income taxes paid or accrued by its second-tier corporation on or with respect to the accumulated profits out of which the second-tier corporation paid the dividend.

The Act of January 12, 1971, modified the stock ownership requirement with respect to a second-tier corporation and extended the above computation to a third level. The amendments apply to dividends paid by a foreign corporation after January 12, 1971, but only for purposes of applying Code section 902 to a taxable year of a domestic corporation ending after that date. Under these amendments a foreign corporation qualifies as a second-tier corporation if at least 10 percent of its voting stock is owned by a first-tier corporation at the time that the latter corporation receives a dividend from such foreign corporation. The first-tier corporation, however, will be deemed to have paid a portion of the foreign income taxes paid, accrued, or deemed to be paid, by the second-tier corporation only if a new 5-percent indirect ownership requirement is satisfied. Thus, the percentage of voting stock owned by the first-tier corporation in the second-tier corporation at the time the first-tier corporation receives a dividend from the second-tier corporation, when multiplied by the percentage of voting stock owned by the domestic corporation in the first-tier corporation at the time that the domestic corporation receives a dividend from the second-tier corporation, must equal at least 5 percent.

If a second-tier corporation owns at least 10 percent of the voting stock of another foreign corporation at the time it receives a dividend from that other foreign corporation, the other foreign corporation is a third-tier corporation under the new law. However, it also must satisfy a 5-percent requirement. Thus, the percentage of indirect ownership arrived at under the 5-percent requirement of the preceding paragraph, when multiplied by the percentage of voting stock owned by the second-tier corporation in the third-tier corporation at the time the second-tier corporation receives a dividend from the third-tier corporation must equal at least 5 percent.

The existing regulations provide separato rules for certain pre-1965 dividends to which Code section 902, as in effect prior to its amendment by section 9(a) of the Revenue Act of 1962 (76 Stat. 999), applies, and for dividends to which Code section 902, as so amended, applies. The latter rules involve the determination of whether or not the first-tier corporation is a less developed country corporation; the existing § 1.902-4 refers to the regulations under Code section 955 for elaboration of the criteria relevant to this determination.

Section 602(c)(6) of the Tax Reduction Act of 1975 (89 Stat. 59) transferred to Code section 902(d) the full statutory provisions of Code section 955 relating to the definition of a less developed country corporation. That Act also repealed section 955 of the Code. The proposed §§ 1.902-2 through 1.902-4 consequently incorporate the material in the regulations under Code section 955 to which the existing § 1.902-4 makes reference. No substantive change was intended by the proposed amendment to the regulations. These amendments apply to taxable years of foreign corporations beginning after December 31, 1975.

In order to make it easier to determine currently applicable rules, the proposed amendments restructure the arrangement of the regulations under Code section 902. Existing §§ 1.902-1 and 1.902-2, which prescribe rules applicable only to certain pre-1965 dividends, do not appear in the new arrangement; cross-references indicate where those rules may be found. Proposed § 1.902-1 contains the rules from existing § 1.902-3 with the expan-

sion necessitated by the 1971 amendments; proposed §§ 1.902–2 through 1.902–4 deal with the determination of less-developed-country-corporation status. Cross-references to the regulations under Code section 902 are conformed to the arrangement proposed.

Although certain provisions relating to Code section 963 which appear in the proposed regulations have no prospective application because of the repeal of that section by section 602(a)(1) of the Tax Reduction Act of 1975 (89 Stat. 58), the provisions are retained for reference purposes.

PROPOSED AMENDMENTS TO THE REGULATIONS

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 78, 901, 902, and 960 of the Internal Revenue Code of 1954 to the Act of January 12, 1971 (Pub. L. 91–684, 84 Stat. 2068) and to section 602(c)(6) of the Tax Reduction Act of 1975 (89 Stat. 59), such regulations are hereby amended as follows:

Paragraph 1. Section 1.902 is amended by revising section 902(b), section 902(c)(1)(A) and (B), section 902(d), and the historical note to read as follows:

§ 1.902 Statutory provisions; credit for corporate stockholder in foreign corporation.

SEC. 902. *Credit for corporate stockholder in foreign corporation.* * * *

(b) *Foreign subsidiary of first and second foreign corporation.* (1) If the foreign corporation described in subsection (a) (hereinafter in this subsection referred to as the "first foreign corporation") owns 10 percent or more of the voting stock of a second foreign corporation from which it receives dividends in any taxable year, it shall be deemed to have paid the same proportion of any income, war profits, or excess profits taxes paid or deemed to be paid by such second foreign corporation to any foreign country or to any possession of the United States on or with respect to the accumulated profits of the corporation from which such dividends were paid which—

(A) For purposes of applying subsection (a)(1), the amount of such dividends bears to the amount of the accumulated profits (as defined in subsection (c)(1)(A)) of such second foreign corporation from which such dividends were paid in excess of such income, war profits, and excess profits taxes, or

(B) For purposes of applying subsection (a)(2), the amount of such dividends bears to the amount of the accumulated profits (as defined in subsection (c)(1)(B)) of such second foreign corporation from which such dividends were paid.

(2) If such first foreign corporation owns 10 percent or more of the voting stock of a second foreign corporation which, in turn, owns 10 percent or more of the voting stock of a third foreign corporation from which the second foreign corporation receives dividends in any taxable year, the second foreign corporation shall be deemed to have paid the same proportion of any income, war profits, or excess profits taxes paid by such third foreign corporation to any foreign country or to any possession of the United States on or with respect to the accumulated profits of the corporation from which such dividends were paid which—

(A) For purposes of applying subsection (a)(1), the amount of such dividends bears to the amount of the accumulated profits (as defined in subsection (c)(1)(A)) of such third foreign corporation from which such dividends were paid in excess of such income, war profits, and excess profits taxes, or

(B) For purposes of applying subsection (a)(2), the amount of such dividends bears to the amount of the accumulated profits (as defined in subsection (c)(1)(B)) of such third foreign corporation from which such dividends were paid.

(3) For purposes of this subpart, subsection (b)(1) shall not apply unless the percentage of voting stock owned by the domestic corporation in the first foreign corporation and the percentage of voting stock owned by the first foreign corporation in the second foreign corporation when multiplied together equal at least 5 percent, and for purposes of this subpart, subsection (b)(2) shall not apply unless the percentage arrived at for purposes of applying subsection (b)(1) when multiplied by the percentage of voting stock owned by the second foreign corporation in the third foreign corporation is equal to at least 5 percent.

(c) *Applicable rules*—(1) *Accumulated profits defined.* * * *

(A) For purposes of subsections (a)(1), (b)(1)(A), and (b)(2)(A), the amount of its gains, profits, or income computed without reduction by the amount of the income, war profits, and excess profits taxes imposed on or with respect to such profits or income by any foreign country or any possession of the United States; and

(B) For purpose of subsections (a)(2), (b)(1)(B), and (b)(2)(B), the amount of its gains, profits, or income in excess of the income, war profits, and excess profits taxes imposed on or with respect to such profits or income. * * *

(d) *Less developed country corporation defined.* For purposes of this section, the term "less developed country corporation" means—

(1) A foreign corporation which, for its taxable year, is a less developed country corporation within the meaning of paragraph (3) or (4), and

(2) A foreign corporation which owns 10 percent or more of the total combined voting power of all classes of stock entitled to vote of a foreign corporation which is a less developed country corporation within the meaning of paragraph (3), and—

(A) 80 percent or more of the gross income of which for its taxable year meets the requirement of paragraph (3)(A), and

(B) 80 percent or more in value of the assets of which on each day of such year consists of property described in paragraph (3)(B).

A foreign corporation which is a less developed country corporation for its first taxable year beginning after December 31, 1962, shall, for purposes of this section, be treated as having been a less developed country corporation for each of its taxable years beginning before January 1, 1963.

(3) The term "less developed country corporation" means a foreign corporation which during the taxable year is engaged in the active conduct of one or more trades or businesses and—

(A) 80 percent or more of the gross income of which for the taxable year is derived from sources within less developed countries; and

(B) 80 percent or more in value of the assets of which on each day of the taxable year consists of—

(i) Property used in such trades or businesses and located in less developed countries,

(ii) Money, and deposits with persons carrying on the banking business,

(iii) Stock, and obligations which, at the time of their acquisition, have a maturity of one year or more, of any other less developed country corporation,

(iv) An obligation of a less developed country,

(v) An investment which is required because of restrictions imposed by a less developed country, and

(vi) Property described in section 956(b)(2).

For purposes of subparagraph (A), the determination as to whether income is derived from sources within less developed countries shall be made under regulations prescribed by the Secretary or his delegate.

(4) The term "less developed country corporation" also means a foreign corporation—

(A) 80 percent or more of the gross income of which for the taxable year consists of—

(i) Gross income derived from, or in connection with, the using (or hiring or leasing for use) in foreign commerce of aircraft or vessels registered under the laws of a less developed country, or from, or in connection with, the performance of services directly related to use of such aircraft or vessels, or from the sale or exchange of such aircraft or vessels, and

(ii) Dividends and interest received from foreign corporations which are less developed country corporations within the meaning of this paragraph and 10 percent or more of the total combined voting power of all classes of stock of which are owned by the foreign corporation, and gain from the sale or exchange of stock or obligations of foreign corporations which are such less developed country corporations, and

(B) 80 percent or more of the assets of which on each day of the taxable year consists of (i) assets used, or held for use, for or in connection with the production of income described in subparagraph (A), and (ii) property described in section 956(b)(2).

(5) The term "less developed country" means (in respect to any foreign corporation) any foreign country (other than an area within the Sino-Soviet bloc) or any possession of the United States with respect to which, on the first day of the taxable year, there is in effect an Executive order by the President of the United States designating such country or possession as an economically less developed country for purposes of this section. For purposes of the preceding sentence, an overseas territory, department, province, or possession may be treated as a separate country. No designation shall be made under this paragraph with respect to—

Australia	Luxembourg
Austria	Monaco
Belgium	Netherlands
Canada	New Zealand
Denmark	Norway
France	Union of South Africa
Germany (Federal Republic)	San Marino
Hong Kong	Sweden
Italy	Switzerland
Japan	United Kingdom
Leichtenstein	

After the President has designated any foreign country or any possession of the United States as an economically less developed country for purposes of this section, he shall not terminate such designation (either by issuing an Executive order for that purpose or by issuing an Executive order under the first sentence of this paragraph which has the effect of terminating such designation) unless, at least 30 days prior to such termination, he has notified the Senate and the House of Representatives of his intention to terminate such designation. Any

designation in effect on March 26, 1975, under section 955(c)(3) (as in effect before the enactment of the Tax Reduction Act of 1975) shall be treated as made under this paragraph.

* * * * *

[Sec. 902 as amended by sec. 6(b)(2), Act of Sept. 14, 1960 (Pub. L. 86-780, 74 Stat. 1016); sec. 9(a), Rev. Act 1962 (76 Stat. 999); Act of Jan. 12, 1971 (Pub. L. 91-684, 84 Stat. 2068); sec 602(c)(6), Tax Reduction Act 1975 (89 Stat. 59)]

Par. 2. Section 1.902-1 is revised to read as follows:

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

(a) *Definitions.* For purposes of section 902 and §§ 1.902-1 through 1.902-4—

(1) *Domestic shareholder.* In the case of dividends received by a domestic corporation after December 31, 1964, from a foreign corporation, the term "domestic shareholder" means a domestic corporation which owns at least 10 percent of the voting stock of the foreign corporation at the time it receives a dividend from such foreign corporation.

(2) *First-tier corporation.* In the case of dividends received by a domestic shareholder after December 31, 1964, from a foreign corporation, the term "first-tier corporation" means a foreign corporation at least 10 percent of the voting stock of which is owned by a domestic shareholder at the time it receives a dividend from such foreign corporation.

(3) *Second-tier corporation.* (i) In the case of dividends paid by a foreign corporation after January 12, 1971 (i.e., the date of enactment of Pub. L. 91-684, 84 Stat. 2068), but only for purposes of applying this section for a taxable year of a domestic shareholder ending after that date, the term "second-tier corporation" means a foreign corporation at least 10 percent of the voting stock of which is owned by a first-tier corporation at the time the first-tier corporation receives a dividend from such foreign corporation.

(ii) In the case of dividends paid by a foreign corporation after January 12, 1971, but only for purposes of applying this section for a taxable year of a domestic shareholder ending before January 13, 1971, or in the case of any dividend paid by a foreign corporation before January 13, 1971, the term "second-tier corporation" means a foreign corporation at least 50 percent of the voting stock of which is owned by a first-tier corporation at the time the first-tier corporation receives a dividend from such foreign corporation.

(4) *Third-tier corporation.* In the case of dividends paid by a foreign corporation after January 12, 1971, but only for purposes of applying this section for a taxable year of a domestic shareholder ending after that date, the term "third-tier corporation" means a foreign corporation at least 10 percent of the voting stock of which is owned by a second-tier corporation at the time the second-tier corporation receives a dividend from such foreign corporation.

(5) *Foreign income taxes.* The term "foreign income taxes" means income, war profits, and excess profits taxes, and taxes included in the term "income, war profits, and excess profits taxes" by reason of section 903, imposed by a foreign country or a possession of the United States.

(6) *Less developed country corporation.* (i) For taxable years of foreign corporations beginning after December 31, 1975, the term "less developed country corporation" is defined in § 1.902-3 and in section 902(d), as amended by section 602(c)(6) of the Tax Reduction Act of 1975 (Pub. L. 94-12, 89 Stat. 59). That amendment transferred to section 902(d) statutory provisions previously contained in section 955(c), which was repealed by section 602(c)(5) of the Tax Reduction Act of 1975. No substantive change was intended by the transfer to the regulations under section 902 of the regulations under section 955(c), as in effect before the Tax Reduction Act of 1975.

(ii) For taxable years of foreign corporations beginning before January 1, 1976, the term "less developed country corporation" is contained in 26 CFR 1.902-4 (Rev. as of April 1, 1976).

(7) *Dividend.* For the definition of the term "dividend" for purposes of applying section 902 and this section, see section 316 and the regulations thereunder.

(8) *Dividend received.* A dividend shall be considered received for purposes of section 902 and this section when the cash or other property is unqualifiedly made subject to the demands of the distributee. See § 1.301-1(b).

(b) *Domestic shareholder owning stock in a first-tier corporation*—(1) *In general.* (i) If a domestic shareholder receives dividends in any taxable year from its first-tier corporation, the credit for foreign income taxes allowed by section 901 includes, subject to the conditions and limitations of this section, the foreign income taxes deemed, in accordance with paragraph (b)(2) or (3) of this section, to be paid by such domestic shareholder for such year.

(ii) If dividends are received by a domestic shareholder from more than one first-tier corporation, the taxes deemed to be paid by such shareholder under section 902(a) and this paragraph (b) shall be computed separately with respect to the dividends received from each of such first-tier corporations.

(iii) Any taxes deemed paid by a domestic shareholder for the taxable year pursuant to section 902(a)(1) and paragraph (b)(2) of this section shall, except as provided in § 1.960-3(b), be included in the gross income of such shareholder for such year as a dividend pursuant to section 78 and § 1.78-1. For the source of such a section 78 dividend, see paragraph (h)(1) of this section.

(iv) Any taxes deemed, under paragraph (b)(2) or (3) of this section, to be paid by the domestic shareholder shall be deemed to be paid by such shareholder only for purposes of the foreign tax credit allowed under section 901. See section 904 for other limitations on the amount of the credit.

(v) For rules relating to reduction of the amount of foreign income taxes deemed paid or accrued with respect to foreign mineral income, see section 901(e) and § 1.901-3.

(vi) For the nonrecognition as a foreign income tax for purposes of this section of certain income, profits, or excess profits taxes paid or accrued to a foreign country in connection with the purchase and sale of oil or gas extracted in such country, see section 901(f) and the regulations thereunder.

(vii) For rules relating to reduction of the amount of foreign income taxes deemed paid with respect to foreign oil and gas extraction income, see section 907(a) and the regulations thereunder.

(viii) See the regulations under sections 960, 962, and 963 for special rules relating to the application of section 902 in computing the foreign tax credit of United States shareholders of controlled foreign corporations.

(2) *When first-tier corporation is not a less developed country corporation.* To the extent dividends are paid by a first-tier corporation to its domestic shareholder out of accumulated profits, as defined in paragraph (e)(1) of this section, of a taxable year for which such first-tier corporation is not a less developed country corporation, the domestic shareholder shall be deemed to have paid the same proportion of any foreign income taxes paid, accrued or deemed, in accordance with paragraph (c)(2) of this section, to be paid by such first-tier corporation on or with respect to such accumulated profits for such year which the amount of such dividends (determined without regard to the gross-up under section 78) bears to the amount by which such accumulated profits exceed the amount of such taxes (other than those deemed, under paragraph (c)(2) of this section, to be paid). For determining the amount of foreign income taxes paid or accrued by such first-tier corporation on or with respect to the accumulated profits for the taxable year of such first-tier corporation, see paragraph (f) of this section.

(3) *When first-tier corporation is a less developed country corporation.* To the extent dividends are paid by a first-tier corporation to its domestic shareholder out of accumulated profits, as defined in paragraph (e)(2) of this section, of a taxable year for which such first-tier corporation is a less developed country corporation, the domestic shareholder shall be deemed to have paid the same proportion of any foreign income taxes paid, accrued, or deemed, in accordance with paragraph (c)(3) of this section, to be paid by such first-tier corporation on or with respect to such accumulated profits for such year which the amount of such dividends bears to the amount of such accumulated profits. For determining the amount of foreign income taxes paid or accrued by such first-tier corporation on or with respect to the accumulated profits for the taxable year of such first-tier corporaion, see paragraph (f) of this section.

(c) *First-tier corporation owning stock in a second-tier corporation*—(1)

In general. For purposes of applying section 902(a) and paragraph (b)(2) and (3) of this section, if a first-tier corporation receives dividends in any taxable year from its second-tier corporation, the foreign income taxes deemed to be paid by the first-tier corporation on or with respect to its own accumulated profits for such year shall be the amount determined in accordance with paragraph (c)(2) or (3) of this section. This paragraph (c) shall not apply unless the product of—

(i) The percentage of voting stock owned by the domestic shareholder in the first-tier corporation at the time that the domestic shareholder receives dividends from the first-tier corporation in respect of which foreign income taxes are deemed to be paid by the domestic shareholder under paragraph (b)(1) of this section, and

(ii) The percentage of voting stock owned by the first-tier corporation in the second-tier corporation equals at least 5 percent. The percentage under paragraph (c)(1)(ii) of this section of voting stock owned by the first-tier corporation in the second-tier corporation is determined as of the time that the dividend distributed by the second-tier corporation is received by the first-tier corporation and thus included in accumulated profits of the first-tier corporation out of which dividends referred to in paragraph (c)(1)(i) of this section are distributed by the first-tier corporation to the domestic shareholder.

Example. On February 10, 1976, foreign corporation B pays a dividend out of its accumulated profits for 1975 to foreign corporation A. On February 16, 1976, the date on which it receives the dividend, A Corporation owns 40 percent of the voting stock of B Corporation. Both corporations use the calendar year as the taxable year. On June 1, 1976, A Corporation sells its stock in B Corporation. On January 17, 1977, A Corporation pays a dividend out of its accumulated profits for 1976 to domestic corporation M. M Corporation owns 30 percent of the voting stock of A Corporation on January 20, 1977, the date on which it receives the dividend. M Corporation uses a fiscal year ending on April 30 as the taxable year. On February 16, 1976, A Corporation satisfies the 10-percent stock ownership requirement referred to in paragraph (a)(3) of this section with respect to B Corporation, and on January 20, 1977, M Corporation satisfies the 10-percent stock-ownership requirement referred to in paragraph (a)(2) of this section with respect to A Corporation. The 5-percent requirement of this paragraph (c)(1) is also satisfied since 30 percent (the percentage of voting stock owned by M Corporation in A Corporation on January 20, 1977), when multiplied by 40 percent (the percentage of voting stock owned by A Corporation in B Corporation on February 16, 1976), equals 12 percent. Accordingly, for its taxable year ending on April 30, 1977, M Corporation is entitled to a credit for a portion of the foreign income taxes paid, accrued, or deemed to be paid, by A Corporation for 1976; and for 1976 A Corporation is deemed to have paid a portion of the foreign income taxes paid or accrued by B Corporation for 1975.

(2) *When first-tier corporation is not a less developed country corporation.* A first-tier corporation which is not a less developed country corporation for its taxable year in which it receives dividends from its second-tier corporation shall be deemed to have paid for such year the same proportion of any foreign income taxes paid, accrued, or deemed, in accordance with paragraph (d)(2) of this section, to be paid by its second-tier corporation on or with respect to the accumulated profits, as defiend in paragraph (e)(1) of this section, for the taxable year of the second-tier corporation from which such dividends are paid which the amount of such dividends bears to the amount by which such accumulated profits of the second-tier corporation exceed the taxes so paid or accrued. This rule shall apply whether or not the second-tier corporation is a less developed country corporation for its taxable year. For determining the amount of the foreign income taxes paid or accrued by such second-tier corporation on or with respect to the accumulated profits for the taxable year of such second-tier corporation, see paragraph (f) of this section.

(3) *When first-tier corporation is a less developed country corporation.* A first-tier corporation which is a less developed country corporation for its taxable year in which it receives dividends from its second-tier corporation shall be deemed to have paid for such year the same proportion of any foreign income taxes paid, accrued, or deemed, in accordance with paragraph (d)(3) of this section, to be paid by its second-tier corporation on or with respect to the accumulated profits, as defined in paragraph (e)(2) of this section, for the taxable year of the second-tier corporation from which such dividends are paid which the amount of such dividends bears to the amount of such accumulated profits of the second-tier corporation. This rule shall apply whether or not the second-tier corporation is a less developed country corporation for its taxable year. For determining the amount of the foreign income taxes paid or accrued by such second-tier corporation on or with respect to the accumulated profits of the taxable year of such second-tier corporation, see paragraph (f) of this section.

(d) *Second-tier corporation owning stock in a third-tier corporation*—(1) *In general.* For purposes of applying section 902(b)(1) and paragraph (c)(2) and (3) of this section, if a second-tier corporation receives dividends in any taxable year from its third-tier corporation, the foreign income taxes deemed to be paid by the second-tier corporation on or with respect to its own accumulated profits for such year shall be the amount determined in accordance with paragraph (d)(2) or (3) of this section. This paragraph (d) shall not apply unless the product of—

(i) The percentage of voting stock arrived at in applying the 5-percent requirement of paragraph (c)(1) of this section with respect to dividends received by the first-tier coporation from the second-tier corporation, and

(ii) the percentage of voting stock owned by the second-tier corporation in the third-tier corporation.

equals at least 5 percent. The percentage under paragraph (d)(1)(ii) of this section of voting stock owned by the second-tier corporation in the third-tier corporation is determined as of the time that the dividend distributed by the third-tier corporation is received by the second-tier corporation and thus included in accumulated profits of the second-tier corporation out of which dividends referred to in paragraph (d)(1)(i) of this section are distributed by the second-tier corporation to the first-tier corporation.

Example. On February 27, 1975, foreign corporation C pays a dividend out of its accumulated profits for 1974 to foreign corporation B. On March 3, 1975, the date on which it receives the dividend, B Corporation owns 50 percent of the voting stock of C Corporation. On February 10, 1976, B Corporation pays a dividend out of its accumulated profits for 1975 to foreign corporation A. On February 16, 1976, the date on which it receives the dividend, A Corporation owns 40 percent of the voting stock of B Corporation. All three corporations use the calendar year as the taxable year. On January 17, 1977, A Corporation pays a dividend out of its accumulated profits for 1976 to domestic corporation M. M Corporation owns 30 percent of the voting stock of A Corporation on January 20, 1977, the date on which it receives the dividend. M Corporation uses a fiscal year ending on April 30 as the taxable year. On February 16, 1976, A Corporation satisfies the 10-percent stock ownership requirement referred to in paragraph (a)(3) of this section with respect to B Corporation, and on January 20, 1977, M Corporation satisfies the 10-percent stock-ownership requirement referred to in paragraph (a)(2) of this section with respect to A Corporation. The 5-percent requirement of paragraph (c)(1) of this section is also satisfied since 30 percent (the percentage of voting stock owned by M Corporation in A Corporation on January 20, 1977), when multiplied by 40 percent (the percentage of voting stock owned by A Corporation in B Corporation on February 16, 1976), equals 12 percent. On March 3, 1975, B Corporation satisfies the 10 percent stock ownership requirement referred to in paragraph (a)(4) of this section with respect to C Corporation. The 5-percent requirement of this paragraph (d)(1) is also satisfied since 12 percent (the percentage of voting stock arrived at in applying the 5-percent requirement of paragraph (c)(1) of this section with respect to the dividends received by A Corporation from B Corporation on February 16, 1976), when multiplied by 50 percent (the percentage of voting stock owned by B Corporation in C Corporation on March 3, 1975), equals 6 percent. Accordingly, for its taxable year ending on April 30, 1977, M Corporation is entitled to a credit for a portion of the foreign income taxes paid, accrued, or deemed to be paid, by A Corporation for 1976; for 1976 A Corporation is deemed to have paid a portion of the foreign income taxes paid, accrued, or deemed to be paid, by B Corporation for 1975; and for 1975 B Corporation is deemed to have paid a portion of the foreign income taxes paid or accrued by C Corporation for 1974.

(2) *When first-tier corporation is not a less developed country corporation.* For purposes of applying paragraph (c)(2) of this section to a first-tier corporation which is not a less developed country

corporation, a second-tier corporation which receives dividends in its taxable year from its third-tier corporation shall be deemed to have paid for such year the same proportion of any foreign income taxes paid or accrued by its third-tier corporation on or with respect to the accumulated profits, as defined in paragraph (e)(1) of this section, for the taxable year of the third-tier corporation from which such dividends are paid which the amount of such dividends bears to the amount by which such accumulated profits of the third-tier corporation exceed the taxes so paid or accrued. This rule shall apply whether or not the third-tier corporation is a less developed country corporation for the taxable year. For determining the amount of the foreign income taxes paid or accrued by such third-tier corporation on or with respect to the accumulated profits for the taxable year of such third-tier corporation, see paragraph (f) of this section.

(3) *When first-tier corporation is a less developed country corporation.* For purposes of applying paragraph (c)(3) of this section to a first-tier corporation which is a less developed country corporation, a second-tier corporation which receives dividends in its taxable year from its third-tier corporation shall be deemed to have paid for such year the same proportion of any foreign income taxes paid or accrued by its third-tier corporation on or with respect to the accumulated profits, as defined in paragraph (e)(2) of this section, for the taxable year of the third-tier corporation from which such dividends are paid which the amount of such dividends bears to the amount of such accumulated profits of the third-tier corporation. This rule shall apply whether or not the third-tier corporation is a less developed country corporation for its taxable year. For determining the amount of the foreign income taxes paid or accrued by such third-tier corporation on or with respect to the accumulated profits for the taxable year of such third-tier corporation, see paragraph (f) of this section.

(e) *Determination of accumulated profits of a foreign corporation*—(1) *When first-tier corporation is not a less developed country corporation.* The accumulated profits for any taxable year of a first-tier corporation which is not a less developed country corporation for such year, and the accumulated profits for any taxable year of a second-tier corporation, or of a third-tier corporation, which are taken into account in applying paragraph (c)(2) or (d)(2) of this section with respect to such first-tier corporation, shall be the sum of—

(i) The earnings and profits of such corporation for such year, and

(ii) The foreign income taxes imposed on or with respect to the gains, profits, and income to which such earnings and profits are attributable.

(2) *When first-tier corporation is a less developed country corporation.* The accumulated profits for any taxable year of a first-tier corporation which is a less developed country corporation for such year, and the accumulated profits for any taxable year of a second-tier corporation, or of a third-tier corporation, which are taken into account in applying paragraph (c)(3) or (d)(3) of this section with respect to such first-tier corporation, shall be the amount of the earnings and profits of such corporation for such year.

(f) *Taxes paid on or with respect to accumulated profits of a foreign corporation.* For purposes of this section, the amount of foreign income taxes paid or accrued on or with respect to the accumulated profits of a foreign corporation for any taxable year shall be so much of the foreign income taxes for such year as is properly attributable to such accumulated profits. For such purpose, the foreign income taxes which are properly attributable to the accumulated profits for any taxable year shall be the same proportion of the foreign income taxes imposed on or with respect to the gains, profits, and income for the taxable year as the accumulated profits, as determined under paragraph (e)(1) or (2), as the case may be, bear to the total amount of such gains, profits, and income for such year. Since, in applying the preceding sentence to a first-tier corporation which is not a less developed country corporation (and to any second-tier or third-tier foreign corporation described in paragraph (e)(1) of this section), the accumulated profits, determined in accordance with such paragraph, for the taxable year are always equal to the total amount of the gains, profits, and income for that year, the foreign income taxes imposed on or with respect to such accumulated profits shall be the entire amount of the foreign income taxes paid or accrued for such year on or with respect to such gains, profits, and income. For purposes of this paragraph (f), the gains, profits, and income of a foreign corporation for any taxable year shall be determined after reduction by any income, war profits, or excess profits taxes imposed on or with respect to such gains, profits, and income by the United States.

(g) *Determination of earnings and profits of a foreign corporation*—(1) *Taxable year to which section 963 does not apply.* For purposes of this section, the earnings and profits of a foreign corporation for any taxable year beginning after December 31, 1962, other than a taxable year to which paragraph (g)(2) of this section applies, may, if the domestic shareholder chooses, be determined under the rules provided by § 1.964–1 exclusive of paragraphs (d) and (e) of such section. The translation of amounts so determined into United States dollars or other foreign currency shall be made at the proper exchange rate for the date of distribution with respect to which the determination is made.

(2) *Taxable year to which section 963 applies.* For any taxable year of a foreign corporation with respect to which there applies under § 1.963–1(c)(1) an election by a corporate United States shareholder to exclude from its gross income for the taxable year the subpart F income of a controlled foreign corporation, the earnings and profits of such foreign corporation for such year with respect to such shareholder must be determined, for purposes of this section, under the rules provided by § 1.964–1, even though the amount of the minimum distribution required under § 1.963–2(a) to be received by such shareholder from such earnings and profits of such foreign corporation, or from the consolidated earnings and profits of the chain or group which includes such foreign corporation, is zero. Effective for taxable years of foreign corporations beginning after December 31, 1975, section 963 is repealed by section 602(a)(1) of the Tax Reduction Act of 1975 (89 Stat. 58); accordingly, this paragraph (g)(2) is inapplicable with respect to computing earnings and profits for such taxable years.

(3) *Time and manner of making choice.* The controlling United States shareholders (as defined in § 1.964–1(c)(5)) of a foreign corporation shall make the choice referred to in paragraph (g)(1) of this section (including the elections permitted by § 1.964–1 (b) and (c)) by filing a written statement to such effect with the Director of the Internal Revenue Service Center, 11601 Roosevelt Boulevard, Philadelphia, Pennsylvania 19155, within 180 days after the close of the first taxable year of the foreign corporation during which such shareholders receive a distribution of earnings and profits with respect to which the benefits of this section are claimed or on or before November 15, 1965, whichever is later. For purposes of this paragraph (g)(3), the 180-day period shall commence on the date of receipt of any distribution which is considered paid from the accumulated profits of a preceding year or years under paragraph (g)(4) of this section. See § 1.964–1(c)(3) (ii) and (iii) for procedures requiring notification of the Director of the Internal Revenue Service Center and noncontrolling shareholders of action taken.

(4) *Determination by district director.* The district director in whose district is filed the income tax return of the domestic shareholder claiming a credit under section 901 for foreign income taxes deemed, under section 902 and this section, to be paid by such shareholder shall have the power to determine, with respect to a foreign corporation, from the accumulated profits of what taxable year or years the dividends were paid. In making such determination the district director shall, unless it is otherwise established to his satisfaction, treat any dividends which are paid in the first 60 days of any taxable year of such a corporation as having been paid from the accumulated profits of the preceding taxable year or years of such corporation and shall, in other respects, treat any dividends as having been paid from the most recently accumulated profits. For purposes of this paragraph (g)(4), in the case of a foreign corporation the foreign income

taxes of which are determined on the basis of an accounting period of less than 1 year, the term "year" shall mean such accounting period. See sections 441 (b)(3) and 443.

(h) *Source of income from first-tier corporation and country to which tax is deemed paid*—(1) *Source of income.* For purposes of section 904(a)(1) (relating to the per-country limitation), in the case of a dividend received by a domestic shareholder from a first-tier corporation there shall be deemed to be derived from sources within the foreign country or possession of the United States under the laws of which the first-tier corporation is created or organized the sum of the amounts which under paragraph (a)(3)(ii) of §1.861-3 are treated, with respect to such dividend, as income from sources without the United States.

(2) *Country to which taxes deemed paid.* For purposes of section 904, all foreign income taxes paid, or deemed under paragraph (c) of this section to be paid, by a first-tier corporation shall be deemed to be paid to the foreign country or possession of the United States under the laws of which such first-tier corporation is created or organized.

(i) *United Kingdom income taxes paid with respect to royalties.* A taxpayer shall not be deemed under section 902 and this section to have paid any taxes with respect to which a credit is allowable to such taxpayer or any other taxpayer by virtue of section 905(b).

(j) *Information to be furnished.* If the credit for foreign income taxes claimed under section 901 includes taxes deemed, under paragraph (b)(2) or (3) of this section, to be paid, the domestic shareholder must furish the same information with respect to such taxes as it is required to furnish with respect to the taxes actually paid or accrued by it and for which credit is claimed. See § 1.905-2. For other information required to be furnished by the domestic shareholder for the annual accounting period of certain foreign corporations ending with or within such shareholder's taxable year, and for reduction in the amount of foreign income taxes paid or deemed to be paid, see section 6038 and the regulations thereunder.

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

Example (1). Throughout 1975, domestic corporation M owns all the one class of stock of foreign corporation A, not a less developed country corporation. Both corporations use the calendar year as the taxable year. Corporation A has accumulated profits, pays foreign income taxes, and pays dividends for 1975 as summarized below. For 1975, M Corporation is deemed, under paragraph (b)(2) of this section, to have paid $20 of the foreign income taxes paid by A Corporation for 1975 and includes such amount in gross income under section 78 as a dicidend, determined as follows:

Gains, profits, and income of A Corp	$100
Foreign income taxes imposed on or with respect to gains, profits, and income	40
Accumulated profits	100
Foreign income taxes paid on or with respect to accumulated profits (total foreign income taxes)	40
Accumulated profits in excess of foreign income taxes	60
Dividends paid to M Corp	30
Foreign income taxes of A Corp. deemed paid by M Corp. under sec. 902(a)(1) ($40×$30/$60)	20

Example (2). The facts are the same as in example (1), except that M Corporation also owns all the one class of stock of foreign corporation B, a less developed country corporation, which also uses the calendar year as the taxable year. Corporation B has accumulated profits, pays foreign income taxes, and pays dividends for 1975 as summarized below. For 1975, M Corporation is deemed, under paragraph (b)(2) of this section, to have paid $20 of the foreign income taxes paid by A Corporation for 1975; is deemed, under paragraph (b)(3) of this section, to have paid $12 of the foreign income taxes paid by B Corporation for 1975; and includes $20 in gross income as a dividend under section 78, determined as follows:

B Corporation

Gains, profits, and income	$100
Foreign income taxes imposed on or with respect to gains, profits, and income	40
Accumulated profits	60
Foreign income taxes paid on or with respect to accumulated profits ($40×$60/$100)	24
Dividends paid to M Corp	30
Foreign income taxes of B Corp deemed paid by M Corp under sec. 902(a)(2) ($24×$30/$60)	12

M Corporation

Foreign income taxes deemed pair under sec. 902(a):	
Taxes of A Corp (from example (1))	20
Taxes of B Corp (as determined above)	12
Total	32
Foreign income taxes included in gross income under sec. 78 as a dividend:	
Taxes of A Corp (from example (1))	20
Taxes of B Corp	0
Total	20

Example (3). For 1975, domestic corporation M owns all the one class of stock of foreign corporation A, not a less developed country corporation, which in turn owns all the one class stock of foreign corporation B. All corporations use the calendar year as the taxable year. For 1975, M Corporation is deemed under paragraph (b)(2) of this section to have paid $50 of the foreign income taxes paid, or deemed under paragraph (c)(2) of this section to be paid, by A Corporation for such year and includes such amount in gross income as a dividend under section 78, determined as follows upon the basis of the facts assumed:

B Corp. (second-tier corporation):	
Gains, profits, and income	$300
Foreign income taxes imposed on or with respect to gains, profits, and income	120
Accumulated profits	300
Foreign income taxes paid by B Corp. on or with respect to its accumulated profits (total foreign income taxes)	120
Accumulated profits in excess of foreign income taxes	180
Dividends paid on Dec. 31, 1975 to A Corp	90
Foreign income taxes of B Corp. deemed paid by A Corp. for 1975 under sec. 902(b)(1)(A) ($120×$90/$180)	60
A Corp. (first-tier corporation):	
Gains, profits, and income:	
Business operations	200
Dividends from B Corp	90
Total	290
Foreign income taxes imposed on or with respect to gains, profits, and income	40
Accumulated profits	290
Foreign income taxes paid by A Corp. on or with respect to its accumulated profits (total foreign income taxes)	40
Accumulated profits in excess of foreign income taxes	250
Foreign income taxes paid, and deemed to be paid, by A Corp. for 1975 on or with respect to its accumulated profits for such year ($60+$40)	100
Dividends paid on Dec. 31, 1975, to M Corp	125
M Corp. (domestic shareholder):	
Foreign income taxes of A Corp. deemed paid by M Corp. for 1975 under sec. 902(a)(1) ($100×$125/$250)	50
Foreign income taxes included in gross income of M Corp. under sec. 78 as a dividend received from A Corp.	50

Example (4). The facts are the same as in example (3), except that A Corporation is a less developed country corporation for 1975. For 1975, M Corporation is deemed under paragraph (b)(3) of this section to have paid $35.24 of the foreign income taxes paid, or deemed under paragraph (c)(3) of this section to be paid, by A Corporation for such year, determined as follows:

B Corp. (second-tier corporation):	
Gains, profits, and income	$300.00
Foreign income taxes imposed on or with respect to gains, profits, and income	120.00
Accumulated profits	180.00
Foreign income taxes paid by B Corp. on or with respect to its accumulated profits ($120×$180/$300)	72.00
Dividends paid on Dec. 31, 1975 to A Corp	90.00
Foreign income taxes of B Corp. deemed paid by A Corp. for 1975 ($72×$90/$180)	36.00
A Corp. (first-tier corporation):	
Gains, profits, and income:	
Business operations	200.00
Dividends from B Corp	90.00
Total	290.00
Foreign income taxes imposed on or with respect to gains, profits, and income	40.00
Accumulated profits	250.00
Foreign income taxes paid by A Corp. on or with respect to its accumulated profits ($40×$250/$290)	34.48
Foreign income taxes paid, and deemed to be paid, by A Corp. for 1975 on or with respect to its accumulated profits for such year ($36.00+$34.48)	70.48
Dividends paid on Dec. 31, 1975 to M Corp	125.00
M Corp. (domestic shareholder):	
Foreign income taxes of A Corp. deemed paid by M Corp. for 1975 under sec. 902(a)(2) ($70.48×$125/$250)	35.24

Example (5). Throughout 1975, domestic corporation M owns 50 percent of the voting stock of foreign corporation A, not a less developed country corporation. A Corporation has owned 40 percent of the voting stock of foreign corporation B, a less developed country corporation, since 1970; B Corporation has owned 30 percent of the voting stock

of foreign corporation C, a less developed country corporation, since 1972. B Corporation uses a fiscal year ending on June 30 as its taxable year; all other corporations use the calendar year as the taxable year. On February 1, 1974, B Corporation receives a dividend from C Corporation out of C Corporation's accumulated profits for 1973. On February 15, 1974, A Corporation receives a dividend from B Corporation out of B Corporation's accumulated profits for its fiscal year ending in 1974. On February 15, 1975, M Corporation receives a dividend from A Corporation out of A Corporation's accumulated profits for 1974. For 1975, M Corporation is deemed under paragraph (b)(2) of this section to have paid $81.67 of the foreign income taxes paid, or deemed under paragraph (c)(2) of this section to be paid, by A Corporation on or with respect to its accumulated profits for 1974, and M Corporation includes that amount in gross income as a dividend under section 78, determined as follows upon the basis of the facts assumed:

C Corp. (third-tier corporation):	
Gains, profits, and income for 1973	$2,000.00
Foreign income taxes imposed on or with respect to such gains, profits, and income	800.00
Accumulated profits	2,000.00
Foreign income taxes paid by C Corp. on or with respect to its accumulated profits (total foreign income taxes)	800.00
Accumulated profits in excess of foreign income taxes	1,200.00
Dividends paid on Feb. 1, 1974 to B Corp	150.00
Foreign income taxes of C Corp. for 1973 deemed paid by B Corp. for its fiscal year ending in 1974 ($800×$150/$1,200)	100.00
B Corp. (second-tier corporation):	
Gains, profits, and income for fiscal year ending in 1974:	
Business operations	850.00
Dividends from C Corp	150.00
Total	1,000.00
Foreign income taxes imposed on or with respect to gains, profits, and income	200.00
Accumulated profits	1,000.00
Foreign income taxes paid by B Corp. on or with respect to its accumulated profits (total foreign income taxes)	200.00
Accumulated profits in excess of foreign income taxes	800.00
Foreign income taxes paid, and deemed to be paid, by B Corp. for its fiscal year on or with respect to its accumulated profits for such year ($100+$200)	300.00
Dividends paid on Feb. 15, 1974 to A Corp	120.00
Foreign income taxes of B Corp. for its fiscal year deemed paid by A Corp. for 1974 ($300×$120/$800)	45.00
A Corp. (first-tier corporation):	
Gains, profits, and income for 1974: Business operations	380.00
Dividends from B Corp	120.00
Total	500.00
Foreign income taxes imposed on or with respect to gains, profits, and income	200.00
Accumulated profits	500.00
Foreign income taxes paid by A Corp. on or with respect to its accumulated profits (total foreign income taxes)	200.00
Accumulated profits in excess of foreign taxes	300.00
Foreign income taxes paid, and deemed to be paid, by A Corp. for 1974 on or with respect to its accumulated profits for such year ($45+$200)	$245.00
Dividends paid on Feb. 15, 1975 to M Corp	100.00
M Corp. (domestic shareholder):	
Foreign income taxes of A Corp. for 1974 deemed paid by M Corp. for 1975 under sec. 902(a)(1), $245×$100/$30)	81.67
Foreign income taxes included in gross income of M Corp. under sec. 78 as a dividend received from A Corp	81.67

Example (6). The facts are the same as in example (5), except that A Corporation is a less developed country corporation for 1974. For 1975, M Corporation is deemed under paragraph (b)(3) of this section to have paid $51 of the foreign income taxes paid, or deemed under paragraph (c)(3) of this section to be paid, by A Corporation on or with respect to its accumulated profits for 1974, determined as follows:

C Corp. (third-tier corporation):	
Gains, profits, and income for 1973	$2,000
Foreign income taxes imposed on or with respect to such gains, profits, and income	800
Accumulated profits	1,200
Foreign income taxes paid by C Corp. on or with respect to its accumulated profits ($800×$1200/$2000)	480
Dividends paid on Feb. 1, 1974 to B Corp	150
Foreign income taxes of C Corp. for 1973 deemed paid by B Corp. for its fiscal year ending in 1974 ($480×$150/$1,200)	60
B Corp. (second-tier corporation):	
Gains, profits and income for fiscal year ending in 1974:	
Business operations	850
Dividends from C Corp	150
Total	1,000
Foreign income taxes imposed on or with respect to gains, profits, and income	200
Accumulated profits	800
Foreign income taxes paid by B Corp. on or with respect to its accumulated profits ($200×$800/$1000)	160
Foreign income taxes paid, and deemed to be paid, by B Corp. for its fiscal year on or with respect to its accumulated profits for such year ($60+$160)	220
Dividends paid on Feb. 15, 1974 to A Corp	120
Foreign income taxes of B Corp. for its fiscal year deemed paid by A Corp. for 1974 ($220×$120/$800)	33
A Corp. (first-tier corporation):	
Gains, profits, and income for 1974:	
Business operations	380
Dividends from B Corp	120
Total	500
Foreign income taxes imposed on or with respect to gains, profits, and income	200
Accumulated profits	300
Foreign income taxes paid by A Corp. on or with respect to its accumulated profits ($200×$300/$500)	120
Foreign income taxes paid, and deemed to be paid, by A Corp. for 1974 on or with respect to its accumulated profits for such year ($33+$120)	153
Dividends paid on Feb. 15, 1975 to M Corp	$100
M Corp. (domestic shareholder:	
Foreign income taxes of A Corp. for 1974 deemed paid by M Corp. for 1975 under sec. 902(a)(2) ($153×$100/$300)	51

(1) *Effective date.* This section applies to any distribution received from a first-tier corporation by its domestic shareholder after December 31, 1964. For corresponding rules applicable to distributions received by the domestic shareholder prior to January 1, 1965, see 26 CFR 1.902-5 (Rev. as of April 1, 1976).

Par. 3. Section 1.902-2 is revised to read as follows:

§ 1.902-2 Definition of less developed country.

(a) *Designation by Executive order.* For purposes of section 902, the term "less developed country" means any foreign country (other than an area within the Sino-Soviet bloc) or any possession of the United States with respect to which, on the first day of the foreign corporation's taxable year, there is in effect an Executive order by the President of the United States designating such country or possession as an economically less developed country for purposes of such section. Each territory, department, province, or possession of any foreign country other than a country within the Sino-Soviet bloc may be treated as a separate foreign country for purposes of such designation if the territoy, department, province, or possession is overseas from the country of which it is a territory, department, province, or possession. Thus, for example, an overseas possession of a foreign country may be designated by Executive order as an economically less developed country even though the foreign country itself has not been designated as an economically less developed country; or the foreign country may be so designated even though the overseas possessions of such country have not been designated as economically less developed countries. The term "possession of the United States", for purposes of section 902(d)(5) and this section, includes Guam, the Midway Islands, the Panama Canal Zone, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Wake Island. The designation of economically less developed countries by Executive Order 11071, December 27, 1962, 27 F.R. 12875, as in effect on March 26, 1975, under section 955(c)(3) (as in effect before the enactment of the Tax Reduction Act of 1975, Pub. Law 94-12, 89 Stat. 26) shall be treated as made under section 902(d)(5) and this section.

(b) *Countries not eligible for designation.* Section 902(d)(5) provides that no designation by Executive order may be made under such section and paragraph (a) of this section with respect to—

Australia
Austria
Belgium
Canada
Denmark
France
Germany (Federal Republic)
Hong Kong
Italy
Japan
Liechtenstein
Luxembourg
Monaco
Netherlands
New Zealand
Norway
Union of South Africa
San Marino
Sweden
Switzerland
United Kingdom

(c) *Termination of designation.* Section 902(d)(5) provides that, after the President has designated any foreign country or possession of the United States as an economically less developed country for purposes of section 902, he may not terminate such designation (either by issuing an Executive order for the purpose of terminating such designation or by issuing an Executive order which has the effect of terminating such designation) unless, at least 30 days prior to such termination, he has notified the Senate and the House of Representatives of his intention to terminate such designation. If such 30-day notice is given, no action by the Congress of the United States is necessary to effectuate the termination. The requirement for giving 30-day notice to the Senate and House of Representatives applies also to the termination of a designation with respect to an overseas territory, department, province, or possession of a foreign country.

(d) *Effective date.* This section applies for taxable years of foreign corporations beginning after December 31, 1975. For corresponding rules applicable to previous taxable years, see 26 CFR 1.902-4 (Rev. as of April 1, 1976).

Par. 4. Section 1.902-3 is revised to read as follows:

§ 1.902-3 Definition of less developed country corporation.

(a) *In general.* For purposes of section 902, a less developed country corporation shall be—

(1) A foreign corporation which is a less developed country corporation within the meaning of section 902(d)(3) or (4) and paragraph (b) or (c) of this section for its taxable year; or

(2) A foreign corporation which—

(i) Owns for its entire taxable year 10 percent or more of the total combined voting power of all classes of stock entitled to vote of another foreign corporation which is a less developed country corporation within the meaning of section 902(d)(3) and paragraph (b) (determined without reference to paragraph (c)) of this section for its taxable year ending with or within such taxable year of such former foreign corporation,

(ii) Derives 80 percent or more of its gross income, if any, for the taxable year from sources within less developed countries, as determined under the provisions of § 1.902-4, and

(iii) Has 80 percent or more in value of its assets on each day of its taxable year consisting of assets described in section 902(d)(3)(B), as determined under paragraph (b)(1)(iii) of this section.

A foreign corporation which qualifies as a less developed country corporation for a taxable year under one subparagraph of this paragraph (a) may qualify as a less developed country corporation for another taxable year under either the same or the other subparagraph of this paragraph (a). If a foreign corporation would qualify under paragraph (a)(1) of this section for a part of a taxable year if that part were treated as the entire taxable year and such foreign corporation would qualify under paragraph (a)(2) of this section for the remainder of that taxable year if the remainder of that year were treated as the entire taxable year, such foreign corporation shall be deemed to be a less developed country corporation under this paragraph (a) for that taxable year. A DISC or former DISC shall not be treated as a less developed country corporation for purposes of section 902.

(b) *Less developed country corporation other than shipping company*—(1) *In general.* The term "less developed country corporation" means a foreign corporation—

(i) Which is engaged in the active conduct of one or more trades or businesses during the entire taxable year;

(ii) Which derives 80 percent or more of its gross income, if any, for such taxable year from sources within less developed countries, as determined under the provisions of § 1.902-4; and

(iii) Which has 80 percent or more in value (within the meaning of paragraph (e) of this section) of its assets on each day of such taxable year consisting of one or more of the following items of property:

(A) Property (other than property hereinafter described in this paragraph (b)(1)(iii)) which is used, or held for use, in such trades or businesses and is located in one or more less developed countries;

(B) Money;

(C) Deposits with persons carrying on the banking business;

(D) Stock of any other less developed country corporation;

(E) Bonds, notes, debentures, certificates, or other evidences of indebtedness of another less developed country corporation which have a maturity of one year or more as of the date the foreign corporation acquires an adjusted basis in such obligation;

(F) Bonds, notes, debentures, certificates, or other evidences of indebtedness issued by any less developed country;

(G) Investments which are required to be made or held because of restrictions imposed by the government of any less developed country; and

(H) Property described in section 956(b)(2), relating to property not included in United States property.

(2) *Rules of application.* (i) for purposes of paragraph (b)(1) of this section, if a foreign corporation is a partner in a foreign partnership, as defined in section 7701(a)(2) and (5) and the regulations thereunder, such corporation will be considered to be engaged in the active conduct of a trade or business to the extent and in the manner in which the partnership is so engaged and to own directly its proportionate share of each of the assets of the partnership.

(ii) For purposes of paragraph (b)(1)(i) of this section, a newly-organized foreign corporation will be considered engaged in the active conduct of a trade or business from the date of its organization if such corporation commences business operation as soon as practicable after such organization.

Example. Foreign corporation A is formed on November 1, 1976, to engage in the business of manufacturing and selling radios in Country X, a less developed country as of November 1, 1976. Corporation A uses the calendar year as a taxable year. Shortly after it is formed, A Corporation acquires a plant site and begins construction of a plant which is completed on August 1, 1977. Corporation A commences business operations as soon as practicable and continues such operations through December 31, 1977, and thereafter. Corporation A will be considered to be engaged in the active conduct of a trade or business for its entire taxable years ending on December 31, 1976, and 1977. The plant site and the plant (while under construction and after completion) will be considered to be property held during such taxable years for use in A Corporation's trade or business.

(iii) In the absence of affirmative evidence showing that the 80-percent requirement of paragraph (b)(1)(iii) of this section has not been satisfied on each day of the taxable year, such requirement will be considered satisfied if it is established to the satisfaction of the district director that such requirement has been satisfied on the last day of each quarter of the taxable year of the foreign corporation.

(iv) For purposes of paragraph (b)(1)(iii) of this section, property purchased for use in a trade or business and temporarily located outside less developed countries will be considered located in less developed countries, but only if such property is shipped to and received in less developed countries promptly after such purchase. This rule does not apply, however, to stock in trade or other property of a kind which would properly be included in inventory of the foreign corporation if it were on hand at the close of the taxable year or to property held primarily for sale to customers in the ordinary course of the trade or business of the foreign corporation.

(v) For purposes of paragraph (b)(1)(iii)(E) of this section, where a foreign corporation acquires an obligation in a transaction (other than a reorganization of the type described in section 368(a)(1)(E) or (F)) in which no gain or loss would be recognized if the transaction had been between two domestic corporations, such corporation will be considered to have acquired an adjusted basis in such obligation as of the date such transaction occurs.

(vi) In the absence of legal, governmental, or business reasons to the contrary, an indebtedness described in paragraph (b)(1)(iii)(E) or (F) of this section must bear interest or be issued at a discount.

(3) *Location of certain property used in trade or business.* For purposes of paragraph (b)(1)(iii)(A) of this section—

(i) *Treatment of receivables.* Bills receivable, accounts receivable, notes receivable and open accounts shall be considered to be used in the trade or business and located in less developed countries if—

(A) Such obligations arise out of the rental of property located in less developed countries, the performance of services within less developed countries, or the sale of property manufactured, produced, grown, or extracted in less developed countries, but only to the extent that the aggregate amount of such obligations at any time during the taxable year does not exceed an amount which is ordinary and necessary to carry on the business of both parties to the transactions if such transactions are between unrelated persons or, if such transactions are between related persons, an amount which would be ordinary and necessary to carry on the business of both parties to the transaction if such transactions were between unrelated persons;

(B) In the case of bills receivable, accounts receivable, notes receivable, and open accounts arising out of transactions other than those referred to in paragraph (b)(3)(i)(A) of this section—

(*1*) If the obligor is an individual, such individual is a resident of one or more less developed countries and of no other country which is not a less developed country;

(2) If the obligor is a corporation which as to the foreign corporation is a related person, such obligor meets with respect to the period ending with the close of its annual accounting period in which occurs the date on which the obligation is incurred, the 80-percent gross income requirement of § 1.902–4(b)(1)(ii); or

(3) If the obligor is a corporation which as to the foreign corporation is an unrelated person, it is reasonable, on the basis of ascertainable facts, for the obligee to believe that the obligor meets, with respect to such period, the 80-percent gross income requirement of § 1.902–4(b)(1)(ii).

(ii) *Location of interests in real estate.* Interests in real estate, such as leaseholds of land or improvements thereon, mortgages on real property (including interests in mortgages on leaseholds of land or improvements thereon), and mineral, oil, or gas interests shall be considered located in less developed countries if the underlying real estate is located in less developed countries.

(iii) *Location of certain other intangibles.* Intangible property (other than any such property described in paragraph (b)(3)(i) or (ii) of this section) used in the trade or business of the foreign corporation shall be considered to be located in less developed countries in the same ratio that the amount of the foreign corporation's tangible property and property described in paragraph (b)(3)(i) or (ii) of this section used in its trades or businesses and located or deemed located in less developed countries bears to the total amount of its tangible property and property described in paragraph (b)(3)(i) or (ii) of this section used in its trades or businesses.

(iv) *Related person.* For the definition of the terms "related person" and "unrelated person", as used in this paragraph (b)(3), see section 954(d)(3) and § 1.954–1(e).

(c) *Shipping companies.* The term "less developed country corporation" also means any foreign corporation—

(1) Which has 80 percent or more of its gross income, if any, for the taxable year consisting of one or more of—

(i) Gross income derived—

(A) From, or in connection with, the using (or hiring or leasing for use) in foreign commerce of aircraft or vessels registered under the laws of a less developed country,

(B) From, or in connection with, the performance of services directly related to the use in foreign commerce of aircraft or vessels registered under the laws of a less developed country, or

(C) From the sale or exchange of aircraft or vessels registered under the laws of a less developed country and used in foreign commerce by such foreign corporation;

(ii) Dividends or interest received or accrued from other foreign corporations which are less developed country corporations within the meaning of this paragraph (c) and 10 percent or more of the total combined voting power of all classes of stock of which is owned at the time such dividends or interest are so received or accrued by such foreign corporations; or

(iii) Gain from the sale or exchange of stock or obligations of other foreign corporations which are less developed country corporations within the meaning of this paragraph (c) and 10 percent or more of the total combined voting power of all classes of stock of which is owned by such foreign corporation immediately before such sale or exchange; and

(2) Which has 80 percent or more in value (within the meaning of paragraph (e) of this section) of its assets on each day of the taxable year consisting of—

(i) Assets used, or held for use, for the production of income described in paragraph (c)(1) of this section, or in connection with the production of such income, whether or not such income is received during the taxable year, and

(ii) Property described in section 956 (b)(2), relating to property not included in United States property.

In the absence of affirmative evidence showing that the 80-percent requirement of this paragraph (c)(2) has not been satisfied on each day of the taxable year, such requirement will be considered satisfied if it is established to the satisfaction of the district director that such requirement has been satisfied on the last day of each quarter of the taxable year of the foreign corporation.

Example. Foreign corporation A is formed on November 1, 1976, for the purpose of constructing and operating a vessel and, on that date, enters a charter agreement which provides that such vessel will be registered under the laws of Country X, a less deveolped country as of November 1, 1976, and operated between South American and European ports. Corporation A uses the calendar year as a taxable year. Construction of the vessel is completed on September 1, 1978, and the vessel is registered under the laws of Country X and operated between South American and European ports through December 31, 1978, and thereafter. The charter and the vessel (while under construction and after completion), or any interest of A Corporation in such assets, will be considered assets which are held by A Corporation during its taxable years ending on December 31, 1976, 1977, and 1978, for use in the production of income described in paragraph (c)(1) of this section.

(d) *Determination of stock ownership.* In determining for purposes of paragraph (c)(1)(ii) and (iii) of this section whether a foreign corporation owns 10 percent or more of the total combined voting power of all classes of stock of a less developed country corporation, only stock owned directly by such foreign corporation shall be taken into account.

(e) *Determination of value.* For purposes of paragraph (b)(1)(iii) and (c)(2) of this section—

(1) *In General.* Except as provided in paragraph (e)(2) of this section, the value at which property is to be taken into account is its actual value (not reduced by liabilities), which, in the absence of affirmative evidence to the contrary, shall be deemed to be its adjusted basis.

(2) *Treatment of certain receivables.* The value at which receivables described in paragraph (b)(3)(i) of this section and held by a foreign corporation using the cash receipts and disbursements method of accounting is to be taken into account is their actual value (not reduced by liabilities), which, in the absence of affirmative evidence to the contrary, shall be deemed to be their face value.

(f) *Effect of qualifying or not qualifying as a less developed country corporation for first taxable year beginning after December 31, 1962*—(1) *Effect of qualifying.* A foreign corporation which is a less developed country corporation under paragraph (a) of this section for its first taxable year beginning after December 31, 1962, shall be considered, for purposes of section 902, as having been a less developed country corporation under section 902(d) for each of its taxable years beginning before January 1, 1963, even though such foreign corporation would have been unable to meet the tests of section 902(d)(1) or (2) for such prior taxable year if they had been applicable to such year. Thus, if a domestic shareholder receives a dividend from the profits of a first-tier corporation which were accumulated in a taxable year beginning before January 1, 1963, section 902(a)(2) and section 902(c)(1)(B) shall apply with respect to such dividend if such first-tier corporation is, for its first taxable year beginning after December 31,

1962, a less developed country corporation under section 902(d).

(2) *Effect of not qualifying.* A foreign corporation which is not a less developed country corporation under paragraph (a) of this section for its first taxable year beginning after December 31, 1962, shall not be considered, for purposes of section 902, as having been a less developed country corporation under section 902(d) for any taxable year beginning before January 1, 1963, even though such foreign corporation would have been able to meet the tests of section 902(d)(1) or (2) for such prior taxable year if they had been applicable to such year. Thus, if a domestic shareholder receives a dividend from the profits of a first-tier corporation which were accumulated in a taxable year beginning before January 1, 1963, section 902(a)(1) and section 902(c)(1)(A) shall apply with respect to such dividend if such first-tier corporation is not, for its first taxable year beginning after December 31, 1962, a less developed country corporation under section 902(d).

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

Example (1). For 1962 through 1976, foreign corporation A owns 50 percent of the one class of stock of foreign corporation B. On December 31, 1976, domestic corporation M purchases all the one class of stock of A Corporation. All corporations use the calendar year as the taxable year. For 1963 through 1976, B Corporation is not a less developed country corporation within the meaning of paragraph (a) of this section, but for such years A Corporation is a less developed country corporation within the meaning of paragraph (a)(1) of this section. On December 31, 1976, A Corporation and B Corporation each distributes all of its accumulated profits for 1962 through 1976. On December 31, 1976, with respect to A Corporation, B Corporation is a second-tier corporation; and on such date, with respect to M Corporation, A Corporation is a first-tier corporation. Since A Corporation is a less developed country corporation for its first taxable year beginning after December 31, 1962, it will also be treated as having been a less developed country corporation for 1962. Accordingly, with respect to the dividends received on December 31, 1976, by A Corporation and M Corporation, the accumulated profits of corporations A and B for 1962 through 1976 will be determined in accordance with the less-developed-country-corporation rule provided in § 1.902-1(e)(2).

Example (2). The facts are the same as in example (1) except that, in addition, domestic corporation M on December 31, 1976, owns 10 percent of B Corporation's stock. On such date with respect to M Corporation, B Corporation is a first-tier corporation. Since B Corporation is not a less developed country corporation for its first taxable year beginning after December 31, 1962, it will not be treated as having been a less developed country corporation for 1962. Accordingly, with respect to the dividend received by A Corporation from B Corporation, and with respect to the dividend received by M Corporation from A Corporation, the accumulated profits of corporations A and B for 1962 through 1976 will be determined as provided in example (1); however, with respect to the dividend received on December 31, 1976, by M Corporation from B Corporation, the accumulated profits of B Corporation for 1962 through 1976 will be determined in accordance with the non-less-developed-country-corporation rule provided by § 1.902-1(e)(1).

Example (3). For 1962 through 1965, domestic corporation M owns all of the one class of stock of foreign corporation A, which throughout such period owns 10 percent of the one class of stock of foreign corporation B. Corporations M and A use the calendar year, and B Corporation uses the fiscal year ending June 30, as the taxable year. Corporation B qualifies as a less developed country corporation within the meaning of paragraph (a)(1) of this section for its taxable years ending June 30, 1964, and June 30, 1965, and, since it is a less developed country corporation for its first taxable year beginning after December 31, 1962, it will also be treated as having been a less developed country corporation for its taxable year ending on June 30, 1963. Corporation A satisfies the 80-percent-of-gross-income and 80-percent-of-asset tests of paragraph (a)(2)(ii) and (iii) of this section for 1963, 1964, and 1965, throughout each of which years it owns 10 percent of the total combined voting power of all classes of stock entitled to vote of B Corporation and within each of which years ends a taxable year of B Corporation for which B Corporation is a less developed country corporation within the meaning of paragraph (a)(1) of this section. Accordingly, A Corporation qualifies as a less developed country corporation within the meaning of paragraph (a)(2) of this section for 1963, 1964, and 1965, and its accumulated profits for such years shall be determined in accordance with the less-developed-country-corporation rule provided by § 1.902-1(e)(2).

(g) *Effective date.* This section applies for taxable years of foreign corporations beginning after December 31, 1975. For corresponding rules applicable to previous taxable years, see 26 CFR 1.902-4 (Rev. as of April 1, 1976).

Par. 5. Section 1.902-4 is revised to read as follows:

§ 1.902-4 Gross income from sources within less developed countries.

(a) *In general.* Except as provided in paragraphs (b), (c), and (d) of this section, the determination under § 1.902-3(b)(1)(ii) whether a foreign corporation has derived 80 percent or more of its gross income from sources within less developed countries for any taxable year shall be made by the application of § 1.863-6. The source of income described in paragraphs (b), (c), and (d) of this section shall be determined solely under the rules of this section and without regard to the rules of section 861 through 864, and the regulations thereunder.

(b) *Interest*—(1) *In general.* Except as provided in paragraphs (b)(2) and (d) of this section, gross income derived by the foreign corporation from interest on any indebtedness—

(i) Of an individual shall be treated as income from sources within a less developed country if such individual is a resident of one or more less developed countries and of no other country which is not a less developed country;

(ii) Of a corporation shall be treated as income from sources within less developed countries if 80 percent or more of the gross income of the payer corporation for the 3-year period ending with the close of its annual accounting period in which such interest is paid, or for such part of such 3-year period as such corporation has been in existence, whichever period is shorter, was derived from sources within less developed countries as determined in accordance with the principles of this section; or

(iii) Of a less developed country, including obligations issued or guaranteed by the government of such country or of a political subdivision thereof, and obligations of any agency or instrumentality of such country in which such country is financially committed, shall be treated as income from sources within such country.

(2) *Interest on U.S. obligations.* Gross income derived by the foreign corporation from interest on obligations of the United States shall be treated as income from sources within less developed countries without regard to the provisions of paragraph (b)(1) of this section.

(3) *Payers other than related persons.* For purposes of paragraph (b)(1)(ii) of this section, a payer corporation which as to the recipient corporation is not a related person as defined in section 954(d)(3) and § 1.954-1(e) shall be deemed to have satisfied the 80-percent gross income requirement if, on the basis of ascertainable facts, it is reasonable for the recipient corporation to believe that such requirement is satisfied.

(c) *Dividends*—(1) *In general.* Gross income derived by the foreign corporation from dividends, as defined in section 316 and the regulations thereunder, shall be treated as income from sources within less developed countries if 80 percent or more of the gross income of the payer corporation for the 3-year period ending with the close of its annual accounting period in which such dividends are distributed, or for such part of such 3-year period as such corporation has been in existence, whichever period is shorter, was derived from sources within less developed countries as determined in accordance with the principles of this section.

(2) *Payers other than related persons.* See paragraph (b)(3) of this section for rule governing satisfaction of the 80-percent gross income requirement by payers other than related persons.

(d) *Sale of tangible personal property*—(1) *In general.* Income (whether in the form of profits, commissions, fees, interest, or otherwise) derived by the foreign corporation in connection with the sale of tangible personal property shall be treated as income from sources within less developed countries if—

(i) Such property is produced (within the meaning of paragraph (d)(2) of this section) within less developed countries, or

(ii) Such property is sold for use, consumption, or disposition within less developed countries, even though produced outside less developed countries, and the selling corporation is engaged within less developed countries, in connection with sales of such property, in continuous operational activities which are substantial in relation to such sales, as evidenced, for example, by the maintenance within less developed countries of a substantial sales or service organization or substan-

tial faciilties for the storage, handling, transportation, assembly, packaging, or servicing of such property.

(2) *Production defined.* For purposes of paragraph (d)(1)(i) of this section, the term "produced" means manufactured, grown, extracted or constructed and includes a substantial transformation of property purchased for resale or the manufacture of a product when purchased components constitute part of the property which is sold. See § 1.954-3(a)(4)(ii) and (iii) for a statement and illustration of the principles set forth in the preceding sentence.

(e) *Effective date.* This section applies for taxable years of foreign corporations beginning after December 31, 1975. For corresponding rules applicable to previous taxable years, see 26 CFR 1.902-4 (Rev. as of April 1, 1976).

§ 1.902-5 [Removed]

Par. 6. Section 1.902-5 is deleted.

§ 1.78-1 [Amended]

Par. 7. Section 1.78-1 is amended as follows:

1. Paragraph (a) is amended by striking out "paragraph (a)(2) of § 1.902-3" from the first sentence and "paragraph (d)(1) of § 1.902-3" from the third sentence and inserting in lieu thereof "§ 1.902-1(b)(2)" in the first sentence and "§ 1.902-1(h)(1)" in the third sentence.

2. Paragraph (e)(1) is amended by striking out "paragraph (a)(2) of § 1.902-3" from the first sentence and "§ 1.902-5" from the last sentence and inserting in lieu thereof "§ 1.902-1(b)(2)" in the first sentence and "the regulations under section 902" in the last sentence.

3. Paragraph (f) is amended by striking out "§ 1.902-3" and inserting in lieu thereof "§ 1.902-1".

§ 1.901-3 [Amended]

Par. 8. Section 1.901-3 is amended as follows:

1. Paragraph (b)(2)(i) is amended by striking out "paragraph (d)(1) of § 1.902-3" wherever it occurs and inserting in lieu thereof "§1.902-1(h)(1)".

2. Paragraph (c) of the example under paragraph (b)(2)(ii) is amended by striking out "§ 1.902-3(d)(1)" and inserting in lieu thereof "§ 1.902-1(h)(1)" and by striking out "§ 1.902-3(a)(2))".

3. Example (8) in paragraph (d) is amended by striking out "§ 1.902-3(d)" and inserting in lieu thereof "§ 1.902-1(h)" in the third sentence.

§ 1.960-1 [Amended]

Par. 9. Section 1.960-1 is amended as follows:

1. Paragraph (b)(4) is amended by striking out "§ 1.902-4" and inserting in lieu thereof "the regulations thereunder".

2. Paragraph (h) is amended by striking out "§ 1.902-5" wherever it occurs and inserting in lieu thereof "the regulations under section 902".

§ 1.960-3 [Amended]

Par. 10. Paragraph (a) of § 1.960-3 is amended by striking out the last sentence.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILDLIFE FAUNA AND FLORA

Proposed Implementation

The purpose of the rules contained in this proposal is to provide the implementation for the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Section 9(c) of the Endangered Species Act of 1973 (16 U.S.C. 1538; 87 Stat. 893) provides that it is a violation of that Act to trade specimens of species listed in the appendices contrary to the provisions of the Convention. Section 11 of the Endangered Species Act of 1973 authorizes such regulations as may be necessary for the enforcement of the Act.

The Convention was negotiated and signed in Washington, D.C., in February and March of 1973. This was the culmination of almost ten years of effort, headed primarily by the International Union For The Conservation of Nature and Natural Resources. This international organization, many countries, and many individuals were responsible for a conclusion of a world-wide treaty regulating the trade in endangered species of plants and animals. As of this date, approximately sixty nations have signed the Convention. Signature, however, does not bring the convention into effect between the countries which have signed it. The Convention is subject to ratification by each country, and only the countries which have ratified are parties to the Convention.

On July 1, 1975, the Convention came into effect between the first ten parties which ratified it. The countries which ratified the Convention as of that time, and therefore were parties as of July 1, are:

Chile	Tunisia
Cyprus	United Arab Emirates
Ecuador	United States
Nigeria	Uruguay
Sweden	
Switzerland	

Since that time, thirteen additional nations have become parties to the Convention. These countries are:

Canada	Madagascar
Costa Rica	Niger
Nepal	German Democratic Republic
Peru	Ghana
Brazil	Morocco
South Africa	Mauritius
Papua, New Guinea	

The Convention establishes rules for the trade in endangered and other species of wild plants and animals between countries which are parties to the Convention. The plants and animals which are protected by the Convention are listed in three appendixes. The first appendix contains the names of those species of plants and animals which are threatened with extinction and which are or may be affected by trade. Trade in these species is subject to particularly strict regulation in order not to endanger further their survival. Such trade must only be authorized in exceptional circumstances. Appendix Two to the Convention includes all species which although not necessarily presently threatened with extinction may become so unless their trade is subject to strict regulation in order to avoid utilization incompatible with their survival. Other species may also be listed in Appendix Two if those species must be subject to regulation in order that trade in specimens of species which are in fact threatened with extinction may be brought under effective control. This latter concept is similar to the authorization in section 4 of the Endangered Species Act of 1973 for the Secretary of the Interior to list as endangered or threatened any species which are similar in appearance to endangered or threatened species, if its listing is necessary in order to help protect the endangered or threatened species. Finally, Appendix Three to the Convention contains species nominated by each country which is party to the Convention, identified as being subject to conservation regulation within its jurisdiction, and which requires the cooperation of other parties of the convention to make such regulations effective.

Appendices One and Two were established by negotiation at the time that the rest of the Convention was negotiated in 1973. Changes in either of these appendices must be by agreement between the Parties to the Convention. Appendix Three will be composed of names submitted by each party to the Convention at the time that the parties ratify the Convention. Although a party that does not agree to the names submitted by another party may issue a reservation, and therefore not be bound to follow the rules of the Convention in respect to that particular species, the species listed on Appendix Three are not subject to negotiation between the parties.

The Convention lays out specific and detailed rules governing the trade in specimens of each species listed in each of the appendices. In order for trade in a species listed in Appendix One to be legal, both an export permit from the country of origin and an import permit from the country of destination are required. Certain findings must be made by a Management Authority and a Scientific Authority in each country. The permit must be issued along the lines of a format specified in the Convention. For trade in specimens of species in Appendix Two of the Convention, an export permit must be issued by the country of origin, or, if the specimen is coming from a country other than the country of origin, then a certificate of reexport must be issued. The rules for trade in specimens of species listed on Appendix Three are similar to those for Appendix Two species, except that in the case of Appendix Three species, either an export permit must be issued by the country of origin, a re-export certificate must be issued by a country into which that species has previously been imported, or a certificate of origin must be issued if the same species is being exported from a country which did not place it on Appendix Three. The Convention contains

a provision that parties to the Convention may accept similar documentation to that required by the Convention for trade with countries that are not parties to the Convention.

In order to implement the Convention, several things are required. First, each country that ratifies the Convention and therefore becomes a party to the Convention must name management and scientific authorities for that country. There may be one authority or several authorities, but each country is to appoint one management authority which is authorized to communicate with the Secretariat established for the Convention and with all parties to the Convention. In addition, each country must take the necessary legal steps to make the rules of the Convention applicable, and provide for the issuance of permits, the inspection of incoming shipments, and the collection and cancellation of permits, as well as all other things necessary to meet the requirements of the Convention. The Convention established a Secretariat in order to coordinate the various activities necessary to make the Convention function. Also, the Convention requires that the parties meet at least every two years in order to discuss the operation of the Convention and any necessary changes.

The United States ratified the Convention and became a party to the Convention as of July 1, 1975. On April 13, 1976, the President signed Executive Order Number 11911 which names the Department of the Interior as the management authority under the Convention for the United States. This now makes it possible for the United States to begin implementation of the Convention. Other parties to the Convention are likewise establishing management and scientific authorities and putting into effect the laws and regulations necessary to carry out the Convention. These proposed rules would establish an interim system for implementing the Convention. This system is "interim" in order to allow for immediate application of the rules of the Convention, while considering the establishment of a different set of rules for the long term implementation of the Convention.

The proposed rules have been designed to try to minimize the extra paperwork burden of a new permit requirement. It is felt that more can be done in this area. Therefore, these rules are intended as an interim basis while the Fish and Wildlife Service considers a more complete revision of all of its rules on the control of the importation and exportation of wildlife and plants, in order to provide a comprehensive yet workable system. The Service is keenly aware that the proliferation of laws and regulations controlling the importation, exportation, taking, and trading of wildlife in recent years has led to the establishment of vast and complicated machinery for those who have legitimate dealings with wildlife. While it is the intention of the Service to fully and completely implement and enforce each one of these regulations, it is felt that this can be done with less paper work and with less complications than is presently true.

Specifically, this proposal would establish a new subpart in Part 17 of Title 50 of the Code of Federal Regulations. The subpart would deal entirely with the prohibitions established by the Convention, and the procedures for obtaining the necessary permits in order to trade in wildlife or plants protected by the Convention. As is noted in the section entitled "Scope of the Regulations" the rules in this subpart deal with species of animals and plants listed in Appendix One, Appendix Two or Appendix Three of the Convention. These appendices are similar to the list of endangered and threatened species established under subpart B of this Part 17. Although there is some similarity between Appendix One and species which are designated as endangered, and a similarity between Appendix Two and those species which are threatened, the two lists are not necessarily the same.

The proposed rules contain a section specifying those acts which are prohibited with species listed in either Appendix One, Two, or Three. Thus, for instance, a specimen of the species listed in Appendix One may not be imported into the United States nor may it be exported from the United States unless a permit has been issued. In addition, a permit must be granted by the country of exportation before the specimen can legally enter the United States. Similar rules apply for specimens of species listed in Appendices Two and Three. In those cases an export permit from the country of origin or country of re-export is required, but no import permit from the United States is required. In the case of a species which is found only in the sea, an import permit from the United States is required prior to the entry of any specimen of such species into the country. The proposed rule on prohibitions also makes it clear that documentation of the type required by the Convention is necessary for every importation into and every exportation from the United States, regardless of whether the country is a Party to the Convention. The proposed rules specify that documentation similar to that required by the Convention will be acceptable from a country which is not a party to the Convention. Of course, this rule only applies to those species listed in Appendix One, Two or Three. The proposed rule also specified certain documents which are acceptable in lieu of the normal permit or certificate required by the Convention. These documents conform to the exceptions specified in Article 7 of the Convention. The proposed rule reiterates the present rule on shipments which transit the United States, that is, they are considered to be both imports and exports, and are therefore subject to all the prohibitions applied to import or export of that particular species. Finally, the proposed rule on prohibitions states that no person may possess any specimen of a species imported or exported in violation of the previous rules.

As part of the interim system of implementation of the Convention, the proposed regulations specify that permits issued under the rules already established for endangered and threatened species will serve as the permits required by the Convention for species on Appendix One, Two or Three. This device was used simply to avoid a further set of rules and new permit requirements for species listed pursuant to the Convention. It was suggested by the fact that many species listed on Appendix One are also endangered species. It would have been entirely possible to propose a completely new set of regulations governing the application for the issuance of permits for specimens of species protected by the Convention. These permit rules would have been in addition to all the regulations governing permits for endangered species, marine mammals, migratory birds, eagles and other species of wildlife already regulated by the Service and by other agencies of the Government. It was considered desirable, however, to consolidate as much as possible the rules and regulations regarding these permits. It was felt that the public has become used to applying for permits under the Endangered Species Act of 1973, and that therefore there would be less confusion and duplication if the same regulations that apply to those permits were utilized to apply to permits for the Convention.

This approach has the additional advantage that if a species is both endangered and listed on Appendix One, then one application and one set of information will suffice for a permit which will cover both the requirements of the Endangered Species Act and the Convention.

For the convenience of the public, the proposed regulations set out a list of those countries which are parties to the Convention at the present time. It is expected that many more countries will become party to the Convention over the next year. As this occurs, these names will be added to the regulations. Also for the convenience of the public, those articles of the Convention which are relevant to these regulations, and Appendices I and II to the Convention, are reproduced below:

ARTICLE I

DEFINITIONS

For the purpose of the present Convention, unless the context otherwise requires:

(a) "Species" means any species, subspecies, or geographically separate population thereof;

(b) "Specimen" means:

(i) any animal or plant, whether alive or dead;

(ii) in the case of an animal: for species included in Appendices I and II, any readily recognizable part or derivative thereof; and for species included in Appendix III, any readily recognizable part or derivative thereof specified in Appendix III in relation to the species; and

(iii) in the case of a plant: for species included in Appendix I, any readily recog-

nizable part or derivative thereof; and for species included in Appendices II and III, any readily recognizable part or derivative thereof specified in Appendices II and III in relation to the species;

(c) "Trade" means export, re-export, import and introduction from the sea;

(d) "Re-export" means export of any specimen that has previously been imported;

(e) "Introduction from the sea" means transportation into a State of specimens of any species which were taken in the marine environment not under the jurisdiction of any State;

(f) "Scientific Authority" means a national scientific authority designated in accordance with Article IX;

(g) "Management Authority" means a national management authority designated in accordance with Article IX;

(h) "Party" means a State for which the present Convention has entered into force.

ARTICLE II

FUNDAMENTAL PRINCIPLES

1. Appendix I shall include all species threatened with extinction which are or may be affected by trade. Trade in specimens of these species must be subject to particularly strict regulation in order not to endanger further their survival and must only be authorized in exceptional circumstances.

2. Appendix II shall include:

(a) all species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival; and

(b) other species which must be subject to regulation in order that trade in specimens of certain species referred to in subparagraph (a) of this paragraph may be brought under effective control.

3. Appendix III shall include all species which any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the cooperation of other parties in the control of trade.

4. The Parties shall not allow trade in specimens of species included in Appendices I, II and III except in accordance with the provisions of the present Convention.

ARTICLE III

REGULATION OF TRADE IN SPECIMENS INCLUDED IN APPENDIX I

1. All trade in specimens of species included in Appendix I shall be in accordance with the provisions of this Article.

2. The export of any specimen of a species included in Appendix I shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:

(a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;

(b) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora;

(c) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and

(d) a Management Authority of the State of export is satisfied that an import permit has been granted for the specimen.

3. The import of any specimen of a species included in Appendix I shall require the prior grant and presentation of an import permit and either an export permit or re-export certificate. An import permit shall only be granted when the following conditions have been met:

(a) a Scientific Authority of the State of import has advised that the import will be for purposes which are not detrimental to the survival of the species involved;

(b) a Scientific Authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and

(c) a Management Authority of the State of import is satisfied that the specimen is not to be used for primarily commercial purposes.

4. The re-export of any specimen of a species included in Appendix I shall require the prior grant and presentation of a re-export certificate. A re-export certificate shall only be granted when the following conditions have been met:

(a) a Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention;

(b) a Managament Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and

(c) a Management Authority of the State of re-export is satisfied that an import permit has been granted for any living specimen.

5. The introduction from the sea of any specimen of a species included in Appendix I shall require the prior grant of a certificate from a Management Authority of the State of introduction. A certificate shall only be granted when the following conditions have been met:

(a) a Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved:

(b) a Management Authority of the State of introduction is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and

(c) a Management Authority of the State of introduction is satisfied that the specimen is not to be used for primarily commercial purposes.

ARTICLE IV

REGULATION OF TRADE IN SPECIMENS OF SPECIES INCLUDED IN APPENDIX II

1. All trade in specimens of species included in Appendix II shall be in accordance with the provisions of this Article.

2. The export of any specimen of a species included in Appendix II shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:

(a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;

(b) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora; and

(c) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.

3. A Scientific Authority in each Party shall monitor both the export permits granted by that State for specimens of species included in Appendix II and the actual exports of such specimens. Whenever a Scientific Authority determines that the export of specimens of any such species should be limited in order to maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I, the Scientific Authority shall advise the appropriate Management Authority of suitable measures to be taken to limit the grant of export permits for specimens of that species.

4. The import of any specimen of a species included in Appendix II shall require the prior presentation of either an export permit or a re-export certificate.

5. The re-export of any specimen of a species included in Appendix II shall require the prior grant and presentation of a re-export certificate. A re-export certificate shall only be granted when the following conditions have been met:

(a) a Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention; and

(b) a Management Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.

6. The introduction from the sea of any specimen of a species included in Appendix II shall require the prior grant of a certificate from a Management Authority of the State of introduction. A certificate shall only be granted when the following conditions have been met:

(a) a Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved; and

(b) a Management Authority of the State of introduction is satisfied that any living specimen will be so handled as to minimize the risk of injury, damage to health or cruel treatment.

7. Certificates referred to in paragraph 6 of this Article may be granted on the advice of a Scientific Authority, in consultation with other national scientific authorities or, when appropriate, international scientific authorities, in respect of periods not exceeding one year for total numbers of specimens to be introduced in such periods.

ARTICLE V

REGULATION OF TRADE IN SPECIMENS OF SPECIES INCLUDED IN APPENDIX III

1. All trade in specimens of species included in Appendix III shall be in accordance with the provisions of this Article.

2. The export of any specimen of a species included in Appendix III from any State which has included that species in Appendix III shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:

(a) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora; and

(b) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.

3. The import of any specimen of a species included in Appendix III shall require, except in circumstances to which paragraph 4 of this Article applies, the prior presentation of a certificate of origin and, where the import is from a State which has included that species in Appendix III, and export permit.

4. In the case of re-export, a certificate granted by the Management Authority of

the State of re-export that the specimen was processed in that State or is being re-exported shall be accepted by the State of import as evidence that the provisions of the present Convention have been complied with in respect of the specimen concerned.

ARTICLE VI

PERMITS AND CERTIFICATES

1. Permits and certificates granted under the provisions of Articles III, IV, and V shall be in accordance with the provisions of this Article.

2. An export permit shall contain the information specified in the model set forth in Appendix IV, and may only be used for export within a period of six months from the date on which it was granted.

3. Each permit or certificate shall contain the title of the present Convention, the name and any identifying stamp of the Management Authority granting it and a control number assigned by the Management Authority.

4. Any copies of a permit or certificate issued by a Management Authority shall be clearly marked as copies only and no such copy may be used in place of the original, except to the extent endorsed thereon.

5. A separate permit or certificate shall be required for each consignment of specimens.

6. A Management Authority of the State of import of any specimen shall cancel and retain the export permit or re-export certificate and any corresponding import permit presented in respect of the import of that specimen.

7. Where appropriate and feasible a Management Authority may affix a mark upon any specimen to assist in identifying the specimen. For these purposes "mark" means any indelible imprint, lead seal or other suitable means of identifying a specimen, designed in such a way as to render its imitation by unauthorized persons as difficult as possible.

ARTICLE VII

EXEMPTIONS AND OTHER SPECIAL PROVISIONS RELATING TO TRADE

1. The provisions of Articles III, IV and V shall not apply to the transit or transshipment of specimens through or in the territory of a Party while the specimens remain in Customs control.

2. Where a Management Authority of the State of export or re-export is satisfied that a specimen was acquired before the provisions of the present Convention applied to that specimen, the provisions of Articles III, IV and V shall not apply to that specimen where the Management Authority issues a certificate to that effect.

3. The provisions of Articles III, IV and V shall not apply to specimens that are personal or household effects. This exemption shall not apply where:

(a) in the case of specimens of a species included in Appendix I, they were acquired by the owner outside his State of usual residence, and are being imported into that State; or

(b) in the case of specimens of species included in Appendix II:

(i) they were acquired by the owner outside his State of usual residence and in a State where removal from the wild occurred;

(ii) they are being imported into the owner's State of usual residence; and

(iii) the State where removal from the wild occurred requires the prior grant of export permits before any export of such specimens;

unless a Management Authority is satisfied that the specimens were acquired before the provisions of the present Convention applied to such specimens.

4. Specimens of an animal species included in Appendix I bred in captivity for commercial purposes, or of a plant species included in Appendix I artificially propagated for commercial purposes, shall be deemed to be specimens of species included in Appendix II.

5. Where a Management Authority of the State of export is satisfied that any specimen of an animal species was bred in captivity or any specimen of a plant species was artificially propagated, or is a part of such an animal or plant or was derived therefrom, a certificate by that Management Authority to that effect shall be accepted in lieu of any of the permits or certificates required under the provisions of Article III, IV or V.

6. The provisions of Articles III, IV and V shall not apply to the non-commercial loan, donation or exchange between scientists or scientific institutions registered by a Management Authority of their State, of herbarium specimens, other preserved, dried or embedded museum specimens, and live plant material which carry a label issued or approved by a Management Authority.

7. A Management Authority of any State may waive the requirements of Articles III, IV and V and allow the movement without permits or certificates of specimens which form part of a travelling zoo, circus, menagerie, plant exhibition or other travelling exhibition provided that:

(a) the exporter or importer registers full details of such specimens with that Management Authority;

(b) the specimens are in either of the categories specified in paragraphs 2 or 5 of this Article; and

(c) the Management Authority is satisfied that any living specimen will be so transported and cared for as to minimize the risk of injury, damage to health or cruel treatment.

APPENDIX I

Interpretation:

1. Species included in this Appendix are referred to:

(a) by the name of the species; or

(b) as being all of the species included in a higher taxon or designated part thereof.

2. The abbreviation "spp." is used to denote all species of a higher taxon.

3. Other references to taxa higher than species are for the purposes of information or classification only.

4. An asterisk (*) placed against the name of a species or higher taxon indicates that one or more geographically separate populations, sub-species or species of that taxon are included in Appendix II and that these populations, sub-species or species are excluded from Appendix I.

5. The symbol (—) followed by a number placed against the name of a special or higher taxon indicates the exclusion from that species or taxon of designated geographically separate population, sub-species or species as follows:

—101 *Lemur catta*

—102 Australian population

6. The symbol (+) followed by a number placed against the name of a species denotes that only a designated geographically separate population or sub-species of that species is included in this Appendix, as follows:

+201 Italian population only

7. The symbol (✠) placed against the name of a species or higher taxon indicates that the species concerned are protected in accordance with the International Whaling Commission's schedule of 1972.

FAUNA	
MAMMALIA	
MARSUPIALA	
Macropodidae	
Macropus parma	Parma wallaby
Onychogalea frenata	Bridled wallaby
O. lunata	Crescent nail-tailed wallaby
Lagorchestes hirsutus	Western hare-wallaby
Lagostrophus fasciatus	Branded hare-wallaby
Caloprymnus campestris	Desert rat kangaroo
Bettongia penicillata	Brush-tailed rat kangaroo
B. lesueur	Lesuers rat kangaroo
B. tropica	Queensland rat kangaroo
Phalangeridae	
Wyulda squamicaudata	Scaly-tailed possum
Burramyidae	
Burramys parvus	Mountain pigmy possum
Vombatidae	
Lasiorhinus gillespiei	Gillespie's wombat
Peramelidae	
Perameles bougainville	Barred bandicoot
Chaeropus ecaudatus	Pig-footed bandicoat
Macrotis lagotis	Rabbit bandicoot
M. leucura	Lesser rabbit bandicoot
Dasyuridae	
Planigale tenuirostris	Southern planigale
P. subtilissima	Little planigale
Sminthopsis psammophila	Large desert marsupial mouse
S. longicaudata	Long-tailed marsupial mouse
Antechinomys laniger	Eastern jerboa marsupial
Myrmecobius fasciatus rufus	Rusty numbat
Thylacinidae	
Thylacinus cynocephalus	Thylacine
PRIMATES	
Lemuridae	
Lemur spp. *—101	Lemur
Lepilemur spp.	Lemur
Hapalemur spp.	Lemur
Allocebus spp.	Lemur
Cheirogaleus spp.	Lemur
Mirocebus spp.	Lemur
Phaner spp.	Lemur
Indriidae	
Indri spp.	Indris, Avahis, Sifakas
Propithecus spp.	Indris, Avahis, Sifakas
Avahi spp.	Indris, Avahis, Sifakas
Daubentoniidae	
Daubentonia madagascariensis	Aye-aye
Callithricidae	
Leontopithecus (Leontideus) spp.	Golden lion tamarin
Callimico goeldii	Goeldi's marmoset
Cebidae	
Saimiri oerstedii	Squirrel monkey
Chiropotes albinasus	White-nosed saki
Cacajao spp.	Uakaris

Alouatta palliata (villosa)	Howler monkey
Ateles geoffroyi frontatus	Spider monkey
A. g. panamensis	Spider monkey
Brachyteles arachnoides	Wooley spider monkey
Ceropithecidae	
Cercocebus galeritus galeritus	Tana River mangabey
Macaca silenus	Lion-tailed macaque
Colobus badius rufomitratus	Red colobus
C. b. kirkii	Zanzibar red colobus
Presbytis geei	Golden langur
P. pileatus	Langur
P. entellus	Langur
Nadalis larvatus	Proboscis monkey
Simas concolor	Pagi Island langur
Pygathrix nemaeus	Douc languar
Hylobatidae	
Hylobates spp.	Gibbons
Symphalangus syndactylus	Siamang
Pongidae	
Pongo pygmaeus pygmaeus	Orangutans
P. p. abelii	Orangutans
Gorilla gorilla	Gorilla
EDENTATA	
Dasypodidae	
Priodontes giganteus (=maximus)	Giant armadillo
PHOLIDOTA	
Manidae	
Manis temminckii	Scaly anteater
LAGOMORPHA	
Leporidae	
Romerolagus diazi	Volcano rabbit
Caprolagus hispidus	Hispid hare
RODENTIA	
Sciuridae	
Cynomys mexicanus	Mexican prairie dog
Castoridae	
Castor fiber birulaia	Beaver
Castor canadensis mexicanus	Mexican beaver
Muridae	
Zyzomys pedunculatus	Australian native mouse
Leporillus conditor	Australian native mouse
Pseudomys novaehollandiae	New Holland mouse
P. praeconis	Shark bay mouse
P. shortridgei	Shortridge's mouse
P. fumeus	Smoky mouse
P. occidentalis	Western mouse
P. fieldi	Field's mouse
Notomys aquilo	Australian native mouse
Xeromys myoides	False water rat
Chinchillidae	
Chinchilla brevicaudata boliviana	Chinchilla
CETACEA	
Platanistidae	
Platanista gangetica	Ganges River dolphin
Eschrichtidae	
Eschrichtius robustus (glaucus)	Gray whale
Balaenopteridae	
Balaenoptera musculus (‡)	Blue whale
Megaptera novaeangliae (‡)	Humpback whale
Balaenidae	
Balaena mysticetus (‡)	Bowhead whale
Eubalaena spp. (‡)	Right whale
CARNIVORA	
Canidae	
Canis lupus monstrabilis	Gray wolf
Vulpes velox hebes	Swift fox
Viverridae	
Prionodon pardicolor	
Ursidae	
Ursus americanus emmonsii	Glacier bear
U. arctos pruinosus	Brown bear
U. arctos * + 201	Brown bear
U. a. nelsoni	Mexican bear
Mustelidae	
Mustela nigripes	Black-footed ferret
**Lutra longicaudis*	Long-tailed otter
L. felina	Marine otter
L. provocax	Southern River otter
Pteronura brasiliensis	Giant otter
Aonyx microdon	Small-clawed otter
Enhydra lutris nereis	Southern Sea otter
Hyaenidae	
Hyaena brunnea	Brown hyaena
Felidae	
Felis planiceps	Flat-headed cat
F. nigripes	Black-footed cat
F. concolor coryi	Florida puma
F. c. costaricensis	Costa Rican puma
F. c. cougar	Eastern puma
F. temminckii	Temminck's cat
F. bengalensis bengalensis	Leopard cat
F. yagouaroundi cacomitli	Jaguarundi
F. y. fossata	Jaguarundi
F. y. panamensis	Jaguarundi
F. y. tolteca	Jaguarundi
F. pardalis mearnsi	Ocelot
F. p. mitis	Ocelot
F. wiedii nicaraguae	Margays
F. w. salvinia	Margays
F. tigrina oncilla	Tiger cat
F. marmorata	Marbled cat
F. jacobita	Andean cat
F. (Lynx) rufa escuinapae	Lynx
Neofelis nebulosa	Clouded leopard
*Panthera tigris**	Tiger
P. pardus	Leopard
P. uncia	Snow leopard
P. onca	Jaguar
Acinonyx jubatus	Cheetah
PINNIPEDIA	
Phocidae	
Monachus spp.	Monk seals
Mirounga angustirostris	Elephant seal
PROBOSCIDEA	
Elephantidae	
Elephas maximus	Asian elephant
SIRENIA	
Dugongidae	
Dugong dugon* —102	Dugong
Trichechidae	
Trichechus manatus	West Indian manatee
T. inunguis	South American manatee
PERISSODACTYLA	
Equidae	
Equus przewalskii	Przewalski's horse
E. hemionus hemionus	Asian wild ass
E. h. khur	Asian wild ass
E. zebra zebra	Mountain zebra
Tapiridae	
Tapirus pinchaque	Mountain tapir
T. bairdii	Central American tapir
T. indicus	Asian tapir
Rhinocerotidae	
Rhinoceros unicornis	Great Indian one-horned rhinoceros
R. sondaicus	Javan rhino
Didermocerus sumatrensis	Sumatran rhino
Ceratotherium simum cottoni	Northern white rhino
ARTIODACTYLA	
Suidae	
Sus salvanius	Pigmy hog
Babyrousa babyrussa	Babiroussa
Camelidae	
Vicugna vicugna	Vicugna
Camelus bactrianus	Bactrian camel
Cervidae	
Moschus moschiferus moschiferus	Musk deer
Axis (Hyelaphus) porcinus annamiticus	Hog deer
A. (Hyelaphus) calamianensis	Philippine deer
A. (Hyelaphus) kuhlii	Kuhl's deer
Cervus duvauceli	Swamp deer
C. eldi	Eld's (Brow-antlered deer)
C. elaphus hanglu	Kashmir stag
Hippocamelus bisulcus	South Andean huemal
H. antisiensis	North Andean huemal
Blastoceros dichotomus	Marsh deer
Ozotoceros bezoarticus	Pampas deer
Pudu pudu	Pudu
Antilocapridae	
Antilocapra americana sonoriensis	Sonoran pronghorn
A. a. peninsularis	Peninsular pronghorn
Bovidae	
Bubalus (Anoa) mindorensis	Tamaraw
B. (Anoa) depressicornis	Lowland anoa
B. (Anoa) quarlesi	Mountain anoa
Bos gaurus	Seladang
B. (grunniens) mutus	Wild yak
Novibos (Bos) sauveli	Kouprey
Bison bison athabascae	Woods bison
Kobus leche	Lechwe
Hippotragus niger variani	Sable antelope
Oryx leucoryx	Arabian oryx
Damaliscus dorcas dorcas	Dorcas gazelle
Saiga tatarica mongolica	Saiga antelope
Nemorhaedus goral	Goral
Capricornis sumatraensis	Sumatran serow

Rupicapra rupicapra ornata	Chamois
Capra falconeri jerdoni	Straight-horned markhor
C. f. megaceros	Kabal markhor
C. f. chiltanensis	Chiltan markhor
Ovis orientalis ophion	Urial (Asiatic mouflon, red sheep)
O. ammon hoigsoni	Argali
O. vignei	Shapo
TINAMIFORMES	
Tinamidae	
Tinamus solitarius	Solitary tinamou
PODICIPEDIFORMES	
Podicipedidae	
Podilymbus gigas	Atitlan grebe
PROCELLARIIFORMES	
Diomedeidae	
Diomedea albatrus	Short-tailed albatross
PELECANIFORMES	
Sulidae	
Sula abbotti	Abbott's booby
Fregatidae	
Fregata andrewsi	Frigate bird
CICONIIFORMES	
Ciconiidae	
Ciconia ciconia boyciana	Oriental white stork
Threskiornithidae	
Nipponia nippon	Japanese crested ibis
ANSERIFORMES	
Anatidae	
Anas aucklandica nesiotis	Campbell Island flightless teal
A. oustaleti	Marianas mallard
A. laysanensis	Laysan duck
A. diazi	Mexican duck
Cairina scutulata	White-winged wood duck
Rhodonessa caryophyllacea	Pink-headed duck
Branta canadensis leucopareia	Aleutian Canada goose
Branta sandvicensis	Hawaiian goose (nene)
FALCONIFORMES	
Cathartidae	
Vultur gryphus	Andean condor
Gymnogyps californianus	California condor
Accipitridae	
Pithecophaga jefferyi	Monkey-eating eagle
Harpia harpyja	Harpy eagle
Haliaeetus leucocephalus leucocephalus	Southern bald eagle
Haliaeetus heliaca adalberti	Spanish Imperial eagle
Haliaeetus albicilla groenlandicus	Greenland white-tailed eagle
Falconidae	
Falco peregrinus anatum	Peregrine falcon
Falco peregrinus tundrius	Peregrine falcon
Falco peregrinus peregrinus	Peregrine falcon
Falco peregrinus babylonicus	Peregrine falcon
GALLIFORMES	
Megapodiidae	
Macrocephalon maleo	Maleo
Cracidae	
Crax blumenbachii	Red-billed curassow
Pipile pipile pipile	Trinidad white-headed curassow
Pipile jacutinga	Black-fronted piping-guan
Mitu mitu mitu	Mitu
Oreophasis derbianus	Horned guan
Tetraonidae	
Tympanuchus cupido attwateri	Greater prairie chicken
Phasianidae	
Colinus virginianus ridgwayi	Masked bobwhite
Tragopan blythii	Blyth's tragopan
Tragopan cabotti	Cabot's tragopan
Tragopan melanocephalus	Western tragopan
Lophophorus sclateri	Sclater's monal
Lophophorus lhuysii	Chinese monal
Lophophorus impejanus	Himalayan monal
Crossoptilon mantchuricum	Brown-eared pheasant
Crossoptilon crossoptilon	White-eared pheasant
Lophura swinhoii	Swinhoe's pheasant
Lophura imperialis	Imperial pheasant
Lophura edwardsi	Edward's pheasant
Syrmaticus elliotti	Elliot's pheasant
Syrmaticus humiae	Bar-tailed pheasant
Syrmaticus mikado	Mikado pheasant
Polyplectron emphanum	Palawan peacock pheasant
Tetraogallus tibetanus	Montezuma quail
Cyrtonyx montezumae merriami	Tibetan snowcock
GRUIFORMES	
Gruidae	
Grus japonensis	Japanese crane
Grus leucogeranus	Siberian white crane
Grus americana	Whooping crane
Grus canadensis pulla	Mississippi sandhill crane
Grus canadensis nesiotes	Cuba sandhill crane
Grus nigricollis	Black-necked crane
Grus vipio	White-naped crane
Grus monacha	Hooded crane
Rallidae	
Tricholimnas sylvestris	Lord Howe wood rail
Rhynochetidae	
Rhynochetos jubatus	Kagu
Otididae	
Eupodotis bengalensis	Bengal Floricon
CHARADRIIFORMES	
Scolopacidae	
Numenius borealis	Eskimo curlew
Tringa guttifer	Nordmann's greenshank
Laridae	
Larus relictus	Khar turuut tsakhlai
COLUMBIFORMES	
Columbidae	
Ducula mindorensis	Mindoro zone-tailed pigeon (or Mindo Imperial pigeon)
PSITTACIFORMES	
Psittacidae	
Strigops habroptilus	Owl parrot
Rhynchopsitta pachyrhyncha	Thicked-billed parrot
Amazona leucocephala	Bahamas parrot
Amazona vittata	Puerto Rican parrot
Amazona guildingii	St. Vincent parrot
Amazona versicolor	St. Lucia parrot
Amazona imperialis	Imperial parrot
Amazona rhodocorytha	Red-browed parrot
Amazona pretrei pretrei	Red-spectacled parrot
Amazona vinacea	Vinaceous-brested parrot
Pyrrhura cruentata	Ochre-marked parakeet
Anodorhynchus glaucus	Glaucous macaw
Anodorhynchus leari	Indigo macaw
Cyanopsitta spixii	Little blue mac
Pionopsitta pileata	Red-capped parrot
Aratinga guaruba	Golden parakeet
Psattacula krameri echo	Mauritius ring-necked parakeet
Psephotus pulcherrimus	Beautiful parakeet
Psephotus chrysopterygius	Paradise parakeet
Neophema chrysogaster	Orange-bellied parakeet
Neophema splendida	Splendid parakeet
Cyanoramphus novaezelandiae	New Zealand parakeet
Cyanoramphus auriceps forbesi	Forbe's parakeet
Geopsittacus occidentalis	Australian night parrot
Psittacus erithacus princeps	Principe parrot
APODIFORMES	
Trochilidae	
Ramphodon dohrnii	Hook-billed hermit
TROGONIFORMES	
Trogonidae	
Pharomachrus mocinno mocinno	Resplendent quetzal
Pharomachrus mocinno costaricensis	Resplendent quetzal
STRIGIFORMES	
Strigidae	
Otus gurneyi	Giant scops owl
CORACIIFORMES	
Bucerotidae	
Rhinoplax vigil	Helmeted hornbill
PICIFORMES	
Picidae	
Dryocopus javensis richardsii	Tristaan's woodpecker
Campephilus imperialis	Imperial woodpecker
PASSERIFORMES	
Contingidae	
Cotinga maculata	Banded cotinga
Xipholena atropurpurea	White-winged cotinga
Pittidae	
Pitta kochi	Koch's pitta
Atrichornithidae	
Atrichornis clamosa	Noisey scrub-bird
Muscicapidae	
Picathartes gymnocephalus	White-necked rock-fowl
Picathartes oreas	Gray-necked rock-fowl
Psophodes nigrogularis	Western whipbird
Amytornis goyderi	Eyrean grass wren
Dasyornis brachypterus longirostris	Western bristlebird
Dasyornis broadbenti littoralis	Western rufous bristlebird

Sturnidae	
Leucopsar rothschildi	Rothschild's starling
Meliphagidae	
Meliphaga cassidix	Helmeted honeyeater
Zosteropidae	
Zosterops albogularis	White-breasted silvereye
Fringillidae	
Spinus cucullatus	Red siskin
AMPHIBIA	
URODELA	
Cryptobranchidae	
Andrias (=Megalobatrachus) davidianus japonicus	Japanese giant salamander
Andrias (=Megalobatrachus) davidianus davidianus	Chinese giant salamander
SALIENTIA	
Bufonidae	
Bufo superciliaris	Cameroon toad
Bufo periglenes	Monteverde toad
Nectophrynoides spp.	African viviparous toads
Atelopodidae	
Atelopus varius zeteki	Panamanian golden frog
REPTILIA	
CROCODYLIA	
Alligatoridae	
Alligator mississippiensis	American alligator
Alligator sinensis	Chinese alligator
Melanosuchus niger	Black caiman
Caiman crocodilus apaporiensis	Apaporis River caiman
Caiman latirostris	Broad-snouted caiman
Crocodylidae	
Tomistoma schlegelii	Tomistoma
Osteolaemus tetraspis tetraspis	African dwarf crocodile
Osteolaemus tetraspis osborni	Congo dwarf crocodile
Crocodylus cataphractus	Africa slender-snouted crocodile
Crocodylus siamensis	Siamese crocodile
Crocodylus palustris palustris	Mugger crocodile
Crocodylus palustris kimbula	Ceylon mugger crocodile
Crocodylus novaeguineae mindorensis	Philippine crocodile
Crocodylus intermedius	Orinoco crocodile
Crocodylus rhombifer	Cuban crocodile
Crocodylus moreletii	Morelet's crocodile
Crocodylus niloticus	Nile crocodile
Gavialidae	
Gavialis gangeticus	Gavial
TESTUDINATA	
Emydidae	
Batagur baska	River terrapin
Geoclemmys (=Damonia) hamiltonii	Spotted pond turtle
Geoemyda (=Nicoria) tricarinata	Three-keeled Asian turtle
Kachuga tecta tecta	Indian sawback turtle
Morenia ocellata	Burmese peacock turtle
Terrapene coahuila	Water box turtle
Testudinidae	
Geochelone (=Testudo) elephantopus	Galapagos turtle
Geochelone (=Testudo) geometrica	Geometric turtle
Geochelone (=Testudo) radiata	Rayed tortoise
Geochelone (=Testudo) yniphora	Angulated tortoise
Cheloniidae	
Eretmochelys imbricata imbricata	Atlantic hawksbill turtle
Lepidochelys kempii	Mexican ridley sea turtle
Trionychidae	
Lissemys punctata punctata	Indian flap-shell turtle
Trionyx ater	Cuartro Cienegas softshell turtle
Trionyx nigricans	Black softshell turtle
Trionyx gangeticus	Indian softshell turtle
Trionyx hurum	Peacock softshell turtle
Chelidae	
Pseudemydura umbrina	Short-necked swamp turtle
LACERTILIA	
Varanidae	
Varanus komodoensis	Komodo Island monitor
Varanus flavescens	Yellow monitor
Varanus bengalensis	Bengal monitor
Varanus griseus	Desert monitor
SERPENTES	
Boidae	
Epicrates inornatus inornatus	Puerto Rican boa
Epicrates subflavus	Jamaican boa
Python molurus molurus	Indian python
RHYNCHOCEPHALIA	
Sphenodontidae	
Sphenodon punctatus	Tuatara
PISCES	
ACIPENSERIFORMES	
Acipenseridae	
Acipenser brevirostrum	Short-nosed sturgeon
Acipenser oxyrhynchus	Atlantic sturgeon
OSTEOGLOSSIFORMES	
Osteoglossidae	
Scleropages formosus	Asiatic bonytongue
SALMONIFORMES	
Salmonidae	
Coregonus alpenae	Longjaw cisco
CYPRINIFORMES	
Catostomidae	
Chasmistes cujus	Cui-ui
Cyprinidae	
Probarbus jullieni	Ikan temolek or pla ecsok
SILURIFORMES	
Schilbeidae	
Pangasianodon gigas	Giant catfish
PERCIFORMES	
Percidae	
Stizostedion vitreum glaucum	Blue pike
MOLLUSCA	
NAIADOIDA	
Unionidae	
Conradilla caelata	Birdwing pearly mussel
Dromus dromas	Dromedary pearly mussel
Epioblasma (=Dysnomia) florentina curtisi	Curtis' pearly mussel
Epioblasma (=Dysnomia) florentina florentina	Yellow-blossom pearly mussel
Epioblasma (=Dysnomia) sampsoni	Sampson's pearly mussel
Epioblasma (=Dysnomia) sulcata perobliqua	White cat's paw
Epioblasma (=Dysnomia) torulosa gubernaculum	Green-blossom pearly mussel
Epioblasma (=Dysnomia) torulosa torulosa	Tuberculed-blossom pearly mussel
Epioblasma (=Dysnomia) turgidula	Turgid-blossom pearly mussel
Epioblasma (=Dysnomia) walkeri	Brown-blossom pearly mussel
Fusconaia cuneolus	Fine-rayed pigtoe
Fusconaia edgariana	Shinny pigtoe
Lampsilis higginsi	Higgin's eye
Lampsilis orbiculata orbiculata	Pink mucket
Lampsilis satura	Plain pocketbook
Lampsilis virescens	Alabama lamp pearly mussel
Plethobasis cicatricosus	White wartyback
Plethobasis cooperianus	Orange-footed pimpleback
Pleurobema plenum	Rough pigtoe
Potamilus (=Proptera) capax	Fat pocketbook
Quadrula intermedia	Cumberland monkey face
Quadrula sparsa	Appalachian monkey face
Toxolasma (=Carunculina) cylindrella	Pale lilliput pearly mussel
Unio (Megalonaias ?) nicklíniana	Nicklin's pearly mussel
Unio (Lampsilis ?) tampicoensis tecomatensis	Tampico pearly mussel
Villosa (=Micromya) trabalis	Cumberland bean
FLORA	
Araceae	
Alocasia sanderana	
Alocasia zebrina	
Caryocaraceae	
Caryocar costaricense	

Carophyllaceae	
Gymnocarpos przewalskii	
Melandrium mongolicum	
Silene mongolica	
Stellaria pulvinata	
Cupressaceae	
Fitzroya cupressoides	Alerce
Pilgerodendron uviferum	White alerce
Cycadaceae	
Encephalartos spp.	Bread-palms
Microcycas calocoma	
Stangeria eriopus	
Gentianaceae	
Prepusa hookerana	
Humiriaceae	
Vantanea barbourii	
Juglandaceae	
Engelhardia pterocarpa	Gavilán blanco
Leguminosae (Fabaceae)	
Ammopiptanthus mongolicus	
Cynometra hemitomophylla	
Platymiscium pleiostachyum	
Tachigalia versicolor	
Liliaceae	
Aloe albida	
Aloe pillansii	
Aloe polyphylla	Spiral aloe
Aloe thorncroftii	
Aloe vossii	
Melastomataceae	
Lavoisiera itambana	
Meliaceae	
Guarea longipetiola	
Moraceae	
Batocarpus costaricensis	
Orchidaceae	
Cattleya skinneri	
Cattleya trianae	
Didiciea cunninghamii	
Laelia jongheana	
Laelia lobata	
Lycaste virginalis var *alba*	
Peristeria elata	Holy Ghost orchid
Pinaceae	
Abies guatemalensis	Guatemalan fir
Abies nebrodensis	
Podocarpaceae	
Podocarpus costalis	
Podocarpus parlatorei	Parlatore's podocarp
Proteaceae	
Orothamnus zeyheri	Marsh-rose
Protea odorata	
Rubiaceae	
Balmea stormiae	Ayuque
Saxifragaceae (Grossulariaceae)	
Ribes sardoum	
Ulmaceae	
Celtis aetnensis	
Welwitschiaceae	
Welwitschia bainesii	Welwitschia
Zingiberaceae	
Hedychium philippinense	Philippine garland-flower

APPENDIX II

Interpretation:

1. Species included in this Appendix are referred to:

(*a*) By the name of the species; or

(*b*) As being all of the species included in a higher taxon or designated part thereof.

2. The abbreviation "spp." is used to denote all the species of a higher taxon.

3. Other references to taxa higher than species are for the purposes of information or classification only.

4. An asterisk (*) placed against the name of a species or higher taxon indicates that one or more geographically separate populations, subspecies or species of that taxon are included in Appendix I and that these populations, subspecies or species are excluded from Appendix II.

5. The symbol (#) followed by a number placed against the name of a species or higher taxon designates parts or derivatives which are specified in relation thereto for the purposes of the present Convention as follows:

#1 designates root
#2 designates timber
#3 designates trunks

6. The symbol (−) followed by a number placed against the name of a species or higher taxon indicates the exclusion from that species or taxon of designated geographically separate populations, subspecies, species or groups of species as follows:

−101 Species which are not succulents

7. The symbol (+) followed by a number placed against the name of a species or higher taxon denotes that only designated geographically separate populations, subspecies or species of that species or taxon are included in this Appendix as follows:

+201 All North American subspecies
+202 New Zealand species
+203 All species of the family in the Americas.

FAUNA

MAMMALIA

MARSUPIALIA	
Macropodidae	
Dendrolagus inustus	Tree kangaroo
Dendrolagus ursinus	Tree kangaroo
INSECTIVORA	
Erinaceidae	
Erinaceus frontalis	Hedgehog
PRIMATES	
Lemuridae	
*Lemur catta**	Ring-tailed lemur
Lorisidae	
Nycticebus coucang	Slow loris
Loris tardigradus	Slender loris
Cebidae	
Cebus capucinus	Weeper capuchin
Cercopithecidae	
Macaca sylvanus	
Colobus badius gordonorum	Uhehe red colobus
Colobus verus	Olive colobus
Rhinopithecus roxellanae	Snub-nosed langur
Nilgiri langur	*Presbytis johnii*
Pongidae	
Pan paniscus	Chimpanzee
Pan troglodytes	Pigmy champanzee
EDENTATA	
Myrmecophagidae	
Myrmecophaga tridactyla	Giant anteater
Tamandua tetradactyla chapadensis	Tamandua
Bradypodidae	
Bradypus boliviensis	Three-toed sloth
PHOLIDOTA	
Manidae	
Manis crassicaudata	Pangolin
Manis pentadactyla	Chinese pangolin
Manis javanica	Malayan pangolin
LAGOMORPHA	
Leporidae	
Nesolagus netscheri	Sumatra short-eared rabbit
RODENTIA	
Heteromyidae	
Dipodomys phillipsii phillipsii	Phillips kangaroo rat
Sciuridae	
Ratufa spp.	Giant squirrels
Lariscus hosei	Four-striped ground squirrel
Castoridae	
Castor canadensis frondator	Beaver
Castor canadensis repentinus	Beaver
Cricetidae	
Ondatra zibethicus bernardi	Muskrat
Canidae	
Canis lupus pallipes	Gray wolf
Canis lupus irremotus	Gray wolf
Canis lupus crassodon	Gray wolf
Chrysocyon brachyurus	Maned wolf
Cuon alpinus	Dhole
Ursidae	
Ursus (Thalarctos) maritimus	Polar bear
*Ursus arctos** +201	Brown bear
Helarctos malayanus	Malayan sun bear
Procyonidae	
Ailurus fulgens	Lesesr panda
Mustelidae	
Martes americana atrata	Marten
Viveridae	
Prionodon linsang	Linsang
Cynogale bennetti	Otter civet
Helogale derbianus	Dwarf mongoose
Felidae	
Felis yagouaroundi	Jaguarundi
Felis colocolo pajeros	Pampas cat
Felis colocolo crespoi	Pampas cat
Felis colocolo budini	Pampas cat
Felis concolor missoulensis	Mountain lion (puma)
Felis concolor mayensis	Mountain lion (puma)
Felis concolor azteca	Mountain lion (puma)
Felis serval	Serval
	Spanish lynx

Felis lynx isabellina	Margay
*Felis wiedii**	Ocelot
*Felis pardalis**	Tiger cat
*Felis tigrina**	
Felis (=Caracal) caracal	Caracal
Panthera leo persica	Indian lion
Panthera tigris altaica (=amurensis)	Siberian tiger
PINNIPEDIA	
Otariidae	
Arctocephalus australis	Southern fur seal
Arctocephalus galapagonsis	Galapagos fur seal
Arctocephalus philippii	Juan Fernandez seal
Arctocephalus townsendi	Guadalupe fur seal
Phocidae	
Mirounga australis	
Mirounga leonina	South Atlantic elephant seal
TUBULIDENTATA	
Orycteropidae	
Orycteropus afer	Aardvark
SIRENIA	
Dugongidae	
*Dugong dugon** +204	Dugong
Trichechidae	
Trichechus senegalenis	West African manatee
PERISSODACTYLA	
Equidae	
*Equus hemionus**	Asiatic wild ass
Tapiridae	
Tapirus terrestris	South American tapir
Rhinocerotidae	
Diceros bicornis	Black rhinoceros
ARTIODACTYLA	
Hippopotamidae	
Choeropus liberiensis	Pigmy hippopotamus
Cervidae	
Cervus elaphus bactrianus	Bacterian deer
Pudu mephistophiles	Pudu
Antilocapridae	
Antilocapra americana mexicana	Mexican pronghorn
Bovidae	
Cephalophus monticola	Duiker
Oryx (tao) dammah	Scimitar-horned oryx
Addax nasomaculatus	Addax
Pantholops hodgsoni	Tibetan antelope
*Capra falconeri**	Markhor
*Ovis ammon**	Argali or Marco Polo sheep
Ovis canadensis	Bighorn sheep
AVES	
SPENISCIFORMES	
Spheniscidae	
Spheniscus demersus	Jackass penguin
RHEIFORMES	
Rheidae	
Rhea americana albescens	Nandu suri
Pterocnemia pennata pennata	Nandu petizo de la patugonia
Pterocnemia pennata garleppi	Nandu cordillerano
TINAMIFORMES	
Tinamidae	
Rhynchotus rufescens rufescens	Red-winged tinamou
Rhynchotus rufescens pallescens	Red-winged tinamou
Rhynchotus rufescens maculicollis	Red-winged tinamou
CICONIIFORMES	
Ciconiidae	
Ciconia nigra	Black stork
Threskornithidae	
Geronticus calvus	Southern bald ibis
Platalea leucorodia	Spoonbill
Phoenicopteridae	
Phoenicopterus ruber chilensis	Chilean flamingo
Phoenicoparrus andinus	Andean flamingo
Phoenicoparrus jamesi	James flamingo
PELECANIFORMES	
Pelecanidae	
Pelecanus crispus	Dalmatian pelican
ANSERIFORMES	
Anatidae	
Anas aucklandica aucklandica	Aukland Island flightless teal
Anas aucklandica chlorotis	New Zealand brown teal
Anas bernieri	Madagascar teal
Dendrocygna arborea	Cuban tree duck
Sarkidiornis melanotos	Comb duck
Anser albifrons gambelli	Tule white-fronted goose
Cygnus buccinator	Trumpeter swan
Cygnus bewickii jankowskii	Jankowski's swan
Cygnus melancoryphus	Black-necked swan
Coscoroba coscoroba	Cascoroba swan
Branta ruficollis	Red-breasted goose
FALCONIFORMES	
Accipitridae	
Gypaetus barbatus meridionalis	African lammergeyer
Aquila chrysaetos	Golden eagle
Falconidae	
All species*	
GALLIFORMES	
Megapodiidae	
Megapodius freycinet nicobariensis; *Megapodius freycinet abbotti*	The Nicobar megapodes
Tetraonidae	
Tympanuchus cupido pinnatus	Northern greater prairie chicken
Phasianidae	
Francolinus ochropectus	Tadjoura francolin
Francolinus swierstrai	Swierstra's francolin
Catreus wallichii	Cheer pheasant
Polyplectron malacense	Malaysian peacock pheasant
Polyplectron germaini	Peacock pheasant
Polyplectron bicalcaratum	Peacock pheasant
Gallus sonnerati	Gray jungle fowl
Argusianus argus	Great Argus pheasant
Ithaginus cruentus	Blood pheasant
Cyrtonyx montezumae montezumae	Montezuma quail
Cyrtonyx montezumae mearnsi	Montezuma quail
GRUIFORMES	
Gruidae	
Balearica regulorum	Crowned crane
Grus canadensis praensis	Florida sandhill crane
Rallidae	
Gallirallus australis hectori	Eastern weka
Otididae	
Chlamydotis undulata	Houbara bustard
Choriotis nigriceps	Great Indian bustard
Otis tarda	Great bustard
CHARADRIIFORMES	
Scolopacidae	
Numenius tenuirostris	Slender-billed curlew
Numenius minutus	Little whimbrel
Laridae	
Larus brunneicephalus	Brown-headed gull
COLUMBIFORMES	
Columbidae	
Gallicolumbia luzonica	Bleeding heart pigeon
Goura cristata	Blue-crowned pigeon
Goura scheepmakeri	Maroon-breasted crowned pigeon
Goura victoria	Victoria-crowned pigeon
Caloenas nicobarica pelewensis	Nicobar pigeon
PSITTACIFORMES	
Psittacidae	
Coracopsis nigra barklyi	Seychelles Vasa parrot
Prosopeia personata	Masked parakeet
Eunymphicus cornutus	Horned parakeet
Cyanoramphus unicolor	Antipodes Island parakeet
Cyanoramphus novaezelandiae	Norfolk Island parakeet
Cyanoramphus malherbi	Orange-fronted parakeet
Poicephalus robustus	Cape parrot
Tanygnathus luzoniensis	Blue-naped parrot
Probosciger alterrimus	Great black cockatoo
CUCULIFORMES	
Musophagidae	
Turaco corythaix	Knysna loury
Gallirex porphyreolophus	Purple-crested loury
STRIGIFORMES	
Strigidae	
Otus nudipes newtoni	Virgin Island screech owl
CORACIFORMES	
Bucerotidae	
Buceros rhinoceros rhinoceros	Rhinoceros hornbill
Buceros bicornis	Great Indian hornbill
Buceros hydrocorax hydrocorax	Rufous hornbill
Aceros narcondami	Narcondam hornbill

PICIFORMES	
Picidae	
Picus squamatus flavirostris	
PASSERIFORMES	
Cotingidae	
Rupicola rupicola	Cock-of-the-rock
Rupicola peruviana	Peruvian cock-of-the-rock
Pittadae	
Pitta brachyura nympha	Fairy pitta
Hirundinidae	
Pseudochelidon sirintarae	White-eyed river martin
Paradisaeidae	
All species	
Muscicapidae	
Muscicapa ruecki	Rueck's blue flycatcher
Fringillidae	
Spinus yarrellii	Yellow-faced siskin
AMPHIBIA	
URODELA	
Ambystomidae	
Ambystoma mexicanum	Axolotl
Ambystoma dumerilli	Lake Patzcuaro salamander
Ambystoma lermaensis	Lake Lerma salamander
SALIENTIA	
Bufonidae	
Bufo retiformis	Sonoran green toad
REPTILIA	
CROCODYLIA	
Alligatoridae	
Caiman crocodilus crocodilus	Common caiman
Caiman crocodilus yacare	Yacare
Caiman crocodilus fuscus (chiapasius)	Brown caiman
Paleosuchus palpebrosus	Dwarf caiman
Paleosuchus trigonatus	Smooth-fronted caiman
Crocodylidae	
Crocodylus johnsoni	Johnson's crocodile
Crocodylus novaeguineae novaequineae	New Guinea crocodile
Crocodylus porosus	Salt water crocodile
Crocodylus acutus	American crocodile
TESTUDINATA	
Emydidae	
Clemmys muhlenbergi	Muhlenberg turtle
Testudinidae	
Chersine spp.	Bow-sprit tortoises
Geochelone spp.*	Land tortoises
Gopherus spp.	Gopher tortoises
Homopus spp.	
Kinixys spp.	Hinged-back tortoises
Malacochersus spp.	Pancake tortoises
Pyxis spp.	Madagascar spider tortoises
Testudo spp.	Land tortoises
Cheloniidae	
Caretta caretta	Loggerhead sea turtle
Chelonia mydas	Green sea turtle
Chelonia depressa	Flat-back sea turtle
Eretmochelys imbricata bissa	Pacific hawksbill sea turtle
Lepidochelys olivacae	Pacific Ridley sea turtle
Dermochelidae	
Dermochelys coriacea	Leatherback sea turtle
Pelomedusidae	
Podocnemis spp.	South American river turtles
LACERTILIA	
Teiidae	
Cnemidophorus hyperythrus	Orange-throated whiptail
Iguanidae	
Conolophus pallidus	Barrington Island land lizard
Cololophus subcristatus	Galapagos land iguana
Amblyrhynchus cristatus	Galapagos marine iguana
Phrynosoma coronatum blainvillei	San Diego horned lizard
Helodermatidae	
Heloderma suspectum	Gila monster
Heloderma horridum	Beaded lizard
Varanidae	
*Varanus spp.**	Monitor lizards
SERPENTES	
Boidae	
Epicrates cenchris cenchris	Rainbow boa
Eunectes notaeus	Yellow anaconda
Constrictor constrictor	Boa constrictor
Python spp.*	Pythons
Colubridae	
Cyclagras gigas	
Pseudoboa cloelia	Muusurana
Elachistodon westermanni	Indian egg-eater
Thamnophis elegans hammondi	Two-striped garter snake
PISCES	
ACIPENSERIFORMES	
Acipenseridae	
Acipenser fulvescens	Lake sturgeon
Acipenser sturio	Baltic sturgeon
OSTEOGLOSSIFORMES	
Osteoglossidae	
Arapaima gigas	Arapaima
SALMONIFORMES	
Salmonidae	
Stenodus leucichthys leucichthys	Beloribitsa
Salmo chrysogaster	Mexican golden trout
CYPRINIFORMES	
Cyprinidae	
Plagopterus argentissimus	Woundfin
Ptychocheilus lucius	Colorado squawfish
ATHERINIFORMES	
Cyprinodontidae	
Cynolebias constanciae	Annual tropical killifish
Cynolebias marmoratus	Annual tropical killifish
Cynolebias minimus	Annual tropical killifish
Cynolebias opalescens	Annual tropical killifish
Cynolebias splendens	Annual tropical killifish
Poeciliidae	
Xiphophorus couchianus	Monterery playfish
COELACANTHIFORMES	
Coelacanthidae	
Latimeria chalumnae	Coelacanth
CERATODIFORMES	
Ceratodidae	
Neoceratodus forsteri	Australian lungfish
MOLLUSCA	
NAIADOIDA	
Unionidae	
Cyprogenia aberti	Edible pearly mussel
Epioblasma (= Dysnomia) torulosa rangiana	Tan-blossom pearly mussel
Fusconaia subrotunda	Long solid pearly mussel
Lampsilis brevicula	Ozark lamp pearly mussel
Lexingtonia dolabelloides	Slab-sided pearly mussel
Pleorobema clava	Club pearly mussel
STYLOMMATOPHORA	
Camaenidae	
Papustyla (= Papuina) pulcherrima	Manus Island tree snail
Paraphantidae	
Paraphanta spp. +202	New Zealand amber snails
PROSOBRANCHIA	
Hydrobiidae	
Coahuilix hubbsi	Coahuilix de Hubbs snail
Cochliopina milleri	Cochliopina de Miller snail
Durangonella coahuilae	Durangonella de Coahuila snail
Mexipyrgus carranzae	Mexipyrgus de Carranza snail
Mexipyrgus churinceanus	Mexipyrgus de Churince snail
Mexipyrgus escobedae	Mexipyrgus de Escobeda snail
Mexipyrgus lugoi	Mexipyrgus de lugo snail
Mexipyrgus mojarralis	Mexipyrgus de West El Mojarral snail
Mexipyrgus multilineatus	Mexipyrgus de East El Mojarral snail
Mexithauma quadripaludium	Mexithauma de Cuatro Cienegas snail
Nymphophilus minckleyi	Nymphophilus de Minckley snail
Paludiscala caramba	Paludiscala de oro snail
INSECTA	
Lepidoptera	
Parnassius apollo apollo	Mountain apollo
FLORA	
Apocynaceae	
Pachypodium spp.	
Araliaceae	
Panax quinquefolius	American ginseng
Araucariaceae	
Araucaria araucana	Monkey-puzzle tree
Cactaceae	
Cactaceae spp. +203	Cacti
Rhipsalis spp.	
Compositae (Asteraceae)	
Saussurea lappa Number 1	
Cyatheaceae	
Cyathea (Hemitella) capensis Number 3	
Cyathea dregei Number 3	
Cyathea mexicana Number 3	
Cyathea (Alsophila) salvinii Number 3	

FLORA—*continued*	
Dioscoreaceae	
Dioscorea deltoidea Number 1	
Euphorbiaceae	
Euphorbia spp. —101	Succulent euphorbias
Fagaceae	
Quercus copeyensis Number 2	
Leguminosae (Fabaceae)	
Thermopsis mongolica	
Liliaceae	Aloes
Aloe spp.*	
Meliaceae	
Swietenia humilis Number 2	Cobano
Orchidaceae	
Spp.*	Orchids
Palmae (Arecaceae)	
Areca ipot	
Phoenix hanceana var. *philippinensis*	
Zalacca clemensiana	
Portulacaceae	
Anacampseros spp.	
Primulaceae	
Cyclamen spp.	Cyclamens
Solanaceae	
Solanum sylvestre	
Sterculiacea	
Basiloxylon excelsum Number 2	
Verbenaceae	
Caryopteris mongolica	
Zygophyllaceae	
Guaiacum sanctum Number 2	Holywood lignum-vitae

When final rules are published, implementing the Convention, the lists of wildlife and plants in §§ 17.11 and 17.12 will be revised to include species listed in the Appendices to the Convention.

PUBLIC COMMENTS SOLICITED

The Director intends that finally adopted rules be as responsive as possible to the conservation of wildlife and plants; he therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, and private interests on these proposed rules.

Final promulgation of the regulations will take into consideration the comments received by the Director. Such comments and any additional information received, may lead the Director to adopt final regulations that differ from this proposal. The Director has under preparation an environmental assessment concerning this matter.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received no later than August 16, 1976, will be considered. Comments received will be available for public inspection during normal business hours at the Service's Office in Suite 600, 1612 K Street, NW., Washington, D.C.

(Endangered Species Act of 1973 (16 U.S.C. 1531–43; 87 Stat. 884).)

Dated: June 8, 1976.

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

Part 17, Title 50, CFR, is hereby amended by adding a new Subpart I, reading as follows:

Subpart I—Endangered Species Convention

§ 17.81 Purpose of the regulations.

(a) This subpart implements the specific requirements of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. The Convention is generally implemented by the Act.

(b) This subpart states the prohibitions established by the Convention and the Act regarding the importation, exportation and possession of specimens listed on the Appendices to the Convention. It provides interim rules for the issuance of permits for certain otherwise prohibited transactions.

§ 17.82 Scope of the regulations.

(a) This subpart applies to species of animals or plants listed in Appendix I, Appendix II or Appendix III of the Convention. These species are listed in §§ 17.11 or 17.12. In some cases these species are also listed in §§ 17.11 or 17.12 as endangered or threatened species under the Act.

(b) The definitions of Article I of the Convention apply to this subpart.

§ 17.83 Prohibitions.

(a) *Appendix I.* (1) Except as authorized in a permit issued under the provisions of § 1784, no person may import or export any specimen of a species listed in Appendix 1 of the Convention.

(2) Except as otherwise provided in paragraph (d) of this section, no person may import from any foreign country any specimen of a species listed in Appendix 1 of the Convention without an export permit from the country of origin or a re-export certificate from the country of re-export.

(b) *Appendix II.* (1) Except as authorized in a permit issued under the provisions of § 17.85, no person may export any specimen of a species listed in Appendix II of the Convention.

(2) Except as authorized in a permit issued under the provisions of § 17.85, no person may introduce from the sea any specimen of a species listed in Appendix II of the Convention.

(3) Except as otherwise provided in paragraph (d) of this section, no person may import from any foreign country any specimen of a species listed in Appendix II of the Convention without an export permit from the country of origin or a re-export certificate from the country of re-export.

(c) *Appendix III.* (1) Except as authorized in a permit issued under the provisions of § 17.85, no person may export a specimen of a species listed in Appendix III of the Convention. In the case of a species listed in Appendix III of the Convention by another country, but not listed by the United States, a certificate of origin will be issued for the export of specimens originating in the United States.

(2) Except as otherwise provided in paragraph (d) of this section, no person may import a specimen of a species, or designated part or derivative thereof, listed in Appendix III of the Convention without a certificate of origin and, in the case of shipments from the country listing that species in Appendix III, an export permit.

(d) *Other documents acceptable.* The following documents from the country of origin of the plant or wildlife, or of the country where the export shipment originates, may be used in lieu of the permits or certificates required for importation under paragraphs (a)(2), (b)(3) and (c) of this section:

(1) A certificate to the effect that the specimen was acquired prior to the date the Convention applied to it;

(2) A certificate or other statement to the effect that the specimen was a personal or household effect;

(3) A certificate to the effect that the specimen was, in the case of wildlife born in captivity, or in the case of plants artificially propagated, or was part of or derived therefrom;

(4) A label issued to a registered scientist or scientific institution for the export of herbarium specimens, other preserved, dried or embedded museum specimens, and live plant material.

(e) *Issuance by management authorities.* All permits, certificates, statements or labels issued by countries party to the Convention must be signed by the appropriate Management Authority.

(f) *Trade with non-parties.* Documentation is required on all shipments of specimens of species listed in Appendices I, II, or III of the Convention, whether the shipment is to or from a country which is a party to the Convention, or to or from any other country. In the case of a shipment from a country not a party to the Convention, documentation containing similar information to that required by the Convention and these regulations, and issued by an appropriate official of that country, may be accepted.

(g) *Transit, transshipment and introduction from the sea.* Notwithstanding Article VII, paragraph 1 of the Convention, the transit or transshipment of specimens of species listed in Appendix I, II, or III of the Convention is both an import and an export. Introduction from the sea is considered an importation.

(h) *Possession.* No person may possess any specimen of a species imported or exported in violation of paragraph (a), (b), or (c) of this section.

§ 17.84 Permits—Appendix I.

(a) Permits issued pursuant to § 17.22 (endangered wildlife—permits for scientific purposes or for the enhancement of propagation or survival) or § 17.72 (same—plants) shall be valid for the importation or exportation of any specimen on Appendix I of the Convention.

(b) All the provisions of § 17.22, or § 17.72, as appropriate, shall apply to the application for, and the issuance of, permits under this section. In addition to the issuance criteria and the conditions of § 17.22 or § 17.72, all the provisions of Article III (Regulation of Trade in Specimens of Species Included in Appendix I) and Article VI (Permits and Certificates) of the Convention shall apply to the issuance of permits under this section. Permits issued under § 17.22 or §17.72 shall be modified to conform to the requirements of the Convention.

§ 17.85 Permits—Appendix II or III.

(a) Permits issued pursuant to § 17.32 (threatened species permits—general) or § 17.82 (same—plants) shall be valid for the exportation of any specimen on Appendix II or III of the Convention.

(b) All the provisions of § 17.32 or § 17.82, as appropriate, shall apply to the application for and the issuance of permits under this section. In addition to the issuance criteria and the conditions of § 17.32 or § 17.82, all the provisions of Article IV (Regulations of Trade in Specimens of Species Included in Appendix II), Article V (Regulation of Trade in Specimens of Species Included in Appendix III) and Article VI (Permits and Certificates of the Convention shall apply, as appropriate, to the issuance of permits under this section. Permits issued under § 17.32 or § 17.82 shall be modified to conform to the requirements of the Convention.

§ 17.86 Countries which are parties to the Convention.

The following countries are parties to the Convention. This list is for the convenience of the public only, and does not preclude enforcement of these regulations regarding wildlife or plants being traded with a country not listed here, but which is a party to the Convention: United States, Canada, Sweden, Chile, Nigeria, Tunisia, Cyprus, United Arab Emirates, Switzerland, Uruguay, Ecuador, Mauritius, Nepal, Peru, South Africa, Costa Rica, Brazil, Papua New Guinea, Madagascar, Niger, German Democratic Republic, Ghana, Morocco.

[FR Doc.76-17311 Filed 6-15-76;8:45 am]

[50 CFR Part 17]

SEA TURTLES

Proposed Regulations Treating 3 Species as Threatened Under the "Similarity of Appearance" Clause

The Director, United States Fish and Wildlife Service, and the Director, National Marine Fisheries Service, who share jurisdiction for sea turtles under a Memorandum of Understanding, hereby issue a notice of proposed rulemaking which would treat as threatened species, under the "Similarity of Appearance" clause of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543, 1533(e)), the unlisted green (*Chelonia mydas* [including *C. agassizi* Boucourt]), loggerhead (*Caretta caretta*), and Pacific ridley (*Lepidochelys olivacea*) sea turtles. The proposal would also establish regulations governing these 3 unlisted species, thereby protecting the similar appearing listed sea turtles.

BACKGROUND

On December 5, 1969, the Endangered Species Conservation Act of 1969 (Pub. L. No. 91–135, §§ 1–6, 83 Stat. 275–278) was signed into law. This Act gave the Secretary of the Interior the power to determine certain species to be threatened with worldwide extinction and to restrict the importation of those species (Pub. L. No. 91–135, §§ 2–4, 83 Stat. 275–276). On December 2, 1970, the Secretary exercised this power and determined the hawksbill sea turtle (*Eretmochelys imbricata*), the leatherback sea turtle (*Dermochelys coriacea*), and the Atlantic ridley sea turtle (*Lepidochelys kempii*) to be threatened with worldwide extinction (35 FR 18319, 18322 (Dec. 2, 1970)). The importation of the three species was restricted, and they appeared on the U.S. List of Endangered Foreign Fish and Wildlife (Pub. L. No. 91–135, §§ 2–4, 83 Stat. 275–276; 50 CFR 17, Appendix A, Jan. 1971 ed.).

On December 28, 1973, the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; hereinafter referred to as the "Act") was signed into law. The Act redesignates the hawksbill, leatherback, and Atlantic ridley sea turtles as "endangered species" (16 U.S.C. 1533(c)(3)), and thereby restricts not only their importation, but also their exportation, transportation, taking, and sale (16 U.S.C. 1538).

The Act also provides that:

Section 4(e). The Secretary may, by regulation, and to the extent he deems advisable, treat any species as an endangered species or threatened species even though it is not listed pursuant to this section if he finds that—

(A) Such species so closely resembles in appearance, at the point in question, a species which has been listed pursuant to such section that enforcement personnel would have substantial difficulty in attempting to differentiate between the listed and unlisted species;

(B) The effect of this substantial difficulty is an additional threat to an endangered or threatened species; and

(C) Such treatment of an unlisted species will substantially facilitate the enforcement and further the policy of this chapter (16 U.S.C. 1533(e)).

In implementing the above authority, § 17.50 of Title 50, Code of Federal Regulations, provides that:

§ 17.50 General. (a) Whenever the Director determines that a species which is not endangered or threatened closely resembles an endangered or threatened species, such species shall be treated as either endangered or threatened, pursuant to section 4(e) of the Act. Such species shall appear in the list in § 17.11 with the notation "S/A" in the "status" column, following either a letter "E" or a letter "T" to indicate whether the species is being treated as endangered or threatened.

(b) In determining whether to treat a species as endangered or threatened due to similarity of appearance, the Director shall consider the following factors in addition to the criteria in section 4(e) of the Act:

(1) The degree of difficulty which law enforcement personnel would have in distinguishing the species in question from an endangered or threatened species especially where: (i) The distinction between the endangered or threatened species and other species is based upon geographical boundaries; (ii) the normal morphological or other differentiating characteristics of the species are minute, or can be easily masked, or would not be apparent when products are processed.

(2) The additional threat posed to the endangered or threatened species by the loss of control occasioned because of the similarity of appearance; and

(3) The amount of control over transactions involving endangered or threatened species to be gained either by: (i) Imposing the same prohibitions on the species which is similar, as apply to the endangered or threatened species, or (ii) providing, where the species is treated as threatened, special rules in Subpart D of this part to distinguish the similar species from the endangered or threatened species.

Pursuant to the above provisions, the regulations of this proposal would treat the green (*Chelonia mydas* [including *C. agassizi* Boucourt]), loggerhead (*Caretta caretta*), and Pacific ridley (*Lepidochelys olivacea*) sea turtles as threatened species because of their similarity in appearance to the listed hawksbill (*Eretmochelys imbricata*), leatherback (*Dermochelys coriacea*), and Atlantic ridley (*Lepidochelys kempii*) sea turtles.

FINDINGS

(1) At various points in question, the unlisted green (*Chelonia mydas* [including *C. agassizi* Boucourt]), loggerhead (*Caretta caretta*), and Pacific ridley (*Lepidochelys olivacea*) sea turtles so closely resemble in appearance the listed hawksbill (*Eretmochelys imbricata*), leatherback (*Dermochelys coriacea*), and Atlantic ridley (*Lepidochelys kempii*) sea turtles that enforcement personnel have substantial difficulty in attempting to differentiate between the listed and unlisted species.

Discussion: A recent survey of agents from the U.S. Fish and Wildlife Service, Division of Law Enforcement, shows that sea turtle shell is often made into jewelry, sea turtle hide is often made into shoes and leather goods, sea turtle meat is often used in soup, and sea turtle oil is often used in cosmetics. When sea turtle parts are made into products, it is extremely difficult for enforcement agents to determine whether the part used is from a listed or unlisted species. Indeed, such differentiation is difficult even for expert herpetologists. In the case of meat, oil, and small pieces of shell, differentiation is difficult, even where the parts have not been processed into products. Except for the leatherback (*Dermo-*

chelys coriacea) sea turtle, the same is also true in the case of skin or hide.

In addition, in the case of young specimens other than leatherbacks (*Dermochelys coriacea*), differentiation is quite difficult, particularly between the Atlantic (*Lepidochelys kempii*) and the Pacific (*Lepidochelys olivacea*) ridleys. Even with adult specimens differentiation is difficult between the ridleys, between the loggerhead (*Caretta caretta*) and the Atlantic ridley (*Lepidochelys kempii*), and occasionally between the green (*Chelonia mydas* (including *C. agassizi Boucourt*)) and the hawksbill (*Eretmochelys imbricata*).

(2) By weakening the deterrent value of the Act in protecting the listed hawksbill (*Eretmochelys imbricata*), leatherback (*Dermochelys coriacea*), and Atlantic ridley (*Lepidochelys kempii*) sea turtles, the substantial difficulty described in Finding (1) is an additional threat to such turtles.

Discussion: The Act protects the listed hawksbill (*Eretmochelys imbricata*), leatherback (*Dermochelys coriacea*), and Atlantic ridley (*Lepidochelys kempii*) sea turtles by prohibiting the importation, exportation, taking, and transportation or sale in interstate or foreign commerce of such species (16 U.S.C. 1538). Persons who violate the Act's prohibitions may be prosecuted civilly or criminally, and the listed species items involved in the violation may be forfeited to the United States (16 U.S.C. 1540). The Act's prohibitions and their attendant penalties deter persons from engaging in activities harmful to the listed sea turtles. However, this deterrence is greatly weakened when enforcement agents terminate investigations without prosecution in the belief that the items involved are from unlisted rather than listed species. Therefore, by weakening the Act's deterrent value, the substantial difficulty in differentiation described in Finding (1) constitutes a threat to the listed sea turtles in addition to the threats requiring their listing in the first place.

(3) Treating the unlisted green (*Chelonia mydas* [including *C. agassizi* Boucourt]), loggerhead (*Caretta caretta*), and Pacific ridley (*Lepidochelys olivacea*) sea turtles as threatened species will substantially facilitate enforcement of the Act, and by strengthening its deterrant value, will further its policy of protecting listed sea turtles.

Discussion: Treating the unlisted green (*Chelonia mydas* [including *C. agassizi* Boucourt]), loggerhead (*Caretta caretta*), and Pacific ridley (*Lepidochelys olivacea*) sea turtles as threatened species allows the establishment of regulations restricting the importantion, exportation, taking, transportation, and sale of such species (16 U.S.C. 1533(e)). Regulations to do this contained in this proposal, and they are similar to the prohibitions imposed by the Act on listed sea turtles. This similarity substantially facilitates enforcement of the Act by establishing similar violations for all sea turtles, except one (flatback sea turtle (*Chelonia depressa*) not found in United States), which violations may then be investigated in similar manner.

In addition, the similarity of violations and investigative techniques will increase prosecution for violations involving listed turtles, and thereby strengthen the deterrent value of the Act and further its policy of protecting such turtles.

Conclusion

For the reasons discussed in Findings (1) through (3) above, it is deemed advisable to treat the unlisted green (*Chelonia mydas* [including *C. agassizi* Boucourt]), loggerhead (*Caretta caretta*), and Pacific ridley (*Lepidochelys olivacea*) sea turtles as threatened species to the extent provided by the regulations of this proposal.

Description of Proposed Regulation

As already indicated, the regulations of this proposal would treat the green (*Chelonia mydas* [including *C. agassizi* Boucourt]), loggerhead (*Caretta caretta*), and Pacific ridley (*Lepidochelys olivacea*) sea turtles as threatened species under the "Similarity of Appearance" clause of the Act (16 U.S.C. 1533(e)). Accordingly, the three species would appear as threatened species in the list of endangered and threatened wildlife in § 17.11, with the notation "S/A" to indicate that they were placed on the list to similarity of appearance.

In addition, special rules (50 CFR 17.42(b) and 50 CFR 228.81) would be established to specify the prohibitions, exceptions, and permits applicable to the three species. Subject to certain exceptions, § 17.42 (b) and § 228.81 would incorporate by reference the provisions of Title 50, Code of Federal Regulations, §§ 17.21, 17.31, and 17.52 or 228.11–228.30 Thus, the green (*Chelonia mydas* [including *C. agassizi* Boucourt]), loggerhead (*Caretta caretta*), and Pacific ridley (*Lepidochelys olivacea*) sea turtles would be subject to the prohibitions applicable to listed threatened species (50 CFR 17.21, 17.31), except that incidental catch by fishermen or researchers at sea would not be a prohibited taking, providing certain conditions are met, and the prohibitions on interstate commerce would not be effective until June 16, 1977. (Prohibitions on foreign commerce would be effective immediately.) Also, similarity of appearance permits (50 CFR 17.52 and 50 CFR 228.11–228.30) would be available to authorize activities otherwise prohibited for the three threatened species. However, issuance or denial of such permits would require the concurrence of both the National Marine Fisheries Service and the U.S. Fish and Wildlife Service. A similarity of appearance permit would authorize the permittee to conduct other prohibited activities upon a showing that a specimen, although similar to an endangered species, is not an endangered species.

Relationship of This Proposal to the Earlier Listing Proposal

On May 20, 1975, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service proposed to list the green (*Chelonia mydas* [including *C. agassizi* Boucourt]), loggerhead (*Caretta caretta*), and Pacific ridley (*Lepidochelys olivacea*) sea turtles as "regular" threatened species under section 4(a) of the Act (16 U.S.C. 1533(a); 40 FR 21974–21977 (amended 40 FR 25217), 21982–21986 (amended 40 FR 26043)). However, such proposal has not yet become finalized because the National Marine Fisheries Service deemed it necessary to hold public hearings and prepare an Environmental Impact Statement. The National Marine Fisheries Service and the U.S. Fish and Wildlife Service are expected to reach agreement on final listing and protective action with respect to these sea turtles sometime in May 1976. Taking into consideration the requirements of the Council on Environmental Quality with respect to final environmental impact statements, the public may expect final action on that sea turtle proposal to become effective no sooner than late summer of 1976.

In light of this additional time, the present proposal under the Act's "Similarity of Appearance" clause is deemed advisable to provide adequate protection for the already listed sea turtles (the endangered hawksbill (*Eretmochelys imbricata*), leatherback (*Dermochelys coriacea*), and Atlantic ridley (*Lepidochelys kempii*) sea turtles). However, the proposal of May 20, 1975, would itself afford protection to the listed turtles. Therefore, upon final regulations on the proposal of May 20, 1975, becoming effective, these proposed regulations will be withdrawn, or if promulgated in final, rescinded.

Public Participation

The Directors desire that the final regulations of this proposal provide the most effective protection possible for the already listed hawksbill, leatherback, and Atlantic ridley sea turtles. The Directors therefore invite the public, concerned private interests, and other Government agencies to participate in this rulemaking by submitting written comments on the proposed regulations. Comments should be addressed to the Director, U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20036, or to the Director, National Marine Fisheries Service, Washington, D.C. 20235. All relevant comments received no later than September 14, 1976 will be considered in promulgating the final regulations. Such comments and other information may cause the Directors to promulgate final regulations differing from these proposed regulations.

The Services will attempt to acknowledge receipt of comments, but substan-

tive responses to individual comments may not be provided. All comments timely received will be available for public inspection during normal business hours at Suite 600, 1612 K Street, NW., Washington, D.C. and at Room 428–A, Page Building Number 2, 3300 Whitehaven Street, NW., Washington, D.C.

ENVIRONMENTAL ASSESSMENT

The U.S. Fish and Wildlife Service has prepared an environmental assessment concerning these regulations. The assessment concluded that an environmental impact statement was not necessary to satisfy the requirements of the National Environmental Policy Act (42 U.S.C. 4321 et seq.). Copies may be obtained by writing the Director of the U.S. Fish and Wildlife Service.

This notice of proposed rulemaking is issued under authority of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543, 1533(e)).

Dated: June 10, 1976.

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

Dated: May 19, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

Accordingly, it is hereby proposed to amend Part 17, Title 50, Code of Federal Regulations, as follows:

1. Section 17.11 is amended by adding to the list of endangered and threatened wildlife the following:

§ 17.11 Endangered and threatened wildlife.

* * * * *

Species			Range				
Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered	Status	When listed	Special rules
*	*	*	*	*	*	*	*
REPTILES							
*	*	*	*	*	*	*	*
Turtle, green sea	*Chelonia mydas* (including *C. agassizi* Boucourt).	NA	Tropical and temperate seas and oceans.	Entire	T(S/A)		17.42(b), 228.81
*	*	*	*	*	*	*	*
Turtle, loggerhead sea	*Caretta caretta*	NA	Tropical and temperate seas and oceans.	Entire	T(S/A)		17.42(b), 228.81
Turtle, Pacific ridley sea	*Lepidochelys olivacea*	NA	do	do	T(S/A)		17.42(b), 228.81
*	*	*	*	*	*	*	*

2. Section 17.42 is amended by adding paragraph (b) to read as follows:

§ 17.42 Special rules—reptiles.

* * * * *

(b) Green sea turtle (*Chelonia mydas* [including *C. agassizi* Boucourt]), loggerhead sea turtle (*Caretta caretta*), and Pacific ridley sea turtle (*Lepidochelys olivacea*).

(1) *Prohibitions.* Notwithstanding paragraph (c) of § 17.31, and subject to the provisions of paragraph (b)(2) of this section, the provisions of § 17.31 shall apply to the green sea turtle (*Chelonia mydas* [including *C. agassizi* Boucourt]), loggerhead sea turtle (*Caretta caretta*), and Pacific ridley sea turtle (*Lepidochelys olivacea*).

(2) *Exceptions and permits.* (i) The prohibitions on taking (§ 17.21(c)), incorporated into § 17.31 and therefore made applicable to the green sea turtle (*Chelonia mydas* [including *C. agassizi* Boucourt]), loggerhead sea turtle (*Caretta caretta*) and Pacific ridley sea turtle (*Lepidochelys olivacea*) by paragraph (b)(1) of this section, shall not include incidental catch provided: (A) The specimen was caught by fishing gear incidental to fishing effort or research not directed toward such species; (B) Any such species caught is immediately returned to its aquatic environment unless it is unconscious in which case every effort is made to resuscitate it, by turning the turtle on its back and by pumping (by foot or hand) the turtle's plastron, before returning it to the water; (C) Due care is exercised in the handling of all live specimens to prevent injuries; and (D) No sea turtle incidentally caught, or part(s) or product(s) thereof, is landed, offloaded or transshipped, or kept below deck. The term "incidental catch" shall mean the taking of a green sea turtle (*Chelonia mydas* [including *C. agassizi* Boucourt]), loggerhead sea turtle (*Caretta caretta*), or Pacific ridley sea tutrle (*Lepidochelys olivacea*) during the course of research or fishing activities conducted at sea and not directed toward any member of the three species.

(ii) The prohibitions on delivering, receiving, carrying, transporting, shipping, selling, or offering for sale in interstate commerce (§ 17.21(e); § 17.21(f)), incorporated into § 17.31 and therefore made applicable to the green sea turtle (*Chelonia mydas* [including *C. agassizi* Boucourt]), loggerhead sea turtle (*Caretta caretta*), and Pacific ridley sea turtle (*Lepidochelys olivacea*) by paragraph (b)(1) of this section, shall not apply prior to June 16, 1977.

(iii) The provisions of § 17.52 or §§ 228.11–228.30 shall apply to the green sea turtle (*Chelonia mydas* [including *C. agassizi* Boucourt]), loggerhead sea turtle (*Caretta caretta*), and Pacific ridley sea turtle (*Lepidochelys olivacea*), except that the concurrence of the National Marine Fisheries Service and the U.S. Fish and Wildlife Service is required in the issuance or denial of any permit.

3. Chapter II, 50 CFR is amended by adding Part 28 consisting of Subparts A, B, C, D and E to read as follows:

PART 228—SIMILARITY OF APPEARANCE

Subpart A—Introduction

Sec.
228.1 Purpose.
228.2 Scope.
228.3 Definitions.
228.4 General.
228.5 Treatment as endangered or threatened.
228.6 List of species similar in appearance to endangered or threatened species.
228.7–10 [Reserved]

Subpart B—Permits for Species Similar in Appearance to Endangered or Threatened Species

Sec.
228.11 General.
228.12 Application requirements.
228.13 Issuance criteria.
228.14 Permit conditions.
228.15 Duration of permits.
228.16–30 [Reserved]

Subpart C—Special Rules: Marine Mammals

228.31–50 [Reserved]

Subpart D—Special Rules: Marine Fish

228.51–80 [Reserved.]

Subpart E—Special Rules: Marine Reptiles

228.81 Green Sea Turtle (*Chelonia mydas* [including *C. agassizi* Boucourt]), Loggerhead Sea Turtle (*Caretta caretta*), and Pacific Ridley Sea Turtle (*Lepidochelys olivacea*)

AUTHORITY: Endangered Species Act of 1973, Pub. L. 93–205, 16 U.S.C. 1531 et seq.

Subpart A—Introduction

§ 228.1 Purpose.

The regulations in this part aid enforcement of conservation measures for certain fish or wildlife listed as endangered or threatened species under the Endangered Species Act of 1973 (the "Act"), by establishing rules and procedures to govern activities involving species which are similar in appearance to the listed endangered or threatened species and which are under the jurisdiction of the Secretary of Commerce.

§ 228.2 Scope.

(a) The regulations contained in this part apply only to fish or wildlife listed under the similarity of appearance provisions of the Act.

(b) The provisions in this part are in addition to, and are not in lieu of, other regulations of Parts 217–222 and Part 225

of this chapter which may prescribe additional restrictions or conditions governing listed species, as appropriate.

§ 228.3 Definitions.

The definitions contained in the Act and in Parts 217 and 225, unless the context otherwise requires, are incorporated in this Part 228 by reference.

§ 228.4 General.

(a) Whenever the Director determines that a species which is not endangered or threatened closely resembles an endangered or threatened species, such species shall be treated as either endangered or threatened, pursuant to section 4(e) of the Act. Such species shall appear in the list in § 17.11 with the notation "S/A" in the "status" column, following either a letter "E" or a letter "T" to indicate whether the species is being treated as endangered or threatened.

(b) In determining whether to treat a species as endangered or threatened due to similarity of appearance, the Director shall consider the following factors in addition to the criteria in section 4(e) of the Act:

(1) The degree of difficulty which law enforcement personnel would have in distinguishing the species in question from an endangered or threatened species especially where: (i) The distinction between the endangered or threatened species and other species is based upon geographical boundaries; (ii) the normal morphological or other differentiating characteristics of the species are minute, or can be easily masked, or would not be apparent when products are processed;

(2) The additional threat posed to the endangered or threatened species by the loss of control occasioned because of the similarity of appearance; and

(3) The amount of control over transactions involving endangered or threatened species to be gained either by: (i) Imposing the same prohibitions on the species which is similar, as apply to the endangered or threatened species, or (ii) providing, where the species is treated as threatened, special rules in this part to distinguish the similar species from the endangered or threatened species.

§ 228.5 Treatment as endangered or threatened.

Any species listed in § 17.11, pursuant to § 228.4, shall be treated as endangered or threatened, as indicated in the "status" column.

§ 228.6 List of species similar in appearance to endangered or threatened species.

The species listed as threatened under the similarity of appearance provisions of the Act and under the jurisdiction of the Secretary of Commerce are: Green sea turtle (*Chelonia mydas* [including *C. agassizi* Boucourt]), Loggerhead sea turtle (*Caretta caretta*), and Pacific ridley sea turtle (*Lepidochelys olivacea*).

§§ 228.7–10 [Reserved]

Subpart B—Permits for Species Similar in Appearance to Endangered or Threatened Species

§ 228.11 General.

Upon receipt of a complete application, and unless otherwise indicated in a special rule, the Director may issue permits for any activity otherwise prohibited with a species designated as endangered or threatened due to its similarity of appearance with an endangered or threatened species.

§ 228.12 Application requirements.

Applications for permits under this section must be submitted to the Director by the person who wishes to engage in the activity with the similar species. Each application must include all of the following information: Documentary evidence, sworn affidavits, or other information to show species identification and the origin of the fish or wildlife (or if born in captivity, the place where born) in question. This information may be in the form of fishing or hunting licenses, hide seals, official stamps, export documents, expert opinion, bills of sale, or other appropriate information.

§ 228.13 Issuance criteria.

Upon receiving an application completed in acordance with § 228.12, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider, in addition to the general criteria in § 220.21 (b) of this subchapter, the following factors:

(a) Whether the information submitted by the applicant appears reliable; and

(b) Whether the information submitted by the applicant adequately identifies the fish or wildlife in question so as to distinguish it from any endangered or threatened fish or wildlife.

§ 228.14 Permit conditions.

In addition to the general conditions set forth in Part 220 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(a) If indicated in the permit, a special mark, to be specified in the permit, must be applied to the fish or wildlife, and remain for the time designated in the permit; and

(b) A copy of the permit must accompany the fish or wildlife at all times.

§ 228.15 Duration of permits.

The duration of permits issued under this section shall be designated on the face of the permit.

§§ 228.16–30 [Reserved]

Subpart C—Special Rules: Marine Mammals

§§ 228.31–50 [Reserved]

Subpart D—Special Rules: Marine Fish

§§ 228.51–80 [Reserved]

Subpart E—Special Rules: Marine Reptiles

§ 228.81 Green Seal Turtle (*Chelonia mydas* [including *C. agassizi* Boucourt]), Loggerhead Sea Turtle (*Caretta caretta*), and Pacific Ridley Sea Turtle (*Lepidochelys olivacea*).

(a) *Prohibitions.* Notwithstanding paragraph (c) of § 17.31, and subject to the provisions of paragraph (b) of this section, the provisions of § 17.31 shall apply to the green sea turtle (*Chelonia mydas* [including *C. agassizi* Boucourt]), loggerhead sea turtle (*Caretta caretta*), and Pacific ridley sea turtle (*Lepidochelys olivacea*).

(b) *Exceptions and permits.* (1) The prohibitions on taking (§ 17.21(c)), incorporated in to § 17.31 and therefore made applicable to the green sea turtle (*Chelonia mydas* [including *C. agassizi* Boucourt]), loggerhead sea turtle (*Caretta caretta*), and Pacific ridley sea turtle (*Lepidochelys olivacea*) by paragraph (a) of this section, shall not include incidental catch provided: (i) The specimen was caught by fishing gear incidental to fishing effort or research not directed toward such species; (ii) Any such species caught is immediately returned to its aquatic environment unless it is unconscious in which case every effort is made to resuscitate it, by turning the turtle on its back and by pumping (by foot or hand) the turtle's plastron, before returning it to the water; (iii) Due care is exercised in the handling of all live specimens to prevent injuries; and (iv) No sea turtle incidentally caught, or part(s) or product(s) thereof, is landed, offloaded, or transshipped, or kept below deck. The term "incidental catch" shall mean the taking of a green sea turtle (*Chelonia mydas* [including *C. agassizi* Boucourt]), loggerhead sea turtle (*Caretta caretta*), or Pacific ridley sea turtle (*Lepidochelys olivacea*) during the course of research or fishing activities conducted at sea and not directed toward any member of the three species.

(2) The prohibitions on delivering, receiving, carrying, transporting, shipping, selling, or offering for sale in interstate commerce (§ 17.21(e); § 17.21(f)), incorporated into § 17.31 and therefore made applicable to the green sea turtle (*Chelonia mydas* [including *C. agassizi* Boucourt]), loggerhead sea turtle (*Caretta caretta*), and Pacific ridley sea turtle (*Lepidochelys olivacea*) by paragraph (a) of this section, shall not apply prior to June 16, 1977.

(3) The provisions of § 17.52 or §§ 228.11–228.30 shall apply to the green sea turtle (*Chelonia mydas* [including *C. agassizi* Boucourt]), loggerhead sea turtle (*Caretta caretta*), and Pacific ridley sea turtle (*Lepidochelys olivacea*), except that the concurrence of the National Marine Fisheries Service and the U.S. Fish and Wildlife Service is required in the issuance or denial of any permit.

[FR Doc.76-17403 Filed 6-15-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1006, 1012, 1013]

[Docket Nos. AO-356-A14, AO-347-A18, and AO-286-A26]

MILK IN THE UPPER FLORIDA, TAMPA BAY, AND SOUTHEASTERN FLORIDA MARKETING AREAS

Supplemental Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

This notice is supplemental to the notice of hearing which was issued on May 19, 1970 and published in the FEDERAL REGISTER on May 24, 1976 (41 FR 21206). Notice is hereby given that the aforesaid hearing will be held as scheduled on June 22, 1976 at the Kahler Plaza Inn, 151 East Washington Street, Orlando, Florida, beginning at 9:30 a.m., with respect to proposed amendments previously announced and to additional proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Upper Florida, Tampa Bay and Southeastern Florida marketing areas.

The hearing is called pursuant to the provisions of the Agricultural marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the previously announced proposed amendments, and to the additional proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY UPPER FLORIDA MILK PRODUCERS ASSOCIATION, TAMPA INDEPENDENT DAIRY FARMERS ASSOCIATION, INC., AND INDEPENDENT DAIRY FARMERS ASSOCIATION, INC.

PROPOSAL NO. 3

Revise the producer milk definition in the Upper Florida Order (Part 1006), the Tampa Bay Order (Part 1012), and the Southeastern Florida Order (Part 1013) to provide that milk may be diverted to a pool plant regulated under another order for requested Class II use.

Copies of the notice of hearing, this supplemental notice of hearing, and the order may be procured from the Market Administrator, P.O. Box 11368, Fort Lauderdale, Florida 33306, or from the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on June 11, 1976.

WILLIAM T. MANLEY,
Deputy Administrator,
Program Operations.

[FR Doc.76-17479 Filed 6-15-76;8:45 am]

Federal Crop Insurance Corporation

[7 CFR Part 411]

FEDERAL CROP INSURANCE

Grapes

Pursuant to a Statement of Policy issued by the Secretary of Agriculture on July 20, 1971 (36 FR 13804), notice is hereby given that the Board of Directors of the Federal Crop Insurance Corporation is considering and tentatively approved at its meeting on May 12, 1976, an amendment to the Grape Crop Insurance Regulations for the 1967 and Succeeding Crop Years, as amended, (7 CFR 411.1 et seq.) to be effective beginning with the 1977 crop year, which would amend § 411.1 through § 411.6 in their entirety, as follows:

PART 411—GRAPE CROP INSURANCE

Sec.
411.1 Availability of grape crop insurance.
411.2 Premium rates, production guarantees, and prices for computing indemnities.
411.3 Application for insurance.
411.4 Public notice of indemnities paid.
411.5 Creditors.
411.6 The application and the policy.

AUTHORITY: Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.

§ 411.1 Availability of grape crop insurance.

Grape crop insurance shall be offered for the 1977 and succeeding crop years under the provisions of § 411.1 through § 411.6 in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation for grape crop insurance. The counties designated by the Manager shall be published by appendix to this section.

§ 411.2 Premium rates, production guarantees, and prices for computing indemnities.

(a) The Manager shall establish premium rates, production guarantees, and prices for computing indemnities which shall be provided for on the county actuarial table on file in the office for the county. Such premium rates, production guarantees, and prices for computing indemnities may be changed from year to year.

(b) The following shall apply to the transfer of any premium reduction earned under the provisions of section 7 of the Application and Policy set forth in § 411.6 if the insured is a partnership, corporation, or any other joint enterprise and there is no break in continuity of participation. Upon dissolution of such enterprise, such premium reduction may be credited to the contract of any member or stockholder thereof if the Corporation determines such person is operating only land formerly operated by the dissolved enterprise. Upon formation of a joint enterprise, the smallest premium reduction (zero if none), which the Corporation determines would have been applicable to any insurable acreage brought into the enterprise if the enterprise had not been formed, may be credited to the joint enterprise contract.

§ 411.3 Application for insurance.

Application for insurance may be submitted as provided in § 411.6 at the office for the county for the Corporation. The Corporation reserves the right to discontinue the taking of applications in any county, prior to the closing date for the filing of applications, upon its determination that the insurance risk involved is excessive. Such closing date shall be the December 10 immediately preceding the beginning of the crop year. The Corporation further reserves the right to reject any application or to exclude any definitely identified acreage for any crop year of the contract if upon inspection it deems the risk on such acreage is excessive. If any such acreage is to be excluded, the insured shall be notified of such exclusion before insurance attaches for the crop year for which the acreage is to be excluded.

§ 411.4 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at the county courthouse a listing of indemnities paid in the county.

§ 411.5 Creditors.

An interest of a person other than the insured in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract other than as provided in the application and policy set forth in § 411.6.

§ 411.6 The application and the policy.

The provisions of the Application and Policy for Grape Crop Insurance for the 1977 and Succeeding Crop Years are as follows:

Application and Policy.
Form FCI-812-Grape

U.S. DEPARTMENT OF AGRICULTURE

FEDERAL CROP INSURANCE CORPORATION

APPLICATION AND POLICY FOR GRAPE CROP INSURANCE

(For 19__ and Succeeding Crop Years)

(Name of Insured)

(Policy Number)

(Address of Insured) (Zip Code)

(County) (Identification Number)

1. The undersigned applicant (hereinafter called the "insured") subject to the applicable provisions of the regulations of the Federal Crop Insurance Corporation (hereinafter called the "Corporation") hereby applies to the Corporation for insurance on his interest as a producer in grape crops located in the above-identified county (hereinafter called "the county"). The applicant applies for the applicable production guarantee as provided for on the county actuarial table (hereinafter called "actuarial table") and elects the price per ton for computing indemnities shown below, which shall be a price per ton shown on the actuarial table. The insured may, with the consent of the Corporation, change the price per ton which was in effect for a prior crop year and elect a new price per ton by notifying the office for the county in writing by the December 10 preceding the crop year for which the change is to become effective. The price per ton in effect for any crop year shall be that most recently elected by the insured and shown on a form prescribed for such purpose, but such price shall not exceed the maximum price per ton shown on the actuarial table for such crop year. If any applicant, or insured, has not elected a price per ton for computing indemnities, or has elected a price not shown on the actuarial table for the crop year, the price which shall be applicable under the contract, and which the insured is deemed to have elected, shall be the price per ton provided on the actuarial table for such purposes.

(Price Per Ton Elected for Computing Indemnities)

$---------- Per Ton

This application, when executed by a person as an individual, shall not cover his interest in a crop produced by a partnership or other entity.

2. *Causes of loss.* (a) *Causes insured against.* The insurance provided is against unavoidable loss resulting from drought, earthquake, excessive rain, fire, flood, freeze, frost, hail, hurricane, lightning, snow, tornado, wildlife, wind, or other unavoidable causes of loss due to adverse weather conditions occurring within the insurance period.

(b) *Causes not insured against.* The contract shall not cover any loss due to neglect or malfeasance of the insured, any member of his household, his tenants, or employees, or failure to follow recognized good farming practices, or to any cause other than a cause specified in paragraph (a) of this section.

3. *Insured crop.* The crop insured shall be only insurable varieties of grapes grown on insurable acreage in any crop year as shown on the actuarial table (a) in which the insured had an interest on the date insurance attaches, and (b) which are grown on acreage on which at least 90 percent of a stand, based on the original planting pattern has been maintained, and (c) on which the vines after being set out have reached the number of growing seasons shown on the actuarial table for such purposes. Insurance shall not attach under any contract of insurance if the acreage of grapes insurable thereunder is less than two acres or the average yield per acre is less than two tons, unless a written agreement is in effect between the Corporation and the insured prior to the time insurance attaches.

4. *Responsibility of the insured to report acreage, interest, and yield.* The insured at the time of filing this application shall also file on a form prescribed by the Corporation a report of all the acreage of grapes in the county in which he has an interest and show his interest therein. In succeeding crop years promptly after the time insurance attaches to the grapes each year, but not later than a date established by the Corporation and on file in the office for the county, the insured shall submit to the office for the county, on a form prescribed by the Corporation, a report of all acreage of grapes in the county in which he has an interest and show his interest therein. Such reports shall include a designation of all acreage of grapes which is uninsurable under the provisions of the preceding section. A report of the preceding year's insurable acreage and the tonnage produced from insurable acreage shall also be provided by the insured on a form prescribed by the Corporation at the time the acreage report is submitted. If the insured does not file an acreage report by the date established by the Corporation, the Corporation may elect to determine by insurance units the insured acreage and the share or declare the insured acreage on any insurance unit(s) to be "zero." The acreage and interest insured shall be the acreage and interest reported by the insured or as determined by the Corporation, whichever the Corporation shall elect. *Provided,* That, for the purpose of determining the amount of loss, the insured share shall not exceed the insured's share in the grape crop at the time of loss or the beginning of harvest, whichever occurs first.

5. *The contract.* Upon acceptance of this application by the Corporation, the contract shall be in effect for the crop year specified above and shall continue for each succeeding crop year until canceled or terminated in accordance with the applicable provisions of the contract. This application and policy and amendments thereto, if any, and the actuarial table for each crop year shall constitute the contract for grape crop insurance. Any changes made in the contract shall not affect the continuity from year to year.

6. *Insurance period.* For each crop year insurance shall attach on December 11, and shall cease as to any portion of the grape crop upon harvest, but in no event shall insurance remain in effect later than December 10 of the calendar year in which the grapes are normally harvested. If the insured purchases any acreage of grapes by January 5 of the crop year, insurance will be considered to have attached to this acreage on December 11 provided an inspection of the vineyard has been made and such acreage is acceptable to the Corporation. In the event the insured sells any acreage of grapes by January 5, insurance will not be considered to have attached to such acreage.

7. *Annual Premium.* (a) The annual premium for each insurance unit (hereinafter called "unit") shall be earned and payable on the date insurance attaches and shall be determined by multiplying the insured acreage times the production guarantee per acre, times the price election per ton, times the premium percentage rate, times the insured's interest at the time the insurance attaches, and where applicable, applying the discount herein provided.

(b) Except as otherwise provided herein, the total annual premium for the grape crop on all units shall be reduced as follows for consecutive years of insurance, without a loss for which an indemnity was paid on any unit, immediately preceding the crop year for which the reduction is applicable (eliminating any year in which a premium was not earned):

Percent premium reduction	*Consecutive insurance years without a loss*
5 percent after	1 year.
5 percent after	2 years.
10 percent after	3 years.
10 percent after	4 years.
15 percent after	5 years.
20 percent after	6 years.
25 percent after	7 years or more.

If an insured has a loss on grapes for which an indemnity is paid, the number of such consecutive years of insurance without a loss for which an indemnity was paid shall be reduced by 3 years, except, that, where the insured has 7 or more such years, a reduction to 4 shall be made and where the insured has 3 or less such years, a reduction to zero shall be made: *Provided,* That, if at any time the cumulative indemnities paid exceed the cumulative premiums earned from the start of the insuring experience through the previous crop year, the 5, 10, and 15 percent premium discounts in this section shall not thereafter be applicable until the cumulative premiums equal or exceed the cumulative indemnities. (Premiums and indemnities used for this determination shall be in dollars.)

If there is no break in continuity of participation, any premium reduction earned hereunder shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of the death of the insured, (2) the contract of the person who succeeds the insured as the insured's transferee in operating only the same farm or farms, if the Corporation finds that such transferee has previously actively participated in the farming operation involved, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

8. *Premium note.* In consideration hereof, the insured promises to pay to the order of the Federal Crop Insurance Corporation each crop year of the contract the annual premium and further agrees that any amount due the Corporation by the insured may be deducted from any indemnity payable to the insured and, when not prohibited by law, from any loan or payment otherwise due the insured under any program administered by the United States Department of Agriculture.

----------, 19___
(Date)

(Signature of Applicant)

(Witness to Signature)

9. *Recommended for acceptance by* _____

----------, 19___
(Date)

(Corporation Representative)

10. Address of office for county:

Phone: ---

Location of headquarters:

Phone: ---

11. *Life of contract.* The contract is noncancelable for the first crop year and shall continue in effect for each succeeding crop year until either the insured or Corporation cancels the contract by giving written notice to the other by September 30 immediately preceding the beginning of the crop year for which the cancellation is to become effective. The contract shall, however, terminate for

nonpayment of premium for any crop year if the premium is not paid by the December 10 following the calendar year in which insurance attached. This contract shall terminate if no premium is earned for three consecutive crop years.

12. *Contract changes.* After the first crop year the Corporation reserves the right to amend or change the terms of this contract from year to year. Any such amendment or change shall be mailed to the insured or made available at the office for the county by the September 15 immediately preceding the beginning of the crop year for which such amendment or change is to become effective. Acceptance of such amendment or change will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 11 hereof.

13. *Notice of damage or loss.* (a) It shall be a condition precedent to payment of an indemnity on any unit that the insured report to the office for the county each damage to the grapes from an insured cause of loss within seven days after such damage becomes apparent, giving the date, cause, and extent of such damage.

(b) If a loss is to be claimed, the insured shall also notify the office for the county (1) immediately, if damage occurs within the seven day period before the beginning of harvest, or during harvest, and (2) within 15 days after harvesting is completed on the unit but not later than the calendar date for the end of the insurance period.

(c) The Corporation reserves the right to reject any claim if any of the requirements of this section are not met if it has been prejudiced by such failure.

14. *Claim for less.* (a) Any claim for loss on any unit shall be submitted to the Corporation, on a form prescribed by the Corporation, within 60 days after the time of loss. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(b) Losses shall be adjusted separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of the insured crop on the unit by the applicable guarantee per acre which product shall be the guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying this result by the applicable price per ton for computing indemnities and the insured interest: *Provided*, That if for the unit the insured fails to report all of his insurable acreage or interest, the amount of loss shall be determined with respect to all of his insurable acreage and interest, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium computed on the basis of the reported acreage and interest, or the acreage and interest when determined under section 4 above, the amount of loss shall be reduced proportionately.

(c) The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all harvested production and any appraisals made by the Corporation for unharvested or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided*, That the production to be counted for any acreage which is abandoned, or put to another use without the consent of the Corporation, or any acreage not damaged by an insured cause shall be not less than the applicable production guarantee: *Provided*, That in the event the grapes are harvested before normal maturity, as determined by the Corporation, such production shall be increased by the factor determined by dividing the price per ton received for such grapes by the price per ton for fully matured grapes, as determined by the Corporation: *Provided, further*, That any grapes which the Corporation determines that, due to an insurable cause, cannot be marketed, or if marketed would have a value of less than $35.00 per ton shall not be counted as production in determining the amount of loss: *Provided, further*, That no production shall be counted for any unharvested insured acreage damaged by an insured cause of loss unless the appraised production, as determined by the Corporation, is greater than 250 pounds per acre.

(d) It shall be a condition precedent to payment of any claim that the insured furnish any information required by the Corporation regarding the production, weight, and handling of the insured crop and the manner and extent of loss.

(e) If the production harvested from a unit is commingled with the production harvested from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may allocate the commingled production in such manner as its deems appropriate if sufficient facts are available, as determined by the Corporation; otherwise the Corporation may deny liability with respect to all units involved for the crop year without affecting the insured's liability for premium.

(f) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided*, That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

15. *Payment of indemnity.* (a) Any indemnity will be payable within 30 days after a claim for loss is approved by the Corporation: *Provided*, That in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(b) If the insured is an entity other than an individual and is dissolved or is an individual who dies or is judicially declared incompetent before insurance attaches in any crop year, the contract shall terminate as of the date of dissolution, death, or judicial declaration, but if such an event occurs after insurance attaches in any crop year the contract shall terminate at the end of the crop year and any indemnity payable shall be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(c) For the purposes of subsection (b) hereof, death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the parties shall dissolve the joint entity.

16. *Insured Interest.* For the purpose of determining the amount of indemnity, the interest insured shall not exceed the interest of the insured at the time of damage, as determined by the Corporation.

17. *Abandonment of crop.* There shall be no abandonment of the grape crop or portion thereof to the Corporation.

18. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right or remedy including the right to collect any unpaid premiums, if at any time, either before or after any loss, the insured has concealed or misrepresented any material fact, or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which any such act or omission occurred.

19. *Collateral assignment—Transfer of interest.* The right to an indemnity in any crop year may be assigned by the insured only as security upon prior approval of the Corporation. If the insured transfers his interest in the grape crop in any crop year after January 5 he may, upon prior approval of the Corporation, transfer his right to an indemnity for such crop year with respect to the transferred interest in the grape crop. Any assignment or transfer shall be made on assignment or transfer forms prescribed by the Corporation and shall be subject to all the terms set forth thereon and to the terms hereof.

20. *Subrogation.* The insured (including his assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made and shall execute all papers required and take appropriate action to secure such rights.

21. *Forms.* Copies of forms referred to in the contract are available at the office for the county.

22. *Meaning of terms.* For purposes of insurance on grapes the terms:

(a) "County actuarial table" means the actuarial forms and related material (including the crop insurance maps where applicable) which are approved by the Corporation, which are on file for public inspection in the office for the county, and which show the applicable premium rates, production guarantee, prices for computing indemnities, and related information with respect to grape crop insurance for the crop year in the county.

(b) "Office for the county" means the Corporation's office serving the county shown in this application and policy, or such office as may be designated by the Corporation from time to time, and may serve more than one county.

(c) "County" means the area shown on the actuarial table which may include insurable acreage located in a local producing area bordering on the county.

(d) "Crop year" means the period beginning on the date insurance attaches and extending through the time the crop is normally harvested and shall be designated by reference to the calendar year in which the crop is normally harvested.

(e) "Harvest" means picking the grapes from the vines by hand or mechanical means.

(f) "Insurance unit" means all insurable acreage of grapes in the county (1) in which the insured has 100 percent interest on the date insurance attaches for the crop year and which is located on contiguous land under the same ownership, or (2) in which the same two or more persons have 100 percent interest on the date insurance attaches for the crop year and which is located on contiguous land under the same ownership, excluding any other acreage of grapes in which such persons do not have 100 percent interest on such date.

Land rented for cash or for a fixed commodity payment or for any consideration other than a share in the crop on such land shall be considered as owned by the lessee. Contiguous land shall include only land that is touching at any point except that land that is separated only by a public or private way shall be considered contiguous.

(g) "Producer" means a person who has a share, or has the entire interest, in the insured crop at the time insurance attaches.

(h) "Ton" means 2,000 pounds of grapes insured as picked from the vines.

(i) "Time or loss" means the earliest of (1) the date harvest is completed on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire crop on the unit is destroyed, as determined by the Corporation.

NOTE.—The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment should send the same to Melvin R. Peterson, Manager, Federal Crop Insurance Corporation, Room 4096, South Building, U.S. Deprtment of Agriculture, Washington, D.C. 20250. All written submissions must be delivered or postmarked no later than July 16, 1976, to be sure of consideration.

All written submissions made pursuant to this notice will be available for public inspection at the Office of the Manager during regular business hours, 8:15 a.m. to 4:45 p.m., Monday through Friday.

(7 CFR 1.27(b).)

[SEAL] PETER F. COLE,
Secretary,
Federal Crop Insurance Corporation.

[FR Doc.76-17478 Filed 6-15-76;8:45 am]

Office of the Secretary

[7 CFR Part 25]

FORMAL ADJUDICATORY PROCEEDINGS

Proposed Uniform Rules of Practice

The Department of Agriculture is considering the promulgation of uniform rules of practice governing formal adjudicatory administrative proceedings. Such uniform rules would appear as a new Part 25 of Title 7 of the Code of Federal Regulations and would replace the separate rules of practice governing such proceedings now in existence under the various statutes involved (7 CFR 26.2025-26.2046; 47.26-47.46; 50.21(b)-50.37; 101.89, 102.99, 103.78, 104.72, 105.75, 106.80, 107.83, 108.73, and 111.84; 202.3-202.29; 9 CFR 4.10-4.22, 4.24-4.27; 12.5-12.18; 123.4(b), 123.5-123.19; 162.1 (a), (b), 162.2, 162.3; 202.5(b), 202.6-202.22; 335.10-335.24, 335.31, 335.41, 335.51(b)-(d)). The proposed rules are set forth below. They are proposed pursuant to the rulemaking authority contained in the various statutes involved and the provisions of 5 U.S.C. 301.

Interested persons may file comments on the proposed uniform rules on or before August 16, 1976. Comments should be filed in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All comments submitted pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours.

Dated: June 10, 1976.

EARL L. BUTZ,
Secretary of Agriculture.

PART 25—RULES OF PRACTICE GOVERNING FORMAL ADJUDICATORY PROCEEDINGS UNDER VARIOUS STATUTES

AUTHORITY: 5 U.S.C. 301.

§ 25.1 Meaning of words.

As used in this part, words in the singular form shall be deemed to import the plural, and vice versa, as the case may require.

§ 25.2 Scope and applicability of this part.

(a) The rules of practice in this part shall be applicable to all adjudicatory proceedings, under the following statutes, subject to the administrative procedure provisions of 5 U.S.C. 554, 556 and 557:

Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.)
Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a et seq.)
Horse Protection Act of 1970 (15 U.S.C. 1821 et seq.)[1]
Laboratory Animal Welfare Act (Animal Welfare Act) (7 U.S.C. 2131 et seq.)[1]
Federal Meat Inspection Act (21 U.S.C. 601 et seq.)[1]
Poultry Products Inspection Act (21 U.S.C. 451 et seq.)[1]
United States Grain Standards Act (7 U.S.C. 71 et seq.)[2]
Egg Products Inspection Act (21 U.S.C. 1031 et seq.)
United States Warehouse Act (7 U.S.C. 241 et seq.)[1]
Federal Seed Act (7 U.S.C. 1551 et seq.)
Virus-Serum-Toxin Act (21 U.S.C. 151 et seq.)

[1] See also the regulations promulgated under this statute for supplemental rules relating to particular circumstances arising thereunder.

[2] The rules of practice in this part are applicable to formal proceedings under the United States Grain Standards Act for (1) refusing official inspection; (2) suspension or revocation of a license; (3) suspension or revocation of a designation to operate as an official inspection agency; and (4) dismissal of an application for a renewal of a license; or for the return of a license which has been suspended: *Provided,* That the respondent requests that such proceeding be subject to the administrative procedure provisions in 5 U.S.C. 554, 556, and 557. If such a request is not made, the Rules of Practice in 7 CFR Part 26, Subpart C shall apply.

(b) These rules of practice shall also be applicable to:

(1) Adjudicatory proceedings under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) for the withdrawal of inspection or grading service;[1]

(2) Adjudicatory proceedings under the Animal Quarantine and Related Laws (21 U.S.C. 111 et seq.) for the suspension or revocation of accreditation of veterinarians;[1]

(3) Proceedings for debarment of counsel under § 25.12(d) of this part; and

(4) Other adjudicatory proceedings in which the complaint instituting the proceeding so provides.

§ 25.3 Definitions.

As used in this part, the terms as defined in the statute under which the proceeding is conducted and in the regulations, standards, instructions, or orders issued thereunder, shall apply with equal force and effect. In addition and except as may be provided otherwise in this part:

(a) "Complaint" means the formal complaint, order to show cause, or other document by virtue of which a proceeding is instituted.

(b) "Complaint" means the party instituting the proceeding.

(c) "Respondent" means the party proceeded against.

(d) "Judicial Officer" means an official of the United States Department of Agriculture delegated authority by the Secretary of Agriculture, pursuant to the Act of April 4, 1940 (7 U.S.C. 450c-459g) and Reorganization Plan No. 2 of 1953, (5 U.S.C. 1970 ed., Appendix, p. 550), to perform the function involved (7 CFR 2.35(a)), or the Secretary of Agriculture if he exercises the authority so delegated.

(e) "Administrator" means the Administrator of the Agency administering the statute involved, or any officer or employee of the Agency to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(f) "Hearing Clerk" means the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250.

(g) "Judge" means any Administrative Law Judge appointed pursuant to 5 U.S.C. 3105 and assigned to the proceeding involved.

(h) "Decision" means: (1) The Judge's initial decision made in accordance with the provisions of 5 U.S.C. 556 and 557, and includes the Judge's (i) findings and conclusions and the reasons or basis therefor on all material issues of fact, law, or discretion, (ii) order, and (iii) rulings on proposed findings, conclusions and orders submitted by the parties; and

(2) The decision and order by the Judicial Officer upon appeal of the Judge's decision.

(i) "Hearing" means that part of the proceeding which involves the submission of evidence before the Judge for the record in the proceeding.

§ 25.4 Institution of proceedings.

(a) *Submission of information concerning apparent violations.* (1) Any in-

terested person desiring to submit information regarding an apparent violation of any provision of a statute listed in § 25.2 or of any regulation, standard, instruction, or order issued pursuant thereto, may file the information with the Administrator of the agency administering the statute involved in accordance with this section and any applicable statutory or regulatory provision. Such information may be made the basis of any appropriate proceeding covered by the rules in this Part, or any other appropriate proceeding authorized by the particular statute or the regulations promulgated thereunder.

(2) The information may be submitted by telegram, by letter, or by a preliminary statement of facts, setting forth the essential details of the transaction complained of. So far as practicable, the information shall include such of the following items as may be applicable:

(i) The name and address of each person and of the agent, if any, representing him in the transaction involved;

(ii) Place where the alleged violation occurred;

(iii) Quantity and quality or grade of each kind of product or article involved;

(iv) Date of alleged violation;

(v) Car initial and number, if carlot;

(vi) Shipping and destination points;

(vii) If a sale, the date, sale price, and amount actually received;

(viii) If a consignment, the date, reported proceeds, gross, net;

(ix) Amount of damage claimed, if any;

(x) Statement of other material facts, including terms of contract; and

(xi) So far as practicable, true copies of all available papers relating to the transaction complained about, including shipping documents, letters, telegrams, invoices, manifests, inspection certificates, accounts of sales, and any special contracts or agreements.

(3) Upon receipt of the information and supporting evidence, the Administrator shall cause such investigation to be made as, in his opinion, is justified by the facts. If such investigation discloses that no violation of the Act or of the regulations, standards, instructions, or orders issued pursuant thereto, has occurred, no further action shall be taken and the person submitting the information shall be so informed.

(4) The person submitting the information shall not be a party to any proceeding which may be instituted as a result thereof and such person shall have no legal status in any such proceeding, except as he may be subpoenaed as a witness or his deposition taken without expense to him.

(b) *Filing of complaint.* (1) If there is reason to believe that a person has violated or is violating any provision of a statute listed in § 25.2 or of any regulation, standard, instruction or order issued pursuant thereto, even though not based upon information furnished under paragraph (a) of this section, a complaint may be filed with the Hearing Clerk pursuant to these rules.

(2) As provided in 5 U.S.C. 558, in any case, except one of wilfulness or one in which public health, interest, or safety otherwise requires, prior to the institution of a formal proceeding which may result in the withdrawal, suspension, or revocation of a "license" as that term is defined in 5 U.S.C. 551(8), the Administrator, in an effort to effect an amicable or informal settlement of the matter, shall give written notice to the person involved of the facts or conduct concerned and shall afford such person an opportunity, within a reasonable time fixed by the Administrator, to demonstrate or achieve compliance with the applicable requirements of the statute, or the regulation, standard, instruction or order promulgated thereunder.

§ 25.5 Docket number.

Each proceeding, immediately following its institution, shall be assigned a docket number by the Hearing Clerk, and thereafter the proceeding shall be referred to by such number.

§ 25.6 Contents of complaint.

A Complaint shall state briefly and clearly the nature of the proceeding, the identification of the complainant and the respondent, the legal authority and jurisdiction under which the proceeding is instituted, the allegations of fact and provisions of law which constitute a basis for the proceeding, and the nature of the relief sought.

§ 25.7 Amendment of complaint.

At any time prior to the close of the hearing, the complaint may be amended. In case of an amendment significantly changing the issues, the hearing shall, on the request of a party, be postponed or adjourned for a reasonable period, if the Judge determines that such action is necessary to avoid prejudice to the party.

§ 25.8 Answer.

(a) *Filing and service.* Within 20 days after the service of the complaint or such other time as may be specified therein (within 10 days after service of the complaint in a proceeding under section 4(d) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499d(d)) the respondent shall file with the Hearing Clerk, an answer signed by the respondent or his attorney. The answer shall be served upon the complainant, and any other party of record, by the Hearing Clerk.

(b) *Contents.* The answer shall: (1) Clearly admit, deny, or explain each of the allegations of the Complaint and shall clearly set forth any defense asserted by the respondent; or

(2) State that the respondent admits all the facts alleged in the complaint; or

(3) State that the respondent admits the jurisdictional allegations of the complaint and neither admits nor denies the remaining allegations and consents to the issuance of an order without further procedure.

(c) *Default.* Failure to file an answer within the time provided under § 25.8(a) shall constitute an admission of the allegations in the Complaint and failure to deny or otherwise respond to an allegation of the Complaint shall constitute an admission of said allegation, unless the parties have agreed to a consent decision pursuant to § 25.9.

§ 25.9 Consent decision.

At any time before the Judge files his decision, the parties may agree to the entry of a consent decision. Such agreement shall be filed with the Hearing Clerk in the form of a decision signed by the parties with appropriate space for signature by the Judge, and shall contain an admission of at least the jurisdictional facts, consent to the issuance of the agreed decision without further procedure and such other admissions or statements as may be agreed between the parties. The Judge may enter such decision, without further procedure, which shall have the same force and effect as a decision issued after full hearing, and shall become final upon issuance to become in accordance with the terms of the decision.

§ 25.10 Procedure upon failure to file an answer or admission of facts.

The failure to file an answer, or the admission in the answer of all the material allegations of fact contained in the complaint, shall constitute a waiver of hearing. Upon such admission of failure to file, complainant shall file a proposed decision, along with a motion for the adoption thereof, both of which shall be served upon the respondent by the Hearing Clerk. Within 20 days after service of such motion and proposed decision, the respondent may file with the Hearing Clerk objections thereto. If the Judge finds that meritorious objections have been filed, complainant's Motion shall be denied with supporting reasons. If meritorious objections are not filed, the Judge shall issue a decision without further procedure or hearing. Copies of the decision or denial of complainant's Motion shall be served by the Hearing Clerk upon each of the parties and may be appealed pursuant to § 25.16. Where the decision as proposed by complainant is entered, such decision shall become final and effective without further proceedings 35 days after the date of service thereof upon the respondent, unless there is an appeal to the Judicial Officer by a party to the proceeding pursuant to § 25.16: *Provided, however,* That no decision shall be final for purposes of judicial review except a final decision of the Judicial Officer upon appeal.

§ 25.11 Prehearing conferences and procedure.

(a) *Purpose and Scope.* Upon motion of a party or upon the Judge's own motion, the Judge may direct the parties or their counsel to attend a conference at any reasonable time, prior to or during the course of the hearing, when the Judge finds that the proceeding would be expedited by a prehearing conference. Reasonable notice of the time and place of the conference shall be given. The Judge may order each of the parties to

furnish at or subsequent to the conference any or all of the following:

(1) An outline of its case or defense;

(2) The legal theories upon which it will rely;

(3) Copies of or a list of documents which it anticipates introducing at the hearing; and

(4) A list of anticipated witnesses who will testify on its behalf. At the discretion of the party furnishing such list of witnesses, the names of the witnesses need not be furnished if they are otherwise identified in some meaningful way such as a short statement of the type of evidence they will offer.

(b) The Judge shall not order any of the foregoing procedures that a party can show is inappropriate or unwarranted under the circumstances of the particular case. At the conference, the following matters shall be considered:

(1) The simplification of issues;

(2) The necessity or desirability of amendments to pleadings;

(3) The possibility of obtaining stipulations of facts and of the authenticity, accuracy, and admissibility of documents, which will avoid unnecessary proof;

(4) The limitation of the number of expert or other witnesses;

(5) Negotiation, compromise, or settlement of issues;

(6) The exchange of copies of proposed exhibits;

(7) The identification of documents or matters of which official notice may be requested;

(8) A schedule to be followed by the parties for completion of the actions agreed upon at the conference; and

(9) Such other matters as may expedite and aid in the disposition of the proceeding.

(c) *Reporting.* A prehearing conference will not be stenographically reported unless so directed by the Judge or unless one of the parties so requests. In the latter event, the party making the request shall pay the cost of reporting.

(d) *Action in lieu of personal attendance at a conference.* In the event the Judge concludes that his personal attendance and that of the parties or counsel at a prehearing conference is unwarranted or impractical, but determines that a conference would expedite the proceeding, he may conduct such conference by telephone or correspondence.

(e) *Order.* Actions taken as a result of a conference shall be reduced to a written appropriate order, unless the Judge concludes that a stenographic report shall suffice, or, if the conference takes place within 7 days of the beginning of the hearing, the Judge elects to make a statement on the record at the hearing summarizing the actions taken.

(f) *Related matters.* Upon motion of a respondent, the Judge may order the attorney for the complainant to produce and permit the respondent to inspect and copy or photograph any relevant written or recorded statements or confessions made by such respondent within the possession, custody or control of the complainant.

§ 25.12 Procedure for hearing.

(a) *Request for hearing.* Any party may request a hearing on the facts by including such request in the complaint or answer, or by a separate request, in writing, filed with the Hearing Clerk within the time in which an answer may be filed. Failure to request a hearing within the time allowed for the filing of the answer shall constitute a waiver of such hearing. Waiver of hearing shall not be deemed to be a waiver of the right to make oral argument before the Judicial Officer upon appeal of the Judge's decision. In the event the respondent denies any material fact and fails to file a timely request for a hearing, the matter may be set down for hearing on motion of the complainant or upon the Judge's own motion.

(b) *Time and place.* If any material issue of fact is joined by the pleadings, the Judge, upon motion of any of the parties, jointly or individually, stating that the matter is at issue and is ready for hearing, shall set a time and place for hearing as soon as feasible thereafter, and shall file with the Hearing Clerk a notice stating the time and place of hearing. If any change in the time or place of the hearing is made, the Judge shall file with the Hearing Clerk a notice of such change, which notice shall be served upon the parties, unless it is made during the course of an oral hearing and made a part of the transcript, or actual notice is given to the parties or their representatives.

(c) *Appearances.* The parties may appear in person or by attorney of record. Any person who appears as attorney must conform to the standards of ethical conduct required of practitioners before the courts of the United States.

(d) *Debarment of counsel.* (i) Whenever a Judge finds that a person acting as attorney for any party to the proceeding is guilty of unethical or contumacious conduct, in or in connection with a proceeding, the Judge may order that such person be precluded from further acting as attorney in the proceeding. An appeal to the Judicial Officer may be taken from any such order, but no proceeding shall be delayed or suspended pending disposition of the appeal: *Provided*, That the Judge shall suspend the proceeding for a reasonable time for the purpose of enabling the party to obtain other counsel;

(ii) Whenever it is found, after notice and opportunity for hearing, that a person, who is acting or has acted as counsel for another person in any proceeding before the United States Department of Agriculture, is unfit to act as such counsel because of such unethical or contumacious conduct, he will be precluded from acting as counsel in any or all proceedings before the Department as found to be appropriate.

(e) *Failure to appear.* If the respondent, after being duly notified, fails to appear at the hearing, without good cause, he shall be deemed to have waived the right to an oral hearing in the proceeding and to have admitted any facts which may be presented at the hearing. Such failure by the respondent shall also constitute an admission of all the material allegations of fact contained in the complaint. Complainant shall have an election whether to follow the procedure set forth in § 25.10 of these rules or whether to present evidence, in whole or in part, in the form of affidavits or by oral testimony before the Judge. Failure to appear at a hearing shall not be deemed to be a waiver of the right to be served with a copy of the Judge's decision and to appeal and make oral argument before the Judicial Officer with respect thereto in the manner provided in § 25.16.

(f) *Order of proceeding.* Except as may be determined otherwise by the Judge, the complainant shall proceed first at the hearing.

(g) *Evidence.* (1) *In General.* (i) The testimony of witnesses at a hearing shall be on oath or affirmation, subject to cross-examination, and shall be recorded verbatim.

(ii) Upon a finding of good cause, the Judge may order that any witness be examined separately and apart from all other witnesses except those who may be parties to the proceeding.

(iii) After a witness called by the complainant has testified on direct examination, any other party may request and obtain the production of any statement, or part thereof, of such witness in the possession of the complainant which relates to the subject matter as to which the witness has testified. Such production shall be made according to the procedures and subject to the definitions and limitations prescribed in the Jencks Act (18 U.S.C. 3500).

(iv) Evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely, shall be excluded insofar as practicable.

(2) *Objections.* (i) If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the Judge. The ruling of the Judge on any objection shall be a part of the transcript.

(ii) Only objections made before the Judge may subsequently be relied upon in the proceeding.

(3) *Depositions.* The deposition of any witness shall be admitted in the manner provided in and subject to the provisions of § 25.19.

(4) *Exhibits.* Unless the Judge finds that the furnishing of copies is impracticable, four copies of each exhibit shall be filed with the Judge: *Provided*, That, where there are more than two parties in the proceeding, an additional copy shall be filed for each additional party. A true copy of an exhibit may be substituted for the original.

(5) *Official records or documents.* An official record or document, if admissible for any purpose, shall be admissible in evidence without the production of the person who made or prepared the same, and shall be prima facie evidence of the

relevant facts stated therein. Such record or document shall be evidenced by any official publication thereof or by a copy certified by a person having legal authority to make such certification.

(6) *Official notice.* Official notice shall be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific, or commercial fact of established character: *Provided*, That the parties shall be given adequate notice of matters so noticed, and shall be given adequate opportunity to show that such facts are erroneously noticed.

(7) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence excluded. If the evidence consists of a brief oral statement or of an exhibit, it shall be inserted into the transcript in toto. In such event, it shall be considered a part of the transcript and record if the Judicial Officer upon appeal, decides the Judge's ruling excluding the evidence was erroneous and prejudicial. The Judge shall not allow the insertion of such excluded evidence in toto if the taking of such evidence will consume consderable time at the hearing. If the Judicial Officer decides the Judge's ruling excluding the evidence was both erroneous and prejudicial, he may direct that the hearing be reopened to permit the taking of such evidence or for such other purpose in connection with the excluded evidence as he deems necessary.

§ 25.13 Post-hearing procedure.

(a) *Corrections to transcript.*—(1) At any time, but not later than the time fixed for filing proposed findings of fact, conclusions and order, or briefs, as the case may be, any party may file a motion proposing corrections to the transcript.

(2) Unless a party files such a motion in the manner prescribed, the transcript shall be presumed, except for obvious typographical errors, to be a true, correct, and complete transcript of the testimony given at the hearing and to contain an accurate description or reference to all exhibits received in evidence and made part of the hearing record, and shall be deemed to be certified without further action by the Judge.

(3) At any time prior to the filing of the Judge's decision and after consideration of any objections filed thereto, the Judge may issue an order making any corrections in the transcript which he finds are warranted, which corrections shall be entered onto the original transcript by the Hearing Clerk (without obscuring the original text).

(b) *Proposed findings of fact, conclusions, order, and briefs.* The parties may file with the Hearing Clerk proposed findings of fact, conclusions and orders, based solely upon the record and on matters subject to official notice, and briefs in support thereof. The judge shall announce at the hearing a definite period of time within which these documents may be filed.

(c) *Judge's decision.* The Judge, within a reasonable time after the termination of the period allowed for the filing of proposed findings of fact, conclusions and orders, and briefs in support thereof, shall prepare, upon the basis of the record and matters officially noticed, and shall file with the Hearing Clerk, his decision, a copy of which shall be served by the Hearing Clerk upon each of the parties. Such decision shall become final and effective without further proceedings 35 days after the date of service thereof upon the respondent, unless there is an appeal to the Judicial Officer by a party to the proceeding pursuant to § 25.16: *Provided, however*, That no decision shall be final for purposes of judicial review except a final decision of the Judicial Officer upon appeal.

§ 25.14 Motions and requests.

(a) *General.* All motions and requests, except requests for subpoenas pursuant to § 25.20, shall be filed with the Hearing Clerk, and shall be served upon all the parties, except those made on the record during the oral hearing. The Judge shall rule upon all motions and requests filed or made prior to the filing of his decision. Thereafter, the Judicial Officer will rule on any motions and requests.

(b) *Motions entertained.* Any motion will be entertained except a motion to dismiss on the pleadings. All motions and requests concerning the complaint must be made within the time allowed for filing an answer.

(c) *Contents.* All written motions and requests shall state the particular order, ruling, or action desired and the grounds therefor.

(d) *Response to motions and requests.* Within 10 days after service of any written motion or request, or within such shorter or longer period as may be fixed by the Judge or the Judicial Officer, an opposing party may file a response to the motion or request. The other party shall have no right to reply to the response; however, the Judge or the Judicial Officer, in his discretion, may order that a reply be filed.

(e) *Certification to the Judicial Officer.* The submission or certification of any motion, request, objection, or other question to the Judicial Officer prior to the filing of an appeal pursuant to § 25.16 shall be made by and in the discretion of the Judge. The Judge may either rule upon or certify the motion, request, objection, or other question to the Judicial Officer, but not both.

§ 25.15 Judges.

(a) *Assignment.* No Judge shall be assigned to serve in any proceeding who (1) has any pecuniary interest in any matter or business involved in the proceeding, (2) is related within the third degree by blood or mariage to any party to the proceeding, or (3) has participated in the investigation preceding the institution of the proceeding or in the determination that it should be instituted or in the preparation of the complaint or in the development of the evidence to be introduced therein.

(b) *Disqualification of Judge.* (1) Any party to the proceeding may, by motion made to the Judge, request that the Judge disqualify himself and withdraw from the proceeding. Such motion shall set forth with particularity the grounds of alleged disqualification. The Judge may then either rule upon or certify the motion to the Secretary, but not both.

(2) A Judge shall withdraw from any proceeding in which he deems himself disqualified for any reason.

(c) *Ex parte communications.* At no stage of the proceeding between its institution and the issurance of the final decision shall the Judicial Officer or the Judge discuss ex parte the merits of the proceeding with any person who is connected with the proceeding in an advocative or in an investigative capacity, or with any representative of such person: *Provided*, That procedural matters shall not be included within this limitation; and *Provided, further* That the Judicial Officer or Judge may discuss the merits of the case with such a person if all parties to the proceeding, or their representatives, have been given an opportunity to be present. Any memorandum or other communication addressed to the Judcial Officer or a Judge, during the pendency of the proceeding, and relating to the merits thereof, by or on behalf of any party, shall be filed with the Hearing Clerk. A copy thereof shall be served upon each other party to the proceeding, and, in the discretion of the Judge or the Judicial Officer, opportunity may be given each other party to file a reply thereto within a specified period. If the ex parte communication is made orally a memorandum setting forth the substance of the communication shall be prepared by the Judge or Judicial Officer and filed in the docket of the proceeding.

(d) *Powers.* Subject to review as provided elsewhere in this part, the Judge, in any proceeding assigned to him shall have power to:

(1) Rule upon motions and requests;

(2) Set the time and place of prehearing conference and the hearing, adjourn the hearing from time to time, and change the time and place of hearing;

(3) Administer oaths and affirmations;

(4) Issue subpoenas as authorized by the statute under which the proceeding is conducted requiring the attendance and testimony of witnesses and the production of books, contracts, papers, and other documentary evidence at the hearing;

(5) Summons and examine witnesses and receive evidence at the hearing;

(6) Take or order the taking of depositions as authorized under these rules;

(7) Admit or exclude evidence;

(8) Hear oral argument on facts or law;

(9) Do all acts and take all measures necessary for the maintenance of order, including the exclusion of contumacious counsel or other persons;

(10) Take all other actions authorized under these rules.

(e) *Who may act in the absence of the Judge.* In case of the absence of the Judge or his inability to act, the powers and duties to be performed by him under these rules of practice in connection with a proceeding assigned to him may, without abatement of the proceeding unless otherwise directed by the Chief Judge, be assigned to any other Judge.

§ 25.16 Appeal to Judicial Officer.

(a) *Filing of petition.* Any party who disagrees with a Judge's decision, or any part thereof, or any ruling by the Judge or any alleged deprivation of rights, may appeal such decision to the Judicial Officer by filing an appeal petition with the Hearing Clerk within 30 days after service of said decision on said party. As provided in § 25.12(g)(2), objections regarding evidence or a limitation regarding examination or cross-examination made before the Judge may be relied upon in an appeal. Each issue set forth in the petition, and the arguments thereon, shall be separately numbered; shall be plainly and concisely stated; and shall contain detailed citations of the record, statutes, regulations or authorities being relied upon in support thereof. A brief may be filed in support of the appeal simultaneously with the petition.

(b) *Response to appeal petition.* Within twenty days after the service of a copy of an appeal petition and any brief in suport thereof, filed by a party to the proceeding, any other party may file with the Hearing Clerk a response in support of or in opposition to the appeal.

(c) *Transmittal of record.* Whenever an appeal of a Judge's decision is filed and a response thereto has been filed or time for filing a response has expired, the Hearing Clerk shall transmit to the Judicial Officer the record of the proceeding. Such record shall include: the pleadings; motions and requests filed and rulings thereon; the transcript of the testimony taken at the hearing, together with the exhibits filed therein; any documents or papers filed in connection with a prehearing conference; such proposed findings of fact, conclusions, and orders, and briefs in support thereof, as may have been filed in connection with the proceeding; the Judge's decision; such exceptions, statements of objections and briefs in support thereof as may have been filed in the proceeding; and the appeal petition, and such briefs in support thereof and responses thereto as may have been filed in the proceeding.

(d) *Oral argument.* A party bringing an appeal may request, within the prescribed time for filing such appeal, an opportunity for oral argument before the Judicial Officer. Within the time allowed for filing a response, appellee may file a request in writing for opportunity for such an oral argument. Failure to make such request in writing, within the prescribed time period, shall be deemed a waiver of oral argument. The Judicial Officer in his discretion, may grant, refuse, or limit any request for oral argument. Oral argument shall not be transcribed unless so ordered in advance by the Judicial Officer for good cause shown upon request of a party or upon his own motion.

(e) *Scope of argument.* Argument to be heard on appeal, whether oral or on brief, shall be limited to the issues raised in the appeal, except that if the Judicial Officer determines that additional issues should be argued, the parties shall be given reasonable notice of such determination, so as to permit preparation of adequate arguments on all issues to be argued.

(f) *Notice of argument; postponement.* The Hearing Clerk shall advise all parties of the time and place at which oral argument will be heard. A request for postponement of the argument must be made by motion filed a reasonable amount of time in advance of the date fixed for argument.

(g) *Order and content of argument.* The appellant is entitled to open and conclude the argument. The opening argument shall include a concise statement of the case.

(h) *Submission on briefs.* By agreement of the parties, an appeal may be submitted for decision on the briefs, but the Judicial Officer may direct that the appeal be argued orally.

(i) *Decision of the Judicial Officer on appeal.* As soon as practicable after the receipt of the record from the Hearing Clerk, or, in case oral argument was had, as soon as practicable thereafter, the Judicial Officer upon the basis of and after due consideration of the record and any matter of which official notice is taken, shall rule on the appeal. If the Judicial Officer decides that no change or modification of the Judge's decision is warranted, he may adopt the Judge's decision as the final order of the Judicial Officer, preserving any right of the party bringing the appeal to seek judicial review of such decision in the proper forum. A final order issued by the Judicial Officer shall be filed with the Hearing Clerk. Such order may be regarded by the respondent as final for purposes of judicial review without filing a petition for rehearing, reargument, or consideration of the decision of the Judicial Officer.

§ 25.17 Petitions for reopening hearing; for rehearing or reargument of proceeding; or for reconsideration of the decision of the Judicial Officer.

(a) *Petition requisite.* (1) *Filing; service; ruling.* An application for reopening the hearing to take further evidence, or for rehearing or reargument of the proceeding, or for reconsideration of the decision of the Judicial Officer, must be made by petition filed with the Hearing Clerk. Every such petition must state specifically the grounds relied upon. Any such petition filed prior to the filing of the Judge's decision shall be ruled upon by the Judge, and any such petition filed thereafter shall be ruled upon by the Judicial Officer.

(2) *Petition to reopen hearing.* A petition to reopen a hearing to take further evidence may be filed at any time prior to the issuance of the decision of the Judicial Officer. Every such petition shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not merely cumulative, and shall set forth a good reason why such evidence was not adduced at the hearing.

(3) *Petition to rehear or reargue proceeding, or to reconsider the decision of the Judicial Officer.* A petition to rehear or reargue the proceeding or to reconsider the decision of the Judicial Officer shall be filed within 10 days after the date of service of such decision upon the party filing the petition. Every petition must state specifically the matters claimed to have been erroneously decided and alleged errors must be briefly stated.

(b) *Procedure for disposition of petitions.* Within twenty days following the service of any petition provided for in this section, any party to the proceeding may file with the Hearing Clerk a reply thereto. As soon as practicable thereafter, the Judge or the Judicial Officer, as the case may be, shall announce his determination whether to grant or deny the petition. The decision of the Judicial Officer shall automatically be stayed pending the determination to grant or deny a timely petition directed to him. Such decision shall not be final for purposes of judicial review until the petition is denied or the decision is affirmed or modified pursuant to the petition and the time for judicial review shall begin to run upon the filing of such final action on the petition. In the event that any such petition is granted, the applicable rules of practice, as set out elsewhere herein, shall be followed. A person filing a petition under this section shall be regarded as the moving party, although he shall be referred to as the complainant or respondent, depending upon his designation in the original proceeding.

§ 25.18 Filing; service; extensions of time; and computation of time.

(a) *Filing; number of copies.* Except as otherwise provided in this section, all documents or papers required or authorized by the rules in this part to be filed with the Hearing Clerk shall be filed in quadruplicate: *Provided,* That, where there are more than two parties in the proceeding, an additional copy shall be filed for each additional party. Any document or paper, required or authorized under the rules in this part to be filed with the Hearing Clerk, shall, during the course of an oral hearing, be filed with the Judge.

(b) *Service; proof of service.* Copies of all such documents or papers required or authorized by the rules in this part to be filed with the Hearing Clerk shall be served upon the parties by the Hearing Clerk, or by some other employee of the Department, or by a U.S. Marshal or his deputy. Service shall be made either (1)

by delivering a copy of the document or paper to the individual to be served or to a member of the partnership to be served, or to the president, secretary, or other executive officer or any director of the corporation or association to be served, or to the attorney of record representing such individual, partnership, corporation, organization, or association; or (2) by leaving a copy of the document or paper at the principal office or place of business or residence of such individual, partnership, corporation, organization, or association, or of his or its attorney or agent of record and mailing by regular mail another copy to such person at such address; or (3) by registering or certifying and mailing a copy of the document or paper, addressed to such individual, partnership, corporation, organization, or association, or to his or its attorney or agent of record, at his or its last known residence or principal office or place of business: *Provided*, That if the registered or certified document or paper is returned undelivered because the addressee refused or failed to accept delivery, the document or paper shall be served by remailing it by regular mail. Proof of service hereunder shall be made by the certificate of the person who actually made the service: *Provided*, That if the service be made by mail, as outlined in paragraph (b)(3) of this section, proof of service shall be made by the return post-office receipt, in the case of registered or certified mail, or by the certificate of the person who mailed the matter by regular mail. The certificate and post-office receipt contemplated herein shall be filed with the Hearing Clerk, and the fact of filing thereof shall be noted in the record of the proceeding.

(c) *Extensions of time.* The time for the filing of any document or paper required or authorized under the rules in this part to be filed may be extended by the Judge prior to the filing of his decision and by the Judicial Officer thereafter, if, in the judgment of the Judge or the Judicial Officer, as the case may be, there is good reason for the extension. In all instances in which time permits, notice of the request for extension of the time shall be given to the other party with opportunity to submit views concerning the request.

(d) *Effective date of filing.* Any document or paper required or authorized under the rules in this part to be filed shall be deemed to be filed at the time when it reaches the Hearing Clerk; or, if authorized to be filed with another officer or employee of the Department it shall be deemed to be filed at the time when it reaches such officer or employee.

(e) *Computation of time.* Saturdays, Sundays and Federal holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided*, That, when such time expires on a Saturday, Sunday or Federal holiday, such period shall be extended to include the next following business day.

§ 25.19 Depositions.

(a) *Application for taking deposition.* Upon the application of a party to the proceeding, the Judge may, at any time after the filing of the complaint, order the taking of testimony by deposition. The application shall be in writing, shall be filed with the Hearing Clerk, and shall set forth: (1) The name and address of the proposed deponent; (2) the name and address of the person (referred to hereafter in this section as the "officer") qualified under the regulations in this part to take depositions, before whom the proposed examination is to be made; (3) the proposed time and place of the examination, which shall be at least 15 days after the date of the mailing of the application; and (4) the reasons why such deposition should be taken, which shall be solely for the purpose of eliciting testimony which otherwise might not be available at the time of hearing, for use as provided in paragraph (g) of this section.

(b) *Judge's order for taking deposition.* If the Judge finds that the testimony may not be otherwise available at the hearing, he may order the taking of the deposition. The order shall be filed with the Hearing Clerk, shall be served upon the parties, and shall state: (1) The time and place of the examination; (2) the name of the officer before whom the examination is to be made; and (3) the name of the deponent. The officer and the time and place need not be the same as those suggested in the application.

(c) *Qualification of officer.* The deposition shall be made before the Judge or before an officer authorized by the law of the United States or by the law of the place of the examination to administer oaths, or before an officer authorized by the Secretary to administer oaths.

(d) *Procedure on examination.* (1) Deponent shall be examined under oath or affirmation and shall be subject to cross-examination. The testimony of the deponent shall be recorded by the officer or by some person under his direction and in his presence. In lieu of oral examination, parties may transmit written questions to the officer prior to the examination and the officer shall propound such questions to the deponent.

(2) The applicant shall arrange for the examination of the witness either by oral examination, or by written questions upon agreement of the parties or as directed by the Judge. If the examination is conducted by means of written questions, copies of the questions shall be served upon the other party to the proceeding and filed with the officer at least 10 days prior to the date set for the examination unless otherwise agreed, and the other party may serve cross questions and file them with the officer at any time prior to the time of the examination.

(e) *Signature by witness.* The transcript of the deposition shall be read to or by the deponent, unless such reading is waived by the parties and the deponent. Any changes which the deponent wishes to make shall be entered upon the deposition by the officer, with a statement of the reasons given by the deponent for such changes. The deposition shall be signed by the deponent, unless the parties by stipulation waive such signing, or unless the deponent is ill or cannot be found or refuses to sign. If the deponent does not sign the deposition, the officer shall sign and shall state on the record the reason why the deponent did not sign. In such case the deposition shall be as valid as though signed by the deponent, unless the Judge finds that the reason given by the deponent for his refusal to sign requires rejection of the deposition in whole or in part.

(f) *Certification by officer.* The officer shall certify on the deposition that the deponent was duly sworn by him and that the deposition is a true record of the deponent's testimony. He shall then securely seal the deposition, together with one copy thereof (unless there are more than two parties in the proceeding, in which case there should be another copy for each additional party), in an envelope and mail the same by registered or certified mail to the Hearing Clerk.

(g) *Use of deposition.* A deposition ordered and taken in accordance with the provisions of this section may be used in a proceeding under these rules if the Judge finds that the evidence is otherwise admissible and (1) that the witness is dead; (2) that the witness is unable to attend or testify because of age, sickness, infirmity, or imprisonment; (3) that the party offering the deposition has endeavored to procure the attendance of the witness by subpoena, but has been unable to do so; or (4) that such exceptional circumstances exist as to make it desirable, in the interests of justice, to allow the deposition to be used. If the party upon whose application the deposition was taken refuses to offer it in evidence, any other party may offer the deposition or any part thereof in evidence. If only part of a deposition is offered in evidence by a party, an adverse party may require him to introduce any other part which ought in fairness to be considered with the part introduced, and any party may introduce any other parts.

§ 25.20 Subpoenas.[3]

(a) *Issuance of subpoenas.* The attendance of witnesses and the production of documentary evidence from any place in the United States on behalf of any party to the proceeding may be required by subpoena at any designated place of hearing. Subpoenas may be issued by the Judge upon a reasonable showing by the applicant of the grounds, necessity, and reasonable scope thereof, and with respect to subpoenas for the production of documents, the request shall also show their competency, relevancy, and materiality. All requests for subpoenas shall be in writing, unless waived by the Judge for good cause shown. Except for good cause shown, requests for subpoenas shall be submitted by the applicant to the Judge at least 10 days prior to the date set for the hearing.

(b) *Service of subpoenas.* Subpoenas may be served (1) by a United States Marshal or his deputy, or (2) by any other person who is not less than 18 years of age, or (3) by registering or

certifying and mailing a copy of the subpoena addressed to the person to be served at his or its last known principal place of business or residence. Proof of service may be made by the return of service on the subpoena by the United States Marshal or his deputy; or, if served by an employee of the Department, by a certificate stating that he personally served the subpoena upon the person named therein; or, if served by another person, by an affidavit of such person stating that he personally served the subpoena upon the person named therein; or, if service was by registered or certified mail, by an affidavit made by the person mailing the subpoena that it was mailed as provided herein and by the signed return post-office receipt: *Provided*, That the return receipt without an affidavit or certificate of mailing shall be sufficient proof of service. In making personal service, the person making service shall leave a copy of the subpoena with the person subpoenaed, or, if such person is not immediately available, with any other responsible person residing or employed at the place of residence or business of the person subpoenaed. The original of the subpoena, bearing or accompanied by the required proof of service, shall be returned to the official who issued the same. The party at whose instance a subpoena is issued shall be responsible for the service thereof.

§ 25.21 Fees of witnesses.

Witnesses summoned under these rules of practice shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken, and the persons taking the same, shall be entitled to the same fees as are paid for like services in the courts of the United States. Fees shall be paid by the party at whose instance the witness appears or the deposition is taken.

[FR Doc.76-17481 Filed 6-15-76;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

[15 CFR Part 270]

ENERGY-RELATED INVENTIONS

Procedures for Evaluating

Notice is hereby given that the National Bureau of Standards proposes to amend Title 15 of the Code of Federal Regulations by adding a new Part 270 prescribing procedures for the evaluation of energy-related inventions. These procedures are issued pursuant to section 14 of the Federal Nonnuclear Energy Research and Development Act of 1974 (Pub. L. 93-577, dated December 31, 1974; 42 U.S.C. 5901, et seq.).

Interested persons are invited to submit written comments or suggestions for consideration in connection wiith the proposed procedures to the Director, National Bureau of Standards, Washington, D.C. 20234, on or before July 16, 1976. The final procedures will be published in the FEDERAL REGISTER after consideration of all such comments and will become effective 30 days after final publication.

Dated: June 10, 1976.

ERNEST AMBLER,
Acting Director.

PART 270—PROCEDURES FOR THE EVALUATION OF ENERGY-RELATED INVENTIONS

Sec.

AUTHORITY: Sec. 14, Pub. L. 93-577, dated December 31, 1974, 88 Stat. 1894; 42 U.S.C. 5913.

§ 270.0 Purpose.

(a) The Federal Nonnuclear Energy Research and Development Act of 1974 (Pub. L. 93-577, dated December 31, 1974; 42 U.S.C. 5901, et seq.), hereinafter referred to as the Act, establishes a comprehensive, national program for research and development of all potentially beneficial energy sources and utilization technologies. This program is to be carried out by the Administrator of the Energy Research and Development Administration (ERDA).

(b) Section 14 of the Act directs the National Bureau of Standards (NBS) to "give particular attention to the evaluation of all promising energy-related inventions, particularly those submitted by individual inventors and small companies for the purpose of obtaining direct grants from the Administrator" of ERDA. The purpose of this part is to promulgate regulations in the implementation of section 14 of the Act.

§ 270.1 Definitions.

As used in this part:

(a) "Office" means the Office of Energy-Related Inventions.

(b) "Invention" means any invention which may be used to conserve energy, provide a new source of energy, improve a method of harnessing known or discovered energy supplies, or improve or protect the environment in the process of any of the foregoing, except nuclear energy.

(c) "Invention disclosure" means a written description of an invention.

(d) "Department" means the United States Department of Commerce.

§ 270.2 Submission of invention disclosures.

(a) Any person may submit an invention disclosure to the Office for evaluation of the invention described therein for the ultimate purpose of obtaining support from ERDA. The invention disclosure shall be accompanied by a completed Energy-Related Invention Evaluation Request form, which is specified in § 270.3 of this part.

(b) All correspondence related to an invention disclosure or inquiries related to section 14 of the Act should be addressed to:

Office of Energy-Related Inventions, National Bureau of Standards, Washington, D.C. 20234.

§ 270.3 Energy-related inventions evaluation request form.

(a) The Office shall furnish an Energy-Related Invention Evaluation Request form to any person who desires to submit an invention disclosure for the purpose set out in § 270.2 of this part. The form shall include, either directly or by reference:

(i) A statement of policy;

(ii) A description of the invention evaluation program of the Office;

(iii) An outline of the information required of the submitter, which shall include an invention disclosure in the English language, with drawings where appropriate, sufficiently complete in technical detail to convey a clear understanding of the purpose, construction, and operation of the invention described in such disclosure;

(iv) A brief description of the safeguards to be taken in handling invention disclosures to protect the proprietary rights of persons submitting such disclosures;

(v) A Memorandum of Understanding setting forth the conditions under which NBS shall accept an invention disclosure for evaluation of the invention described therein, which shall be signed by the person who submits the invention disclosure as a prerequisite to the evaluation of the invention described in such disclosure; and

(vi) Other information deemed relevant.

(b) Where the Government is entitled to the entire right, title, and interest in an invention and such invention is described in an invention disclosure to be submitted for the purpose set out in § 270.2 of this part, the Office shall furnish to the submitter an Energy-Related Invention Evaluation Request form which shall include subparagraphs (a) (i), (ii), and (iii) of this section and which may omit subparagraphs (a) (iv) and (v) thereof.

§ 270.4 Statement of nondisclosure forms.

The Office shall require that those Government employees, who administer or perform the evaluations of inventions described in invention disclosures, sign Statement of Nondisclosure forms. The form shall include, either directly or by reference:

(a) A brief description of the safeguards to be taken in handling the invention disclosures to protect the pro-

prietary rights of persons submitting such disclosures;

(b) When the person, who is to sign the Statement of Nondisclosure form, is a Department employee, a statement indicating that such person has read and understood 15 CFR 0.735–15(b), which prohibits the use of inside information by a Department employee, and 15 CFR 0.735–15(d), which prohibits the disclosure of restricted information; and

(c) When the person, who is to sign the Statement of Nondisclosure form, is a Government officer or employee, a statement indicating that such person has read and understood 18 U.S.C. 1905, which provides for criminal penalties which may be imposed on a Government officer or employee for the unauthorized disclosure of confidential information, including trade secrets, which comes to such person in the course of his employment or official duties.

§ 270.5 Nondisclosure provisions for evaluation contracts.

(a) In any contract awarded by the Department or NBS for the evaluation of an invention described in an invention disclosure or for any other task for which a contractor receives an invention disclosure in confidence, the contractor shall agree in writing to comply with the following safeguards:

(i) To establish and maintain procedures for holding such invention disclosure in confidence;

(ii) To obtain a signed statement from each person to whom an invention disclosure will be shown that such disclosure was received in confidence and shall be kept in confidence by such person; said statement, which may apply to more than one invention disclosure or contract, shall be provided by the contracting officer and, upon the signing thereof, shall be returned to the contracting officer;

(iii) To furnish the contracting officer a description of the procedures specified in paragraph (a)(i) of this section so that their effectiveness may be determined and evaluated, and to make any reasonable changes in such procedures as may be requested by the contracting officer to increase their effectiveness;

(iv) To use the information in the invention disclosure only in the performance of the work called for in the contract;

(v) Not to disclose information in the invention disclosure to anyone except as provided in the contract, without the prior written authorization of the contracting officer;

(vi) Not to make, have made, or permit to be made any copies of the invention disclosure, or any portion thereof, except those copies necessary for the performance of the work called for in the contract; each necessary copy shall contain a proprietary legend appearing on the first or title page of the invention disclosure; and

(vii) To mark the title page of each report called for in the contract with a legend, provided by the Office, which shall specify the restrictions on distribution of the report and, when appropriate, the property rights in the information in the report.

(b) Each contract, requiring access to invention disclosures, shall provide that in the event the contractor engages an outside consultant to perform the work called for in the contract, the contractor shall, prior to disclosing the invention disclosure to the consultant, bind the consultant to a written agreement which shall contain all the nondisclosure provisions in the contract. The contractor shall provide the contracting officer with a copy of such agreement.

(c) When a contract for the evaluation of an invention described in an invention disclosure requires the performance of commercial feasibility studies, the contract shall provide that the contractor, notwithstanding the provisions of paragraph (a) of this section, may, in performing an analysis of the market potential of the invention, disclose to a third party the class of systems, devices or methods to which the invention belongs, and may disclose to such party in general terms the results achieved by, and the characteristics of, the system, device or method comprising the invention.

§ 270.6 Conflict of interest.

Each contract, requiring access to invention disclosures, shall provide that if, upon examination of an invention disclosure, the contractor is aware that it has any financial interest in or any relation with a third party which might affect the integrity and impartiality of its performance of the work specified in the contract, the contractor shall provide the contracting officer with a complete written report of such interest or relation prior to undertaking the work and shall not proceed with the work without the prior written authorization of the contracting officer. The authorization of the contracting officer is required to assure that the integrity and impartiality of the contractor's performance of the work specified in the contract shall not be affected by such financial interest or relation.

§ 270.7 Restricted access to invention disclosures.

(a) When an invention disclosure is not accompanied by a signed Memorandum of Understanding, specified in § 270.3(a)(v) of this part, such disclosure shall be handled for processing only, such as recording, classifying, safekeeping and determining whether the invention disclosure is complete and complies with other NBS requirements concerning the preparation of an invention disclosure. During the processing the distribution of the invention disclosure shall be restricted to the personnel in the Office who have been designated by the Chief of the Office to carry out the processing functions and determinations called for in this paragraph. Moreover, the invention disclosure shall not be processed beyond the Office of any purpose prior to receipt of a signed Memorandum of Understanding.

(b) When an invention disclosure is accompanied by a signed Memorandum of Understanding, such disclosure may be released to any person, who needs the information in the disclosure for administrative purposes, or for evaluation of the invention described in such disclosure, and who has signed a Statement of Nondisclosure form specified in § 270.4 of this part, or who is authorized to receive the invention disclosure pursuant to a contract with the Department or NBS.

(c) In no event shall an invention disclosure be released to any person not specified in paragraph (a) or (b) of this section without the prior written authorization of the NBS Legal Adviser.

(d) Notwithstanding the provisions of paragraphs (b) and (c) of this section and § 270.8 of this part, an invention described in an invention disclosure, in which the Government is entitled to the entire right, title, and interest, may be reviewed and evaluated without receiving a signed Memorandum of Understanding specified in § 270.3(a)(v) of this part.

(e) After the Office has completed its review and evaluation of an invention disclosure pursuant to § 270.8 of this part, the Office, with the prior written permission of the person who submitted such disclosure, may forward the disclosure to ERDA:

(i) Without regard to the provisions of paragraphs (b) and (c) of this section; and

(ii) With the understanding between the Office and ERDA that such disclosure shall be handled in accordance with the procedures established by ERDA for the protection of proprietary information.

When such permission is not obtained by the Office, the Office may nevertheless forward such invention disclosure to ERDA subject to the provisions of paragraphs (b) and (c) of this section.

(f) Notwithstanding the provisions of any section of this part, the disclosure of any information in or related to an invention disclosure shall be subject to:

(i) The provisions of the Freedom of Information Act (5 U.S.C. 552), and the Department's regulations published in the implementation thereof;

(ii) The provisions of any statute which requires the submission of information to a standing committee of the Congress, including each subcommittee thereof; and

(iii) Release to a third party pursuant to an order of a court of competent jurisdiction.

§ 270.8 Review and evaluation.

(a) When an invention disclosure is accompanied by the signed Memorandum of Understanding specified in § 270.3(a)(v) of this part, it shall receive a preliminary review to determine whether it is complete and sufficient and describes an invention which may be a potentially beneficial source of energy subject to utilization technologies.

(b) After completion of a preliminary review, the Office may undertake or have undertaken an evaluation of the envention in an invention disclosure which shall include:

(i) An assessment of the validity of the technical assumptions and statements which are made in the invention disclosure concerning the invention;

(ii) An assessment of the potential of the invention for energy conservation, utilization, and production;

(iii) An assessment of the potential of the commercial utilization of the invention; and

(iv) A recommendation on whether ERDA should support the invention.

(c) Invention disclosures submitted to the Office normally shall be evaluated in the order in which they are achieved except in those cases wher the Chief of the Office determines that the advancement of an invention disclosure would improve the effectiveness of the program established by Section 14 of the Act.

(d) When a preliminary review and/or evalution of an invention requises a capability which is not available at NBS, the Office may enter into a contract for the performance of such review and/or evaluation with a qualified individual or firm in the private sector or into an agreement with another Federal Government department or agency for the same purpose.

§ 270.9 Recommendations on Invention Disclosures.

(a) Based on the review or evaluation of an invention pursuant to § 270.8 of this part, the Office shall decide whether or not to recommend the invention to ERDA for support and shall inform ERDA and the person who submitted the invention disclosure of such decision.

(b) Subject to the provisions of § 270.7(e) of this part:

(i) Where the Office recommends an invention to ERDA for support, the Office shall furnish a report to ERDA which documents the basis for the recommendation; and

(ii) Where the Office decides not to recommend an invention to ERDA, a report which documents the basis of its decision shall be forwarded to ERDA upon its request.

[FR Doc.76-17532 Filed 6-15-76;8:45 am]

National Oceanic and Atmospheric Administration

[50 CFR Part 216]

DEPLETED SPECIES OF MARINE MAMMALS

Proposed Designation

Section 112(a) of the Marine Mammal Protection Act of 1972 as amended, (16 U.S.C. 1361-1407, the Act) authorizes the Secretary to prescribe such regulations as are necessary and appropriate to carry out the purposes of the Act. The authority of the Secretary under the Act has been delegated to the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

Pursuant to this authority, the Director proposes to designate the Hawaiian monk seal (*Monachus schauinslandi*) as depleted throughout its range. The Act defines depletion or depleted as "any case in which the Secretary, after consultation with the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals established under Title II of this Act, determines that the number of individuals within a species or population stock: (a) has declined to a significant degree over a period of years; (b) has otherwise declined and that if such decline continues, or is likely to resume, such species would be subject to the provisions of the Endangered Species Act of 1973; or (c) is below the optimum carrying capacity for the species or stock within its environment."

The Director has consulted with the Marine Mammal Commission and its Committee of Scientific Advisors on Marine Mammals, and has concluded that the status of the Hawaiian monk seal is such that proposing its designation as depleted pursuant to the Act is appropriate. This species is found throughout the Hawaiian Archipelago, but is known to breed only on the islands of the Leeward chain, including French Frigate Shoals, Laysan Island, Lisianski Island, Pearl and Hermes Reef, Midway Atoll and Kure Atoll. Current population estimates indicate that the numbers of monk seals have been decreasing in recent years.

The proposed regulations would designate the Hawaiian monk seal to be a depleted species, bringing it within the provisions of section 101(a)(3)(B) of the Act. Section 101(a)(3)(B), as amended, states: "Except for scientific research purposes as provided for in paragraph (1) of this subsection, during the moratorium no permit may be issued for the taking of any marine mammal which is classified as belonging to an endangered species or a threatened species pursuant to the Endangered Species Act of 1973 or has been designated by the Secretary as depleted, and no importation may be made of any such mammal." The proposed revision of § 216.31 makes it clear that public display permits may not be issued for any depleted species.

The Director has determined that the proposed designation of the Hawaiian monk seal as a depleted species is not a major Federal action which would significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. Accordingly, the preparation of an environmental impact statement on the proposed action is not required. The Declaration setting forth this determination is available for inspection in the Marine Mammals and Endangered Species Division, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. Documents pertaining to the proposed designation are available for public review in Marine Mammals and Endangered Species Division, at the above address, or may be obtained by writing the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

Written comments, views or objections may be made with respect to these proposed regulations to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, until July 16, 1976.

Accordingly, it is proposed to amend 50 CFR Part 216, as follows:

1. Subpart A of this part is amended by adding a new § 216.15, as follows:

§ 216.15 Depleted species.

The following listed species have been designated by the Director as depleted pursuant to the provisions of the Act.

(a) Hawaiian monk seal (*Monachus schauinslandi*).

2. In § 216.31, the first sentence of paragraph (a) is revised to read as follows:

§ 216.31 Scientific research permits and public display permits.

(a) The Director may issue permits authorizing the taking and importing of marine mammals for scientific research and public display except that no display permits will be issued for marine mammals from a species listed as depleted under § 216.15 of this part.

* * * * *

3. In § 216.31, the third sentence of paragraph (c) is revised to read as follows;

§ 216.31 Scientific research permits and public display permits.

* * * * *

(c) * * * In determining whether to issue a public display permit, the Secretary shall, among other criteria, consider whether the proposed taking or importation will be consistent with the policies and purposes of the Act; whether the marine mammal in question is from a species listed as depleted under § 216.15 of this part; whether a substantial public benefit will be gained from the display contemplated, taking into account the manner of the display and the anticipated audience on the one hand, and the effect of the proposed taking or importation on the population stocks of the marine mammal in question and the marine ecosystem on the other; and the applicant's qualifications for the proper care and maintenance of the marine mammal or the marine mammal product, and the adequacy of his facilities.

Dated: June 10, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service, Department of Commerce.

[FR Doc.76-17474 Filed 6-15-76;8:45 am]

[50 CFR Part 228]

SEA TURTLES

Similarity of Appearance

CROSS REFERENCE: For a document proposing to add a new Part 228 to Chap-

ter II of Title 50, see FR Doc. 76-17403, Department of the Interior, Fish and Wildlife Service, appearing in the Proposed Rule Making section in this issue.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-1142]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Greenwich, Conn.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), thereby gives notice of his proposed determinations of flood elevations for the Town of Greenwich, Connecticut.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town of Greenwich must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, Greenwich Avenue, Greenwich, Connecticut 06830.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. William B. Lewis, Chairman, Board of Selectmen, Town Hall, Greenwich Avenue, Greenwich, Connecticut 06830. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Byram River	Riversville Rd	158.0	80	30
	Peckland Rd	137.2	10	250
	Glenville Rd	119.0	10	50
	Comly Ave	42.4	150	150
	Putnam Ave	16.6	(1)	5
	Putnam	14.8	(1)	10
East Brothers Brook	Cardinal Rd	53.9	200	230
	Fairfield Ave	51.0	110	75
	Brook Ridge Dr	45.5	60	50
	West Rd Dam (Connecticut Turnpike)	13.6	140	30
		12.5	100	2,100
Mianus River	Valley Rd	74.8	10	10
	Palmer Hill Rd	22.8	25	70

[1] Flood zone outside corporate limit.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 11, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-17343 Filed 6-15-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2032]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Calhoun, Ga.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Calhoun, Georgia.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Calhoun must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood

elevations are available for review at Town Hall, Box 234, Calhoun, Georgia 30701.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor W. C. Burdette, City Hall, Box 234, Calhoun, Georgia 30701. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Oostanaula River	Georgia Route 143 (upstream side of route).	627	1,150	1,410
Oothcalooga Creek	Oak St. (extended)	627	410	1,610
Tributary No. 2	South Industrial Blvd	632	240	[1] 400

[1] To corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 24, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–17344 Filed 6–15–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1145]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Barnstable, Mass.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Barnstable, Massachusetts.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town of Barnstable must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, 397 Main Street, Hyannis, Massachusetts 02601.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. William H. Eshbaugh, Chairman, Board of Selectmen, Town Hall, 397 Main Street, Hyannis, Massachusetts 02601. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width [1]
Cape Cod Bay	Bone Hill Rd	10	460
	Indian Trail	10	460
	Rendezvous Lane	10	640
	Crocker Lane	10	1,280
Hyannis Harbor	Sea St	10	280
	Lighthouse Lane	10	420
Centerville Harbor	Irving St	10	160
	South Main St	10	[2]
West Bay	Bay View Dr	11	[3]
Cotuit Bay	Oyster Rd	11	380

[1] Approximate distance in feet from shoreline to boundary of 100-yr flood.
[2] To 300 ft north of intersection with Hornbeam Lane.
[3] To intersection with Bridge St.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 7, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–17338 Filed 6–15–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1146]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Duxbury, Mass.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Duxbury, Massachusetts.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town of Duxbury must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, 178 George Street, Duxbury, Massachusetts 02332.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Edmund Dondero, Chairman, Board of Selectmen, Town Hall, 178 George Street, Duxbury, Massachusetts 02332. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width
Kingston Bay	Landing Rd.	11	660
	Howlands Landing	11	140
Duxbury Bay	Windsor St.	11	140
	Linden Lane	11	360
	Shipyard Lane	11	160
	Hardin Hill Rd.	11	180

[1] Approximate distance in feet from shoreline to boundary of 100-yr flood.
[2] To 300 ft north of intersection with Hornbeam Lane.
[3] To intersection with Bridge St.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 7, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-17339 Filed 6-15-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1147]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Notice of Proposed Flood Elevation Determinations for the Town of Mashpee, Mass.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Mashpee, Massachusetts.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town of Mashpee must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, Main Street, Mashpee, Massachusetts 02649.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Kevin D. O'Connell, Chairman, Board of Selectmen, Town Hall, Main Street, Mashpee, Massachusetts, 02649. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width [1]
Nantucket Sound (Waquoit Bay to Popponesset Bay).	Bluff Ave	11	900
	Nick Trail (extended)	11	1,960
	Kim Path (extended)	11	180
	Waterline Dr	11	[2]
	Mariner Lane	11	[2]
	Whippoorwill Circle	11	[2]

[1] Approximate distance in feet from shoreline to boundary of 100-yr flood.
[2] All of road.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 7, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–17340 Filed 6–15–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1148]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Newbury, Mass.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Newbury, Massachusetts.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Town Hall, 25 High Road, Newbury, Massachusetts 01950.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Alan I. Adams, Chairman, Board of Selectmen. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Atlantic Ocean and Plum Island Sound.	Old Point Rd	10	[1]	[1]
	Sunset Dr	10	[1]	[1]
	Plum Island Turnpike	10	[1]	[1]
Parker River (tidal)	Boston & Maine RR	9	[2]	2,600
	Newburyport Turnpike	9	100	1,200
	Middle St	9	1,600	100
Little River (tidal)	Hay St	9	600	100
	Hanover St	9	50	750

[1] Entire road within corporate limits.
[2] To corporate limits

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 7, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–17341 Filed 6–15–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1149]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Salem, Mass.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Salem, Massachusetts.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the city must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 93 Washington Street, Salem, Massachusetts 01970.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Jean A. Levesque, City Hall, 93 Washington Street, Salem, Massachusetts 01970. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
North River	North St.	11	440	350
South River	Congress St.	11	50	50
Juniper Cove	Bay View Ave.	11	(1)	(1)
South River	Canal St.	11	(2)	(2)
Forest River	Loring Ave.	11	680	50

[1] Entire street from the point 130 ft east of intersection with Fort Ave., eastward to Cheval Ave.
[2] Entire street north of Forest Ave.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 7, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-17342 Filed 6-15-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2031]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of East Grand Forks, Minn.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of East Grand Forks, Minnesota.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of East Grand Forks must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, East Grand Forks, Minnesota 56721.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Louis A. Murray, City Hall, East Grand Forks, Minnesota 56721. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Red River of the North.	Demers Ave.	831	2,220	
	U.S. Highway 2.	830	2,280	
Red Lake River	6th Ave. South.	832	500	(1)

[1] To corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 24, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–17345 Filed 6–15–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–2030]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Clarksville, Mo.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Clarksville, Missouri.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Clarksville must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 113 Howard Street, Clarksville, Missouri 63336.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor M. F. Duvall, City Hall, 113 Howard Street, Clarksville, Missouri 63336. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Mississippi River	Tennessee St.	457	(1)	(2)
	Washington St.	457	420	(2)

[1] Entire street northeast of the point 150 ft southwest of intersection with 3d St.
[2] Outside corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 21, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–17346 Filed 6–15–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–2029]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Portage des Sioux, Mo.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Portage des Sioux, Missouri.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Portage des Sioux must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Portage des Sioux, Missouri 63373.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor George Combs, City Hall, Portage des Sioux, Missouri 63373. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Mississippi	Entire city	439.5		

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FF, 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 21, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-17347 Filed 6-15-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2028]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Borough of Riverton, N.J.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the Borough of Riverton, New Jersey.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough of Riverton must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Borough Hall, 501 5th Street, Riverton, New Jersey 08077.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Salvatore J. Sorrentino, Borough Hall, 501 5th Street, Riverton, New Jersey 08077. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Jack's Run	Cedar St. (upstream side)	12	100	200
Pompeston Creek	Penn Central RR	10	(1)	35
Delaware River	Howard St	10	(1)	1,125
	Main St	10	(1)	500
	Lippincott Ave	10	(1)	600
	Linden Ave	10	(1)	175
	Bank Ave	10	(2)	(2)

[1] To corporate limits.
[2] Entire road within corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C.

4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 21, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–17348 Filed 6–15–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–2027]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Town of Dickinson, Broome County, N.Y.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Town of Dickinson, Broome County, New York.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Town Clerk's Office, Dickinson Town Hall, 842 Front Street, Binghamton.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. J. Kent Blair, Town Supervisor of Dickinson, 842 Front Street, Binghamton, New York 13905. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Chenango River	Stearns Rd. (extended)	852		640
	Boland Rd. (extended)	852		540
	Orchard Rd. (extended)	850		140
	Rose Dale Dr. (extended)	850		820
	Beaver Street Bridge	849		60

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 21, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–17349 Filed 6–15–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1155]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the City of Oswego, Oswego County, N.Y.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Oswego, Oswego County, New York.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Oswego must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Bulletin Board in City Hall, West Oneida Street, Oswego, New York.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify John E. Fitzgibbons, Mayor, City Hall, West Oneida Street, Oswego, New York 13126. The period for com-

ment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Wine Creek	Penn Central RR	262	150	150
	Mitchell St	269	400	60
	East Seneca St	281	50	100
	State Rd	319	400	110
	City Line Rd. and East Albany St	329	150	40
Harbor Brook	Mitchell St	268	280	60
	Penn Central RR	268	340	250
	12th St. (downstream)	271	100	100
	12th St. (upstream)	273	90	120
	East Oneida St	290	100	20
	East Mohawk St	290	120	20
	East Utica St	293	150	50
	East Albany St	298	120	80
	Lawrence St	311	40	30
	Hall Rd	314	30	30
Oswego River	Van Buren St. (extended)	249	20	0
	Mohawk St. (extended)	250	0	0
	West Albany St. (extended)	257	50	10
	Ellen St. (extended)	275	30	10
	Munn St. (extended)	297	30	20
Gardenier Creek	Mohawk St	258	80	800
	West Utica St	258	80	650
	Liberty St	319	50	30
	Penn Central RR	327	370	300
	West 5th St	327	350	150
	Murray St	331	30	20

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 11, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–17352 Filed 6–15–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1156]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Village of Quogue, Suffolk County, N.Y.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Village of Quogue, Suffolk County, New York.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Village must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Village Office, Quogue.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Malcolm McLean, Village Office, Quogue, New York 11959. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline to 100-yr flood boundary	
Atlantic Ocean	West corporate limits	11	225	
	Post Lane (extended)	11	180	
	East corporate limits	11	240	
			North of Quogue Canal	South of Quogue Canal
Shinnecock Bay and Quantuck Bay.	West corporate limits	7	100	585
	South Country Rd	7	535	
	Quantuck Lane	7	1,320	
	Beach Lane	7	950	
	Post Lane	7	1,660	455
	Shinnecock Rd	7	1,640	
	East corporate limits	7		530
	Bay Rd. (extended)	7	610	
	Old Point Rd	7	75	
	Montauk Highway	7	45	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 11, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-17353 Filed 6-15-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1157]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Cape Carteret, N.C.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Cape Carteret, North Carolina.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, Cape Carteret, North Carolina 28584.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Lawrence D. Campbell, P.O. Box 1016, Cape Carteret, North Carolina 28584. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)
Bogue Sound	Dolphin St	7	[1] 450
	Youpon Dr	7	[1] 440
	Lejeune Rd	7	[1] 570
	Holly Lane	7	[1] 1,280
	Easy St	7	[1] 1,040
Pettiford	Middle Ct	7	[2]
	Star Hill Dr	7	[3]

[1] From shoreline.
[2] End of court to corporate limit.
[3] 300 ft from Middle Ct. to 700 ft from Middle Ct.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 10, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-17354 Filed 6-15-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1158]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Southport, N.C.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Southport, North Carolina.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Southport must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 217 Dry Street, Southport, North Carolina 28461.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Alvin Kornegay, 217 Dry Street, Southport, North Carolina 28461. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Droyler's Creek	11th St	19	40	70
	9th St	13	250	250
Cape Fear River	Caswell Ave	13	(1)	(1)
	Moore St	13	(2)	(2)

[1] Entire street south of the point 270 ft south of the intersection with Nash St.
[2] Entire street between River Dr. and Kinsley St.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 10, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-17355 Filed 6-15-76;8:45 am]

[Docket No. FI-2024]

[24 CFR Part 1917]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Grand Forks, N. Dak.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234, 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Grand Forks, North Dakota.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Grand Forks must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Grand Forks, North Dakota 58201.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor C. P. O'Neill, P.O. Box 1518, Grand Forks, North Dakota 58201. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Red River of the North.	Minnesota Ave. (extended)	832		2,460
	Demers Ave	831		1,080
	U.S. Highway 2	830		880
English Coulee	14th Ave. S	831	100	
	Burlington Northern RR	829	80	220
	University Ave	829	90	400
	6th Ave	829	110	280
	U.S. Highway 2	829	2,060	1,360

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 21, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–17350 Filed 6–15–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1159]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the City of Newark, Licking County, Ohio

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Newark, Licking County, Ohio.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Newark must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Engineer's office and the Mayor's office, City Building, 40 West Main Street, Newark, Ohio.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Richard E. Baker, Mayor, City Building, 40 West Main Street, Newark, Ohio 43055. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Licking River	Sewage disposal plant	805	2,180	
	Liberty St. (extended)	806	1,940	
	Madison Ave. (extended)	810	900	
	Jones St. (extended)	812	1,220	
	Webb St. (extended)	813	900	400
North Fork Licking River.	Fleck Ave. (extended)	815	580	30
	Penn Central RR. Bridge	818	30	30
	Main St	820	25	25
	Everett Ave	823	100	120
	St. Clair St. (extended)	825	60	260
	Manning St	828	200	20
	Stevens St. (extended)	830	300	60
	Cherry St	831		80
	Waterworks Rd	833	80	140
	Price Rd. (extended)	846	880	580
	Kelly Ave. (extended)	852	240	760
	Audrey Dr. (extended)	860	40	280
Log Pond Run	Eddy St	852	80	80
	Sherwood Dr	854	60	20
	Jefferson Rd	856	80	220
	Grafton Ave	857	40	660
	21st St	861	40	1,700
Racoon Creek	Cherry Valley Rd	879		80
	Westmoor (extended)	860	40	40
	West Church St	844	40	40
	North 21st St	832	30	20
	West Church St	829	60	140
	North 11th St	828	400	20
	Main St	825	20	20
	Wilson St	823	460	200
	B. & O. RR	822	20	60
South Fork Licking River.	South 2d St	817	100	640
	National Dr	819	60	780
	Orchard St	822	420	20

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 11, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–17356 Filed 6–15–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1160]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Gladstone, Oreg.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (section 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Gladstone, Oregon.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Gladstone must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Gladstone, Oregon, 97027.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Robert L. McGinnis, City Hall, Gladstone, Oregon, 97027. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level [1]	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Clackamus River	McLoughlin Blvd	44	0	(2)
	Portland Traction Co. RR	44	50	(2)
	82d Ave	45	100	(2)
	I–205	52	250	(2)

[1] USC & GS 1947 supp. adjustment.
[2] To corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 7, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–17357 Filed 6–15–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1161]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of West Linn, Oreg.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–4482, 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of West Linn, Oregon.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of West Linn must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, West Linn, Oregon 97068.

Any person having knowledge, information, or wishing to make a comment on these determinations should imme-

diately notify Mayor Alan K. Brickley, City Hall, West Linn, Oregon 97068. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level [1]	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Willamette River	Oregon City-West Linn Bridge	46	(2)	100
	I-205 bridge	45	(2)	100
Tualatin River	Weiss Bridge	72	(2)	50

[1] (USC & GS 1947 suppl. adjustment.)
[2] To corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-17359 Filed 6-15-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2023]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Athens, Bradford County, Pa.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Athens, Bradford County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, Athens must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Borough's Secretary's office, Borough Hall, 2 South River Street, Athens, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify James F. Whitmer, Mayor of Athens, 2 South River Street, Athens, Pennsylvania 18810. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Tioga St. (extended)	760		40
	Hopkins St. (extended)	760		40
	Susquehanna St.	760		30
	Perry St. (extended)	761		40
	Walnut St. (extended)	762		80
	Cooper St. (extended)	762		150
	East Vanderbilt St. (extended)	763		740
	East Frederick St. (extended)	763		650
Chemung River	Tioga St. (extended)	761	40	
	Harris St. (extended)	762	160	
	Con Rail	764	30	
	U.S. 220 bypass	766	20	
	Upstream corporate limits	768	800	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 21, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-17351 Filed 6-15-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1163]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Downingtown, Chester County, Pa.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Downingtown, Chester County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Bulletin Board at City Hall, 4 West Lancaster Avenue, Downingtown, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Everett Gill, 4 West Lancaster Avenue, Downingtown, Pennsylvania 19335. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Copeland Run	Southern corporate limits	290	130	170
	Penn Central RR	282	1 660	140
	Pennsylvania Ave	258	180	420
Beaver Creek	Eastern corporate limits	245	340	500
	Manor Avenue	240	140	550
East Branch Brandywine Creek.	Northern corporate limits	243	320	150
	Pennsylvania Ave	238	460	80
	Penn Central RR	234	40	820
	Southern corporate limits	230	400	50
Parke Run	Western corporate limits	262	260	160
	Woodbine Rd	260	50	400
	Whiteland Ave	248	80	560
	Brandywine Ave	236	140	410

1 To corporate limit.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 10, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-17360 Filed 6-15-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1164]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Township of East Bradford, Chester County, Pa.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of East Bradford, Chester County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Secretary's home, 305 North Creek Road, Westchester, Pennsylvania 19380.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mrs. Freda Wood, 305

North Creek Road, Westchester, Pennsylvania 19380. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Main Stem Brandywine Creek.	Southern corporate limits	182	920	(1)
Tributary No. 1	Brandywine Creek Rd		240	130
West branch of Brandywine Creek.	Western corporate limits	190	340	(1)
East branch of Brandywine Creek.	Wawaset Rd	187	40	740
	Allerton Rd	192	120	620
	Georgia farm entrance road	198	400	740
	Strasburg Rd	202	220	100
	Along tributary 8 (from bank of east branch).	207	740	(1)
	Downington Rd	210	60	(1)
	Harmony Hill Rd	217	300	(1)
	Corporate limits	225	20	(1)
Plum Run	Southern corporate limits		480	180
	Birmingham Rd		180	100
	Lenape Rd (near corporate limits)		200	120
Tributary 1 of Plum Run.	Corporate limits		40	80
Tributary 2 of Plum Run.	do		80	100
Tributary 3 of Plum Run.	Lenape Rd		160	50
Tributary 25 of east branch.	Brandywine Creek Rd		50	80
Tributary 20 of east branch.	Allerton Rd		80	50
Black Horse Run	Private lane (approximately 1,300 ft east of east branch).		260	60
	Private road (approximately 3,400 ft east of east branch).		140	120

[1] Corporate limits.

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Tributary 1 of Blackhorse Run.	Hilldale Rd		80	140
Tributary 14 of east branch.	Georgia farm entrance road		80	70
Taylor Run	Brandywine Rd. Creek	199	320	200
	Strasburg Rd		90	130
	Highland Rd. and Downington Rd	247	130	410
	Corporate limits	259	40	240
Tributary 2 of Taylor Run.	Highland Rd		80	140
	Dowington Rd		160	300
Tributary 3 of Taylor Run.	Strasburg Rd		40	40
Tributary 1 of Taylor Run.	Dowington Rd		30	120
Tributary 11 of east branch.	Brandywine Creek Rd	203	40	200
Tributary 8 of east branch.	do		60	240
Tributary 8A of tributary 8.	Shent Rd		170	80
Tributary 8B of tributary 8.	do		200	140
Valley Creek	do	209	120	80
	Harmony Hill Rd		40	700
	Valley Creek Rd		100	240
Tributary 2 of Valley Creek.	do		140	60
Broad Run	do		40	120
	Copland School Rd		180	80
Tributary 1 of Broad Run.	do		240	40
Tributary 3 of Broad Run.	Harmony Hill Rd		60	55
Tributary 4 of Broad Run.	do		70	70
Tributary 7 of east branch.	East branch	210	160	170

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 10, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-17361 Filed 6-15-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1162]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Township of Annville, Lebanon County, Pa.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Annville, Lebanon County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Town Hall, 36 North Lancaster Street, Annville, Pennsylvania 17003.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Keith G. Kreamer, Secretary of the Board of Supervisors, P.O. Box 178, Annville, Pennsylvania 17003. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Quittapahilla Creek	West Main St.	394	(1)	200
	White St.	399	(1)	360
	Bachman St.	404	(1)	120
	South Spruce St.	410	280	400
	Southwestern corporate limit	415	120	620

(1) Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 10, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–17358 Filed 6–15–76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 129]

[FRL 551–71]

WATER PROGRAM

Proposed Toxic Pollutant Effluent Standards

Correction

In FR Doc. 76–16741 appearing in the FEDERAL REGISTER issue for Thursday, June 10, 1976, on page 23591, in the third column, in paragraph III in the last sentence and on page 23592, in the last paragraph the date "July 12, 1976" should be changed to read as follows: July 9, 1976.

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 420]

STATE ENERGY CONSERVATION PLAN AND FEASIBILITY REPORT GUIDELINES

Proposed Rulemaking and Public Hearings

I. *Introduction.* The Federal Energy Administration (FEA) hereby proposes to amend Part 420 of Chapter II of Title 10, Code of Federal Regulations (CFR), to continue implementation of a program for State energy conservation plans under Part C of Title III (42 U.S.C. 6321–6326) of the Energy Policy and Conservation Act (Act) (Pub. L. 94–163). FEA is hereby proposing guidelines with respect to measures required to be included in and guidelines for the development, modification and funding of State energy conservation plans, pursuant to section 362(b) (42 U.S.C. 6322 (b)) of the Act. FEA is also proposing to revise 10 CFR 420.24 (41 FR 8335 *et seq.*, February 26, 1976) which was prescribed pursuant to section 362(a) (42 U.S.C. 6322(a)) of the Act. FEA will receive written comments and hold public hearings with respect to this proposal.

Part C of Title III of the Act establishes a program for State energy conservation plans designed to promote the conservation of energy and reduce the rate of growth of energy demand. The Act authorizes FEA to establish guidelines and procedures for the program and to grant financial and technical assistance to the States in support of their State energy conservation plans. While the Act authorizes fifty million dollars for financial assistance each year for fiscal years 1976, 1977, and 1978, the actual amounts available for financial assistance during this period will depend upon the sum of appropriations made available for this program, within the ceiling of the authorization. The program is voluntary. However, in order for a State to be eligible for financial assistance, it must adhere to the program guidelines which the Act requires FEA to prescribe by rule.

The amendment herein proposed to Part 420 would add § 420.3; would add definitions to § 420.11; would revise § 420.24; and would establish a new Subpart D, §§ 420.31 to 420.42, which would prescribe guidelines with respect to measures required to be included in, and guidelines for development, modification and funding of State energy conservation plans.

II. *Grant Terms and Conditions.* Section 420.3 identifies certain specific items which would not be funded under the grant program, and references the procedures governing management of grants under this program.

III. *Financial Assistance for the Development of State Energy Conservation Plans.* FEA proposes to revise § 420.24 which provides for financial assistance to the States for the development of State energy conservation plans. Under this proposed amendment, FEA would reserve up to $5 million for this assistance, subject to the appropriation of funds, which would be disbursed in accordance with the existing formula in § 420.24. FEA will determine a final budget based upon the estimated budget submitted by the State in FEA Form U–516–S–0. Upon certification by a State that it shall adhere to the conditions related to the final budget, FEA will grant financial assistance to that State in that amount.

IV. *Design, Submission and Funding of State Energy Conservation Plans.* Proposed Subpart D, consisting of §§ 420.31 to 420.42, contains guidelines with respect to required and additional program measures and with respect to the development, modification, and funding of State energy conservation plans.

A. *State Energy Conservation Plan Reports.* Participation of any State in the program for State energy conservation plans is voluntary. However, in order for a State to be eligible to receive financial assistance in the implementation or modification of its plan, § 420.32 would require a State's Governor to submit a State energy conservation plan report, in accordance with the forms and instructions provided by FEA, within five months of the effective date of the guidelines proposed today. FEA could grant an extension of time for such submission, upon written request from the State, if FEA determines that participation by the State is likely to result in significant progress toward achieving the purposes of the Act. The request, with accompanying justification, would be made to the appropriate FEA Regional Administrator within five months of the effective date of these guidelines.

In order for a proposed State energy conservation plan to be eligible for Fed-

eral assistance, the Act, in section 362(c), requires State energy conservation efforts in five specific areas. Proposed § 420.34 sets forth guidelines, in the form of minimum criteria, which must be met to comply with this statutory mandate. FEA is particularly interested in comments concerning the minimum criteria.

The Act also provides for additional measures which may be included in proposed State energy conservation plans. States are encouraged to include innovative program measures as well as those widely recognized as having substantial energy conservation potential, in order to place the strongest emphasis on those areas of energy conservation which best fit each State's unique conditions and requirements.

It is FEA's intention, in order to encourage increased energy savings by the States, to make approval and second-year funding of State energy conservation plans dependent in part upon the estimated energy savings resulting from State actions initiated or augmented subsequent to December 22, 1975, the effective date of the Act. For similiar reasons, no funding or credit for energy savings would be given for State actions to conserve energy in areas generally covered by national energy conservation programs other than the program for State energy conservation plans.

Under proposed §§ 420.33 and 420.34, the report of the Governor would be required to include detailed information regarding the nature, implementation schedule, estimated 1980 energy savings, budget, and environmental residuals of all program measures which the State wished to be considered for Federal implementation funding.

The report would explain how any required minimum criteria, pursuant to § 420.35, not proposed for Federal funding were already being met by the State. Finally, the report would include a proposed State energy conservation goal of at least a 5% reduction in the total amount of energy consumed in the State for the year 1980 from the projected energy consumption in the State for that year. FEA intends to provide projections of energy consumption in each State for 1980 and to invite comments on these projections.

B. *Approval of Proposed State Energy Conservation Plans.* Pursuant to proposed § 420.37, FEA will set a tentative energy conservation goal for each State reflecting the maximum reduction in energy consumption for 1980 which is consistent with technological feasibility, financial resources, and economic objectives, by comparison with the projected energy consumption in the State for 1980. FEA will set the tentative goal taking into account the conditions unique to the State and the opportunity for energy conservation in the State.

Upon submission by a State of an energy conservation plan report, FEA intends to review the report and each of the proposed program measures therein. The review will include a comparison of FEA's determination of the estimated energy savings resulting from the State's proposed efforts with the tentative State energy conservation goal set pursuant to proposed § 420.37. FEA would approve the proposed plan if FEA's determination of the estimated energy savings equalled or exceeded the tentative goal and the plan otherwise met the relevant provisions of this part. However, if the plan fell short of the goal, FEA would return the plan report to the State together with FEA's basis for its determination of the expected savings in the State for 1980 due to implementation of the proposed plan. The State would then have an opportunity to amend its plan to meet or exceed the tentative State goal set by FEA.

FEA intends to set a final energy conservation goal for each State for 1980, pursuant to section 364 of the Act, at the earliest practicable date after the approval of each State's plan.

V. *Financial and Technical Assistance.* Subject to the appropriation of funds authorized by the Act, FEA proposes in § 420.39 to make available to the States financial assistance to implement State energy conservation plans during calendar years 1977 and 1978.

In the first year of implementation, calendar year 1977, FEA proposes to divide seventy-five percent of the available funds among the participating States on the basis of their resident population. Twenty-five percent of the available funds would be divided equally among the participating States.

In the second year of implementation, calendar year 1978, FEA proposes to allocate thirty-five percent of the available funds on the basis of the energy savings for 1980 that FEA estimates will result from the implementation of the State energy conservation plan. In no event, however, would this portion of any State's 1978 funding be greater than that based upon a 7.5 percent savings for that State. Fifty-five percent of the available funds would be divided on the basis of the resident population of the participating States, and ten percent of the funds would be divided equally among the participating States.

FEA is particularly interested in receiving comments on these proposed funding formulas.

Proposed § 420.40 makes provision for FEA to supply information and technical assistance to the States in the development, implementation and modification of State energy conservation plans.

Proposed § 420.42 would require that calendar year 1978 funding be based upon a submitted modification of a State's plan. It is FEA's present intention to detail the requirements of the modification process in time to allow the States to submit modifications by September 1, 1977, and to require submission of modifications by this date.

VI. *Comment Procedures.* A. *Written Comment Procedures.* Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the proposals set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box HN, Washington, D.C, 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation "Proposed State Energy Conservation Plan Guidelines." Fifteen copies should be submitted. All comments received by July 6, 1976, before 4:30 p.m., e.s.t., and all other relevant information, will be considered by FEA before final action is taken regarding the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

B. *Public Hearings.* FEA has determined that in addition to holding a public hearing on this proposal in Washington, D.C., it will hold hearings in each of the ten FEA regions.

1. *National Hearings.* The Washington, D.C. hearing (hereinafter referred to as the National hearing) will be held beginning at 9:30 a.m., July 7, 1976, at 2000 M Street, N.W., Room 2105, Washington, D.C. The hearing will be continued, if necessary, on July 8, 1976. Any person who has an interest in this proceeding or who is a representative of a group or class of persons that has an interest in this proceeding may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEA, Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, and must be received before 4:30 p.m., e.s.t. on Tuesday, June 29, 1976. A request may be hand-delivered between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Requests should be submitted in accordance with the "Request Procedures" set forth below.

2. *Regional Hearings.* Each of the regional hearings will be held beginning at 9:30 a.m., local time, on the dates and at the locations specified below and will be continued, if necessary, on a second day.

Any person who has an interest in this proceeding or who is a representative of a group or class or persons that has an interest may make a written request for an opportunity to make an oral presentation. Such a request should be directed to FEA at the address given below for the appropriate region, and in accordance with the "Request Procedures" set forth below. Requests must be received before 4:30 p.m., local time, on Wednesday, June 23, 1976.

FEA region	Hearing date	Submit requests to testify to—	Hearing location
I. Boston, Mass.	June 28, 1976	FEA, 150 Causeway St., Room 700, Boston, Mass. 02114.	Holiday Inn, 5 Blossom St., Arlington Room, 15th Floor, Boston, Mass.
II. New York, N.Y.	do	FEA, 26 Federal Plaza, New York, N.Y. 10007.	Federal Bldg., 26 Federal Plaza, Room 305, New York, N.Y.
III. Philadelphia, Pa.	June 29, 1976	FEA, 1421 Cherry St., Philadelphia, Pa. 19102.	Federal Bldg., 1421 Cherry St., 11th Floor, Philadelphia, Pa.
IV. Atlanta, Ga.	July 6, 1976	FEA, 1655 Peachtree St. NE., Atlanta, Ga. 30309.	1655 Peachtree St. NE., 5th Floor Conference Room, Atlanta, Ga.
V. Chicago, Ill.	June 29, 1976	FEA, 175 West Jackson Blvd., Chicago, Ill. 60604.	Engineering Bldg., 205 West Wacker Dr., 2d Floor, Auditorium, Chicago, Ill.
VI. Dallas, Tex.	July 1, 1976	FEA, P.O. Box 35228, 2626 West Mockingbird Lane, Dallas Tex. 75235.	2626 West Mockingbird Lane, Room 254, Dallas, Tex.
VII. Kansas City, Mo.	June 28, 1976	FEA, 12-Grand Bldg., 112 East 12th St., P.O. Box 2208, Kansas City, Mo. 64142.	Old Federal Bldg., 911 Walnut St., Room 302, Kansas City, Mo.
VIII. Denver, Colo.	do	FEA, P.O. Box 26247, Belmar Branch, 1075 South Yukon St., Lakewood, Colo. 80226.	Post Office Bldg., 1823 Stout St., Room 269, Denver, Colo.
IX. San Francisco, Calif.	do	FEA, 111 Pine St., 4th Floor, San Francisco, Calif. 94111.	Environmental Protection Agency Conference Room, 100 California St., 2d Floor, San Francisco, Calif.
X. Seattle, Wash.	June 30, 1976	FEA, 1992 Federal Bldg., 915 2d Ave., Seattle, Wash. 98174.	Seattle Federal Bldg., 915 2d Ave., South Auditorium, Seattle, Wash.

3. *Request Procedures.* The following request procedures are applicable to both the National and regional hearings. Persons requesting an opportunity to make an oral presentation will submit their written requests to the appropriate address for the region in which they wish to appear. Requests should be labelled both on the document and on the envelope "State Energy Conservation Program Hearing."

The person making the request should briefly describe the interest concerned; if appropriate, to state why she or he is a proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through June 25, 1976 for regional hearings and July 6, 1976 for the National hearing. Each person selected to be heard will be so notified by FEA before 4:30 p.m., local time, June 24, 1976, in the case of the regional hearings and by July 2, 1976 in the case of the National hearing. Each person selected to be heard must submit 100 copies, if feasible, of her or his statement to the Office of Regulation Development, FEA, Room 2214, 2000 M Street, N.W., Washington, D.C., before 9:00 a.m., e.s.t., July 6, 1976, for the National hearing, and to the location of the hearing by 9:00 a.m., on the day the statement is scheduled to be presented, for the Regional hearings.

4. *Hearing Procedures.* FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decisions made by FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she desires, to make a rebuttal statement which will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the National hearing, to Executive Communications, FEA, Room 3309, Box HN, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, before 4:30 p.m., e.s.t., July 2, 1976.

Any interested person may submit questions, to be asked of any person making a statement at the regional hearings, to the same address as that for submitting requests to testify, before 4:30 p.m., local time, June 24, 1976.

Any person who makes an oral statement and who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by FEA and made available for inspection at the Freedom of Information Office, Room 3116, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

VIII. *Coordination with Outside Parties, Environmental and Inflationary Review.* In preparing this proposed rulemaking, issues and options were reviewed not only internally by FEA but also by a subcommittee of the Energy Resources Council's Intergovernmental Coordinating Committee (representatives from the Departments of Housing and Urban Development, of Commerce, of Interior, of Treasury, and of Transportation, the Office of Management and Budget, and the General Services Administration) and by representatives of the National Governors' Conference Energy Project Staff and a subcommittee of the National Governors' Conference's National Resources and Environmental Management Committee. In addition, FEA has consulted with the FEA Consumer Affairs Advisory Committee, the National League of Cities/Conference of Mayors, the National Association of Counties, the National Association of State Legislatures, and other interested groups.

In accordance with FEA's obligations under the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq.); an evaluation of the potential environmental impacts of the program for State energy conservation plans has been prepared by FEA. While certain adverse environmental impacts have been identified they were found not to be "significant" as that term is used under NEPA. The overall impacts of the various program measures taken either separately or in combination are clearly beneficial.

The nature and degree of environmental benefit will vary, however, among State energy conservation plans and from program measure to program measure. In the final analysis, the content of any particular State energy conservation plan will be determined by many factors peculiar to that individual State; these include local economic, employment, environmental, social, geographic and climatic conditions.

The FEA evaluation, therefore, in addition to describing the environment to be affected by the plans, the impact of alternative measures likely to be included in the various State plans, and the maximum probable environmental impacts from the implementation of plans in all States, provides formulas for the use of the States which will allow them to compute the environmental residuals likely to flow from measures they propose. This information will be included in the plan reports submitted by the Governors. Prior to approving any plan or making any grants, FEA will review each State's submission of environmental data to determine whether it entails any significant effects on the quality of the human environment. In any case in which FEA discovers significant effects, based on the information submitted and any supplemental information needed to make an informed judgment, an environmental impact statement will be undertaken by FEA. In cases where there are determined to be no significant effects, FEA will issue a negative determination of environmental impact, citing the State's submission in lieu of a formal environmental assessment pursuant to 10 CFR 208.4.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93–275 a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency (EPA) for his comments concerning the impact of this proposal on the quality of the environment. The Administrator's comments follow:

EPA continues to support the development of energy conservation measures at both the State and national level. However, we believe that, should the energy benefits projected to accrue from State conservation plans be overstated, unforeseen environmental impacts could result. Specifically, it is our concern that, if conservation plans are not as effective as anticipated, pollution control equipment may become an attractive and planned target for energy conservation. For this reason, EPA supports the development of the most efficacious State conservation plans possible.

A. *Criteria for Program Measures.* In EPA's opinion, any methodology for calculating 1980 projected energy consumption figures is bound to be somewhat subjective and potentially inaccurate. For this reason, we believe it may not be particularly valuable to demonstrate on paper that the 5 percent target goal will be achieved in 1980 when the actual effectiveness of the measures may be more or less than originally calculated. Given the doubtful reliability of any numbers as a measuring standard, the minimum criteria set forth for each program measure become very important as a way to insure that proper plans are submitted. EPA believes that the minimum criteria should be set at a level so that if a State takes only the minimum effort for each program measure, there would still be a 5 percent reduction in energy consumption.

Also, the Act does not place priority on any particular measure but rather requires that a plan must include all five measures. EPA has particular concern over the adequacy of the criteria for the program measure pertaining to the promotion of carpools, vanpools, and public transportation. Based on a reading of the criteria set forth in the regulation, it can be reasonably concluded that a State could build two park-and-ride lots in one urban area and totally fulfill this program measure requirement. Thus, if a State does not wish to expend any effort on this particular program measure, the proposed regulations enable it to do so and still qualify for financial aid by implementing some of the other program measures. One solution to this dilemma would be for the carpooling program measure regulation to require several of the strategies and require that they be applied in all Standard Metropolitan Statistical Areas (SMSA's) over a particular size.

Finally, § 420.41(b) would allow FEA to "waive all or part of a required program measure." We believe that a provision for FEA to waive the requirement of one or more of the five strategies mandated by Congress for inclusion in the State conservation plans could raise questions regarding the legality of this regulation.

B. *Relationship between the Proposed Regulations and the Source Book.* As indicated above, the proposed regulations may be inadequate without some further indications as to the minimum criteria needed to implement a program measure. EPA suggests that the proper place for an indication of adequate minimum criteria is the proposed regulations rather than in a source book. This would permit the criteria to be subject to the public rulemaking process.

In the preamble to § 420.43, it is stated that the source book will contain, among other things, "methodologies for determining estimated energy savings." Also, the preamble to § 420.33(d)(1) provides that the individual States will be given an opportunity to comment on the FEA projections of estimated energy consumption. EPA suggests that the methodologies for the estimation of energy savings also be referenced in the regulations so that there may be a public hearing on the validity of these projections. This will allow the States to comment on the manner in which the energy consumption and saving projections are to be determined. This type of information will be of importance to the States in that the individual program measures of each conservation plan can then be evaluated with respect to accepted energy saving and consumption models.

C. *Credit for Measures Already Taken.* The regulations allow a State to take credit for actions initiated between December 22, 1975, and December 31, 1980, excluding national energy conservation programs. Presumably, this language would preclude a State which is not now enforcing the national 55 mph highway speed limit from taking credit for any future enforcement action in this area. In addition, while the preamble speaks of a State being able to take credit for "augmentation of efforts" after the December 22, 1975, date, the regulations are silent on this regard. To avoid confusion, we believe the preamble and regulations should include more details as to exactly what credit can be taken by the States. Examples would be particularly helpful.

D. *Adverse Environmental Impacts, State Implementation Plans, Transportation Improvements.* The preamble to the proposed regulations indicates that "certain adverse environmental impacts have been identified." The preamble does not indicate, however, what these adverse impacts may be. In the Final Assessment of Environmental Impacts of the State Energy Conservation Program, it is indicated that one of these adverse environmental impacts will be a slight increase in carbon monoxide levels. While the overall effect of the Conservation Program may be beneficial for the environment, EPA strongly urges that such adverse environmental impacts be noted in the the proposed regulations so that public comment may be received on this issue.

Section 420.36(b) calls for a State to coordinate its conservation plans with the Metropolitan Planning Organization for the State in order that these plans will be consistent with the Transportation Systems Management Elements (TSM's) of the Transportation Improvement Program. The TSM's are similar to certain elements of the State Implementation Plan (SIP) required of each State under Section 110 of the Clean Air Act. The purpose of the SIP's is to implement, maintain and enforce both primary and secondary ambient air quality standards in each air quality control region (or portion thereof). Since the TSM's are not identical to SIP's, the required consistency of conservation plans with the TSM's will not necessarily ensure that the conservation plans will have a beneficial impact on the maintenance of primary and secondary standards. In order to better insure that the conservation plans do not adversely impact State attempts to meet their SIP requirements, EPA suggests that FEA coordinate approval of the conservation plan with EPA. This should help establish consistency between conservation plans and the appropriate SIP's.

In the context of these proposed rules, an optional strategy that a State may employ to achieve the desired 5 percent energy savings is the use of "transportation improvements." This is defined to mean "any plan * * * which is designed to reduce the amount of energy consumed in transportation * * *" EPA is concerned that not all plans or strategies within this definition will impact favorably on the environment. Examples of such strategies are the removal of catalysts or retrofit devices to improve mileage, as well as the construction of new highways to improve traffic flow and reduce congestion. Each of these actions could have a serious negative impact on air quality. EPA therefore suggests that conservation plans which include transportation improvements be approved only after a careful review of each proposed transportation improvement and its effect on State and Federal efforts to protect national ambient air quality.

The proposal has been reviewed in accordance with Executive Order 11821, and OMB Circular Number A–107, issued November 27, 1974, and has been determined to be a major proposal requiring an evaluation of its inflationary impact. A summary of the inflationary impact is on file for public review with the Council on Wage and Price Stability.

(Energy Policy and Conservation Act, Pub. L. 94–163; Federal Energy Administration Act of 1974, Pub. L. 93–275; EO 11790, 39 FR 23185.)

Issued in Washington, D.C., June 10, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

In consideration of the foregoing, it is proposed to amend Part 420 of Chapter II of Title 10, Code of Federal Regulations, as set forth below:

1. Part 420 is amended by adding § 420.3 as follows:

§ 420.3 Grant terms and conditions.

(a) Grants awarded under this part shall not be used directly or indirectly—

(1) To purchase equipment, other than office equipment, such as insulation materials and law enforcement equipment;

(2) For construction, such as construction of mass transit systems and exclusive bus lanes;

(3) To subsidize fares for public transportation; or

(4) For subsidies for utility rate demonstrations or State insulation tax credits.

(b) Grants awarded under this part shall be administered in accordance with the following—

(1) Federal Management Circular 73–2 (34 CFR 251) entitled, "Audit of Federal Operations and Programs by Executive Branch Agencies;"

(2) Federal Management Circular 74–4 (34 CFR 255), entitled "Cost Principles Applicable to Grants and Contracts with State and Local Government;"

(3) Federal Management Circular 74–7(34 CFR 256), entitled "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments;"

(4) Office of Management and Budget Circular A–89, entitled "Catalog of Federal Domestic Assistance;"

(5) Office of Management and Budget Circular A–95, entitled "Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects;"

(6) Office of Management and Budget Circular A–97, entitled "Rules and Regulations Permitting Federal Agencies to Provide Specialized or Technical Services to State and Local Units of Government under Title III of the Intergovernmental Coordination Act of 1968;"

(7) Treasury Circular 1082, entitled "Notification to States of Grant-in-Aid Information;" and

(8) Such procedures applicable to this part as FEA may from time to time prescribe for the administration of grants.

2. Section 420.11 is amended to add, in appropriate alphabetical sequence, definitions of ASHRAE 90–75, Btu, British thermal unit, carpool, carpool matching and promotion campaign, energy conservation, environmental residual, exempted building, exterior envelope physical characteristics, HVAC, heating ventilating and air conditioning, HUD minimum property standards, illumination-energy ratio, major building type, Metropolitan Planning Organization, park-and-ride lot, political subdivision, preferential traffic control, program measure, public building, public transportation, Standard Metropolitan Statistical Area, transit level of service, urban area traffic restrictions, vanpool, and variable working schedule.

§ 420.11 Definitions.

* * * * *

"ASHRAE 90–75" means those designated standards developed by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Incorporated, as approved by its Board of Directors on August 11, 1975, to provide design requirements for improvements of energy utilization in new buildings.

"Btu" means British thermal unit.

"British thermal unit" means the quantity of heat necessary to raise the temperature of one pound of water one degree of Fahrenheit at 39.2° Fahrenheit and one atmosphere of pressure.

"Carpool" means the sharing of a ride by two or more people in an automobile.

"Carpool matching and promotion campaign" means a campaign to coordinate riders with drivers to form carpools and/or vanpools.

"Energy conservation" means the efficient utilization of energy resources.

"Environmental residual" means any pollutant or pollution-causing factor which results from any activity.

"Exempted building" means—

(1) Any building or portion thereof whose peak design rate of energy usage for all purposes is less than one watt (3.4 Btu's per hour) per square foot of floor area for all purposes;

(2) Any building which is neither heated nor cooled mechanically;

(3) Any mobile home; and

(4) Any building owned or leased by the United States.

"Exterior envelope physical characteristics" means the physical nature of those elements of a building which enclose conditioned spaces through which thermal energy may be transferred to or from the exterior.

* * * * *

"HVAC" means heating, ventilating and air conditioning.

"Heating, ventilating and air conditioning" means a system that provides comfort heating, ventilation and/or air conditioning within or associated with a building.

"HUD Minimum Property Standards" means the single unified set of technical and environmental standards developed by the Department of Housing and Urban Development, specifying the minimum acceptable levels of design and construction for low rent public housing approved for Federal mortgage insurance.

"Illumination-energy ratio" means the ratio of the total lighting wattage connected for use in a building to the gross number of square feet of illiminated floor space in the building.

"Major building type" means a class of buildings within which similar functions occur such as hospitals, restaurants, hotels and supermarkets.

"Metropolitan Planning Organization" means that organization required by the Department of Transportation, and designated by the Governor as being responsible for coordination within the State to carry out transportation planning pro-Standard Metropolitan Statistical Areas.

"Park-and-ride lot" means a parking facility generally located at or near the trip origin of carpools, vanpools, and/or mass transit.

"Political subdivision" means a unit of government within a State, including a county, municipality, city, town, township, parish, village, local public authority, school district, special district, council of governments, and any other regional or intrastate government entity or instrumentality of a local government exclusive of institutions of higher learning and hospitals.

"Preferential traffic control" means any one of a variety of traffic control techniques used to give carpools, vanpools, and public transportation vehicles priority treatment over single occupant vehicles.

"Program measure" means a group of State actions in a particular area designed to effect energy conservation and initiated between December 22, 1975, and December 31, 1980, excluding State actions in areas generally covered by national energy conservation programs other than the program for State energy conservation plans.

"Public building" means any building which is open to the public during normal business hours, except exempted buildings. Each of the following is a public building within the meaning of this part, unless it is an exempted building—

(1) Any building which provides facilities or shelter for public assembly, or which is used for educational, business, mercantile, institutional, or warehouse purposes;

(2) Any inn, hotel, motel, sports arena, supermarket, transportation terminal, retail store, restaurant, or other commercial establishment which provides services or retails merchandise;

(3) Any portion of an industrial plant building open for public tours or used primarily as office space;

(4) Any building owned by a State or political subdivision thereof, including libraries, museums, schools, hospitals, auditoriums, sports arenas, and university buildings.

"Public transportation" means any scheduled or non-scheduled transportation service for public use.

* * * * *

"Standard Metropolitan Statistical Area" means an urbanized area specified as such by the Office of Management and Budget.

"Transit level of service" means characteristics of transit service provided which indicate its quantity (geographic area of coverage, frequency) and quality (comfort, travel, time, fare, image).

"Urban area traffic restriction" means a setting aside of certain portions of an urban area as restricted zones where varying degrees of limitation are placed on general traffic usage and/or parking.

"Vanpool" means a group of riders using a vehicle with a seating capacity of not less than eight individuals and not more than fifteen individuals for transportation to and from their residence or other designated location and their place of employment. The vehicle is driven by one of the pool members.

"Variable working schedule" means a flexible working schedule to facilitate carpool and/or public transportation usage.

3. Section 420.24 is revised to read as follows:

§ 420.24 Financial assistance.

(a) Subject to the appropriation of funds for this purpose, FEA will allocate up to $5 million to assist the States in the development of State energy conservation plans in accordance with the following formula—

(1) Fifty percent of such funds shall be divided among the States equally; and

(2) Fifty percent shall be divided on the basis of the resident population of the States as of July 1, 1973, as reported by the Department of Commerce, Bureau of the Census, in "Current Population Reports," Series P–25, Numbers 520 and 603.

(b) FEA will invite each State which has submitted a State energy conservation plan feasibility report to apply by a date specified by FEA on FEA Form U–516–S–O, for financial assistance in the development of the State's energy conservation plan. FEA will review each timely State energy conservation plan feasibility report and application for financial assistance and, if these documents otherwise comply with applicable provisions of this part, determine a final budget for the development of the State energy conservation plan in the amount

determined pursuant to paragraph (a) of this section. Upon receipt by FEA of a State's certification of its acceptance of the terms and conditions related to the final budget, FEA will grant financial assistance to that State in the amount of the final budget.

4. Part 420 is amended by establishing Subpart D as follows:

Subpart D—State Energy Conservation Plan Guidelines

AUTHORITY: Sec. 362 (a) and (b), Public Law 94-163, (42 U.S.C. 6322 (a) and (b), unless otherwise noted.

Subpart D—State Energy Conservation Plan Guidelines

§ 420.31 Purpose and scope.

This subpart prescribed guidelines for program measures included in State energy conservation plans, and guidelines for the development, modification, and funding of such plans.

§ 420.32 Submission of State energy conservation plan reports.

(a) FEA will invite the Governor of each State to submit a State energy conservation plan report to the appropriate FEA Regional Administrator.

(b) In order for a State to be eligible to receive financial assistance pursuant to this subpart for the implementation or modification of a State energy conservation plan, its Governor shall submit a State energy conservation plan report to the appropriate FEA Regional Administrator within five months after the extension of time is granted by FEA pursuant to paragraph (c) of this section.

(c) An extension of time for submission of a State energy conservation plan report may be granted if FEA determines that participation by the State submitting such report is likely to result in significant progress toward achieving the purpose of the Act. A written request for an extension pursuant to this paragraph, with accompanying justification, shall be made to the appropriate FEA Regional Administrator within five months after the effective date of this subpart.

§ 420.33 Contents of State energy conservation plan reports.

A State energy conservation plan report, to be submitted in accordance with forms and instructions provided by FEA, shall include—

(a) A proposed State energy conservation plan designed to result in scheduled progress toward, and achievement of, the State energy conservation goal of the proposing State. The proposed State energy conservation plan shall include—

(1) For each of paragraphs (a) through (e) of § 420.35, (i) a description of all State actions initiated prior to December 22, 1975, to the extent that such State actions meet the minimum criteria set forth in such paragraphs, and (ii) a detailed description, pursuant to § 420.34, of a program measure proposed to meet all such minimum criteria not met by State actions initiated prior to December 22, 1975;

(2) A detailed description, pursuant to § 420.34, of any additional program measures which the State is proposing for Federal funding; and

(3) A proposed State energy conservation goal, consisting of a reduction, as a result of the implementation of the State energy conservation plan, of 5 percent or more in the total amount of energy consumed in the State for the year 1980 from projected energy consumption in the State for that year. This proposed reduction shall be based upon the energy savings estimated by the State in accordance with § 420.34(b) and upon projections of total energy consumption by each State for 1980 to be provided by FEA;

(b) A detailed description, in accordance with paragraphs (b) and (c) of § 420.34, of the estimated energy savings and the estimated cost of implementation associated with each program measure included in the proposed State energy conservation plan; and

(c) A detailed description of the increase or decrease in environmental residuals expected from the implementation of the State energy conservation plan, defined insofar as possible through the use of information to be provided by FEA, and an indication of how these environmental factors were considered in the selection of program measures.

§ 420.34 Description of program measures in proposed State energy conservation plans.

(a) The detailed descriptions required by subparagraphs (a)(1) and (a)(2) of § 420.33 shall include—

(1) A narrative statement detailing the nature of the program measure; and

(2) A listing of milestones by calendar quarter of each quarter from January 1, 1977 through December 31, 1980, consisting of those specific activities scheduled to be initiated, and those scheduled to be completed in that quarter.

(b) The detailed description required by § 420.33(b) of the estimated energy savings of each program measure shall include—

(1) The estimated energy savings in Btu's expected as a result of the implementation of the program measure for calendar year 1980, calculated according to subparagraphs (2) and (3) of this paragraph;

(2) The sources of numerical data, any assumptions, and the actual calculations used by the State to estimate the energy savings for calendar year 1980;

(3) For those program measures for which FEA has not made available a methodology for estimating the energy savings, the methodology used to estimate the energy savings; and

(4) The manner in which the State will assess actual energy savings under the program measure.

(c) The detailed description required by § 420.33(b) of the estimated cost of implementation of each program measure shall include—

(1) For calendar year 1977, an estimated budget for the implementation of the program measure, including all non-FEA funding (such as other Federal funds, State and local funds and private grant funds); and

(2) For each of calendar years 1978, 1979, and 1980, an estimate of annual costs to be incurred for implementation of each program measure.

§ 420.35 Minimum criteria for required program measures.

(a) Mandatory lighting efficiency standards for public buildings shall meet the following minimum criteria—

(1) Be in place and ready for implementation throughout all political subdivisions of the State by January 1, 1978;

(2) Apply to all public buildings above a certain size, as determined by the State;

(3) For new public buildings, be no less stringent than a standard consistent with the provisions of chapter 9 of ASHRAE 90-75; and

(4) For existing public buildings, be expressed by major building types, in terms of the illumination-energy ratio.

(b) Program measures to promote the availability and use of carpools, vanpools and public transportation shall meet the following minimum criteria—

(1) Have at least one of the following actions in place and ready to implement in at least one Standard Metropolitan Statistical Area within the State by January 1, 1978: (i) a carpool/vanpool matching and promotion campaign; (ii) park-and-ride lots; (iii) preferential traffic control for carpoolers, and transit patrons; (iv) preferential parking for carpools and vanpools; (v) variable working schedules; (vi) improvements in transit level of service; (vii) exemption of carpools and vanpools from regulated carrier status; (viii) parking taxes, parking fee regulations or surcharge on parking costs; (ix) full-cost parking fees for State and/or local government employees; (x) urban area traffic restrictions; (xi) geographical or time restrictions on automobile use; and (xii) area or facility tolls; and

(2) For program measures to be implemented in a Standard Metropolitan Statistical Area, be coordinated with the relevant Metropolitan Planning Organization and not be inconsistent with any applicable Federal requirements.

(c) Mandatory standards and policies affecting the procurement practices of the State and its political subdivisions to improve energy efficiency shall meet the following minimum criteria—

(1) With respect to all State procurement and with respect to procurement of political subdivisions to the extent determined feasible by the State, be in place and ready for implementation by January 1, 1978; and

(2) Contain the elements deemed appropriate by the State to improve energy efficiency through the procurement practices of the State and its political subdivisions.

(d) Mandatory thermal efficiency standards for new and renovated buildings shall meet the following minimum criteria—

(1) Be in place and ready for implementation with respect to all buildings other than exempted buildings throughout all political subdivisions of the State by January 1, 1978;

(2) Take into account the exterior envelope physical characteristics, HVAC system selection and configuration, HVAC equipment performance and service water heating design and equipment selection;

(3) For all new non-residential buildings, be no less stringent than a standard consistent with provisions of chapters 4–9 of ASHRAE 90–75;

(4) For all new residential buildings, be no less stringent than the HUD Minimum Property Standards; and

(5) For renovated buildings, (i) apply to those buildings determined by the State to be renovated buildings; and (ii) contain the elements deemed appropriate by the State regarding thermal efficiency standards for renovated buildings.

(e) A traffic law or regulation which permits the operator of a motor vehicle to make a right turn at a red light after stopping shall meet the following minimum criteria—

(1) Be included in a State's motor vehicle code and ready for implementation throughout all political subdivisions of the State by January 1, 1978; and

(2) Permit the operator of a motor vehicle to make a right turn (left turn with respect to the Virgin Islands) at a red traffic light after stopping, except where specifically prohibited by a traffic sign.

§ 420.36 Approval of State energy conservation plans.

(a) FEA will review the proposed State energy conservation plan report, including the methodologies and data regarding estimated energy savings. FEA may waive all or part of a required program measure upon verification by the State that local economic, climatic, geographic, or other unique conditions and requirements would cause that measure or portion thereof to be inapplicable.

(b) Based upon this review, FEA will determine the estimated energy savings which would result in 1980 from implementation of the State's proposed plan.

(c) FEA will compare the figure determined in paragraph (b) of this section with the State's tentative energy conservation goal for 1980, set pursuant to § 420.37. If the proposed State energy conservation plan report otherwise complies with applicable provisions of this part and if this figure is greater than or equal to such goal, FEA will approve the proposed State energy conservation plan. If this figure is less than the tentative energy conservation goal, FEA will return the plan report to the submitting State together with FEA's assumptions and reasons upon which the determination in paragraph (b) of this section was based.

(d) The State will have the opportunity to amend its State energy conservation plan report, including the proposed State energy conservation plan, and to resubmit it by a date specified by FEA for reconsideration pursuant to paragraphs (a) through (c) of this section.

§ 420.37 Setting of State energy conservation goals for 1980.

(a) Upon the basis of State energy conservation feasibility reports and State energy conservation plan reports submitted pursuant to this part and such other information as is available, FEA will set a tentative energy conservation goal in each State for 1980 which shall consist of the maximum reduction in the consumption of energy for 1980 which is consistent with technological feasibility, financial resources, and economic objectives, by comparison with the projected energy consumpton determined pursuant to § 420.38 in such State for 1980.

(b) In setting a State's tentative energy conservation goal for 1980, FEA will take into account the impact of local economic, climatic, geographic, and other unique conditions and requirements of that State and the opportunity to conserve and to improve efficiency in the use of energy in that State.

(c) After approval of the State energy conservation plan, and at the earliest practicable date, FEA will set a final 1980 energy conservation goal for that State, based to the maximum extent feasible upon that State's tentative energy conservation goal.

§ 420.38 Determination of projected energy consumption for 1980.

FEA will determine the projected energy consumption in each State for 1980. FEA will specify the assumptions used in the determination, taking into account population trends, economic growth, and the effects of national energy conservation programs.

§ 420.39 Financial assistance.

(a) Subject to the appropriation of funds authorized by the Act, grant funds may be made available to assist the States in the implementation and modification of approved State energy conservation plans in accordance with the following formulas—

(1) For calendar year 1977, (i) seventy-five percent of available funds will be divided on the basis of the resident population of the participating States as of July 1, 1973, as reported by the Department of Commerce, Bureau of Census, in "Current Population Reports," Series P–25, numbers 520 and 603; and (ii) twenty-five percent of available funds will be divided among the participating States equally; and

(2) For calendar year 1978, (i) thirty-five percent of available funds will be divided on the basis of the estimated energy savings in calendar year 1980 resulting from the implementation of State energy conservation plans; (ii) fifty-five percent of available funds will be divided on the basis of the resident population of the participating States as of July 1, 1973, as reported by the Department of Commerce, Bureau of Census, in "Current Population Reports," Series p–125, numbers 520 and 603; and (iii) ten percent of available funds will be divided among the participating States equally; provided, however, that estimated energy savings for purposes of subparagraph (2) (i) of this paragraph shall be no greater than 7.5 percent for any State.

(b) For each of the calendar years 1977 and 1978, FEA will review each approved State energy conservation plan and, if such plan otherwise complies with applicable provisions of this part, determine a final budget for the implementation or modification of each such plan in an amount determined pursuant to paragraph (a) of this section. Upon receipt by FEA of a State's certification of its acceptance of the terms and conditions related to the final budget, FEA will grant financial assistance to that State in the amount of the final budget.

§ 420.40 Technical assistance.

At the request of the Governor of any State to the appropriate FEA Regional Administrator, and subject to the availability of personnel and funds, FEA will provide information and technical assistance in the development, implementation, and modification of State energy conservation plans.

§ 420.41 Amendment of State energy conservation plans.

(a) A State may amend its State energy conservation plan upon determination by FEA that the amendment meets the requirements of this subpart, would be likely to result in significant progress toward achieving the purposes of the Act, and would not unduly hinder the administration of the program.

§ 420.42 Modification of State energy conservation plans.

In order for a State to be eligible to receive financial assistance pursuant to this subpart for calendar year 1978, its Governor shall submit a modification of its State energy conservation plan to the appropriate FEA Regional Administrator by a date specified and in the manner prescribed by FEA.

[FR Doc.76–17449 Filed 6–11–76;11:11 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 3]

RULES GOVERNING DISCOVERY AND COMPULSORY PROCESS IN ADJUDICATIVE PROCEEDINGS

Proposed Rule Changes

Correction

In FR Doc. 76–15787 appearing in the FEDERAL REGISTER, issue of Friday, May 28, 1976 the comment date appearing in the last paragraph in the right hand column on page 21793 should be corrected to read: June 30, 1976.

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.

FEDERAL POWER COMMISSION

TRANSMISSION, DISTRIBUTION AND STORAGE-TECHNICAL ADVISORY TASK FORCE—IMPACT OF GAS SHORTAGE ON CONSUMERS

Meeting

NATIONAL GAS SURVEY AGENDA

Meeting of TRANSMISSION, DISTRIBUTION & STORAGE-TECHNICAL ADVISORY TASK FORCE—IMPACT OF GAS SHORTAGE ON CONSUMERS, Conference Room 3401,[1] Federal Power Commission, Union Center Plaza Building, 941 North Capitol Street, NE., Washington, D.C. 20426, July 1, 1976, 9:30 a.m. Presiding: Mr. Michael C. Bachman, FPC Coordinating Representative & Secretary, National Gas Survey.

1. Call to Order—Mr. Michael C. Bachman.
2. Introductory Remarks—Mr. Louis Santone, Task Force Chairman, Director, Office of Business and Legislative Affairs, U.S. Department of Commerce.
3. Review of Task Force Assignments:

Request Items: No. 1—Mr. Ernesto Venegas, No. 2—Mr. Jack M. Campbell, No. 4—Mr. Louis Santone, No. 6—Mr. Israel Putnam, No. 7—Mr. William Harkaway, No. 8—Mr. Thomas Joyce, and Mr. William Harkaway.
Industry Reports: Clay and Inorganic Chemicals, Mr. Robert Steder; Clay Pipe and Brick, Mr. David M. Joyce; Petrochemicals, Mr. R. C. Perry; Textile and Apparel, Mr. David S. Harter; Petroleum Refining, Mr. G. G. Jurenka and Mr. Gordon W. Koelling; Commercial and Residential, Mr. Israel Putnam; and Iron and Steel, Mr. Robert Steder.

4. Recommendations for Seriation of Individual Reports for Final Task Force Report.
5. Selection of Next Meeting Date.
6. Other Business.
7. Adjournment—Mr. Michael C. Bachman.

KENNETH F. PLUMB,
Secretary.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

[FR Doc.17609 Filed 6-14-76;11:13 am]

[Docket No. ER76-712]

ARIZONA PUBLIC SERVICE CO.

Notice of Tender of Notice of Cancellation

JUNE 9, 1976.

Take notice that on May 28, 1976, Arizona Public Service Company (APS) tendered for filing a notice of cancellation of its FPC Rate Schedule No. 26, on Interconnection Agreement between APS and Utah Power and Light Company. APS states that no service has been provided under the agreement since July 1, 1975, the termination date.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Paragraphs 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 June 21, 1976. 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.76-17526 Filed 6-15-76;8:45 am]

[Docket No. RP76-10]

ARKANSAS LOUISIANA GAS CO.

Settlement Conference

JUNE 10, 1976.

Take notice that on July 13, 1976, a conference to discuss the issues in the captioned proceedings will be convened at the offices of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. The conference will convene at 10:00 a.m. in Room 8402.

Customers and other interested persons will be permitted to attend, but if such other persons have not previously been permitted to intervene by order of the Commission, such attendance at the conference will not be deemed to authorize such intervention as a party in the proceedings.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the company's proposed changes in its rates and any procedural matters preparatory to a full evidentiary hearing, or to make commitments with respect to such issues and any offers of settlement or stipulation discussed at the conference. Failure to attend the conference shall constitute a waiver of all objections to stipulations and agreements reached by the parties in attendance at the conference.

Copies of this notice are being mailed this date of all jurisdictional customers and interested State commissions.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17455 Filed 6-15-76;8:45 am]

[Docket No. RP76-11]

BACA GAS GATHERING SYSTEM, INC.

Notice of Compliance Filing

JUNE 8, 1976.

Take notice that on May 26, 1976, Baca Gas Gathering System, Inc., (Baca) tendered for filing Substitute Second Revised Sheet No. 3-A Superseding First Revised Sheet No. 3-A to Baca's FPC Gas Tariff, Original Volume 3. The instant filing is pursuant to Ordering Paragraph (B) of the Commission's "Accepting and Approving Settlement", issued on April 26, 1976, in this docket.

Baca requests that the rates set forth in the tariff sheet become effective on October 15, 1975.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before June 16, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17518 Filed 6-15-76;8:45 am]

[Docket No. ER76-709]

CINCINNATI GAS & ELECTRIC CO.

Tariff Change

JUNE 9, 1976.

Take notice that The Cincinnati Gas & Electric Company (CG&E) on May 25, 1976, tendered for filing proposed changes in its FPC Electric Tariff, First Revised Volume No. 1 specifically, in the rate schedule for wholesale electric service to the Village of Georgetown, Ohio (Georgetown) and its FPC rate Schedule 36 for similar wholesale electric service to The Union Light, Heat and Power Company (Union), a wholly owned subsidiary of CG&E, which serves ultimate consumers within the Commonwealth of Kentucky. CG&E proposes that the changes become effective June 24, 1976.

CG&E states that an agreement between CG&E and Georgetown had not been secured as of the date of the filing but that an agreement between CG&E

[1] North Building, NGS-2.

and Union had been secured prior to the date of the filing.

The proposed changes would increase revenues from these jurisdictional sales and service by $7,588,555 based on the estimated twelve month period ended December 31, 1976.

The reasons stated by CG&E for the change in rate schedule are: (1) to overcome a revenue deficiency from this type of service occasioned by the continued inflationary impact on its costs; (2) to accomplish the filing of a rate schedule, applicable to both Georgetown and Union, as provided in the Settlement Agreement of Docket Nos. E–8885 and E–8546; and (3) to modify its fuel adjustment clause to comply with Commission regulations governing their content.

CG&E states that copies of the filing were served upon CG&E's two affected jurisdictional customers, the Public Utilities Commission of Ohio, and the Public Service Commission of Kentucky.

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 Section 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 June 27, 1976. 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 vailable for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–17469 Filed 6–15–76;8:45 am]

[Docket No. RP72–122 (PGA 76–3)]

COLORADO INTERSTATE GAS CO.

Notice of Proposed Change in Rates Under Purchased Gas Adjustment Clause Provision

JUNE 8, 1976.

Take notice that Colorado Interstate Gas Company (CIG), on May 25, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1 The proposed change would decrease CIG's revenues by $1,602,627 annually.

CIG states that the filing is made pursuant to the provisions of Section 21 of CIG's FPC Gas Tariff, Second Revised Volume No. 1, which authorizes the Company to change its rates coincident with a pipeline supplier rate change. CIG further states that the purpose of this filing is to allow CIG to reflect in its rates decreased costs it will experience as a result of a May 24, 1976, rate filing by CIG's pipeline supplier, Northwest Pipeline Corporation. The filing by Northwest is as a result of a recent rate settlement in Docket Nos. RP73–109 and RP 74–95. The filing is proposed to be effective June 1, 1976, the anticipated date of the Northwest decrease to CIG, or on such other date the Northwest decrease is permitted to go into effect.

According to CIG copies of the filing have been served upon the Company's jurisdictional customers and other interested persons, including public bodies.

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 Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 23, 1976. 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.76–17520 Filed 6–15–76;8:45 am]

[Docket No. CP76–379]

COLORADO INTERSTATE GAS CO.

Notice of Application

JUNE 9, 1976.

Take notice that on May 24, 1976, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP76–379 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 1.82 miles of 12-inch pipeline and a 60,000-Mcf-per-day natural gas sweetening plant in Sweetwater County, Wyoming, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the subject facilities are needed to connect a significant new supply of sour natural gas from the Table Rock area of southern Wyoming to Applicant's transmission system and that Applicant anticipates that it may be able to attract additional development of sour gas reserves in the area by virtue of the availability of the proposed sweetening installation. It is stated that the new supply of natural gas is required to assist Applicant in partially overcoming the presently projected peak day and annual supply deficiencies to its existing customers commencing with the 1977–78 heating season. No new markets are proposed to be served by reason of the proposed facilities.

The application states that seven wells are being drilled or are contemplated in the Madison formation, a deep formation in the Table Rock area, and that further development of the Madison formation might be undertaken if warranted based upon prior drilling. Initial deliveries for all wells successfully completed in the Madison formation are expected to average about 20,000 Mcf of gas per day per well. It is stated that since completion of each well takes almost a year and since only two locations are projected to be successfully completed by December 1977, the proposed in-service date for the sweetening plant, the proposed plant size would be adequate to handle all of the gas initially available.

Applicant proposes to construct and operate a Benfield-type sweetening plant, 1.82 miles of lateral pipeline, a gathering system, and housing facilities at a total estimated direct cost of $27,726,013. The estimated cost of the sweetening plant and the lateral pipeline are estimated to be $24,936,245. It is stated that during construction interim financing would be provided by internally generated cash and short-term bank loans and that the project would be permanently financed by the issuance of long-term debt and/or equity securities.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 28, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–17531 Filed 6–15–76;8:45 am]

[Docket No. RP73–65; PGA76–4]

COLUMBIA GAS TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

JUNE 9, 1976.

Take notice that Columbia Gas Transmission Corporation (Columbia) on

May 28, 1976, tendered for filing proposed changes in its FPC Gas Traff, Original Volume No. 1, as follows:

Substitue Twenty-eighth Revised Sheet No. 16
Twelfth Revised Sheet No. 64A

These proposed changes to be effective July 1, 1976, result from the implementation of Columbia's Purchased Gas Cost adjustment provision contained in Section 20 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1, and Opinion 749–A which permitted a special one-time PGA filing.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Union Center Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before June 21, 1976. 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.76–17468 Filed 6–15–76;8:45 am]

[Docket No. ER76–320]

CONNECTICUT LIGHT AND POWER CO.

Settlement Conference

JUNE 10, 1976.

Take notice that on June 29, 1976, a conference to discuss the issues in the captioned proceeding will be convened at the offices of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The conference will convene at 9:30 a.m. The room number of such conference will be posted with the schedule of hearings on the Second Floor of the Commission's offices.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, such attendance at the conference will not be deemed to authorize such intervention as a party in the proceedings.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the applicant's proposed changes to its rates and any procedural matters preparatory to a full evidentiary hearing, or to make commitments with respect to such issues and any offers of settlement or stipulation discussed at the conference. Failure to attend the conference shall constitute a waiver of all objections to stipulations and agreements reached by the parties in attendance at the conference.

Copies of this notice are being mailed this date of all jurisdictional customers and interested State commissions.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–17454 Filed 6–15–76;8:45 am]

[Docket No. ER76–696]

CONNECTICUT LIGHT AND POWER CO.

Tender of Purchase Agreement

JUNE 10, 1976.

Take notice that on May 21, 1976, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed Purchase Agreement with Respect to Various Gas Turbine Units (II), dated March 15, 1976 between (1) CL&P, The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO), and (2) Vermont Electric Cooperative, Inc. (VEC).

CL&P states that the Purchase Agreement provides for a sale to VEC of a specified percentage of capacity and energy from seven gas turbine generating units during the summer periods (May 1 to October 31) from May 1, 1976 to October 31, 1982.

CL&P states that although the amount of the gas turbine sale was agreed to prior to the date of the Purchase Agreement, the development of the detailed language of the rate schedule delayed until March 15, 1976 the completion of the Purchase Agreement and thus prevented the filing of such rate schedule more than thirty days prior to the proposed effective date. CP&L therefore requests that, in order to permit VEC to receive the capacity, pursuant to the Purchase Agreement, the Commission, pursuant to Section 35.11 of its regulations, waive the thirty-day notice period and permit the rate schedule filed to become effective on May 1, 1976.

CL&P states that the capacity charge for the proposed service was developed on a cost-of-service basis, and the Variable and Additional maintenance charges were derived from historical costs.

CL&P further states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut, HELCO, Hartford, Connecticut, WME CO, West Springfield, Massachusetts, and VEC, Johnson, Vermont.

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 Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 17, 1976. 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.76–17456 Filed 6–15–76;8:45 am]

[Docket No. ER76–697]

CONNECTICUT LIGHT AND POWER CO.

Notice of Purchase Agreement

JUNE 10, 1976.

Take notice that on May 21, 1976, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed Purchase Agreement with Respect to Various Gas Turbine Units (I), dated March 15, 1976 between (1) CL&P, The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO), and (2) Vermont Electric Cooperative, Inc. (VEC).

CL&P states that the Purchase Agreement provides for a sale to VEC of a specified percentage of capacity and energy from seven gas turbine generating units during the period from May 1, 1976 to October 31, 1982, together with related transmission service.

CL&P states that although the amount of the gas turbine sale was agreed to prior to the date of the Purchase Agreement, the development of the detailed language of the rate schedule delayed until March 15, 1976 the completion of the Purchase Agreement and thus prevented the filing of such rate schedule more than thirty days prior to the proposed effective date. CL&P therefore requests that, in order to permit VEC to receive the capacity, pursuant to the Purchase Agreement, the Commission, pursuant to Section 35.11 of its regulations, waive the thirty-day notice period and permit the rate schedule filed to become effective on May 1, 1976.

CL&P further states that the capacity charge for the proposed service was developed on a cost-of-service basis, the monthly transmission charge is equal to one-twelfth of the annual average unit cost of transmission service on the Northeast Utilities (NU) system determined in accordance with Section 13.9 of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee, multiplied by the number of kilowatts of winter capability which VEC is entitled to receive, reduced to give due recognition of the payments made by VEC for transmission services on intervening systems, and the variable maintenance charge was derived from historical costs.

CL&P, therefore, requests that the Commission grant CL&P's request for waiver of the notice requirements in this proceeding in order to permit the Purchase Agreement to become effective as of May 1, 1976, and states that the NU Companies hereby specifically agree and consent to such order making any and all amounts collected by the NU Companies for transmission services under the Purchase Agreement from and after May 1, 1976 subject to refund and subject to the

outcome of the proceedings in Docket Nos. E–7690 and ER76–291.

CL&P further states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut, HELCO, Hartford, Connecticut, WMECO, West Springfield, Massachusetts, and VEC, Johnson, Vermont.

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 Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 17, 1976. 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.76–17453 Filed 6–15–76;8:45 am]

[Docket No. RP75–35]

CONSOLIDATED EDISON COMPANY OF NEW YORK, ET AL., V. TENNESSEE GAS PIPELINE CO.

Notice of Extension of Time

JUNE 9, 1976.

On June 8, 1976, Commission Staff Counsel filed a motion to extend the date for filing briefs on exceptions to the initial decision of the Presiding Administrative Law Judge issued May 10, 1976 in the above designated matter.

Upon consideration, notice is hereby given that the date for filing briefs on exceptions in the above matter is extended to and including July 9, 1976 and the date for filing briefs opposing exceptions is extended to and including July 29, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–17524 Filed 6–15–76;8:45 am]

[Docket No. RP72–157 (PGA76–7)]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Proposed Changes in FPC Gas Tariff

JUNE 9, 1976.

Take notice that Consolidated Gas Supply Corporation (Consolidated), on June 1, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, pursuant to its PGA clause for rates to be effective July 1, 1976. The proposed rate increase would generate $22.5 million annually in additional jurisdictional revenues.

Consolidated states that the PGA filing was triggered by rate increases filed by Tennessee Gas Pipeline Company, Texas Eastern Transmission Corporation and Transcontinental Gas Pipe Line Corporation, all to be effective July 1, 1976.

Consolidated included therein alternate tariff sheets which reflect supplier rates which exclude amounts related to producer purchases in excess of the allowed rates.

Consolidated is requesting a waiver of any of the Commission's Rules and Regulations in order to permit the proposed rates to go into effect on July 1, 1976.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 21, 1976. 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.76–17458 Filed 6–15–76;8:45 am]

[Project No. 2742]

COPPER VALLEY ELECTRIC ASSOCIATION, INC.

Notice of Application for Major License for Unconstructed Project

JUNE 10, 1976.

Public notice is hereby given that an application was filed on April 28, 1975, and revised on February 19, 1976, under the Federal Power Act, 16 U.S.C. §§ 791a–825r, by Copper Valley Electric Association, Inc. (Correspondence to: Mr. James F. Palin, Manager, Copper Valley Electric Association, Inc., P.O. Box 45, Glennallen, Alaska 99588; and Robert W. Retherford Associates, P.O. Box 6410, Anchorage, Alaska 99502) for a major license for the unconstructed Solomon Gulch Project No. 2742, to be located on the Solomon River near the city of Valdez, Third Judicial District, Alaska. The project would affect lands of the United States.

As proposed, the Solomon Gulch Project, with an installed capacity of 12,000 kW, would consist of the following: (1) a rockfill dam with an asphaltic concrete face, 115 feet high and approximately 360 feet long at the crest, to be located at the site of an existing low dam at the outlet of Solomon Lake; (2) two rockfill dikes connected by a concrete spillway with a 250-foot overflow section; (3) a reservoir, Solomon Lake, with a surface elevation raised to 685.0 feet above mean sea level, a surface area of 600 acres, and a usuable storage capacity of 31,500 acre-feet; (4) a steel penstock 4,159 feet long and varying in diameter from 56 inches to 48 inches; (5) a powerhouse located near tidewater containing two vertical type Francis turbines each connected to a generator rated at 6,000 kW; (6) a switchyard adjacent to the powerhouse; (7) a 138 kV transmission line approximately 104 miles long to Glennallen substation; (8) a 25 kV transmission line approximately five miles long to Valdez; and (9) appurtenant facilities.

Applicant estimates that the project would cost $19,516,000. The power generated at the project would serve the following market: (1) Applicant's present electric system; (2) the new services that are generated by the construction on the Trans-Alaskan Oil Pipeline; and (3) the electric loads of Alyeska Pipeline Company, which will include pump stations, mechanical refrigeration stations, block valves, and communication sites.

The proposed utilization of project waters and adjacent lands for recreational purposes is planned around the following three elements: (1) a trail system for hiking; (2) an interpretive program incorporating static displays, self-guiding signs and brochures, guided tours, and materials developed for off-site use by tourists, residents of the area, various special interest groups, and schools; and (3) unstructured use of project lands for those activities that are compatible with the minimal restrictions required for individual safety or project operation.

Applicant has requested the shortened procedures pursuant to Section 1.32(b) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.32(b) (1975).

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 16, 1976, file with the Federal Power Commission, 825 North Capitol Street, N.E., 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 C.F.R. § 1.8 or § 1.10 (1975). 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 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 conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. § 825g and § 825h, and the Commission's Rules of Practice and Procedure, specifically Section 1.32(b), a hearing on this application may be held before the Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to

appear or be represented at the hearing before the Commission.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17452 Filed 6-15-76;8:45 am]

[Project No. 2768]

EAGLE-A/LINWEAVE DIVISION, BROWN CO.

Notice of Application for Minor License for Constructed Project

JUNE 9, 1976.

Public notice is hereby given that an application was filed on April 21, 1976, under the Federal Power Act, 16 U.S.C. §§ 791a–825r, by Eagle-A/Linweave Division, Brown Company (Correspondence to: Mr. C. L. Kirkpatrick, Vice President, Eagle-A/Linweave Division, Brown Company, 10 Eagle-A Avenue, Holyoke, Massachusetts 01040) for a minor license for its constructed Albion Mill (A Wheel) Project No. 2768, located on the canal system in the City of Holyoke, Hampden County, Massachusetts. The canal system, which is part of Holyoke Water Power Company's licensed Hadley Falls Project No. 2004, utilizes water diverted from the Connecticut River, a navigable waterway of the United States.

The Albion Mill (A Wheel) Project, which has an installed capacity of 250 kW, consists of: (1) a steel penstock approximately eight feet in diameter; (2) a 365 horsepower water wheel directly connected to a generator of 250 kW capacity located in Applicant's mill building; and (3) a brick tailrace. The project utilizes 181 cfs of water, which is withdrawn from the second level canal in the City of Holyoke and discharged into the Connecticut River.

The power generated at Albion Mill (A Wheel) Project No. 2768 is used solely in Applicant's industrial plant, except to the extent that power may be made available to Holyoke Water Power Company pursuant to Article 16 of the license for Project No. 2004.

Applicant has requested the shortened procedures pursuant to Section 1.32(b) of the Commission's Rules of Practice and Procedure, 18 CFR § 1.32(b) (1975).

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 18, 1976, file with the Federal Power Commission, 825 North Capitol Street N.E., 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 (1975). 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 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 conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. §§ 825g and 825h, and the Commission's Rules of Practice and Procedure, specifically Section 1.32 (b), a hearing on this application may be held before the Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing before the Commission.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17521 Filed 6-15-76;8:45 am]

[Project No. 2766]

EAGLE-A/LINWEAVE DIVISION, BROWN CO.

Notice of Application for Minor License for Constructed Project

JUNE 9, 1976.

Public notice is hereby given that an application was filed on March 18, 1976, under the Federal Power Act, 16 U.S.C. §§ 791a–825r, by Eagle-A/Linweave Division, Brown Company (Correspondence to: Mr. C. L. Kirkpatrick, Vice President, Eagle-A/Linweave Division, Brown Company, 10 Eagle-A Avenue, Holyoke, Massachusetts 01040) for a minor license for its constructed Albion Mill (D Wheel) Project No. 2766, located on the canal system in the City of Holyoke, Hampden County, Massachusetts. The canal system, which is part of Holyoke Water Power Company's licensed Hadley Falls Project No. 2004, utilizes water diverted from the Connecticut River, a navigable waterway of the United States.

The Albion Mill (D Wheel) Project, which has an installed capacity of 400 kW, consists of: (1) a steel penstock approximately eight feet in diameter; (2) a 580 horsepower water wheel directly connected to a generator of 400 kW capacity located in Applicant's mill building; and (3) a brick tailrace. The project utilizes 234 cfs of water, which is withdrawn from the second level canal in the City of Holyoke and discharged into the Connecticut River.

The power generated at Albion Mill (D Wheel) Project No. 2766 is used solely in Applicant's industrial plant, except to the extent that power may be made available to Holyoke Water Power Company pursuant to Article 16 of the license for Project No. 2004.

Applicant has requested the shortened procedures pursuant to Section 1.32(b) of the Commission's Rules of Practice and Procedure, 18 CFR § 1.32(b) (1975).

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 18, 1976, file with the Federal Power Commission, 825 North Capitol Street N.E., 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(1975). 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 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 conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. § 825g and § 825h, and the Commission's Rules of Practice and Procedure, specifically Section 1.32 (b), a hearing on this application may be held before the Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to the notice within the time required herein. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing before the Commission.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17522 Filed 6-15-76;8:45 am]

[Docket No. CP76-383]

EASTERN SHORE NATURAL GAS CO.

Notice of Application

JUNE 9, 1976.

Take notice that on May 25, 1975, Eastern Shore Natural Gas Company (Applicant), P.O. Box 615, Dover, Delaware 19901, filed in Docket No. CP76-383 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to sell a natural gas storage service under proposed Rate Schedule WSS-1 to customers which purchase gas from Applicant under Rate Schedules CD or G, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to render the proposed service by use of its Washington Storage Field. Such service would not be subject to curtailment or interruption except that caused by force majeure or by operating conditions beyond Applicant's or the buyer's control, Applicant states. The stated purpose and intent of the proposed service is to provide the buyers with as much flexibility as is operationally feasible with regard to the injec-

tion and withdrawal of gas. Applicant states that because of the partial state of field development and the necessity to utilize temporary facilities, Applicant reserves the right during the development period (the period beginning on the day of initial injection and extending for the ensuing three years) to impose maximum and minimum injection and withdrawal limitations which may be required by operating conditions in the Washington Storage Field. Scheduled deliveries might be made in excess of average daily withdrawal volumes; however, Applicant would only make such scheduled excess deliveries if, in its judgment, such deliveries could be made without any adverse effect on its current or projected operations, including its ability to meet various prior commitments. Applicant submits that it would not sacrifice or jeopardize its primary commitments for the sake of operating flexibility.

The application states that no additional facilities would be required to render the proposed service. The proposed rate schedule provides that the base gas shall be provided by the buyers from gas otherwise available to the buyers under Rate Schedules CD or G.

Applicant proposes to charge the following rates per Mcf for the proposed service:

Storage capacity volume charge	$0.1005
Volume withdrawal charge	.005
Excess delivery from buyer's storage gas balance charge	1.23
Excess delivery not reducing buyer's storage gas balance charge	2.33

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17530 Filed 6-15-76;8:45 am]

[Docket No. RP72-136 (PGA 76-3)]

FLORIDA GAS TRANSMISSION CO.

Notice of Proposed Changes in Rates and Charges Under Purchased Gas Adjustment Provision

JUNE 10, 1976.

Take notice that on May 28, 1976, Florida Gas Transmission Company (Florida Gas) tendered for filing Eleventh Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1, containing changes in rates to its Rate Schedules G and I for effectiveness on July 1, 1976. The changes in rates result from the application of the purchased gas cost adjustment provision in Section 15, General Terms and Conditions of the Tariff, which was approved by the Commission in Docket No. RP72-136. Eleventh Revised Sheet No. 3-A is proposed to supersede Tenth Revised Sheet No. 3-A which became effective May 15, 1976.

A comparison between the currently effective rates and those to be made effective on July 1, 1976 under this filing is as follows:

	Cents per therm	
	Currently Effective	Effective July 1, 1976
Rate schedule G	8.886	9.209
Rate schedule I	7.626	7.949

The annual effect of the proposed changes is an increase of $2,224,927 based on sales for the twelve months ended March 31, 1976.

Florida Gas states that a copy of its filing has been served on all customers purchasing gas under its FPC Gas Tariff, Original Volume No. 1 and the Florida Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 24, 1976. 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.76-17462 Filed 6-15-76;8:45 am]

[Docket No. RP73-17 (PGA 76-4)]

GRANITE STATE GAS TRANSMISSION, INC.

Notice of Proposed Changes in Rates Pursuant to Purchased Gas Adjustment Provision

JUNE 9, 1976.

Take notice that Granite State Gas Transmission, Inc. (Granite State), on May 28, 1976, tendered for filing Thirteenth Revised Sheet No. 3A and Substitute Thirteenth Revised Sheet No. 3A in its FPC Gas Tariff, Original Volume No. 1, containing proposed changes in rates to be effective July 1, 1976.

According to Granite State, the instant filing is made pursuant to a purchased gas cost adjustment provision in its tariff, previously approved by the Commission on December 14, 1972, in Docket No. RP73-17 and the proposed changes, submitted on alternate sheets, reflect alternate changes in the cost of gas purchased from its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), which Tennesee has proposed to make effective July 1, 1976.

Granite State further states that its proposed purchased gas cost changes are applicable to its sales to Northern Utilities, Inc. (Northern) which is Granite State's sole jurisdictional customer. According to Granite State, the annual effect on Northern of the proposed rates contained on Thirteenth Revised Sheet No. 3A is $59,346 and the annual effect of the proposed rates contained on Substitute Thirteenth Revised Sheet No. 3A is $78,999. Both estimates are based on purchases from Tennessee and sales to Northern for the twelve months ended March 31, 1976.

According to Granite State, copies of the filing were served upon Northern and the regulatory commissions of the States of Maine and New Hampshire.

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 Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 24, 1976. 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.76-17467 Filed 6-15-76;8:45 am]

[Docket No. ER76-184]

KANSAS CITY POWER & LIGHT CO.

Notice of Conference

JUNE 9, 1976.

Take notice that on June 21, 1976, Staff is convening an informal conference of all interested persons for the purpose of discussing the issues in the above referenced docket in Room No. 5200, at the offices of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., at 10:00 A.M.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceedings.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed rate increase and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

Letters concerning this conference are being mailed to all parties to the proceeding, and all of the jurisdictional customers.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17525 Filed 6-15-76;8:45 am]

[Docket No. RP76-8]

KANSAS-NEBRASKA NATURAL GAS CO.

Notice of Further Extension of Time

JUNE 9, 1976.

On June 3, 1976, City of Central City (Nebraska), City of Hastings (Nebraska), Minnesota Gas Company, and Northwestern Public Service Company filed a motion to extend the procedural dates fixed by order issued October 10, 1975, as most recently modified by notice issued March 19, 1976, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor, Testimony, June 28, 1976.
Service of Company, Rebutal, July 19, 1976.
Hearing, August 3, 1976 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17463 Filed 6-15-76;8:45 am]

[Docket No. RP76-90]

KANSAS-NEBRASKA NATURAL GAS COMPANY, INC.

Re-Notice of Proposed Changes in FPC Gas Tariff

JUNE 10, 1976.

Take notice that Kansas-Nebraska Natural Gas Company, Inc. (K-N) tendered for filing on August 29, 1975, proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1, which contains tariff sheets making certain provisions for the curtailment of deliveries.[1] Previous notice of this filing was issued on September 8, 1975, in Docket No. RP76-8. By order issued April 26, 1976, in Kansas-Nebraska Natural Gas Company, Inc., et al., Docket No. CP75-334, et al., the Commission severed the curtailment issues raised in Docket No. RP76-8 from the price issues in that docket and re-docketed the curtailment proceeding as Docket No. RP76-90. The Commission directed that the related tariff sheets be re-noticed for the purpose of receiving comments and noted that the re-notice procedure will not affect the effectiveness of the tariff sheets since they have become effective pursuant to the requirements of Section 4 of the Natural Gas Act.

Section 13(a) of the General Terms and Conditions of the Tariff provides that in force majeure situations K-N will not be liable to its buyers for any failure, interruption or diminution in gas delivery, nor shall its buyers be liable to K-N for any failure to accept gas in such situations.

Section 13(b) provides limitations on gas deliveries in four instances: (1) The making of new or additional sales of gas is limited to a total annual volume of 50,000 Mcf delivered in any calendar year after 1975 to any new customer connected on or after the effective date of the tariff. Any existing customers are limited to a total annual volume of not more than the sum of the volume used in 1975 and 50,000 Mcf; (2) Each consumer using gas for generation of electricity served directly by K-N or by a buyer with gas purchased under rate schedules in K-N's FPC Gas Tariff shall be limited annually to the volume used during 1974 or the average of the volumes of the five calendar years 1970 through 1974, whichever is greater. No new or additional sale of gas for electric generation are permitted; (3) K-N may reduce deliveries to customers served directly by K-N on an interruptible basis or under interruptible rate schedule in K-N's FPC Gas Tariff whenever gas supplies available to K-N are not adequate to permit injection of gas into gas storage reservoirs at required rates. These reductions shall be made in whatever manner which in K-N's discretion is required by system operating conditions and to avoid to the maximum extent possible any undue discrimination among customers having similar characteristics; (4) K-N is not required to remove gas from gas storage reservoirs for delivery to consumers served by K-N on an interruptible basis or under interruptible service rate schedules in its FPC Gas Tariff.

Copies of the filing were served upon K-N's jurisdictional customers and interested public bodies. In addition, the tariff provisions concerning restrictions on new or additional service was served upon the industrial and alfalfa dehydration customers served directly by K-N.

[1] Original Sheets Nos. 22, 23 and 24 to Kasas-Nebraska's FPC Gas Tariff, Third Revised Volume No. 1.

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 Section 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 June 25, 1976. Protests will be considered by the Commission in determining the appropriate action to 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.76-17461 Filed 6-15-76;8:45 am]

[Docket No. CP76-128]

MICHIGAN CONSOLIDATED GAS CO., ET AL.

Notice of Petition To Amend

JUNE 9, 1976.

Take notice that on May 21, 1976, Michigan Consolidated Gas Company (Michigan Consolidated), One Woodward Avenue, Detroit, Michigan 48226, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), One Woodward Avenue, Detroit, Michigan 48226, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, and Trunkline Gas Company (Trunkline), P.O. Box 1642. Houston, Texas 77001, filed in Docket No. CP76-128 a petition to amend the order issuing a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act in said docket authorizing the exchange of natural gas among Petitioners, by which petition to amend Petitioners request authorization to continue an exchange of natural gas to facilitate the redelivery of natural gas stored by Michigan Consolidated for Panhandle, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

In the instant docket Petitioners are authorized to exchange natural gas by means of an arrangement in which 15 days prior to the beginning of any month from November 1975 through April 1976, excluding March, Panhandle had the right to advise the other parties that it desired Michigan Consolidated to cause to be delivered certain specified volumes of natural gas to Trunkline for Panhandle's account through an existing Michigan Wisconsin-Trunkline interconnection near Elkhart, Indiana. Trunkline would then increase deliveries to Panhandle at the existing Trunkline-Panhandle interconnection near Tuscola, Illinois, by a correpsonding amount. Simultaneously, Michigan Consolidated would reduce its receipts from Michigan Wisconsin as necessary to remain within Michigan Consolidated's contractual entitlement from Michigan Wisconsin.

In the application pending in Docket No. CP76-343 [1] Michigan Consolidated requests authorization to continue rendering storage service for Panhandle during the 1976–77 storage season under an arrangement in which Panhandle would deliver its customers' gas to Michigan Consolidated for storage from May through October 1976 and Michigan Consolidated would redeliver gas to Panhandle from November 1976 through April 1977, excluding March 1977. Panhandle's customers which had gas stored for them by Michigan Consolidated during the 1975–76 storage season might elect to have any unredelivered portion of such gas retained by Michigan Consolidated for the 1976 summer and redelivered during the 1976–77 winter. The total amount of gas to be stored on a firm basis, including that retained in storage and that to be put into storage, would be 6,200,000 Mcf; and Michigan Consolidated would use its best efforts to store an additional 2,713,200 Mcf. Redeliveries by Michigan Consolidated, except during April, would be made to Southeastern Michigan Gas Company (Southeastern) for the account of Panhandle at existing points of interconnection between Michigan Consolidated and Southeastern.

The Petition to amend states that inasmuch as the entitlements of Southeastern do not provide sufficient redelivery capacity at all times, any volumes in excess of that which Southeastern can accommodate is proposed to be redelivered by an exchange of gas among Petitioners. Panhandle would advise the parties of the volume of gas it desires Michigan Consolidated to cause to be delivered to Trunkline for Panhandle's account at the Michigan Wisconsin-Trunkline interconnection near Elkhart, Indiana. It is stated that it is the intention of Michigan Consolidated and Panhandle that the daily redelivery volume of the firm contract quantity scheduled by Panhandle should be redelivered first through the Southeastern interconnection, with the balance to be redelivered through the Michigan Wisconsin-Trunkline interconnection. Further, it is stated that it is the intention of Michigan Wisconsin and Panhandle that the daily redelivery volume of the winter contract quantity scheduled by Michigan Consolidated should be redelivered through the Michigan Wisconsin-Trunkline interconnection. The volume of gas Michigan Wisconsin would deliver to Trunkline for Panhandle's account each day during any month of the winter period would be equal to the sum of the daily redelivery volume of firm contract quantity in excess of that which could be redelivered at the Southeastern interconnection and the daily redelivery volume of the winter contract quantity. It is said that in all other respects the exchange of gas proposed in the instant petition to amend for 1976–77 is the same as that authorized in the instant docket for 1975–76.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 2, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17465 Filed 6-15-76;8:45 am]

[1] Notice published May 5, 1976 (41 FR 18552).

[Docket Nos. CP74-316, CP75-182, CP75-195, CP72-279, CP75-274, CP74-317, CP75-21, CP75-237, CP75-199, CP75-200]

MICHIGAN WISCONSIN PIPE LINE CO., ET AL.

Notice of Extension of Time

JUNE 9, 1976.

On June 4, 1976, Northern Natural Gas Company filed a motion for an extension of time to answer the protest filed by General Motors Corporation and the protest and petition to intervene filed by The Brick People, et al., in the above-designated proceeding. Northern Natural requests the extension so that it may first file its Brief on Exceptions to the Initial Decision in this proceeding.

Upon consideration, notice is hereby given that the date for the filing of the answer by Northern Natural, referred to above, is extended to and including June 21, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17460 Filed 6-15-76;8:45 am]

[Docket No. ER76-46]

MONTAUP ELECTRIC CO.

Notice of Further Extension of Time

JUNE 9, 1976.

On May 24, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 29, 1975, as most recently modified by notice issued April 23, 1976, in the above-designated proceeding. The motion states that there is no opposition to the proposed dates by any interested party.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff, Testimony, July 8, 1976.
Service of Intervenor, Testimony, July 22, 1976.
Service of Company Rebuttal, August 5, 1976.
Hearing, August 31, 1976 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17472 Filed 6-15-76;8:45 am]

[Docket No. RP71-125 (PGA76-7)]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of PGA Filing to Track Increases Related to Opinion Nos. 749 and 749-A and Supplier Rate Increases

JUNE 9, 1976.

Take notice that on May 25, 1976, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, the below listed tariff sheets, to be effective July 1, 1976:

Twenty-ninth Revised Sheet No. 5
Fourth Revised Sheet No. 5A

Natural states the filing was made in accordance with the Commission's Opinion No. 749-A for the estimated increase in purchased gas costs effective July 1, 1976 for producers who have filed or are expected to file for increased rates in accordance with Opinion No. 749. The estimated annual effect of the producer supplier increases amounts to approximately $17.8 million. Natural states that it has also included the increased cost related to pricing company-owned production from leases acquired prior to October 7, 1969 at the applicable area rate as authorized by Commission Order issued August 3, 1973 at Docket No. RP73-63. The annualized effect of this increase amounts to approximately $4.1 million. The PGA unit adjustment for the above increases equates to 2.10¢ per Mcf.

Natural also filed to eliminate the surcharge to recover the deferred purchased gas cost effect related to increases associated with Opinion No. 749 for the four months of January through April, 1976. The surcharge of 5.50¢ was approved to be effective for the two months of May and June, 1976.

Natural states that the filing includes a PGA unit adjustment made pursuant to the provisions of Section 18, Purchase Gas Cost Adjustment clause, of the General Terms and Conditions of Natural's FPC Gas Tariff, to track increases of Colorado Interestate Gas Company (Colorado) and United Gas Pipe Line Company (United), pipeline suppliers to Natural. The Colorado increase tracked herein, is based on rate changes Colorado has furnished Natural which they intend to file on or about May 28, 1976 to be effective July 1, 1976 reflecting increases related to increased gas prices resulting from Opinion No. 749 and the effect of a rate adjustment to be effective June 1, 1976. Colorado indicated they would file the rate adjustment to be effective June 1, on or about May 25, 1976; however, that rate adjustment by itself does not meet the one mill test of Natural's PGA clause. United filed its semiannual PGA adjustment on May 14, 1976, to be ef-

fective July 1, 1976. The annual effect of the Colorado and United increases to Natural approximates $1.9 million and $2.4 million, respectively. The PGA unit adjustment to recover these increases amounts to 0.42¢.

Natural requested waiver of the Commission's regulations, Opinion Nos. 749 and 749–A, and the terms of its PGA tariff provision to the extent necessary to permit the acceptance of the filing effective July 1, 1976. Natural states that to the extent the actual filings are not made by producers in a timely manner, the recovery of these costs will be reflected as a reduction in its Deferred Purchased Gas Cost Account.

Copies of this filing were mailed to Natural's jurisdictional customers and to interested state regulatory agencies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 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 June 24, 1976. 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.76–17457 Filed 6–15–76;8:45 am]

NATIONAL GAS SURVEY; CURTAILMENT STRATEGIES-TECHNICAL ADVISORY COMMITTEE

Meeting

Conference Room 5200, Federal Power Commission, Union Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, August 17, 1976,[1] 9:00 A.M.

[1] This meeting replaces a previously scheduled meeting of the Curtainment Strategies-Technical Advisory Committee which was to be held July 13, 1976. The July 13, 1976 meeting has been cancelled.

Presiding: Mr. Franklin W. Lipshultz, FPC Coordinating Representative and Secretary, Bureau of Natural Gas.

1. Call to Order and Introductory Remarks, Mr. Lipschultz.
2. Discussion of Material Received and Distributed, Mr. John F. O'Leary—TAC Chairman.
   (a) Mr. Albert F. Bass' Subgroup Finalize Report of February 18, 1976.
   (b) Discussion of Material on Dr. William A. Vogely's Four Strategies as presented at the Meeting of March 9, 1976.
3. Further Work to be Accomplished on Assignments.
4. Selection of Next Meeting Date.
5. Other Business.
6. Adjournment, Mr. Lisphultz.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–17473 Filed 6–15–76;8:45 am]

[Docket Nos. RP73–109 and RP74–95]

NORTHWEST PIPELINE CORP.

Notice of Proposed Changes in FPC Gas Tariff

JUNE 9, 1976.

Take notice that Northwest Pipeline Corporation ("Northwest") on May 24, 1976 tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. In its filing Northwest tendered Thirteenth Revised Sheet No. 10 reflecting the prospective settlement Base Tariff Rates and the Currently Effective Tariff Rates to be effective June 1, 1976 and substitute revised tariff sheets No. 10 reflecting the refund period settlement Base Tariff Rates and Currently Effective Tariff Rates to be substituted for those tariff sheets in effect at various times for the period from December 1, 1974 through May 31, 1976. Northwest states that the tendered revised tariff sheets reflect the rate levels approved in settlement of the rate proceedings in Docket Nos. RP74–95.

Northwest has requested that Thirteenth Revised Sheet No. 10 be accepted for filing and permitted to become effective June 1, 1976 and that the substitute revised tariff sheets be substituted for those currently on file with the Commission in Docket Nos. RP74–95 and RP72–154.

Northwest states that a copy of this filing has been served upon Northwest's jurisdictional customers and affected state regulatory Commissions.

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 Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 11, 1976. 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.76–17459 Filed 6–15–76;8:45 am]

[Docket No. RP72–115 (PGA76–4)]

OKLAHOMA NATURAL GAS GATHERING CORP.

Notice of Proposed Changes in FPC Gas Tariff

JUNE 9, 1976.

Take notice that on June 1, 1976, the Oklahoma Natural Gas Gathering Corporation (Oklahoma) tendered for filing proposed changes in its FPC Gas Tariff to include Tenth Revised Sheet PGA–1. The proposed effective date for these changes is July 1, 1976.

Oklahoma states that the purpose of this filing is to revise its base tariff rate to recover the balance accumulated in the unrecovered purchase gas cost account and flow through the increase in the system cost of purchased gas, including increased purchased gas costs occassioned by Opinion No. 749.

Oklahoma states further that copies of this filing were served upon all of its jurisdictional customers, as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 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 June 23, 1976. 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.76–17470 Filed 6–5–76;8:45 am]

[Docket No. ER76–730]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Notice of Initial Rate Schedule

JUNE 8, 1976.

Take notice that on June 2, 1976, Public Service Company of New Hampshire (PSNH) tendered for filing as an initial rate schedule a Transmission Contract with Vermont Electric Cooperative, Inc. (VEC), dated April 15, 1976. The Contract provides for the transmission through PSNH's system of entitlements of power which VEC will purchase from The Connecticut Light and Power Company and The Hartford Electric Light Company during the period May 1, 1976 through October 31, 1982.

PSNH requests waiver of the 30-day notice requirement to permit the contract to become effective as of May 1, 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, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 23, 1976. 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.76-17516 Filed 6-15-76;8:45 am]

[Docket No. ER76-706]

PUGET SOUND POWER & LIGHT CO.

Notice of Filing of Service Agreement

JUNE 9, 1976.

Take notice that on May 24, 1976, Puget Sound Power & Light Company (Puget) tendered for filing a service agreement dated April 22, 1976, with Los Angeles Department of Water and Power, under FPC Electric Tariff, Original Volume No. 3.

Puget states that no transactions have been executed under the agreement, and the Company will file appropriate supporting data for any negotiated rate higher than the 12 will rate specified in the Company's letter to the Commission dated March 23, 1976 (Supplement No. 1 to each Service Agreement under FPC Electric Tariff, Original Volume No. 3). Puget requests waiver of the notice requirements pursuant to Section 35.11 of the Commission's Regulations to allow an effective date of April 22, 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, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 21, 1976. 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.76-17527 Filed 6-15-76;8:45 am]

[Docket No. RP75-84]

SOUTHERN NATURAL GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

JUNE 8, 1976.

Take notice that Southern Natural Gas Company (Southern), on May 28, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1, in compliance with the Commission's Opinion No. 747, Opinion and Order Prescribing Interim Curtailment Plan, issued November 27, 1975, and Opinion No. 747-B, Opinion and Order Granting Rehearing In Part and Denying Rehearing In Part, issued May 21, 1976, in *Southern Natural Gas Company*, Docket Nos. RP72-74 and RP74-6.

Southern states that the filed tariff sheets are designed to accomplish the mandate of the Commission's orders, Opinion No. 747 and Opinion No. 747-B, through a revision of Section 9.6 of the General Terms and Conditions of Southern's FPC Gas Tariff. The revised Section 9.6 contains provisions providing for demand charge credits when a purchaser's requirement for gas is curtailed within contract demand and a mechanism for recouping such credits through Southern's commodity and one-part rates. The tariff sheets also provide for a surcharge adjustment increase in Southern's commodity and one-part rates of 4.552¢ per Mcf, to be effective for the period July 1, 1976 through December 31, 1976, to recoup the demand charge credits which Southern estimates it will make during the period beginning November 27, 1975 and ending on December 31, 1976.

Southern requests that the Substitute Third Revised Sheet No. 40C, Original Sheet No. 40C.1 and Original Sheet No. 40C.2 be made effective as of November 27, 1975 and that Twentieth Revised Sheet No. 4A be made effective July 1, 1976.

Southern respectively requests that any special permissions or waivers pursuant to Section 154.66 and any other waivers necessary in order to permit the enclosed tariff sheets containing the demand charge credit provision to become effective on November 27, 1975 and this surcharge adjustment increase to become effective on July 1, 1976 be granted.

Copies of the filing were served upon the company's jurisdictional customers, interested state commissions, and the parties of record in Docket Nos. RP74-6, RP72-74 and RP75-84.

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 Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 17, 1976. 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.76-17517 Filed 6-15-76;8:45 am]

[Docket No. RP71-11 (PGA76-4)]

TENNESSEE NATURAL GAS LINES, INC.

Notice of Proposed Rate Change Under Tariff Rate Adjustment Provisions

JUNE 9, 1976.

Take notice that on May 28, 1976, Tennessee Natural Gas Lines, Inc. ("Tennessee Natural"), tendered for filing proposed changes to First Revised Volume No. 1 of its FPC Gas Tariff to be effective on July 1, 1976, consisting of the following revised tariff sheets:

Sixteenth Revised Sheet No. PGA-1
Eleventh Revised Sheet No. PGA-2
and
Alternate Sixteenth Revised Sheet No. PGA-1
Alternate Eleventh Revised Sheet No. PGA-2

Tennessee Natural states that the purpose of the instant filing is to make a PGA rate adjustment pursuant to the purchased gas adjustment provisions of Rate Schedules G-1 and SWS-1 of its FPC Gas Tariff to reflect a PGA rate change of its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. ("Tennessee Gas"), filed in the alternative and proposed to become effective on July 1, 1976. Tennessee Natural requests acceptance of the appropriate set of tariff sheets upon the basis of which of the alternative sets of tariff sheets of Tennessee Gas are allowed to become effective.

Tennessee Natural states that copies of the filing have been mailed to its jurisdictional customer and the affected state regulatory commission.

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, Washington, D.C. 20426, in accordance with Sections 1.8 or 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 June 24, 1976. 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.76-17464 Filed 6-15-76;8:45 am]

[Docket No. RP75-73]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Filing of Settlement Agreement and Certification of Record

JUNE 9, 1976.

Take notice that on May 20, 1976, Texas Eastern Transmission Corporation submitted to the Commission a proposed settlement agreement in the above-referenced proceeding. Thereafter, the Presiding Administrative Law Judge certified to the Commission the record made to date in this proceeding "for consideration by the Commission in reaching its determination with respect to the settlement proposal." The record consists of one volume of 165 pages of hearing on May 19, 1976, and corrections thereto, Exhibits 1 through 32 admitted in evidence at said hearing, and Items by Reference A through G. In addition numerous "Initial Comments"

have been filed by the parties to the proceeding.

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 Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 25, 1976. Such pleadings should address the merits of the settlement agreement as well as the Initial Comments already filed with the Commission on the proposed settlement agreement. 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.76-17523 Filed 6-15-76;8:45 am]

[Docket No. RP76-30 (PGA76-1)]

TEXAS GAS PIPE LINE CORP.

Notice of Tariff Sheet Filing

JUNE 8, 1976.

Take notice that on June 1, 1976, Texas Gas Pipe Line Corporation, pursuant to Section 154.62 of the Commission Regulations under the Natural Gas Act, filed Second Revised Sheet No. 4a to its FPC Gas Tariff, First Revised Volume No. 1. Texas Gas states that the filed tariff sheet relates to the Unrecovered Purchased Gas Cost Account of the Purchased Gas Adjustment Provision contained in Section 12 of the General Terms and Conditions of the tariff. More specifically, the tariff sheet reflects a net increase over that currently being collected of 20.78 cents per Mcf to be effective July 1, 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 Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 25, 1976. 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.76-17519 Filed 6-15-76;8:45 am]

[Docket No. ER76-727]

TOLEDO EDISON CO.

Notice of Filing of Service Agreement

JUNE 9, 1976.

Take notice that The Toledo Edison Company, on June 1, 1976 tendered for filing proposed changes in its FPC Electric Service Tariff, Original Volume Number 1 applicable to sales to Municipalities for Resale. The changes consist of filing a Service Agreement executed by the Village of Elmore, Ohio and Fifth Revised Sheet Number 3, List of Purchasers.

Toledo Edison states that the executed Service Agreement with the Village of Elmore provides that the Village will be served under rate Municipal Resale Service Rate—Small and that the Service Agreement replaces a contract (Rate Schedule FPC Number 10) which will expire on June 30, 1976. An effective date of July 1, 1976 has been requested for the filed Service Agreement.

Toledo Edison states that copies of this filing were served upon the Village of Elmore, Ohio and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 18, 1976. 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.76-17466 Filed 6-15-76;8:45 am]

[Docket Nos. RP73-3 and RP72-99 (PGA76-3) (DCA 76-2)]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Tariff Filing

JUNE 9, 1976.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on May 28, 1976 tendered for filing three revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2 and are proposed to be effective July 1, 1976. These tariff sheets reflect the following:

1. A special PGA "tracking" rate increase of 2.5¢ per Mcf in the commodity or delivery charge of Transco's CD, G, OG, E, PS, S-2 and ACQ rate schedules pursuant to Ordering Paragraph (D) of Opinion No. 749-A.

2. A "tracking" rate decrease of 1.2¢ per Mcf in the commodity or delivery charge of Transco's CD, G, OG, E, PS, S-2 and X-20 Rate Schedules for curtailment related credits pursuant to Section 20 of the General Terms and Conditions of Transco's FPC Gas Tariff First Revised Volume No. 1.

The Company states that copies of the filing have been mailed to each of the Company's jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426 in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 24, 1976. 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.76-17471 Filed 6-15-76;8:45 am]

[Docket No. CP76-384]

UNITED GAS PIPE LINE CO.

Notice of Application

JUNE 9, 1976.

Take notice that on May 26, 1976, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP76-384 an application pursuant to Section 7 of the Natural Gas Act, as implemented by Section 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)), for a certificate of public convenience and necessity authorizing the acquisition and construction and for permission for and approval of the abandonment, for a 12-month period commencing on the date of authorization, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction, acquisition, and abandonment of facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction, acquisition, and abandonment would not exceed

$3,000,000 and that the cost for any single project would not exceed $500,000. These costs would be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 1, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17529 Filed 6-15-76;8:45 am]

[Docket No. ER76-150]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Conference

JUNE 9, 1976.

Take notice that on June 28, 1976, Staff is convening an informal conference of all interested persons for the purpose of discussing the issues in the above referenced docket in Room No. 5200, at the offices of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C., at 10:00 a.m.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceedings.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed rate increase and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

Letters concerning this conference are being mailed to all parties to the proceeding, and all of the jurisdictional customers.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17528 Filed 6-15-76;8:45 am]

FEDERAL RESERVE SYSTEM

REPUBLIC OF TEXAS CORP.

Acquisition of Bank

Republic of Texas Corporation, Dallas, Texas, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of First National Bank in Brownwood, Brownwood, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 13, 1976.

Board of Governors of the Federal Reserve System, June 11, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-17509 Filed 6-15-76;8:45 am]

ROYAL TRUST CO.

Request for Determination and Notice Providing Opportunity for Hearing

Notice is hereby given that a request has been made to the Board of Governors of the Federal Reserve System, pursuant to the provisions of section 2(g)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. § 1841(g)(3)) ("the Act"), by The Royal Trust Company, Montreal, Quebec, Canada ("Royal Trust"), for a determination, following a proposed transfer of all its stockholdings in Information Systems Design, Inc., Oakland, California ("ISD"), to a company to be formed by the present management of ISD (herein termed "Newco"), that Royal Trust will not in fact be capable of controlling "Newco".

Section 2(g)(3) of the Act provides that shares transferred after January 1, 1966, by any bank holding company (or any company which, but for such transfer, would be a bank holding company) directly or indirectly to any transferee that is indebted to the transferor or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, shall be deemed to be indirectly owned or controlled by the transferor unless the Board, after opportunity for hearing, determines that the transferor is not, in fact, capable of controlling the transferee.

Notice is hereby given, That, pursuant to section 2(g)(3) of the Act, an opportunity is provided for filing a request for oral hearing. Any such request or written comments on the application should be submitted in writing (in duplicate) to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than July 12, 1976. If a request for oral hearing is filed, each request should contain a statement of the nature of the requesting person's interest in the matter, his reasons for wishing to appear at an oral hearing, and a summary of the matters concerning which such person wishes to give testimony. The Board will subsequently designate a time and place for any hearing it orders, and will give notice of such hearing to the transferor, the transferee, and all persons that have requested an oral hearing. In the absence of a request for an oral hearing, the Board will consider the requested determination on the basis of documentary evidence filed in connection with the application.

Board of Governors of the Federal Reserve System, June 10, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-17510 Filed 6-15-76;8:45 am]

SIERRA PETROLEUM CO., INC. AND UNITED INVESTMENTS CORP.

Order Approving Formation of Bank Holding Company and Merger of Bank Holding Companies

As part of a corporate reorganization involving Sierra Petroleum Co., Inc., Wichita, Kansas ("Sierra"), a registered bank holding company, United Investments Corp., Wichita, Kansas ("United"), a new corporation, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act ("the Act") (12 U.S.C. § 1842(a)(1)) of formation of a bank holding company through the indirect acquisition of 87.1 percent of the voting shares of United American State Bank & Trust Company, Wichita, Kansas ("Bank"). The subject shares of Bank are presently owned by Sierra. United proposes to become a bank holding company for only a short period of time as a result of the exchange of 92.9 percent of the outstanding common shares of Sierra for an equivalent number of shares of the common stock of United. Immediately after this exchange of stock, United will merge with and into Sierra, with Sierra being the surviving corporation in the merger. In connection with this proposal, Sierra has also applied for the Board's approval, pursuant to § 3(a)(5) of the Act, to merge with United under the charter and title of Sierra.

Notice of the applications, affording opportunity for interested persons to

submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

United is a nonoperating corporation that was organized for the sole purpose of becoming a bank holding company for a short period of time in order to facilitate a reorganization of the ownership of Sierra. The proposal was initiated by a group of companies and individuals owning, in the aggregate, 92.9 per cent of Sierra's voting stock. The companies and individuals, collectively referred to as the Graham-Michaelis interests, control or own slightly more than 2.5 million of Sierra's approximately 2.7 million outstanding shares. Under the terms of the merger of United into Sierra, the Graham-Michaelis interests will be issued shares of Sierra stock in the exact amount which they held prior to the initial exchange of shares with United (except that one shareholder, Mr. W. A. Michaelis, Jr., will receive 10 additional shares in exchange for the initial 10 shares issued to him by United). Sierra's present 3,420 minority shareholders, who own 192,585.25 shares, will be offered two dollars per share for their stock upon the surrender of their shares to Sierra.[1]

Sierra controls only one bank.[2] Bank is the 60th largest of the 614 banks in Kansas and holds slightly more than 0.3 per cent of the total commercial bank deposits in the State.[3] Bank, with deposits of about $28 million, is the ninth largest of 28 competing banks in the relevant banking market, which is approximated by the boundaries of Sedwick County, Kansas. Inasmuch as neither United nor Sierra has any other subsidiary bank, and since the proposal represents merely a restructuring of Bank's ownership, neither the temporary acquisition of Bank by United, nor the subsequent merger of United with Sierra, would have any adverse effects on competition within the area served by Bank. Accordingly, it is concluded that competitive considerations are consistent with approval of the application.

The financial and managerial resources of Sierra and Bank are regarded as satisfactory and the future prospects of each appear favorable. Neither United nor Sierra will incur debt incident to the subject proposal. Accordingly, banking factors are regarded as being consistent with approval. Although consummation of the transaction would have no immediate effect on the area's banking needs, considerations relating to the convenience and needs of the communities to be served are consistent with approval of the applications. Therefore, it is the Board's judgment that the proposed acquisition and subsequent merger are in the public interest and should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions 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 Kansas City pursuant to delegated authority.

By order of the Board of Governors,[5] effective June 7, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-17511 Filed 6-15-76;8:45 am]

[1] Under Kansas corporation law, the approval of the merger by the shareholders of either United or Sierra is not required; neither is the approval of the directors of Sierra required. The Kansas statutes provides the opportunity for minority shareholders of Sierra's stock to contest the value assigned to their shares by the board of directors of United, and provide remedial procedures.

[2] Sierra, as a "company covered in 1970", engages in the following activities pursuant to Section 4(a)(2) of the Act, which it may retain indefinitely after surviving the merger proposed with United: the sale of gas and crude oil and the operating of oil and gas leases, and real estate leasing activities. The oil and gas related activities were commenced in 1952, and the real estate activities were commenced in 1967. Additionally, Sierra has engaged in the operation of a public stockyard and the sale of livestock, through subsidiaries over which control was obtained on November 25, 1970. Sierra may continue these latter activities under § 4(a)(2) of the Act until December 31, 1980.

[3] All banking data are as of June 30, 1975.

[4] The proposed officers and directors of United are identical to the officers and directors of Sierra, and, except for Mr. W. A. Graham, Sierra's vice president and director, Sierra's officers and directors are also directos or officers of Bank.

[5] Voting for this action: Chairman Burns and Governors Gardner, Coldwell, Jackson, Partee and Lilly. Absent and not voting: Governor Wallich.

UTICA AGENCY, INC.

Formation of Bank Holding Company

Utica Agency, Inc., Utica, Kansas, 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 acquisition of 80 percent or more of the voting shares of The Citizens State Bank of Utica, Utica, Kansas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Utica Agency, Inc., Utica, Kansas has also applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire the insurance agency business operated under the name, Horn Insurance Agency, Utica, Kansas. Notice of the application was published on April 29, 1976 in The Ness County News, a newspaper circulated in Ness County, Kansas.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 8, 1976.

Board of Governors of the Federal Reserve System, June 8, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-17512 Filed 6-15-76;8:45 am]

[H. 2, 1976 No. 22]

ANNOUNCEMENT BY BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Actions of the Board; Applications and Reports Received During the Week Ending May 29, 1976

ACTIONS OF THE BOARD

Statement by Vice Chairman Stephen S. Gardner, before the Senate Government Operations Committee on S. 2812, S. 3428, S. 2716, S. 2878 and S. 2903, on Government Economic regulation.

The Board has authorized its staff to work with the Federal Trade Commission in developing the Individual Retirement Accounts survey program.

Equal Credit Opportunity Act, the Board proposed for comment a clarification of a part of its Regulation B, implementing the Act; the proposed amendment would eliminate a possible misinterpretation by amending a section of the Regulation to say that creditor should report credit information relating to the shared account of a married couple "in a manner reflecting the participation of both spouses".

Cameron Bancshares, Inc., Cameron, Missouri, extension of time to July 30, 1976, within which to consummate the acquisition of Cameron State Bank, Cameron, Missouri.[1]

[1] Application processed on behalf of the Board of Governors under delegated authority.

Commerce Bancshares, Inc., Kansas City, Missouri, extension of time to July 15, 1976, within which to consummate acquisition of Commerce Bank of Grandview, N.A., Grandview, Missouri.[1]

Southeast Banking Corporation, Miami, Florida, extension of time to August 24, 1976, within which to engage in certain credit activities through Southeast Consumer Finance, Inc., Jacksonville and Tampa, Florida.[1]

Central State Bank, Connersville, Indiana, to make an investment in bank premises.[1]

First Security Bank, Livingston, Montana, to make additional investment in bank premises,[1]

Mountain Trust Bank, Roanoke, Virginia, extension of time within which to establish a branch at 3702 Brandon Avenue SW., Roanoke County, Virginia.[1]

NOTE.—The H. 2 release is now published in the FEDERAL REGISTER. It will continue to be sent, upon request, to anyone desiring a copy.

TO ESTABLISH A DOMESTIC BRANCH PURSUANT TO SECTION 9 OF THE FEDERAL RESERVE ACT

Approved

The Detroit Bank—Livonia, Livonia, Michigan. Branches to be established at the following locations: A. At the vicinity of Five Mile and Levan Roads, Livonia; B. At the northeast corner of the intersection of Middlebelt and Plymouth Roads, Livonia.[2]

INTERNATIONAL INVESTMENTS AND OTHER ACTIONS APPROVED PURSUANT TO SECTIONS 25 AND 25(A) OF THE FEDERAL RESERVE ACT AND SECTIONS 4(C)(9) AND 4(C)(13) OF THE BANK HOLDING COMPANY ACT OF 1956, AS AMENDED

The First National Bank of Boston, Boston, Massachusetts: investment—permission to acquire a minimum of approximately 78 percent and up to 100 percent of Banco Internacional, Montevideo, Uruguay.

First National City Overseas Investment Corporation (FNCOIC), New York, New York: (1) to acquire from its parent bank holding company 100 percent of Citicorp Leasing International, Inc., and its subsidiaries, (2) for these to issue debt obligations, and (3) to transfer the shares of the Brazilian leasing subsidiary to FNCOIC's Brazilian holding company.

First National City Overseas Investment Corporation, New York, New York: amend Article FIRST of its Articles of Association to permit its name to be changed to Citibank Overseas Investment Corporation.

Marine Midland International Corporation, New York, New York: an extension of time for disposition of certain shares in Irish Intercontinental Bank Ltd., Dublin, Republic of Ireland.

INTERNATIONAL INVESTMENTS AND OTHER ACTIONS DENIED PURSUANT TO SECTIONS 25 AND 25(a) OF THE FEDERAL RESERVE ACT AND SECTIONS 4(c)(9) AND 4(c)(13) OF THE BANK HOLDING COMPANY ACT OF 1956, AS AMENDED

Boston Overseas Financial Corporation, Boston, Massachusetts: Investment—to acquire 52 percent of J.I.M. Corporation Limited, Lagos, Nigeria, and continue to hold those shares after the latter issues debt obligations.

[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

Continental International Finance Corporation, Chicago, Illinois: to amend the Board's prior imposition of a 5 to 1 leveraging limitation on The Underwriters Bank (Overseas) Ltd., Cayman Island, to a 10 to 1 limitation.

TO FORM A BANK HOLDING COMPANY PURSUANT TO SECTION 3(a)(1) OF THE BANK HOLDING COMPANY ACT OF 1956

Approved

Alpine Bancorporation, Inc., Belvidere, Illinois, for approval to acquire 80 percent of the voting shares of Alpine State Bank, Rockford, Illinois.[2]

Burleson Bancshares, Inc., Burleson, Texas, for approval to acquire 100 percent of the voting shares (less directors' qualifying shares) of Burleson State Bank, Burleson, Texas.[2]

TO EXPAND A BANK HOLDING COMPANY PURSUANT TO SECTION 3(a)(3) OF THE BANK HOLDING COMPANY ACT OF 1956

Approved

Merrill Bankshares Company, Bangor, Maine, for approval to acquire 80 percent or more of the voting shares of Firstbank, N.A., Farmington, Maine.

Denied

Central Wisconsin Bankshares, Inc., Wausau, Wisconsin, for approval to acquire 80 percent or more of the voting shares of Central National Bank of Wausau, Wausau, Wisconsin.

TO EXPAND A BANK HOLDING COMPANY PURSUANT TO SECTION 4(C)(8) OF BANK HOLDING COMPANY ACT OF 1956

Approved

Commercial National Corporation, Peoria, Illinois, for approval to acquire Commercial National Life Insurance Company, Scottsdale, Arizona.

Marshall & Ilsley Corporation, Milwaukee, Wisconsin, for approval to acquire Clayton Mitchell Agency, Endeaver, Wisconsin.

Marshall & Ilsley Corporation, Milwaukee, Wisconsin, for approval to acquire Darrell J. Schellkopf Agency, Oxford, Wisconsin.

Reactivated

United Jersey Banks, Princeton, New Jersey, notification of intent to engage in de novo activities (leasing personal property and equipment, or acting as agent, broker, or adviser in leasing of such property where such property is acquired by the lessor at the request of the lessee for business purposes and where at the inception of the initial lease the expectation is that the effect of the transaction and reasonably anticipated future transactions with the same lessee as to the same property will be to compensate the lessor for not less than the lessor's full investment in the property) at Princeton Station, Office Park, 14 Wasington Road, Princeton, New Jersey, through its subsidiary, United Jersey Leasing Company (5/14/76)[3]

Permitted

Industrial National Corporation, Providence, Rhode Island, notification of intent to engage in de novo activities (origination, sale, and servicing of residential mortgages) at 5813 Melton Drive, Oklahoma City, Oklahoma, through its subsidiary, Mortgage Associates, Inc. (5/25/76)[3]

First Commercial Banks Inc., Albany, New York, notification of intent to relocate de novo activities (serving as the advisory investment trust; serving as investment company for a mortagage or real estate adviser as defined in Section 2(a)(20) of the Investment Company Act of 1940 to an investment company registered under the act, providing portfolio investment advice to any other person; furnishing general economic information and advice, general economic statistical forecasting services, and industry studies; and providing financial advice to State and local governments such as with respect to the issuance of their securities) from 170 Broadway New York, New York to 290 Madison Avenue, New York, New York, through its subsidiary, FCB Advisory Services, Inc. (5/24/76)[3]

United Jersey Banks, Princeton, New Jersey, notification of intent to engage in de novo activities (leasing personal property and equipment, or acting as agent, broker, or adviser in leasing of such property where such property is acquired by the lessor at the request of the lessee for business purposes and where at the inception of the initial lease the expectation is that the effect of the transaction and reasonably anticipated future transactions with the same lessee as to the same property will be to compensate the lessor for not less than the lessor's full investment in the property) at Princeton Station, Office Park, 14 Washington Road, Princeton, New Jersey, through its subsidiary, United Jersey Leasing Company (5/23/76)[3]

Philadelphia National Corporation, Philadelphia, Pennsylvania, notification of intent to engage in de novo activities (selling joint credit life insurance in connection with personal installment loans made and sales finance contracts purchased pursuant to Signal Finance of Maryland, Inc.'s consumer finance business and reinsuring such insurance through Patrick Henry Life Insurance Company, an indirect subsidiary of Philiadelphia National Corporation) at 68 West Main Street, Westminster, Maryland, through its indirect subsidiary, Signal Finance of Maryland, Inc. (5/28/76)[3]

First Tennessee National Corporation, Memphis, Tennessee, notification of intent to engage in de novo activities (making or acquiring, for its own account, interest-bearing and discount loans and other extensions of credit; and offering through the direct insurer or the reinsurer, insurance that is directly related to an extension of credit by the company or its subsidiaries) at Suite 6, 1405 Stevenson Drive, Springfield, Illinois, through its subsidiary, Crown Finance Corporation (5/27/76)[3]

First Bank System, Inc., Minneapolis, Minnesota, notification of intent to engage in de novo activities (the mortgage banking business, including the origination, purchase, sale, and servicing of real estate mortgage loans) at Suite 900, 730 Second Avenue South, Minneapolis, Minnesota and at 205 West Gaines Street, Dublin, Georgia, through an indirect subsidiary, FBS Homes, Inc. (5/28/76)[3]

APPLICATIONS RECEIVED

TO ESTABISH A DOMESTIC BRANCH PURSUANT TO SECTION 9 OF THE FEDERAL RESERVE ACT

The Merrill Trust Company, Bangor, Maine. Branch to be estabilshed at Hogan Road, Bangor.

Lincoln First Bank of Rochester, Rochester, New York. Branches to be established at the following locations: A. At the northeast corner of the ground floor of Todd Union, on Alumni Road, at the River Campus of the University of Rochester, Rochester, Monroe County; B. At the southwest corner of the ground floor of the Rehabilitation and Diagnostic Center of the

[3] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

University of Rochester, Medical Center, Crittenden Boulevard, Rochester, Monroe County.

Dale Mabry State Bank, Tampa, Florida. Branch to be estabilshed at the Tampa Bay Center, West Buffalo and MacDill Avenues, Tampa, Hillsborough County.

Peoples Bank & Trust Company, Russellville, Arkansas. Branch to be estabilshed at the intersection of "D" Street and North Arkansas Avenue, Russellville.

United California Bank, Los Angeles, California. Branch to be established in the vicinity of First Street and Herndon Avenue, City of Fresno, Fresno County.

TO ESTABLISH AN OVERSEAS BRANCH OF A MEMBER BANK PURSUANT TO SECTION 25 OF THE FEDERAL RESERVE ACT

First Pennsylvania Bank National Association, Bala-Cynwyd, Pennsylvania: branch—Nassau, Bahamas.

TO MERGE PURSUANT TO SECTION 18(C) OF THE FEDERAL DEPOSIT INSURANCE ACT

Wheeling Dollar Savings & Trust Co., Wheeling, West Virginia, for approval to merge with W.D. Bank Co., Wheeling, West Virginia.

TO FORM A BANK HOLDING COMPANY PURSUANT TO SECTION 3(a)(1) OF THE BANK HOLDING COMPANY ACT OF 1956

Montgomery Bancorporation, Inc., Winchester, Kentucky, for approval to acquire 40,002 shares of the voting shares of The Montgomery National Bank of Mt. Sterling, Mount Sterling, Kentucky.

Wesbanco, Inc., Wheeling, West Virginia, for approval to acquire 100 per cent (less directors' qualifying shares) of the voting shares of the successor by merger to Wheeling Dollar Savings & Trust Co., Wheeling, West Virgina.

First Colonial Corporation, Chicago, Illinois, for approval to acquire 80 per cent or more of the voting shares of Colonial Bank and Trust Company of Chicago, Chicago, Illinois.

Scribner Banshares, Inc., Scribner, Nebraska, for approval to acquire 96.1 per cent of the voting shares of Scribner Bank, Scribner, Nebraska.

Utica Agency, Inc., Utica, Kansas, for approval to acquire 80 per cent or more of the voting shares of The Citizens State Bank of Utica, Utica, Kansas.

TO EXPAND A BANK HOLDING COMPANY PURSUANT TO SECTION 4(c)(8) OF THE BANK HOLDING COMPANY ACT OF 1956

F.N.B. Corporation, Sharon, Pennsylvania, notification of intent to engage in de novo activities (consumer lending including the making of loans to individuals and the purchasing of installment sale contracts) at R.D. 1 Sharon Warren Road, Brookfield, Ohio, through its wholly-owned subsidiary, Citizens Budget Co., Youngstown, Ohio (5/27/76) [3]

Union Trust Bancorp, Baltimore, Maryland, for approval to acquire the assets of Fidelity Finance Company, Elkins, West Virginia, through its subsidiary, Landmark Financial Services, Inc.

Associated Bank Services, Inc., Green Bay, Wisconsin, notification of intent to engage in de novo activities (sale as agent or broker of credit life and credit disability insurance in connection with extensions of credit by banks or bank related firms in the holding company) at 214-A North Adams Street, Green Bay, Wisconsin, through its subsidiary, Bank Services Mortgage Co., Inc. (5/28/76) [3]

Merchants National Corporation, Indianapolis, Indiana, notification of intent to engage in de novo activities (leasing of capital goods and equipment to industry, and banks, or others, or acting as agent, broker, or adviser in leasing such personal property where at the inception of the initial lease the effect of the transaction will yield a return that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease) at 5410 Emerson Way, Indianapolis, Indiana, through a subsidiary, Circle Leasing Corp. (5/24/76) [3]

Merchants National Corporation, Indianapolis, Indiana, notification of intent to engage in de novo activities (leasing of capital goods and equipment to industry, and banks, or others, or acting as agent, broker, or adviser in leasing such personal property where at the inception of the initial lease the effect of the transaction will yield a return that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease) at Austin Center, Cypress at West Shore Boulevard, Tampa, Florida, through a subsidiary of Circle Leasing Corp., to be known as Circle Leasing of Florida Corp. (5/25/76) [3]

Mercantile Bancorporation Inc., St. Louis, Missouri, notification of intent to relocate de novo activities (making, acquiring, or servicing loans or other extensions of credit for personal, family, or household purposes such as are made by a finance company; and insurance agency or brokerage in connection with selling to consumer finance borrowers credit life insurance, credit accident and health insurance, and property damage insurance for collateral securing loans made to borrowers) from 4060 Pontoon Road, Granite City, Illinois, to 3657D Nameoki Road, Granite City, Illinois, under the name of Granite City Reliable Loan Inc., a subsidiary of Franklin Finance Company (5/24/76) [3]

Scribner Banshares, Inc., Scriber, Nebraska, for approval to continue to engage in general insurance agency activities through Scribner Insurance Agency, Scribner, Nebraska.

Utica Agency, Inc., Utica, Kansas, for approval to acquire the shares of Horn Insurance Agency, Phoenix, Arizona.

U.S. Bancorp, Portland, Oregon, notification of intent to engage in de novo activities (acting as insurance agent with regard to the following: insurance which is sold as a matter of convenience to purchaser) at 309 S.W. Sixth Street, Portland, Oregon, through its subsidiary, Mt. Hood Credit Life Insurance Agency, Inc. (5/21/76) [3]

REPORTS RECEIVED

PROXY STATEMENT (SPECIAL MEETING) FILED PURSUANT TO SECTION 14(a) OF THE SECURITIES EXCHANGE ACT

Received

The Savings & Trust Company of Pennsylvania, Indiana, Pennsylvania.

OWNERSHIP STATEMENT FILED PURSUANT TO SECTION 13(d) OF THE SECURITIES EXCHANGE ACT

Received

Bank of the Commonwealth, Detroit, Michigan (Filed by James T. Barnes, Sr.—Amendment No. 5)

Bank of the Commonwealth, Detroit, Michigan Filed by James T. Barnes, Jr.—Amendment No. 6)

PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, June 9, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-17513 Filed 6-15-76;8:45 am]

DEPARTMENT OF STATE

[Public Notice CM-6/63]

OCEAN AFFAIRS ADVISORY COMMITTEE

Meeting

Notice is hereby given pursuant to the provisions of Pub. L. 92-463 that a meeting of the Ocean Affairs Advisory Committee will be convened on July 6 and 7, 1976 at the Continental Plaza Hotel, North Michigan Avenue at Delaware, Chicago, Illinois, at 9 a.m.

The Committee meeting in the morning of July 6 will be open to the public and will consist of a public briefing on the June meeting of the International Convention for the Northwest Atlantic Fisheries (ICNAF), a status report on U.S. bilateral fishery agreements and current multilateral arrangements and, a report on the organization and staffing of the Office of Oceans and Fisheries Affairs in the Department of State. The session will close with a question and answer period.

The afternoon session on July 6 and the July 7 meeting will not be open to the public since the discussions will be devoted to matters exempt from public disclosure under 5 U.S.C. 552(b)(1) and the public interest requires that such discussions be withheld from public disclosure. These discussions will involve classified briefing on the Law of the Sea Conference session concluded in May 1976, the status of U.S. bilateral and multilateral fishery negotiations and will include examination and discussions of classified documents.

Dated: June 4, 1976.

ROZANNE L. RIDGWAY,
Acting Assistant Secretary for Oceans and International Environmental and Scientific Affairs.

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DEPARTMENT OF JUSTICE

Attorney General

FEDERAL ADVISORY COMMITTEE ON FALSE IDENTIFICATION

Proposed Findings and Recommendations

The purpose of this announcement is to provide the public with a final opportunity to comment on the proposed findings and recommendations of the Federal Advisory Committee on False Identification (FACFI). All comments will be considered by the Committee before taking final action on its report. Comments of particular interest will be summarized in the Committee's final report to be issued this Summer. The Committee is

merely a fact finding group. Thus, its recommendations have no force of law.

Comments should be made in writing and sent on or before July 7, 1976 to:

David J. Muchow, Chairman, Federal Advisory Committee on False Identification, Department of Justice, Washington, D.C. (Telephone: 202–739–2745).

In addition to a full analysis of the scope of the false identification problem and recommended solutions, the Committee's final report will include: an analysis of Federal and state legislation dealing with false identification; proposed Federal and state legislation to combat false identification; proposed guidelines for state plans to control access to vital statistics records and control issuance of birth certifications; standardized forms for birth certificates, a program for the matching of birth and death certificates; and a program for upgrading the security of state drivers' licenses. Also included will be reports from each of the Committee's five task forces; several background papers including: (1) an overview of electronic funds transfer systems (EFTS); (2) a summary of automated identification technology; (3) a summary of fraud resistant identification verification techniques; (4) a survey of national systems for personal identification; and a number of special studies.

I. The Purpose

FACFI was established by the Attorney General under the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. Appendix I.) in November 1974 to: (1) study the nature and scope of the criminal use of false identification; and (2) to recommend measures, consistent with personal privacy, to combat such use at Federal, state and local levels and in the commercial and private sectors. The Committee's charter may be found in the Federal Register of October 23, 1974.

The Committee consists of approximately 75 representatives from some 50 agencies, the commercial sector and the public. The Committee has conducted its business in monthly meetings in Washington, D.C. All of the Committee's meetings have been open to the public and the Committee welcomes a broad spectrum of comments from the public to assist it in its efforts to increase personal privacy and to aid in preventing the criminal use of false identification.

II. Definition of False Identification

The Committee has defined "false identification" as the intentional use by an individual of a document containing a name or personal attributes other than his own for the purpose of assisting in the commission of a crime or in avoiding the legal consequences of a previous crime. This definition is broad enough to encompass the use of a forged check to obtain cash or other benefits, even if no supporting documentation is demanded by the victim of the transaction. It also includes the use of false identity documents for noncriminal transactions by an escaped convict or other individual sought under a fugitive warrant.

The identity documents (IDs) with which the FACFI has been concerned include not only commonly used IDs such as birth certificates, driver's licenses, passports, employee badges, and military identification cards, but also documents whose major purpose is other than identification of the bearer, e.g., personal and government checks and credit cards. Any of these documents can be and is often used to support a false identity.

III. How False IDs Are Obtained

False identity documents can be obtained readily and inexpensively anywhere in the United States or neighboring countries from a variety of commercial sources or by "do-it-yourself" techniques. In any large city one can find photo studios that provide customers with photo ID cards replete with official-looking signatures and seals in any name, address or birthdate of the customer's choice—no questions asked. Thriving mail-order businesses, which advertise their services nationally through "underground" newspapers and magazines, supply blank birth certificates and baptismal certificate forms and mount customer-supplied photographs on counterfeit "state ID" cards. Dozens of document vendors south of the U.S. border sell counterfeit U.S. immigration documents and border crossing cards for whatever the traffic will bear. Most of these activities are beyond the reach of current Federal or state laws.

Pickpockets and purse snatchers find a ready market for stolen IDs, especially checkbooks, credit cards, and driver's licenses. However, the enterprising imposter has no real need to risk the use of counterfeit or stolen documents; he can obtain all the genuine ID's he needs in any number of false names from the legal issuing offices themselves. The methods for obtaining genuine documents in false names have become widely known in recent years. Possession by a criminal of a full set of genuine IDs in a false name is known in law enforcement circles as the "infant death identity", or IDI, syndrome.

The first step in establishing an IDI is obtaining a certified copy of the birth certificate of a person who was born about the same date as the imposter but who died in early childhood. The information the imposter requires to apply for such a certificate (more properly called a certification of birth) is generally the name, exact date, and place of birth of the deceased infant. This information can be obtained from old newspapers or from local birth records themselves where public access to such records is permitted. Posing as the person described on the certificate, an imposter can obtain certification through the normal process of writing or the registrar of births; more brazen imposters can get quicker service by applying in person at a state or local Vital Records Office.

A birth certificate is an extremely valuable document to an imposter. If he is an alien, for example, the certification gives him the ability to enter the U.S. unquestioned and to enjoy all the rights of citizenship. Furthermore, the falsely obtained certificate can be used as a "breeder" document to construct a completely new identity. In this case the imposter uses the certification as "proof" of identity to obtain a state driver's license (or state ID card) and a Social Security Number. The license is the de facto U.S. ID for check cashing and other commercial transactions; together with the birth certificate, it can be used to apply for a U.S. passport. A Social Security number opens the door to most employment or public assistance; once this is accomplished, the imposter need only establish a minimal credit rating to apply for credit cards. He is then free to enjoy (or abuse) all the credit and social benefits of U.S. life with impeccable credentials in a false name. And, he can assume, either sequentially or in parallel, other false identities by the same method.

This ruse is highly successful for several reasons. First, application for a deceased person's certification is unlikely to attract suspicion because birth and death records are handled by separate offices and are seldom correlated. Secondly, the birth certificate is almost always accepted as validation of the name and citizenship of the bearer, even though it contains no physical description (except for sex and possibly race) of the person whose birth it records. Finally, the imposter runs little risk of punishment in obtaining the certification under false pretenses because in many states it is legal to apply for and to possess another person's birth certificate even for fraudulent purposes. It is of course illegal to use such a document to support false claims of citizenship or to apply for other official documents.

IV. The Scope of the False ID Problem

Possession of false identity documents gives a criminal the means to "appear" and "disappear" almost at will and without a trace. Firm statistics on the scope and impact of crimes aided by false ID are difficult to obtain. In general, the use of false ID is a modus operandi and thus is not recorded as a separate crime. False identification fraud is in many cases an "invisible" problem that is recognized only after careful investigation. Thus, for example, the magnitude of false identification fraud in public assistance programs can be estimated only from the results of a handful of local studies. Even on the basis of this sparse data, however, it is apparent that the criminal use of false identification represents a multibillion dollar problem in the United States. The figures obtained by the FACFI are conservative and represent the tip of a criminal iceburg.

The false identification problem impacts nationally in six major problem areas as summarized in Table 1.

TABLE 1.—*Summary of scope and impact of national false identification problem*

Problem area	Scope of problem	Extent of false ID use	Source of data
Drug smuggling	Over $1,000,000,000 per year.	80 pct of hard drugs smuggled.	Customs Service, Drug Enforcement Administration, Passport Office.
Illegal immigration	Over $12,000,000,000 per year.[1]	Unknown; used in entry, employment, welfare application.	Immigration and Naturalization Service, independent studies.
Evasion of justice	Over 300,000 fugitives per year.	Close to 100 pct of Federal cases.	FBI, sheriffs, and police survey.
Fraud against business	Over $3,000,000,000 per year.[2]	Over $1,000,000,000 per year.	American Bankers Association, independent studies.
Fraud against government.	Unknown	Over 140,000,000 per year[3]	Surveys of welfare officials, published studies.
Other criminal activity	do	Very common	FBI, sheriffs, and police survey.

[1] Estimated U.S. tax burden.
[2] Includes out-of-pocket losses and cost of collection attempts.
[3] Based on sparse data; includes theft of welfare checks and false ID applications.

1. DRUG SMUGGLING

Approximately 80% of the hard drugs entering the United States is smuggled by organized rings that make extensive use of false identification. The "street value" of these drugs is estimated to be approximately $1 billion year year, which does not include the loss incurred by government and private citizens for the value of goods stolen by addicts or the costs of addict rehabilitation. Passports obtained and used fraudulently facilitate the flow of drugs and aliens across U.S. borders.

2. ILLEGAL IMMIGRATION

The tax burden caused by the presence of illegal aliens in the United States has been estimated by independent consultants to the Immigration and Naturalization Service to be in excess of $12 billion per year. This burden represents the costs of public services and welfare benefits to the extent they are not supported by taxes paid by the aliens, and includes the indirect costs related to the job displacement of U.S. citizens by illegal aliens. We cannot be certain how much of this staggering burden can be attributed to the use of false IDs by illegal aliens, but we believe it is substantial and increasing.

3. FUGITIVES FROM JUSTICE

Escaped prisoners and other dangerous fugitives almost always obtain false IDs to avoid detection and capture. In a recent FBI survey of 500 names of wanted persons chosen at random, all had active aliases. In recent years, a number of notorious fugitives have been able to escape arrest for considerable periods of time in part because of the effectiveness of their false IDs. While the FACFI is unable to estimate the cost of false ID use by fugitives, we do emphasize that the ability of dangerous criminals to move freely and undetected in society is a serious threat to public safety.

4. FRAUD AGAINST BUSINESS

Our findings indicate that the use of false IDs is costing American business well over $1 billion each year. Fraud against business includes check forgery and fraud, credit card fraud, securities fraud, and embezzlement. A substantial part of these fraud losses is due to the use of false ID's by counterfeiters, forgers and imposters. Check fraud hits particularly hard at retail food stores and small businesses. The average food store is estimated to suffer losses of over $7,000 per year through false ID fraud.

Banks suffer losses primarily through forgery of stolen checks; these losses were estimated by the American Bankers Association at $50 million for 1974. While the bank losses are not as significant as the check fraud losses suffered by other forms of business, they far exceed the total losses due to bank robbery and burglary combined.

The most common type of false identification fraud involving credit cards is the use of stolen cards by imposters; other forms include the use of counterfeit credit cards or application for cards in a false name by a person with criminal intent. We have been unable to secure estimates of fraud losses from the credit card organizations themselves; however, a 1974 Department of Commerce publication placed losses on bank credit cards from all sources at approximately $500 million per year.

5. FRAUD AGAINST GOVERNMENT

Surveys conducted among state and Federal welfare officials by the FACFI revealed that there are no uniform standards for the identification of welfare recipients. Thus, we have no way to estimate the scope of multiple collection of benefits by individuals using several identities. Losses from false identities could well number in the billions of dollars. A New York District Attorney who found several cases of such fraud in a single welfare center concluded that illegal multiple entitlement is "the most serious problem faced in the administration of Public Assistance and one for which there are no present adequate safeguards." [1] Significant evidence of the use of false IDs in obtaining illegal benefits was also uncovered in an investigation of the Food Stamp Program in Arkansas. Further investigation of false identification welfare fraud in many more locations is necessary, however, before the national impact of this problem can be accurately estimated.

In Philadelphia, before a serious effort was made in 1974 to reduce the mailing of welfare checks, an average of 10,000 replacements for checks reported "lost or stolen" were issued each month. About 41% of the lost or stolen checks were subsequently forged, resulting in an annual loss of $4.8 million. A similar audit of lost or stolen checks conducted in the New York City found forgery losses to be in excess of $8 million during the year ending October 1973. Forgery of stolen benefit checks—amounting to approximately $10 million during 1975—appears to be a major source of loss to Federal Social Security programs.

6. OTHER CRIMINAL ACTIVITY

The foregoing examples illustrate major categories of crimes where the criminal's success is dependent in large measure on the ease with which he can obtain false identification. However, the usefulness of false IDs has not been lost on the common criminal engaging in crimes ranging from confidence games to house burglary. In his response to a FACFI survey a Dayton, Ohio sheriff sums it up:

> The growing and thriving business in underworld sale of false identification and related items has become so standard that not only does the common thief have ready access to any type of false ID he wishes, but also he finds the going street price within easy reach of his budget.

V. RESPONSE TO THE PROBLEM

The FACFI has been charged not only with documenting the problem of criminal use of false identification, but also with developing written proposals for dealing with it at all levels of government as well as educating the public in ways to reduce such crimes. To accomplish these goals, the FACFI has been holding regular sessions in Washington, D.C. since November 1974. All meetings have been announced in advance in the FEDERAL REGISTER and have been open to the public. The FACFI and its staff have examined a large number of potential solutions to false ID problems received from FACFI members, survey respondents, and members of the general public. Other ideas for solutions were gleaned from newspaper and magazine articles, testimony before Congress, and the experience of other democratic societies in dealing with problems of identification. Information was also requested from vendors of fraud-resistant identity vertification devices and techniques through a solicitation published in the Commerce Business Daily.

Members of the FACFI evaluated potential solutions through a formal procedure and then ranked them with respect to criteria that included an assessment of effectiveness and potential impact on public convenience and privacy.

We recognize the legal and implied rights to privacy and the threat to those rights by excessive government interference. Thus, FACFI has maintained a careful balance in formulating recommendations for dealing with the national false identification problem; we have considered both protection against crime and protection of privacy to be guarantees provided to all in a free society.

[1] "Report on Investigation of Welfare Fraud for 1974," Ferraro, N., District Attorney, Queens County, N.Y., 1975.

VI. Proposed Findings and Recommendations

1. The question of a national identification document

The concept of a uniform personal identification document, to be issued and secured by Federal or state government, has occasionally been proposed as a sweeping solution to the problems of false identification. National IDs are in fact used by a number of nations with democratic traditions as well as those under other forms of government. The FACFI considered it necessary and advisable to study the national ID concept as carefully and rationally as possible in order to illuminate the advantages and problems inherent in such an approach.

Three different approaches to a system of uniform personal identification were evaluated by FACFI members. One approach proposed a federally-issued document designed specifically for personal identification with the U.S. This document would be available to citizens on a voluntary basis and would incorporate application procedures and security features similar to those used in the U.S. passport. The second suggestion envisioned a complete national identification system in which citizens would be registered at birth. This proposal included an automated verification system—a data base containing only identity information—that could be accessed only by the registered individual to verify his identity to government agencies. The third proposal suggested the use of present state driver's licenses (and "non-driver" state IDs) as recognized and required personal identification. Application for such a document would be required of all citizens at age 16. Safeguards against counterfeiting, alteration, and use by imposters would have to be included in all such state documents.

Similar arguments can be brought to bear in favor of and against all these proposals. Arguments in favor of a single standardized type of ID include the belief that:

Such a document could be more easily recognized, controlled and protected against abuse.

Document systems that include everybody would thereby be "foolproof".

Government has an obligation to provide a reliable means of personal identification for public and private transactions among its citizens.

Arguments against a standardized national ID include the belief that such documentation is in opposition to American tradition and would represent an invasion of personal privacy, and that data required for citizen indentification could be abused by government or private interests.

It is certain that any new system designed to verify and store identity information on over 200 million people would be extremely expensive and require a major national effort. It is highly probable that proposals for such a system would be opposed politically. If such a system were implemented despite these difficulties, it would be subject to defeat by imposters or counterfeiters taking advantage of careless inspection of documents or through corruption of officials. Occasional errors would also occur in such a system that could adversely affect innocent people.

The FACFI therefore strongly opposes any new type of state, or local government-issued ID intended to supersede existing documents. In short, FACFI opposes any so called "National ID card."

The FACFI instead recommends that the security of existing state document systems be increased, particularly for breeder documents such as the birth certificate and the driver's license. Security must be increased both in the application phase (during which documents are issued) and in the use phase (when the documents are used).

Thus, the aim of FACFI's recommended Federal actions is to insure the increased security and privacy of existing state identification documents in state, interstate, and Federal transactions.

The following recommendations are designed to accomplish this goal of increased security for state documents. FACFI findings in each case are also included to permit association with the recommendations.

2. Right to privacy

The FACFI finds that the criminal use of false identification often invades personal privacy; that innocent citizens are victimized when their good names and credit are used in criminal transactions; and that the protection of personal privacy is an essential right, fully consistent with sound law enforcement efforts to reduce false identification crimes.

The FACFI therefore recommends that individual privacy rights be given the fullest consideration in the formulation and implementation of the following legislative and administrative proposals to counter the criminal use of false identification.

3. Birth certificates

The FACFI finds that certified copies of birth certificates have frequently been abused by imposters and counterfeiters because:

Unsigned requests by mail for such documents are usually honored.

The birth certificates of deceased persons are not usually so designated.

Records of deaths and births in many states are open for "browsing" by persons seeking false identification.

Minimum standards are not available for issuance security and document security of birth certifications.

Some 7,000 local vital records offices are autonomous in the format, seals, and safeguards provided for their certifications.

Information on the abuse of birth certificates is often not given to the proper state authorities.

Abuse of birth certificates is not sufficiently covered by legislation at either the state or Federal level.

The FACFI therefore recommends that: a. Fraudulent application be discouraged by use of state-issued standard application forms requiring the applicant's signature, justification of request, and items of personal history not generally available to imposters.

b. A system be implemented for intrastate and interstate matching of birth and death records to note the fact of death on the birth certificates of all persons aged 55 years or less at the time of death.

c. State laws to protect individual privacy by limiting public access to birth and death records be enacted in all states lacking such legislation.

d. Minimum standards for identification of applicants for birth certification, and for security of certified copies against theft, alteration and counterfeiting be drafted for adoption by states.

e. Federal agencies that require personal identification in application for privileges or benefits accept as primary evidence of age and place of birth only those U.S. birth certifications issued by a state or state-controlled records office.

f. Formal notification of the abuse of a birth certification be given by state and Federal law enforcement agencies to the appropriate state registry officials. The information exchange can be facilitated through the establishment of a clearinghouse for false ID information.

g. Wherever practical, requests for birth certificates be retained by the issuing office to assist in the detection and tracing of fraudulent requests.

h. Appropriate state and Federal legislation be enacted to prohibit the fraudulent application for, possession, sale, and transfer of birth certifications for the purpose of establishing a false identification.

4. Driver's licenses

The FACI finds that state driver's licenses (and "nondriver" state ID or "age-of-majority" cards) are frequently abused by counterfeiting, imposture, or fraudulent application because:

They are used as personal ID for commercial transactions and dealings with government agencies although this use was not intended by issuing authorities.

Because the security of issuance procedures and of the document itself varies widely among the states.

Driver's licenses and other State identification documents are not sufficiently protected by Federal legislation against interstate abuse.

The FACFI therefore recommends that: a. The state-issued driver's license (or state-issued ID) be recognized as the primary form of personal ID for use in commerce and in general transactions between individuals and government.

b. Guidelines be drafted by the Federal government providing minimum standards for the identification of applicants for original, replacement, or interstate exchange of driver's licenses and state IDs, and for security of those documents against counterfeiting, alteration, and use by imposters.

c. Voluntary compliance by all states with these guidelines be encouraged by appropriate Federal funding or other incentives and/or sanctions.

d. An analysis and implementation plan for improvement in the security of

state ID systems be developed by the Law Enforcement Assistance Administration (LEAA) for consideration by the states.

e. Federal legislation be enacted to prohibit counterfeiting in any state of personal IDs issued by any other state, and to prohibit use of the channels of interstate commerce to assist fraudulent application for state IDs.

5. DRUG SMUGGLING

The FACFI finds that smuggling of narcotics and other dangerous drugs by criminal organizations is aided materially by extensive use of false U.S. and foreign passports and other documents.

The FACFI therefore recommends that: a. Birth certificates and state-issued ID, as the primary documents used in U.S. passport application procedures, be secured in accordance with FACFI recommendations.

b. Federal agencies concerned with the activities of drug smuggling (including the Immigration and Naturalization Service, Drug Enforcement Administration, Customs Service, Passport Office, and Visa Office) provide coordinated training programs for the detection of false IDs used by smugglers and communicate frequently with each other and state and local authorities on the observed patterns of such false ID use.

c. Interpol be encouraged to coordinate international law enforcement efforts in the detection of passport fraud.

6. ILLEGAL IMMIGRATION

The FACFI finds that illegal aliens routinely use false IDs such as stolen or counterfeit immigration documents and border crossing cards, and U.S. birth certificates and voter registration cards obtained under false pretenses, to enter and remain in the United States. By obtaining Social Security accounts, they are able to secure employment to which they are not entitled, made easier because knowing employment of illegal aliens is not prohibited under Federal law.

The FACFI therefore recommends that: a. The Immigration and Naturalization Service (INS) be provided with sufficient funds to develop and implement an improved system for registration of legal aliens that will resist attempts at forgery, counterfeiting, and use of INS documents by imposters.

b. Birth certificates and secondary evidence of U.S. citizenship be secured in accordance with foregoing FACFI recommendations.

c. Identification and citizenship of applicants for new Social Security accounts be verified by stricter evidentiary requirements or other appropriate means.

d. Federal legislation be enacted to counteract knowing employment of illegal aliens.

7. FUGITIVES FROM JUSTICE

The FACFI finds that dangerous fugitives are able to avoid apprehension through the use of false identification, and that, when arrested they may be released before their identity and criminal history are confirmed.

The FACFI therefore recommends that: a. State and Federal document systems be protected from abuse by fugitives through enactment of FACFI recommendations for birth certificates and driver's licenses.

b. State laws be enacted requiring verification of the identity of all persons arrested, prior to their release on bond.

c. To meet such identification requirements without endangering arrestees *habeas corpus* rights, appropriate equipment be used for highspeed transmission of fingerprints and other identifying data between local law enforcement offices and state identification bureaus.

8. FRAUD AGAINST BUSINESS

The FACFI finds that American business is subjected to billion-dollar losses each year from false identification fraud through forgery and counterfeiting of personal and corporate checks, impersonation based on stolen credit cards, and negotiation of lost or stolen securities.

The FACFI therefore recommends that: a. The business community make use of improved technological safeguards against false ID fraud.

b. The business community participate in the increasing development and use of electronic funds transfer systems, which have the potential of reducing false ID fraud by reducing the amount of negotiable paper in circulation. The potential for privacy abuses and significant false ID fraud via electronic manipulation must be addressed in the design of such systems.

c. The security of driver's licenses and other state IDS, which are widely used in commercial transactions, be improved through implementation of FACFI recommendations.

9. FRAUD AGAINST GOVERNMENT

The FACFI finds that government programs such as public assistance Food Stamps and Social Security are subjected to unacceptable annual losses through false identification fraud and that such fraud results principally from the use of false IDs at application for benefits and in the cashing of stolen benefit and payroll checks.

The FACFI therefore recommends that: a. The Federal government draft uniform standards for the identification of applicants for federally supported or cost-shared public assistance programs.

b. Mailing of welfare and payroll checks to individual addresses be superseded by mailing or direct deposit to banks and thrift institutions to the extent that such depositing is beneficial to recipients and practical.

c. The identity of applicants for new Social Security accounts be verified by stricter evidentiary requirements or other appropriate means.

d. Cooperative programs be instituted for the training of welfare and Social Security employees in techniques for detection and reporting of the use of false identification.

e. The security of birth certificates and driver's licenses which are frequently used in application for government payments be improved through implementation of FACFI recommendations.

10. FALSE IDENTIFICATION DATA

The FACFI finds: a. That many government agencies and companies who regularly are being defrauded by false identification schemes are not aware that they are being victimized. This is because false identification crimes are often not detected until long after the crime has been committed.

b. That there is almost a total lack of meaningful statistics concerning false identification crimes both in government agencies and the commercial sector; there is great reluctance by organizations to reveal these crimes even when they are discovered because such losses are embarrasing to the organizations concerned; and that such failure to expose the criminal use of false identification has contributed to the proliferation and success of this criminal technique.

The FACFI therefore recommends: a. That Federal, state and local agencies and the commercial sector develop increased awareness of the nature of false identification crimes, compile statistics on those crimes which are committed within their organizations, and affirmatively seek methods of preventing the commission of such crimes both in the "application stage" (when fraudulent applications are made) and in the "use stage" (when false documents are improperly used).

b. That Federal, state and local law enforcement agencies and firms in the commercial sector establish a statistical base line by which to measure the increase or decrease in false identification crimes. And that other data on false identification be complied including the type of crime, modus operandi, and a profile of the user and victim of false identification. Finally, FACFI recommends that the FBI gather statistics relating to false identification crimes to be published in Uniform Crime Reports. Such statistical baselines can then be used to measure the effectiveness of the countermeasures recommended by the FACFI as they are being implemented. (Not yet acted upon by the Committee.)

11. LEGISLATIVE LOOPHOLES

A. Federal Legislation

The FACFI finds that:

Maintaining and upgrading the integrity of State identification documents, particularly the birth certificate and drivers license, is the key to reducing false identification crimes at both the Federal and State levels.

There are approximately 350 Federal statutes relating to false identification, false applications and related subjects. But Federal laws are ineffective in deterring false identification crimes because:

a. Most identity documents are issued and regulated solely by the states. Federal statutes only come into play when the criminal applies for a federally issued document such as a passport. By this time the criminal has built up such

a variety of state-issued documents that false application is difficult to detect and likely to succeed. Indeed, a criminal's false identification may be more persuasive and complete than an honest person's valid identification.

b. The Federal government does not collect and maintain information to verify a person's identity. Only the states have that information. Therefore the Federal government is totally dependent on state information and documents such as the birth certificate and driver's license. And those are often weak links in the identification chain.

c. Because Federal statutes regulate only those documents issued by the Federal government and states regulate only documents which they issue, there remains a substantial enforcement gap between these jurisdictions. This gap permits nationwide counterfeiting and selling of false identification documents.

d. There are loopholes in some of the Federal statutes regulating specific documents, such as the social security card and others.

e. Even where Federal statutes are specific and well drafted, enforcement and prosecution is often given a low priority. The crime usually appears more innocuous than it actually is.

f. Finally, penalties for false statements on applications sometimes require only revocation of licenses. Civil fines are imposed in other instances. In other cases, penalties are sufficient or even excessive.

The FACFI therefore recommends: a. That S. 2131, a bill now pending in the 94th Congress, be enacted. S. 2131 would close most existing loopholes in Federal legislation dealing with false identification. It contains the following provisions:

1. Prohibits *false applications* for Federal documents by prohibiting the knowing use or supplying of false information or falsified documentation when obtaining Federal identification documents;

2. Prohibits the knowing use of the mails or other channels of interstate commerce for *transporting* any false information or documents for the purpose of obtaining State identification documents;

3. Prohibits the unauthorized *making or altering* of any Federal identification documents;

4. Prohibits the unauthorized *making or altering of any State identification document* when there is knowledge that such document will be used to obtain any document by the United States; and prohibits the sale or delivery of any such State identification document;

5. Prohibits using the channels of *interstate commerce or the mails to transmit any false Federal or State identification document* or one intended to be used improperly.

b. That Federal false identification statutes be enforced with renewed vigor by prosecutors; and that judges be made aware of the importance of false identification crimes so that sentences may more accurately reflect the seriousness of these crimes.

B. State Legislation

The FACFI finds that: The primary thrust of state statutes dealing with false identification is prohibitive not preventive. Criminal penalties are invoked upon fraudulent use of a false identity rather than the mere possession of fraudulent identity documents. Laws are totally inoperative until the criminal, in is new identity, commits a crime. By this time it is too late. The criminal has assumed another identity and disappeared;

In most States there is no comprehensive law against establishing a fraudulent identity. Statutes that purport to deal with the problem only deal with parts of it;

State laws governing the issuance of certified copies of birth and death certificates and access to such records do not adequately protect the public's right to privacy because certified copies of birth certificates are freely (though unknowingly) handed to criminals by all states. In some states it is not even illegal to lie on an application for a certified copy of a birth certificate.

The problem is national in scope, but States are powerless to protect any but their own identity documents. States cannot control the manufacture, counterfeiting and criminal use of their own ID documents outside their borders;

The wide variety in document format and authenticating seals encourages the passing of counterfeit State documents;

Laws regulating specific documents, such as the birth certificate, are not comprehensive enough to allow effective enforcement. These laws never make reference to all of the following acts involving false identification:

a. Illegal manufacture.
b. Sale.
c. Possession.
d. Alteration.
e. Transferring.
f. Transporting.
g. Advertising for sale.
h. Obtaining.
i. Receiving.
j. Use or display.
k. Use after expiration, suspension, or revocation.
l. False or misleading statements or use of false documents in an application for such documents.

Without this degree of comprehensiveness, criminals can use and supply others with false identity documents without fear of prosecution.

Many identity documents which can be used for identification purposes or to obtain other documents are not regulated at all. None of the States investigated by the Committee had laws regulating private ID cards and documents not issued by State agencies. These private ID cards can be used to purchase firearms or dangerous drugs that are not traceable to the real purchaser.

Prosecutors place low priorities on prosecution of false ID cases, because of a lack of awareness of the potential seriousness of the crime. Alerting a document does not look nearly as serious as a murder or rape case until one realizes that the use of false ID prevents many murder, rape and other cases from being solved.

In most states citizens have the common law right to change their name without any formal legal proceedings. In these states it is more difficult for prosecutors to prove fraudulent intent to violate false ID laws.

The FACFI therefore recommends: a. That States enact Model State Legislation proposed by the Committee, entitled, the Identity Protection Act. This Act provides the following:

Protects the public health and welfare and the right of privacy and security in one's own identity by penalizing the manufacture, alternation, transfer, sale, possession or use of any false identity document or any document obtained by use of false statements or identification in the application process. This act will specifically protect the integrity of the use and possession of birth certificates and driver's licenses. This Act establishes stricter criminal penalties for false identification crimes and requires them to be served consecutively with any other sentence arising out of the same crime.

Finally, the Act prevents fraud by private ID vendors and prohibits spurious documents issued by criminals in other states.

b. That States enact the most recent amendments to Model State Vital Statistics Act which are designed to protect the integrity of the birth certificate issuing system. These amendments also upgrade criminal penalties for false identification crimes.

c. That State educational programs be established to facilitate implementation of the Model Identity Protection Act and the Model State Vital Statistics Act and to assist officials in improved methods of document fraud detection.

12. USE OF IDENTIFICATION DOCUMENTS FOR UNDERCOVER PURPOSES

The FACFI finds that a study of the means by which Federal, State and local agencies obtain and use undercover documents for law enforcement and intelligence purposes is outside of the charter of the Committee and thus has not been explored; the Committee notes, however, that some have questioned the adequacy of controls on obtaining and using such documents.

The FACFI therefore recommends that: (1) government agencies should not obtain or provide "alias identification" in violation of any local, state, or Federal laws; and (2) recommends that agencies review their laws, regulations and procedures for obtaining such credentials to insure that they are lawfully obtained and that their use is adequately controlled. (Not yet acted upon by the Committee.)

13. PUBLIC SUPPORT

The FACFI finds it essential to obtain public recognition of the scope and impact of crime committed with the aid of false IDs and to solicit informed sup-

port of measures designed to reduce the use of false IDs in the United States.

The FACFI therefore recommends that the Department of Justice and all other concerned organizations undertake a coordinated program of public education with the aim of obtaining a strong public mandate for the measures recommended by the FACFI.

RICHARD L. THORNBURGH,
Assistant Attorney General.

[FR Doc.76-17296 Filed 6-15-76;8:45 am]

Law Enforcement Assistance Administration

NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE ADVISORY COMMITTEE

Notice of Establishment

The Law Enforcement Assistance Administration (LEAA) hereby determines that the establishment of the National Institute of Law Enforcement and Criminal Justice (NILECJ) Advisory Committee, as described hereafter, is in the public interest and necessary, appropriate and consistent with the purposes of the Crime Control Act of 1973, PL 93-83. Accordingly, the Administration hereby establishes the NILECJ Advisory Committee in accordance with the provisions of the Federal Advisory Committee Act, PL 92-463, Office of Management and Budget Circular A-63, and LEAA Instruction I 2100.1.

1. *Designation:* National Institute of Law Enforcement and Criminal Justice (NILECJ) Advisory Committee.

2. *Purpose:* To advise and make recommendations to the NILECJ in the development of long and short range research and development programs, priorities and policies relating to the improvement of law enforcement and criminal justice which are responsive to current and anticipated needs and concerns in the field.

3. *Establishment date and termination date:* The Committee is established on July 21, 1976 and will terminate on July 21, 1978.

4. *Meetings:* Three meetings per year (scheduled tentatively for January, July and November), or more frequently if necessary.

5. *Membership:* The membership shall include officers and employees of criminal justice agencies, representatives of the research and academic community knowledgeable in matters relating to the improvement of law enforcement and criminal justice, social scientists, and others involved in the administration of all aspects of criminal justice.

6. *Authority:* The Committee will operate pursuant to the provisions of the Federal Advisory Committee Act, PL 92-463, OMB Circular No. A-63, LEAA Instruction I 2100.1, and any additional orders and directives issued in implementation of the Act.

PAUL K. WORMELI,
Deputy Administrator for Administration.

[FR Doc.76-17761 Filed 6-15-76;10:27 am]

[Utah 32707]

Bureau of Land Management

UTAH

Application

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Texas American Oil Corporation has applied for a temporary 3½" O.D. steel natural gas pipeline right-of-way across the following lands:

SALT LAKE MERIDIAN, UTAH

T. 10 S., R. 19 E.,
Secs. 14, 22, 23, 27, 34.

The pipeline will convey gas from a shut-in gas well from the Mesaverde Formation situated in the NE¼NE¼ of Section 34 to an existing Mountain Fuel Supply Company pipeline at a point in the northeast corner of Section 14, T. 10 S., R. 19 E., Uintah County, Utah.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Vernal District Manager, Bureau of Land Management, P.O. Box F., Vernal, Utah 84078.

PAUL L. HOWARD,
State Director.

[FR Doc.76-17484 Filed 6-15-76;8:45 am]

Bureau of Mines

ADVISORY COMMITTEE ON COAL MINE SAFETY RESEARCH

Meeting

Notice is hereby given in accordance with Public Law 92-463 that the second meeting of the Advisory Committee on Coal Mine Safety Research will be held on June 25, 1976, commencing at 8:30 a.m. at the Voyager Inn, 1411 Liberty Street, Franklin, Pennsylvania.

The Committee was established to consult with and make recommendations to the Secretary of the Interior on matters involving or relating to coal mine safety research.

The purpose of the meeting is to establish objectives and priorities for committee work in 1976 and to review the Bureau of Mines 5-year plan and 1978 program direction for coal mine safety research. The agenda is set forth below. The meeting is open to the public. Space will be provided for approximately 25 persons other than committee members.

Further information concerning this meeting may be obtained from Rolland R. Reid, Deputy Assistant Secretary—Minerals, Department of the Interior, 18th and C Streets, NW, Washington, D.C. 20240, telephone: (202) 343-4881. Transcripts of the meeting will be available for public inspection and copying three weeks after the meeting upon written request addressed to the official above.

Dated: June 10, 1976.

THOMAS V. FALKIE,
Director, Bureau of Mines.

AGENDA

8:30 a.m.	Objectives and priorities for committee in calendar year 1976.
10:15 a.m.	Break.
10:30 a.m.	Continue discussion of 1976 objectives and priorities.
12 noon	Lunch.
1 p.m.	Discussion of excerpts from Bureau of Mines 5-yr plan and 1978 program direction.
2:30 p.m.	Break.
2:45 p.m.	Continue discussion of 5-yr plan and 1978 program direction.
4 p.m.	Adjournment.

[FR Doc.76-17433 Filed 6-15-76;8:45]

Bureau of Reclamation

[INT DES 76-23]

LAMOURE AND OAKES SECTION, GARRISON DIVERSION UNIT, N.D.

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement describing the environmental impacts of the LaMoure and Oakes Section of the 250,000-acre Garrison Diversion Unit in detail. The statement covers impacts of irrigation of 13,350 acres in the LaMoure Area and 45,980 acres in the Oakes Area. It also evaluates impacts of associated fish and wildlife developments and of facilities to convey water from Lonetree Reservoir. Written comments may be submitted to the Regional Director (address below) within 45 days of this notice.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.

Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234-3007.

Office of the Regional Director, Bureau of Reclamation, P.O. Box 2553, Billings, Montana 59103, Telephone (406) 245-6711.

Missouri-Souris Projects Office, Bureau of Reclamation, P.O. Box 1017, Bismarck, North Dakota 58501, Telephone (701) 255-4011.

Single copies of the draft environmental statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: June 11, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-17451 Filed 6-15-76;8:45 am]

Office of the Secretary

[INT FES 76-32]

PROPOSED SANTA MARGARITA PROJECT, CALIF.

Environmental Statement, Availability

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement on the proposed Santa Margarita Project, California. The environmental statement concerns a proposed supplemental water supply to the Fallbrook Public Utility District and the Marine Corps Base at Camp Pendleton, California.

Copies are available for inspection at the following locations:

Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.

Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234-3007.

Office of the Regional Director, Bureau of Reclamation, P.O. Box 427, Boulder City, Nevada 89005, Telephone (702) 293-8527.

Southern California Planning Office, Bureau of Reclamation, 528 Mountain View Avenue, San Bernardino, California 92402, Telephone (714) 884-3111.

Single copies of the final statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: June 11, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-17450 Filed 6-15-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

UINTA NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Uinta National Forest Grazing Advisory Board will meet at 9 a.m. on Thursday, July 28, 1976, at the Heber Ranger District Office, Federal Building, 125 East 100 North, Heber, Utah.

The purpose of the meeting is the summer field trip to view grazing management practices on various livestock allotments in Currant Creek and Strawberry Valley, review progress on the Currant Creek portion of the Bonneville Unit, Central Utah Project, and any other matters that may arise.

The meeting will be open to the public. Persons who wish to attend will provide their own transportation and should notify the Forest Supervisor, P.O. Box 1428, Provo, Utah 84601, phone 801-377-5780. Written statements may be filed with the Board before or after the meeting.

The Board has established the following rule for public participation: Persons may make statements at board meetings, but advance notice must be given to the Chairman.

Dated: June 9, 1976.

BRUCE B. HRONEK,
Forest Supervisor.

[FR Doc.76-17485 Filed 6-15-76;8:45 am]

Forest Service

ALPINE PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Alpine Planning Unit, Toiyabe National Forest, Nevada and California. The Forest Service report number is USDA-FS-DES (Adm) R4-76-17.

The environmental statement identifies and evaluates the probable effects of proposed land uses for the planning unit, evaluates possible alternative courses of action, and provides a summary record of public participation in development of the proposed plan. The purpose of the land use plan is to allocate National Forest lands and resources to specific uses and activities; establish management objectives; provide a record of management direction and decisions for specific areas and units of land; coordinate measures between resource uses and activities; and establish protective measures to keep adverse environmental effects to a minimum.

This draft environmental statement was transmitted to CEQ on June 9, 1976.

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

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., SW., Washington, D.C. 20250.

Regional Planning Office, USDA, Forest Service, Federal Building, Room 4408, 324-25th Street, Ogden, Utah 84401.

Forest Supervisor, Toiyabe National Forest, 111 North Virginia Street, Room 601, Reno, Nevada 89501.

District Forest Ranger, Carson Ranger District, S. Carson Street, Carson City, Nevada 89701.

A limited number of single copies are available upon request to Forest Supervisor John J. Lavin, Toiyabe National Forest, 111 North Virginia Street, Room 601, Reno, Nevada 89501.

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 Forest Supervisor John J. Lavin, Toiyabe National Forest, 111 North Virginia Street, Room 601, Reno, Nevada 89501. Comments must be received by August 9, 1976, in order to be considered in the preparation of the final environmental statement.

Dated: June 9, 1976.

P. M. REES,
Director, Regional Planning and Budget.

[FR Doc.76-17556 Filed 6-15-76;8:45 am]

Soil Conservation Service

CADRON CREEK WATERSHEDS PROJECTS, ARKANSAS

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and § 650.7(e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement for the Cadron Creek Watersheds Projects, Cleburne, Conway, Faulkner, Van Buren, and White Counties, Arkansas, USDA-SCS-EIS-WS-(ADM)-76-1-(F)-AR.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and recreation on three adjacent watersheds for which individual work plans have been developed. They are North Fork Cadron Creek, East Fork Cadron Creek, and Lower Cadron Creek. The planned works of improvement include the accelerated application of conservation land treatment measures, 15 floodwater retarding structures, and public recreation development at Woolly Hollow State Park. Areas that will be adequately treated with land treatment measures include 199,200 acres of grassland, 23,650 acres of cropland, and 19,180 acres of forest land. The entire watershed (469,825 acres) will be eligible for accelerated land treatment. These measures will reduce erosion and sediment and help preserve the soil resources in the watershed. The floodwater retarding structures will be located on intermittent and ephemeral streams and will reduce flooding on 24,002 acres. The embankments, spillways, and sediment pools will require 1,428 acres which are 70 percent woodland and 30 percent grassland. The recreational development will provide 125,480 annual recreational days.

The final environmental impact statement has been filed with the Council on Environmental Quality.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Post Office Box 2323, Little Rock, Arkansas 72203.

(Catalog of Federal Domestic Assistance

Program Number 10.904, National Archives Reference Services.)

Dated: June 7, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-17560 Filed 6-15-76;8:45 am]

CALLAHAN CREEK WATERSHED PROJECT, MISSOURI

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Callahan Creek Watershed Project, Boone County, Missouri.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Kenneth G. McManus, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement, as described in the negative declaration, include conservation land treatment supplemented by five single purpose floodwater retarding structures.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment are on file and may be reviewed by interested parties at the Soil Conservation Service, USDA, Parkade Plaza Shopping Center, Terrace Level, 601 Business Loop 70 West, Columbia, Missouri 65201.

A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation on the proposal will be taken until 15 days after the date of this publication.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: June 7, 1976.

JOSEPH W. HASS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[Fr Doc.76-17562 Filed 6-15-76;8:45 am]

DEER CREEK WATERSHED PROJECT, MISSISSIPPI

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Deer Creek Watershed project, Bolivar and Washington Counties, Mississippi, USDA-SCS-EIS-WS-(ADM)-75-4(F)-MS.

The EIS concerns a plan for watershed protection, flood prevention, and drainage. The planned works include conservation land treatment, supplemented by channel work. The channel work will involve clearing and shaping on 13.66 miles of existing channels and channel enlargement on 36.49 miles of existing channels to provide improved water management in a Mississippi delta watershed that is 82 percent agricultural cropland and grassland. The existing channel streams are classified as either ephemeral or intermittent as to flow characteristics.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Room 490, Milner Building, 310 S. Lamar St. or P.O. Box 610, Jackson, Mississippi 39205.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: June 7, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-17561 Filed 6-15-76;8:45 am]

EDWARDS FLOOD PREVENTION MEASURE; SEE-KAN RC&D PROJECT, KANSAS

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; § 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and § 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Edwards Flood Prevention RC&D Measure, Woodson County, Kansas.

The environmental assessment of this federal action indicates that the measure will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the measure. As a result of these findings, Mr. Robert K. Griffin, State Conservationist, Soil Conservation Service, USDA, 760 S. Broadway, Salina, Kansas 67401, has determined that the preparation and review of an environmental impact statement is not needed for this measure.

The measure plan concerns a plan for watershed protection and flood prevention. The planned works of improvement as described in the negative declaration include conservation land treatment supplemented by one floodwater retarding structure.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 760 S. Broadway, Salina, Kansas 67401

The negative declaration is available for single copy requests. Requests should be sent to the above address.

No administrative action of implementation of the proposal will be taken until 15 days after the date this notice is published.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services.)

Dated: June 1, 1976.

NEIL BOGNER,
Acting Deputy Administrator for Field Services, Soil Conservation Service.

[FR Doc.76-17558 Filed 6-15-76;8:45 am]

MISPILLION RECREATION PROJECT; RESOURCE CONSERVATION AND DEVELOPMENT (RC&D) MEASURE, DELAWARE

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; § 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550), August 1, 1973; and § 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651), June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Mispillion Recreation Project RC&D Measure, Milford, Kent, and Sussex counties, Delaware.

The environmental assessment of this federal action indicates that the measure will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the measure. As a result of these findings, Mr. Otis D. Fincher, State Conservationist, Soil Conservation Service, USDA, 2-4 Treadway Towers, 9 East Loockerman Street, Dover, Delaware 19901, has determined that the preparation and review of an environmental impact statement is not needed for this measure.

The measure consists of a plant to improve 15 parcels of land totaling about 30 acres in the City of Milford, Delaware, for recreational use and aesthetic enhancement. The land is either owned (20.2 acres) or is expected to be acquired (9.8 acres) by the City.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 2-4 Treadway Towers, 9 East Loockerman Street, Dover, Delaware 19901.

The negative declaration is available for single copy requests at the above location.

No administrative action on implementation of the proposal will be taken until 15 days after the date of this publication.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services.)

Dated: June 1, 1976.

NEIL BOGNER,
Acting Deputy Administrator For Field Services, Soil Conservation Service.

[FR Doc.76-17557 Filed 6-15-76;8:45 am]

UPPER CHOPTANK RIVER WATERSHED PROJECT

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Upper Choptank River Watershed Project, Kent County, Delaware, and Caroline and Queen Anne's Counties, Maryland, USDA-EIS-WS-(ADM)-76-1(F)-DE.

The EIS concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement include conservation land treatment and 280 miles of multiple-purpose channel work for flood prevention and drainage.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following locations to fill single copy requests:

Soil Conservation Service, USDA, Treadway Towers, Suite 2-6, 9 E. Loockerman Street, Dover, Delaware 19901.

Soil Conservation Service, USDA, Rm. 522, 4321 Hartwick Road, College Park, Maryland 20740

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated June 7, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-17559 Filed 6-15-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

NATIONAL INDUSTRIAL ENERGY COUNCIL

Public Meeting

A meeting of the Sub-Council on Industry Programs of the National Industrial Energy Council will be held on Wednesday, July 14, 1976, from 10:30 AM to 12 Noon, in Conference Room 4830, Main Commerce Building, 14th & Constitution Ave. NW., Washington, D.C. 20230.

The Sub-Council will meet to discuss the progress of the objectives of the Sub-Council and to prepare a report to be submitted at the next full Council meeting.

The public will be permitted to attend and a limited number of seats will be available for that purpose. To the extent that time permits, members of the public may present oral statements to the Sub-Council. Interested persons are also invited to file written statements with the Sub-Council before or after the meeting.

Persons who wish to attend the meeting should contact Ms. Kay Courtney, Office of Energy Programs, Room 2011, U.S. Department of Commerce, 14th & Constitution Ave. NW., Washington, D.C. 20230. Tele: (202) 377-3535.

Dated: June 9, 1976.

JAMES V. SHIRCLIFF,
Executive Director, National Industrial Energy Council.

[FR Doc.76-17514 Filed 6-15-76;8:45 am]

National Oceanic and Atmospheric Administration

MARINE MAMMALS

Modification of Permit

Notice is hereby given that, pursuant to the provisions of Sections 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (39 F.R. 1851, January 15, 1974), the Scientific Research Permit issued to the Naval Undersea Center, Biosystems Research Department, on March 7, 1974, as modified on July 8, 1974, (39 F.R. 24932), on August 2, 1974, (39 F.R. 27933), on February 26, 1975, (40 F.R. 8240), on April 22, 1975 (40 F.R. 17770), on September 11, 1975 (40 F.R. 42230), and on November 18, 1975 (40 F.R. 53417), is further modified by means of Modification No. 8, in the following manner:

The period of validity of the Permit is extended from June 30, 1976, to December 31, 1976.

This modification is effective on June 16, 1976.

The Permit as modified is available for review in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and in the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

MAY 26, 1976.

[FR Doc.76-17476 Filed 6-15-76;8:45 am]

MARINE MAMMAL

Modification of Permit

Notice is hereby given that, pursuant to the provisions of Sections 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (39 FR 1851, January 15, 1974), the public display permit issued to Long Island Game Farm and Zoo, Manorville, New York, on February 5, 1975, is modified, by means of modification No. 1, in the following manner:

The modification extends the period of validity of the permit, with respect to the authorized taking from June 1, 1976, to December 31, 1976.

This modification is effective June 16, 1976.

The permit, as modified, is available for review in the offices of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235; Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; and Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts, 01930.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc. 76-17477 Filed 6-15-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MEDICAL DEVICE CLASSIFICATION PANELS

Nominations Request for Nonvoting Representatives of Consumer and Industry Interests

The Food and Drug Administration is requesting nominations for individuals to serve as consumer and industry representatives on four subcommittees of the Panel on Review of Orthopedic Devices and on two subcommittees of the Panel on Review of Physical Medicine (Physiatry) Devices. Nominations must be submitted by August 16, 1976.

As part of the ongoing process of securing recommendations for the classification of devices, this notice supplements the notice published in the FEDERAL REGISTER on May 12, 1976 (41 FR 19363), which requested submissions of nominations for 11 other classification panels and/or subcommittees of panels.

Additional subcommittees for some of the classification panels are now being organized. The Commissioner of Food and Drugs has determined that, as these subcommittees are formed, each shall include one consumer representative and

one industry representative. The normal maximum term of office for any consumer or industry representative will be 3 years.

Nominations are solicited for consumer and industry representatives for the subcommittees, as indicated, under the following classification panels:

Panel on Review of—	Approximately when representative needed	
	Industry	Consumer
1. Orthopedic Devices.		
a. Internal Prosthetic Devices Subcommittee.	Immediately.	Immediately.
b. Osteosynthetic Devices Subcommittee.	do.	Do.
c. External Diagnostic and Therapeutic Devices Subcommittee.	do.	Do.
d. Electrical Stimulation Devices Subcommittee.	do.	Do.
2. Physical Medicine Devices.		
a. Electrodiagnostic Devices Subcommittee.		Immediately.
b. Electrotherapeutic Devices Subcommittee.		Do.

Any interested person may nominate one or more qualified persons to serve as a nonvoting consumer representative for a particular subcommittee. The nominations must state that the person nominated is aware of the nomination, is willing to serve as a member of the subcommittee, and appears to have no conflict of interest that would preclude committee membership. The nominations should state whether or not the nominee is interested only in a particular subcommittee. A complete curriculum vitae is also required for each nomination.

All nominations for consumer representatives must be submitted in writing to the Director, Office of Consumer Programs (HFG–1), Office of Professional and Consumer Programs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852. Nominations must be received on or before August 16, 1976. After the time for receipt of nominations has expired, the curriculum vitae for each of the nominees will be sent to interested consumer organizations and to any other person submitting a nomination, together with a ballot that must be filled out and returned to the Office of Professional and Consumer Programs, at the address given above, within 30 days. The selection of the consumer representative will be determined from the ballots submitted.

Nominations for industry representatives should be submitted on or before August 16, 1976 by any interested industry organization. Nominations should be sent to Dr. Robert S. Kennedy, Bureau of Medical Devices and Diagnostic Products (HFK–440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910. Each nomination should include a curriculum vitae for the individual and an indication that he or she is aware of the nomination and is willing to serve if elected. After the time for receiving nominations has expired, a letter shall be sent to each organization that has made a nomination. The letter shall include a complete list of all nominating organizations and the nominees and shall state that it is the responsibility of each organization to consult with the others to select a single nonvoting member representing industry interests for each vacancy. The selections shall be made within 30 days after receipt of the letter.

Dated: June 9, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-17493 Filed 6-15-76;8:45 am]

Office of Education

FELLOWSHIPS FOR INDIAN STUDENTS

Closing Date for Receipt of Applications

Notice is hereby given that, pursuant to the authority contained in the Indian Education Act, Title IV of Pub. L. 92–318, as amended by section 423 of Pub. L. 93–380 (20 U.S.C. 887c–2) applications are being accepted from individual Indian applicants to enable them to pursue a course of study leading toward a professional or graduate degree in engineering, medicine, law, business, forestry and related fields. A Fellowship may include education costs, a stipend, and dependency allowances. Eligibility determinations will be made pursuant to 45 CFR 187.31. The Office of Education will consider applications under the criteria and priorities established in 45 CFR 187.32.

Applications must be received by the U.S. Office of Education Application Control Center on or before July 16, 1976.

A. APPLICATIONS SENT BY MAIL

An application sent by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202; Attention: 13:569. An application sent by mail will be considered to be received on time by the Office of Education if:

1. The application was sent by registered or certified mail not later than July 12, 1976 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

2. The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. HAND DELIVERED APPLICATIONS

An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th & D Streets, S.W., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time, except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. PROGRAM INFORMATION AND FORMS

Information and application forms may be obtained from the Division of Special Projects and Programs, Office of Indian Education, U.S. Office of Education, Room 3514, Regional Office Building Three, 7th & D Streets, S.W., Washington, D.C. 20202.

D. MULTIPLE YEAR AWARDS.

Applicants may submit applications for fellowships which shall be awarded to Indian students for a period of time not to exceed four academic years in order to enable them to pursue a course of study of not less than three, nor more than four, academic years leading toward a professional or graduate degree in engineering, medicine, law, business, forestry and related fields. Continuation of assistance for fellowship recipients will be made on the basis of satisfactory academic performance, other evidence indicating potential for completion of the course of study, evidence that the fellowship recipient intends to provide services for Indians in the fellow's professional field, and the availability of funds in future years. In approving applications under this subpart, the Commissioner will, if there are sufficient numbers of approvable applications, accord priority in the manner described in 45 CFR 187.32(b) to applicants who intend to study engineering, medicine, law, business or forestry.

E. APPLICABLE REGULATIONS.

Awards under section 423 of Pub. L. 93–380 will be subject to the requirements therein and the relevant provisions of 45 CFR 187. Assistance under the program is also subject to the applicable provisions of 45 CFR 100a. Eligibility criteria for selection of fellows are contained in 45 CFR 187.31(a).

(20 U.S.C. 887c–2)

(Catalog of Federal Domestic Assistance Number 13.569, Indian Education-Fellowships)

Dated: June 14, 1976.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.76-17606 Filed 6-15-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of Hazardous Materials Operations

VENTRON CORP. ET AL.

Application for Exemptions or Renewals

In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107,

Subpart B), notice is hereby given that the Office of Hazardous Materials Operations has received applications for exemptions and renewals of exemptions, that are described below. The modes of transportation requested are identified by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6213, Trans-Point Building, 2100 Second Street, S.W., Washington, D.C.

Interested persons are invited to submit views or comments with respect to any one or more of the applications. Comments should refer to the application number and be submitted in duplicate to the Docket Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. All comments received before the close of business on the specified comment closing date will be considered and will be available in the docket for inspection and copying, both before and after the closing date.

This notice of receipt of applications for exemptions and renewals of exemptions is published in accordance with section 107(a) of the Hazardous Materials Transportation Act (49 U.S.C. 1806 (a)), and does not represent any agency decision or other exercise of judgment concerning the merits of the petitions.

Application No.	Applicant	Regulation(s) affected	Nature of application
		NEW EXEMPTIONS [1]	
7401-N	Ventron Corp., Beverly, Mass.	49 CFR 173.154	To allow shipments of sodium borohydride in bulk sling bags (mode 1).
7402-N	Hercules, Inc., Wilmington, Del.	49 CFR 173.359(a)(6), 173.359(b)(5).	To allow shipments of emulsified organic phosphate compounds in inside metal containers, cushioned with absorbent material packed in DOT specification 21C fiber drums (mode 1).
7403-N	Encoat Chemicals Corp., Philadelphia, Pa.	46 CFR 146.22-30(f)(6).	To allow the stowage of ammonium nitrate fertilizer bags no closer than 12 in from overhead deck beam (mode 3).
7404-N	Seaboard World Airlines, Jamaica, N.Y.	14 CFR 103.31	To allow the stowage of packages of class B poisons and irritating materials in an inaccessible cargo location in cargo-only aircraft (mode 4).
7405-N	Sigma Chemical Co., St. Louis, Mo.	49 CFR 173.242, 173.244.	To allow shipments of hydrochloric acid in polyethylene bottles packed with nonhazardous materials in a chemical kit (modes 1, 2, 4).
7406-N	Container Corp. of America, Carol Stream, Ill.	46 CFR 146.22-100	To allow shipments of wet wastepaper in bales stowed on-deck protected or on-deck undercover (mode 3).
7407-N	U.S. Department of Agriculture, Washington, D.C.	14 CFR 103.3, 103.9, 103.11, 103.19.	To allow dispensing of incendiary grenades, class B explosives in air-drop operations under specified conditions (mode 4).
7410-N	Dow Corning Corp., Midland, Mich.	49 CFR 173.135; 46 CFR 146.21-100.	To allow shipments of trimethylchlorosilane in DOT specification 51 portable tanks (modes 1, 3).
7411-N	Sidney F. Brody, Beverly Hills, Calif.	14 CFR 103.31	To allow the carriage of an individually owned oxygen cylinder in the cabin of a passenger-carrying aircraft (mode 5).
7412-N	Rohm & Haas Co., Philadelphia, Pa.	46 CFR 146.23-100	To allow stowage of methacrylic acid, noncontainerized, 'tween decks (mode 3).
7413-N	Chilton Metal Products, Chilton, Wis.	49 CFR 178.42-12(a)	To allow the manufacture and use of cylinders for liquefied carbon dioxide, complying with DOT specification 3E except cylinders are of brazed construction rather than seamless (modes 1, 2, 4, 5).
7417-N	Wasatch Chemical Division, Salt Lake City, Utah.	49 CFR 173.217	To allow calcium hypochlorite to be shipped in 3½ gal removable head polyethylene pails (modes 1, 2).
7418-N	Seatrain Lines Inc., Weehawken, N.J.	49 CFR 173.125; 46 CFR 146.21-100.	To ship alcohol (beverage) in non-DOT specification framed portable tanks (modes 1, 3).
7420-N	Du Bois Chemicals, Cincinnati, Ohio.	49 CFR 173.256(a)(5)	To ship compounds, cleaning liquid containing not more than 60 pct hydrofluoric acid in 55-gal DOT specification 37M/28L container (modes 1, 2).
7421-N	Simon Wrecking Co., Inc., Williamsport, Pa.	49 CFR 173.119(a)(17)	To transport flammable liquids, n.o.s. (waste material) in a non-DOT specification cargo tank (mode 1).
7422-N	Chemetron Corp., Chicago, Ill.	49 CFR 173.28(m)	To ship a solid class B poison in polyethylene lined 17C, 17E, and 17H reconditioned 55-gal steel drums (mode 1).
7423-N	Dow Chemical Co., Freeport, Tex.	49 CFR 173.220(b)	To ship magnesium, metallic, powdered, in DOT specification 56 portable tanks (modes 1, 2, 3).
7424-N	Hercules, Inc., Wilmington, Del.	49 CFR 173.63(d)(3)	To ship a high explosive (dynamite) containing 10 pct or less of a liquid explosive ingredient (mode 1).
7425-N	Military Traffic Management Command, Washington, D.C.	49 CFR 173.301(d)	To ship nitrogen trifluoride in manifolded cylinders complying with 49 CFR 173.301(d) (mode 1).
7426-N	Martin Marietta Corp., Charlotte, N.C.	49 CFR 173.245(a)(29)-(31).	To ship an aqueous sodium sulfhydrate or an aqueous solution of sodium polysulfide and sodium sulfhydrate in DOT specification MC-303 and MC-306 cargo tanks (mode 1).
7427-N	Container Corp. of America, Wilmington, Del.	46 CFR 146.23-100	To ship electrolyte (acid) battery fluid in 15-gal capacity DOT specification 37P steel drum with polyethylene liner (mode 3).
7428-N	United States Steel Corp., McKeesport, Pa.	49 CFR 173.302(a)(3)	To ship gaseous argon, helium, nitrogen, hydrogen, or oxygen in wire hoop wrapped cylinders designed to DOT 3AAX 1800 specification (mode 1).

Application No.	Applicant	Regulation(s) affected	Nature of application
		RENEWALS[2]	
3307-X	Trojan U.S. Powder, Allentown, Pa.	49 CFR 173.154, 173.182.	To amend SP 3307 to include an additional plastic bag constructed of 2.5 mil valeron film for the shipment of nitrocarbonitrate (modes 1, 2, 3).
3944-X	E. I. du Pont de Nemours and Co., Inc., Wilmington, Del.	49 CFR 173.314	To renew special permit 3944 allowing shipments of certain flammable liquefied compressed gases (anhydrous amines) in DOT specification 112A340W tank cars (mode 2).
5167-X	Chemagro Division, Mobay Chemical Corp.	46 CFR 146.25-200	To amend E 5167 to authorize shipment of organic phosphate compound mixtures, dry packed in fiberboard boxes in containers via cargo vessel (mode 3).
5454-X	Union Carbide Corp., Tarrytown, N.Y.	46 CFR 146.24-100	To amend E 5454 to authorize the transportation of sulfur hexafluoride in tube trailers aboard cargo vessel (mode 3).
5704-X	IMC Chemical Group, Inc., Allentown, Pa.	49 CFR 173.93(e)	To renew special permit 5704 which allows shipments of liquid high explosives in DOT specification metal drums further overpacked in metal drums and cushioned with absorbent fire-resistant material (modes 1, 2).
6253-X	Union Carbide Corp., Bound Brook, N.J.	49 CFR pt. 173; 46 CFR 146.21-100, 146.23-100.	To provide for shipment of propionic acid in portable tanks (modes 1, 2, 3).
6284-X	Chemagro Division, Mobay Chemical Corp., Kansas City, Mo.	14 CFR 103.7	To renew SP 6284 authorizing the transportation of certain poisonous solids, class B aboard passenger-carrying aircraft (mode 5).
6519-X	Hercules, Inc., Wilmington, Del.	49 CFR 173.93(e)(4)	To renew special permit 6519 which allows shipments of liquid explosives, class B in specially designed DOT specification MC-307 or MC-312 cargo tanks (mode 1).
6554-X	Airwick Industries, Inc., Teterboro, N.J.	46 CFR 173.154, 173.-217; 46 CFR 146.22-200.	To amend DOT-E 6554 to allow shipments of oxidizing materials dry in 6½-gal polyethylene containers by cargo vessel (mode 3).
6632-X	----do----	49 CFR 173.217; 46 CFR 146.22-200.	To amend DOT-E 6632 to allow shipments of certain dry oxidizing materials in 3½- and 6-gal polyethylene pails by cargo vessel (mode 3).
6671-X	Dow Chemical U.S.A., Midland, Mich.	49 CFR 173.1; subpts. C, E, G, and 177.854.	To amend DOT-E 6671 to include non-DOT specification drums, as overpacks, complying with all requirements of the specification 17C drum except for marking and testing requirements (modes 1, 2).
6726-X	Liberty Plastics, Inc., division of Born Free Plastics, Inc., Gardena, Calif.	49 CFR pt. 173	To renew special permit 6726 which allows shipment of corrosive liquids in reusable polyethylene containers of 55-gal capacity (modes 1, 2).
6747-X	Martin Marietta Aerospace, Denver, Colo.	49 CFR 173.302	To renew and modify special permit 6747 to allow the use of fiberglass reinforced plastic (FRP) seamless aluminum cylinders in compressed gas service (modes 1, 2, 3, 4, 5).
6749-X	Airwick Industries, Inc., Teterboro, N.J.	49 CFR 173.217; 46 CFR 22-100.	To include cargo vessels as a mode of transportation under DOT-E 6749 which allows shipments of certain oxidizing materials, dry (mode 3).
6763-X	Purex Corp., city of Industry, Calif.	49 CFR 173.217(b)	To renew special permit 6763 authorizing shipment of certain oxidizing materials (solid) in polyethylene containers overpacked in fiberboard boxes (modes 1, 2).
6765-X	Union Carbide Corp., Linde Division, Tarrytown, N.Y.	46 CFR 146.24-100	To renew special permit 6765 which allows shipments of liquefied helium or liquefied hydrogen in insulated, containerized portable tanks (modes 1, 3).
6804-X	American Hoechst Corp., Somerville, N.J.	49 CFR 173.119(b), 173.245(a), 173.247 (a); 46 CFR 146.21-100, 146.23-100.	To renew special permit 6804 allowing shipments of corrosive and flammable liquids in foreign made non-DOT specification packaging complying with DOT specification 5, 5B, or 5D/2SL except for markings (modes 1, 2, 3).
6906-X	Hercules, Inc., Wilmington, Del.	49 CFR 173.224(a)(3)	To renew special permit 6906 which allows shipments of dicumyl peroxide in DOT specification tank car tanks (mode 2).
6921-X	Air Products & Chemicals, Inc., Allentown, Pa.	49 CFR 172.5, 173.315	To renew special permit 6921 authorizing the shipment of liquefied helium in non-DOT specification intermodal portable tanks (modes 1, 3).
6957-X	Vicksburg Chemical Co., Vicksburg, Miss.	49 CFR 173.272(a)(11)	To renew special permit 6957 pertaining to shipments of phosphorus trichloride in DOT specification tank cars (mode 2).
7025-X	Air Products & Chemicals, Inc., Allentown, Pa.	49 CFR 172.5, 173.315(a)(1).	To renew special permit 7025 which allows shipments of cryogenic helium or cyrogenic hydrogen in specially designed cargo tanks (mode 1).
7060-X	Federal Express Corp., Memphis, Tenn.	14 CFR 103.19(b), 103.23(a).	To renew special permit 7060 authorizing the transportation of radioactive materials in excess of 14 CFR 103.19(b) limitations under specified conditions (mode 4).
7231-X	American Cyanamid Co., Wayne, N.J.	49 CFR 173.245(a)	To amend DOT-E 7231 to include hydroxymethyl phosphonium sulfate for transportation in the Uniroyal "Sealdtank" (mode 1).
7250-X	Atlantic Container Line, Ltd., New York, N.Y.	46 CFR pt. 146	To renew E 7250 which authorizes stowage of certain hazardous materials in accordance with the International Maritime Dangerous Goods Code (mode 3).
7263-X	Atomized Metal Powders, Inc., Flemington, N.J.	46 CFR 146.27-100	To renew E 7263 allowing the transportation of aluminum powder in steel drums not exceeding 650 lb gross weight (mode 3).
7408-X	Aerojet Solid Propulsion Co., Sacramento, Calif.	46 CFR 146.02-8(a)	To renew USCG permit 23-75 which allows commercial shipments of rocket motors in military specification containers (mode 3).
7409-X	Sea-Land Service, Inc., Elizabeth, N.J.	46 CFR 146.21-100	To renew USCG permit 19-68 which allows the transportation of flammable liquids in modified DOT specification MC-303 portable tanks (mode 3).

Application No.	Applicant	Regulation(s) affected	Nature of application
6828-X	Boyle-Midway Division of American Home Products Corp., New York, N.Y.	49 CFR 173.244(a), 173.1200(a).	To amend special permit 6828 to authorize shipments of consumer products as ORM-D materials, but in packages as prescribed in the present permit (modes 1, 2, 3).
7007-X	Trinity Industries, Inc., Dallas, Tex.	49 CFR 173.314, 179.3; 46 CFR 145.24-100.	To amend special permit 7007 by deleting the requirement restricting shipments of chlorine in DOT-110A500W tanks to export shipments only (modes 1, 3).
7233-X	Trailer Marine Transport Corp., Jacksonville, Fla.	46 CFR 146.27-30(d)(2)(i), 146.27-30(d)(2)(ii); 49 CFR 173.120.	To renew E 7233 which waives certain operational requirements pertaining to motor vehicles containing fuel on unmanned barges.

PARTIES TO AN EXEMPTION [2]

75-109-P	Dixie Chemical Co., Houston, Tex.	49 CFR 173.314(c), 179.301(a).	To become a party to Penwalt Corp. application 75-109 relative to shipments of chlorine in non-DOT specification ton containers (modes 1, 2).
7052-P	Ray-O-Vac Division, EXB, Inc.	49 CFR 173.206(d)(1)..	To become a party to DOT-E 7052 which allows transportation of lithium batteries in specialized packagings (modes 1, 2, 3, 4).

[1] The closing date for filing comments on the above applications is July 16, 1976.
[2] The closing date for filing comments on the above applications for renewals and for parties to an exemption is July 2, 1976.

C. H. THOMPSON,
Chief, Regulations Division,
Office of Hazardous Materials Operations.

[FR Doc.76-17297 Filed 6-15-76;8:45 am]

AMERICAN INDIAN POLICY REVIEW COMMISSION

INDIAN EDUCATION INVESTIGATION

Hearings

Notice is hereby given pursuant to the provision of the Joint Resolution establishing the American Indian Policy Review Commission (Pub. L. 93-580), as amended, that hearings related to their proceedings will be held in conjunction with Task Force No. 5's investigation of "Indian Education".

Hearings have been scheduled June 21, 1976, from 9:00 a.m. to 5:00 p.m. at the Rayburn House Office Building, Room B-308 in Washington, D.C.

The American Indian Policy Review Commission has been authorized by Congress to conduct a comprehensive review of the historical and legal developments underlying the unique relationship of Indians to the Federal Government in order to determine the nature and scope of necessary revision in the formulation of policies and programs for the benefit of Indians. The Commission is composed of eleven members, three of whom were appointed from the Senate, three from the House of Representatives and five members of the Indian Community elected by the Congressional members.

The actual investigations are conducted by eleven task forces in designated subject areas. These hearings will focus on issues related to Task Force No. 5's investigation of Indian Education.

Persons desiring further information should call Helen Schierbeck at 202-225-2235.

Dated: June 11, 1976.

KIRKE KICKINGBIRD,
General Counsel.

[FR Doc.76-17550 Filed 6-15-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 29258]

DAN-AIR SERVICES LTD.

Postponement of Hearing

Notice is hereby given that objection has been made on behalf of Overseas National Airways, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., and World Airways, Inc., to the holding of the hearing immediately following the prehearing conference on June 14, 1976, (41 F.R. 22294, June 2, 1976). Accordingly, pursuant to said notice, the hearing will not be held on that date.

The prehearing conference will be held on June 14, 1976, at 9:30 a.m. (local time) in Room 1003, Hearing Room D, 1875 Connecticut Avenue, N.W., Washington, D.C., as previously noticed.

Dated at Washington, D.C., June 11, 1976.

FRANK M. WHITING,
Administrative Law Judge.

[FR Doc.76-17542 Filed 6-15-76;8:45 am]

[Order 76-6-87; Docket 25554, Agreement CAB 22588-A1 Et Al.]

EMERY AIR FREIGHT CORP. AND MISSISSIPPI VALLEY AIRWAYS, INC. ET AL.

Order of Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 10th day of June, 1976. Modification of agreements between Emery Air Freight Corp. and Mississippi Valley Airways, Inc., *et al.* regarding priority air freight services.

The Board, by order 75-5-106, gave approval, subject to conditions, to 56 separate agreements of uniform provision between Emery Air Freight Corp. (Emery) and individual commuter air carriers operating pursuant to Part 298 of the Board's Economic Regulations. The agreements provided for the carriage of Emery air freight shipments by the commuter air carriers, the utilization of Emery airbills by the carriers, and the solicitation by both parties of joint traffic.

The agreements also provided that:

> The Carrier agrees that it will establish and maintain rates for the air transportation by it of air freight traffic moving over segments served by the carrier which rates shall provide for consolidated shipment weight charges.

The Board objected to the provision insofar as it (1) presented a potential for price discrimination by the commuter carriers against competing forwarders and (2) created an inherently unfair quanity discount system without a compelling argument that such a discount is reasonably related to material cost savings. The Board ultimately conditioned its approval of the agreements by requiring, *inter alia*, that Emery file with the Board the lists of charges for cargo services between it and the commuters and that such lists not offer any discounts for the tender of more than one shipment.

After a protracted effort by Emery, spanning approximately 6 months, to analyze, negotiate, and establish a revised rate structure with each of the commuter carrier parties to the agreements, Emery informed the Board that it was dropping the provision concerning rates from the agreements. Emery indicated that there will not be any special rates between it and the commuters for the carriage of traffic under their agreements.

In light of the modifications deleting the provision concerning rates and, moreover, the representation by Emery that there will be no special rates between Emery and the commuters, the condition in the Board order of approval of the agreements which required the filing of lists of charges for the cargo services now appears to be unnecessary.

Copies of the agreements to modify the basic agreement with various commuters have been filed with the Board by Emery. (See Appendix A.[1]) Finding nothing adverse to the public interest or in violation of the Act in the modifications which in essence remove a point of concern voiced by the Board, we will approve them.

Accordingly, it is ordered that:

1. Ordering paragraphs 1(c) and 1(d) of order 75-5-106 be and they hereby are deleted;

2. Agreements CAB 22588-A1, 22591-A1, 22592-A1, 22593-A1, 22602-A1, 22603-A1, 22604-A1, 23116 A1, 23120-A1, 23362-A1, 23871-A1, 23894-A1, 23895-A1, 23955-A1, 23956-A1, 24450-A1, 24508-A1, and 24573-A1 be and they hereby are approved.

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[1] An Appendix A is filed as part of the original document.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-17543 Filed 6-15-76;8:45 am]

[Docket 28656]

FLYING TIGER TRANSPACIFIC RENEWAL CASE

Hearing

Notice is hereby given, pursuant to to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on July 13, 1976, at 9:30 a.m. (local time) in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., June 10, 1976.

ARTHUR S. PRESENT,
Administrative Law Judge.

[FR Doc.76-17541 Filed 6-15-76;8:45 am]

[Order 76-6-89; Docket 20522]

IATA; NORTH ATLANTIC CARGO RATE AGREEMENTS

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 11th day of June, 1976.

By petition filed April 26, 1976, Pan American World Airways, Inc. (Pan American) and by motion filed April 28, 1976, Trans World Airlines, Inc. (TWA) request that the Board further amend Orders 73-2-24, February 6, 1973, 73-7-9, July 5, 1973, 74-4-7, April 2, 1974, and 74-8-54, August 13, 1974, issued in the above-entitled proceeding, to permit them to establish and maintain container rates and charges from Chicago to points in Europe which are less than those prescribed under the Board's rates per mile formula.

In *Agreements Adopted by IATA Relating to North Atlantic Cargo Rates*, Docket 20522, the Board found that the existing North Atlantic cargo rate structure, as contained in carrier tariffs, and in agreements adopted by the carrier members of the International Air Transport Association (IATA) unduly and unreasonably preferred New York and unduly and unreasonably prejudiced Boston, Philadelphia, Baltimore, Washington, Cleveland, Detroit, and Chicago (other U.S. gateway cities). The Board also found that the lawful cargo rates between points in Europe, on the one hand, and the above-named cities, on the other hand, are the New York-European point rates per mile multiplied by the distance in miles between such cities and points in Europe.

The lower rates and charges proposed by Pan American and TWA are through rates for IATA container Types 3, 7, and 8, and are intended to meet the combination of domestic daylight container rates and charges from Chicago to Boston and international container rates and charges from Boston to points in Europe. The proposed rates and charges effect savings of from $4 to $306 per container, and range from less than one to 7.8 percent below the currently effective rates and charges.

In support of its petition, Pan American states that Northwest Airlines, Inc. and Seaboard World Airlines, Inc. currently have daylight container rates filed for Chicago-Boston service which can be combined with Boston-Europe container rates to undercut the through Chicago-Europe container rates mandated by the Board's orders in this proceeding; that such combination of rates can be used legitimately by shippers who move their cargo to Boston on a domestic air waybill and utilize an international air waybill for the Boston-Europe sector; that some carriers serving Chicago have simply met this combination rate on through services from Chicago to Europe without filing tariffs which establish the lower through rate; that these practices—legitimate and illegitimate—have been diverting revenues from Pan American of at least $6,000 per week; and that it should be permitted to stem this diversion by filing lawful through tariffs matching the combination of container rates.

In support of its motion, TWA states that since the latest approval of the IATA rate formula in Order 74-8-54, a competitive problem has developed as a direct result of the domestic freight rate structure, i.e., the international mileage-based rates may be undercut by construction using domestic rates. The carrier asserts these undercuts occur in instances where local domestic daylight container rates are utilized in conjunction with local international container rates. Further, TWA maintains that certain agents utilize the above-described device of double air billing in order to achieve the lowest rates possible and such rates are, in fact, below the international mileage-based rates. In terms of TWA's system, the undercutting of its rates has had a substantial impact on its share of the Chicago-Europe container markets. Finally, TWA states that the requested modification of the Board's order would have a two-fold effect. First, TWA would be able to compete with those agents currently employing a double air billing on their shipments and, second, shippers not as familiar with the rate structure as the agents will have the opportunity to purchase transportation at rates equal to those utilized by agents.

The Chicago Parties (the City of Chicago and the Chicago Association of Commerce and Industry) have filed an answer in support of the requests of Pan American and TWA; and, Pan American has filed an answer in support of TWA's request. No other answers have been filed.

Upon consideration of the pleadings, the record in this proceeding, and all relevant matters, the Board will grant the petition of Pan American and the motion of TWA to the degree necessary to permit them or any other carrier, to the extent of each such carriers' authority, to establish North Atlantic rates from Chicago at a level matching those lower rates and charges which result from the use of the combination of domestic and foreign container rates and charges via Boston; provided that (1) the tariff transmittal accompanying such filing shall cite specific reference to the rates (including tariff page numbers) used in constructing such new through rates and shall clearly identify that the new rates are a departure from the Board's prescribed mileage formula and are justified on the basis of matching competition; and (2) that all terms and conditions applicable to the separate rates used in construction of the new rates be observed and included in the publication of the new through rates.

In taking this action, the Board recognizes the situation that may exist when a lawfully charged aggregate of intermediate rates via different carriers will produce a lower charge than a through published mileage-related rate, and concludes that shippers should be given the opportunity to enjoy such lower rates via any carrier desiring to offer such rates. Thus, carriers would be given the opportunity to participate in North Atlantic traffic at competitive rates.

Grant of TWA's motion would permit future departures from the mileage formula and obviate the necessity of requesting lower rates whenever such lower rates are necessary to meet competition. We believe that this proposal also has merit and it will be granted subject to the same conditions, supra.

In granting these requests to modify its orders in this proceeding, the Board fully expects and will require that the carriers monitor the newly constructed through rates so as to promptly reflect any change in the separate rates or conditions thereof used in constructing such through rates.[1] Our authorization herein is intended only to permit carriers to meet lower rate competition. If that competition no longer exists, formula rates are required.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958 and particularly sections 204(a), 403, 404(a), 412, 414, and 1002 thereof,

It is ordered that:

1. Orders 73-2-24 and 73-7-9 are hereby amended by amending the last provision in ordering paragraph 2 of

[1] The Board notes that the domestic daylight container rates to be used in constructing the through container rates are currently in issue in the *Domestic Air Freight Rate Investigation*, Docket 22859.

Order 73–7–9 to read in its entirety as follows:

2. Finding number 4 of the Ultimate Findings and Conclusions appearing on page 32 of Order 73–2–24, February 6, 1973, be and it hereby is further amended to read as follows:

"4. Except as provided below, the lawful local and joint North Atlantic general commodity, specific commodity and container rates for service between the cities of Boston, Philadelphia, Baltimore, Washington, Cleveland, Detroit, and Chicago, on the one hand, and points in Europe, on the other hand, are the New York-European point rates per mile multiplied by the distance in miles between such cities and the point in Europe. The air carrier and foreign air carrier parties participating in air cargo services for through transportation of cargo between each of the cities named above and points in Europe via the North Atlantic shall establish and hold out in lawfully filed tariffs all rates available at New York at each of the other named gateways based upon the above formula. The mileage to be used in determining the lawful rates is the shortest operated point-to-point mileage as shown in the latest edition of the IATA mileage manual: Provided, however, That such rates between Baltimore and Washington, on the one hand, and points in Europe, on the other hand, may be commonrated on the basis of the arithmetic average of the Baltimore-European point and Washington-European point mileages; And, provided further, That such rates between the various U.S. gateway points mentioned above, on the one hand, and points in Europe, on the other hand, may depart from the New York-European point rates per mile specified above to the extent necessary to establish or maintain common-rate relationships as among European points or establish or maintain intra-European rate relationships that have historically applied where such proposals will not result in undue preference or undue prejudice with respect to the rate relationship between the above-named other U.S. gateway cities and New York vis-a-vis European points.'

"*Exception*—The carriers may establish in their lawfully filed tariffs rates and/or charges between the above-named points which are less than those prescribed under the above rates per mile formula, provided that:

"(a) such lower rates and/or charges are required to meet a competitive rate contained in effective tariffs lawfully on file with the Civil Aeronautics Board;

"(b) the tariff transmittal accompanying the tariff filing of such lower rates shall cite specific reference to the competitive rates (including tariff page numbers) justifying the lower rates, and shall clearly identify that the new rates are a departure from the Board's prescribed mileage formula and are justified on the basis of matching competition;

"(c) all terms and conditions applicable to the competitive rates used in such construction of such reduced rates shall be observed in the publication of the lower rates; and

"(d) The carriers shall monitor the lower rates and upon any change in the competitive rates (or conditions thereof) requiring such lower rates shall conform promptly to the rates mandated by this order or to the revised competitive rates which are then lawfully in effect.";

3. The petition of Pan American World Airways, Inc. is granted;

4. Except to the extent as modified herein, the motion of Trans World Airlines, Inc. is granted; and,

5. Copies of this order shall be served upon all parties in Docket 20522.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76–17545 Filed 6–15–76;8:45 am]

[Order 76–6–77; Docket 26838]

PRIORITY RESERVED AIR FREIGHT RATES INVESTIGATION

Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 10th day of June, 1976.

In the *Express Service Investigation*,[1] Docket 22388, the Board (1) disapproved agreements between REA and the airlines and withdrew approval of prior agreements relating to air express; (2) terminated REA's exemption authority to conduct air express; and (3) awarded REA air freight forwarder authority. In addition, the Board found that certificated air carriers providing scheduled interstate and overseas air transportation are under an obligation to offer priority air freight service under appropriate tariffs as part of their duty to provide adequate interstate and overseas air transportation.[2]

Those carriers which have filed priority reserved air freight tariffs with the Board are listed in Appendix A.[3] In order to determine the lawfulness of such filings, the Board instituted the *Priority Reserved Air Freight Rates Investigation* (PRAFRI), Docket 26838, on June 28, 1974. The carriers and other persons which have already been made party to *PRAFRI* are listed in Appendix B.

The purpose of this order is to clarify the scope of the investigation and participation in PRAFRI. First, in addition to those carriers already party to Docket 26838, all certificated air carriers, including all-cargo carriers, providing scheduled interstate or overseas air transportation are herein made a party to the investigation.[4] Second, all carrier parties who have not yet filed on-line priority reserved air freight tariffs pursuant to Order 73–12–36 will be expected to do so in the near future. It is our intent that all of the priority reserved air freight tariffs listed in Appendix A, and subsequent revisions and reissues thereof, together with such subsequent priority reserved air freight tariffs as may be filed by the other parties, be subject to this investigation.[5]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered that:

1. An investigation is instituted to determine whether the rates, charges, and provisions described in Appendix A attached hereto and all subsequent priority reserved air freight rates, charges, and provisions filed with the Board in the tariffs of any carrier listed in Appendices B or C attached hereto, and the rules, regulations, or practices affecting such rates, charges, and provisions, including subsequent revisions or reissues thereof, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful rates, charges, and provisions and rules, regulations, and practices affecting such provisions;

2. The investigation ordered in paragraph 1 is consolidated into Docket 26838;

3. The carriers listed in Appendix C are hereby made party to the *Priority Reserved Air Freight Rates Investigation*, Docket 26838; and

4. Copies of this order shall be served upon all parties.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76–17546 Filed 6–15–76;8:45 am]

[Order 76–6–88; Docket 16946]

RAILWAY EXPRESS AGENCY, INC.

Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of June, 1976.

On February 4, 1966, the Railway Express Agency, Inc. filed simultaneous petitions with the Civil Aeronautics Board and the Interstate Commerce Commission requesting issuance of a joint declaratory order, or, in the alternative, regulations defining the conditions and manner in which REA could conduct coordinated surface and air operations with air carriers certificated by the Board. By Joint Agency notice served February 1, 1967, the Board and the Commission instituted parallel proceedings in C.A.B. Docket 16946 and I.C.C. Docket Ex Parte 251 in response to REA's petition, and invited interested persons to submit written statements with respect to the legal and practical problems attendant to the air-surface

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[1] Order 73–12–36, December 7, 1973.

[2] In Orders 74–6–135, June 28, 1974, and 74–10–36, October 8, 1974, the Board found that a specific-flight reservation and a refund guarantee were essential features of the highly expedited service contemplated by Order 73–12–36.

[3] Appendices A through C filed as part of the original document.

[4] The Board will not require foreign air carriers to become party to the investigation.

[5] All tariffs filed by the parties hereto pursuant to the Board's final decision in the *Liability and Claims Rules and Practices Investigation*, Docket 19923, *et al.*, issued March 22, 1976, at pp. 81–82, to the extent that any are filed which differ from the tariffs under investigation in this docket, will also be included in the investigation.

transportation authority requested by REA. Comments were filed on April 3, 1967, and reply comments on May 3, 1967.

This proceeding has been dormant since comments were filed in 1967. No official action has been taken with respect to REA's petition, and no party, including the petitioner, has requested that either the Board or the Commission move forward with this case. Moreover, it appears highly unlikely that official action can now be effectively taken in this matter since REA is no longer actively operating as an indirect air carrier. In fact, on November 6, 1975 a Federal Court adjudged REA bankrupt, and thereafter ordered the liquidation of the carrier's property.

In all these circumstances, we tentatively find and conclude that the subject case should be terminated and REA's petition in Docket 16946 should be dismissed. In order to afford all interested parties an opportunity to comment on the Board's proposed course of action, we are issuing the instant order to show cause why our tentative findings and conclusions should not be made final.

Lastly, we point out that the I.C.C. shares our tentative judgment that REA's petition should be dismissed and this proceeding terminated, and is issuing a contemporaneous order to show cause why similar action should not be taken with respect to I.C.C. Docket Ex Parte 251.

Accordingly, it is ordered that:

1. All interested persons are directed to show cause why the Board should not issue an order making final its tentative findings and conclusions that REA's petition in this Docket should be dismissed and this proceeding terminated;

2. Any interested persons having objection to the issuance of an order making final the proposed findings and conclusions shall, within 30 days following the service date of this order, file with the Board and serve upon all parties to this proceeding a statement of objections together with such evidence expected to be relied upon in support of the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board; and

4. In the event no objections are filed all further procedural steps will be deemed to have been waived and the case will be submitted to the Board for final action.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-17544 Filed 6-15-76;8:45 am]

FEDERAL PAPERWORK COMMISSION

Public Meeting

Notice is hereby given of the fifth regular meeting of the Commission on Federal Paperwork to be held in Room S-407, the U.S. Capitol, on June 24, 1976, at 9 a.m.

The public meeting will commence at 9 a.m. and continue until approximately 12:30 p.m. If necessary to complete its business, the Commission will reconvene at 2 p.m. At its meeting the Commission will review the final report prepared by the staff on occupational safety and health. The Commission will also review progress on approved projects, review staff proposals for future projects, and review proposed Commission positions on specific paperwork problems. If the Commission should decide to consider matters relating solely to its internal personnel and budget practices as authorized by 5 U.S.C. 552(b)(2) or to examine personnel and similar files, disclosure of which would constitute an unwarranted invasion of privacy within the meaning of 5 U.S.C. 552(b)(6), the meeting will be closed to the public.

Anyone wishing to attend the open portion of the meeting is invited. For further details contact the Commission on Federal Paperwork, Room 200, 1111 20th Street, N.W., Washington, D.C. 20582, telephone (202) 254-6920.

FRANK HORTON,
Chairman.

[FR Doc.76-17551 Filed 6-15-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

ADDITIONAL EXEMPT TEXTILE PRODUCTS OF THE COTTAGE INDUSTRY OF INDIA

JUNE 14, 1976.

On May 20, 1975, there was published in the FEDERAL REGISTER (40 FR 22025) a letter dated May 13, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs prohibiting entry into the United States for consumption of cotton textiles and cotton textile products, produced or manufactured in India, for which the Government of India had not issued an export visa. It further provided that properly certified handloomed and folklore products of the cottage industry of India would be exempt from the levels of restraint established under the Bilateral Cotton Textile Agreement of August 6, 1974, as amended, between the Governments of the United States and India. The purpose of this notice is to announce that the following products of the cottage industry of India shall also be exempt from the levels of restraint established under the bilateral agreement. The list was previously amended on March 16, 1976 (41 FR 11867).

1. Cotton textile products of the cottage industry other than apparel, made from handloomed fabrics of the cottage industry, whether or not hand cut or hand sewn.

2. Apparel, other than the traditional Indian folklore products listed in the enclosure to the letter of May 13, 1975, which has been hand cut and hand sewn in the cottage industry from handloomed fabric.

3. Traditional Indian folklore products, whether or not hand cut and hand sewn.

4. Handloomed, hand-embroidered fabrics, defined as, "ornamented fabrics, in the piece, and ornamented motifs of cotton by weight, woven," that have been properly certified for exemption by the Government of India.

When the data are available, charges to the affected levels of restraint will be adjusted to eliminate the foregoing exempt textile products.

Shipments of the newly exempt textile products shall be accompanied by the same rectangular certification being issued by the Government of India for previously designated exempt cotton textile products (40 F.R. 22025 and 41 F.R. 11867).

Accordingly, there is published below a letter of June 14, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the directive of March 16, 1976.

Effective date: June 16, 1976.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

JUNE 14, 1976.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive issued to you on March 16, 1976, by the Chairman of the Committee for the Implementation of Textile Agreements which directed you to exempt from the levels of restraint established under the Bilateral Cotton Textile Agreement of August 6, 1974, as amended, between the Governments of the United States and India certain cotton textile products of the cottage industry of India.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton Textile Agreement of August 6, 1974, as amended, between the Governments of the United States and India, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, the directive of March 16, 1976 is hereby amended, effective on June 16, 1976, to exempt from the levels of restraint established under the bilateral agreement shipments of

merchandise which are accompanied by the rectangular Indian certification for exempted items. The certification will be a stamped marking in blue ink on the front of the invoice (Special Customs Invoice Form 5515, successor document, or commercial invoice, when such form is used) and will include the signature and title of the official authorized to issue the certification; identify the items exempted; indicate the date the certification was signed and certified; and carry the certificate number.

Shipments of merchandise in Categories 39 through 63 accompanied by a certification in the outline of an elephant are to be charged to a level of restraint of 2.9 million dozen during the twelve-month period which began on October 1, 1975. The elephant certification will appear on the front of the invoice (Special Customs Invoice Form 5515, successor document, or commercial invoice, when such form is used) and will include the signature and title of the official authorized to issue the certification; identify the items exempted; and indicate the certificate number and the date the certification was signed.

Invoices for shipments of non-exempt cotton textiles and cotton textile products in Categories 1 through 64 will have either a visa stamp, as described in the directive of May 13, 1975, or an elephant stamp, as described in this directive, and will be subject to the respective quotas.

An invoice may reflect either the rectangular or elephant-shaped certification, but not both; otherwise, all merchandise on that invoice will be denied entry. Export visas are not required for merchandise covered by invoices with a rectangular or elephant-shaped certification.

The actions taken with respect to the Government of India and with respect to imports of cotton textiles and cotton textile products from Indian have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provision of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXILE AGREEMENTS

JUNE 14, 1976.

COMMISSIONER OF CUSTOMS,
Department of the Treausry,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: To facilitate implementation of the U.S./India Cotton Textile Agreement of August 6, 1974, as amended, it would be appreciated if you would reduce the charges to the level of restraint established for Categories 28-38 and 64 for the agreement period which began on October 1, 1975 by 1,531,000 square yards equivalent.

This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.76-17665 Filed 6-15-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20633; File No. BSTV-7; Docket No. 20634;File No. BSTV-11; FCC 76R-159]

LINCOLN TELEVISION, INC. (KTSF-TV) AND LEON A. CROSBY (KEMO-TV)

Applications for Subscription Television Authority

1. This proceeding involves the mutually exclusive applications of Lincoln Television, Inc. (KTSF-TV) (Lincoln), San Francisco, California, and Leon A. Crosby (KEMO-TV) (Crosby), San Francisco, California for the over-the-air subscription television (STV) authorization in San Francisco, California.[1] By Order, 40 FR 57384, published on December 9, 1975, the Commission designated these applications for hearing on a comparative basis. Now before the Review Board is a petition to enlarge issues, filed December 24, 1975, by Lincoln seeking the addition of Rule 1.514, Rule 1.65, financial, and ascertainment issues against Crosby and a comparative efforts issue.[2]

RULE 1.514 ISSUE

2. Lincoln bases its request for a Rule 1.514 issue[3] on Crosby's alleged failure to comply with the filing requirements for STV applicants which were set forth by the Commission in its Fifth Report and Order in Docket No. 11279, 19 FCC 2d 559, 17 RR 2d 1509 (1969). Specifically, petitioner contends that Crosby has failed to submit information regarding his staffing plans for the production and transmission of nonsubscription programming (in violation of para. 24 of the Fifth Report and Order); that Crosby has not included a completed Section IV-B setting out his subscription and nonsubscription programming proposals (as required by paras. 22 and 23 of the Fifth Report and Order; and finally that Crosby has failed to append financial showings—including balance sheets—for himself and his STV franchise holder, one Kingsley H. Murphy, Jr., evidencing their respective abilities to meet the Ultravision test, as required by paras. 271 and 273 of the Commission's Fourth Report and Order in Docket No. 11279, 15 FCC 2d 466, 14 RR 2d 1601 (1968), and para. 31 of the Fifth Report and Order, supra, (which make the test established in Ultravision Broadcasting Co., 1 FCC 2d 544, 5 RR 2d 343 (1965), specifically applicable to STV applicants). Petitioner asserts that failure to submit the required information indicates, at the very least, an unacceptable degree of carelessness and inattentiveness (citing Windham Broadcasting Group, 45 FCC 2d 1156, 29 RR 2d 1261 (Rev. Bd. 1974)), and suggests that it may evidence an attempt by Crosby to conceal facts which reflect adversely on his status as an STV applicant (citing Jimmie H. Howell, 46 FCC 2d 960, 30 RR 2d 277 (Rev. Bd. 1974)). As to the latter averment, Lincoln alleges that had Crosby filed the required financial information, he would have been forced to reveal numerous collection actions, liens, and judgments (see paragraph 5, infra), and a 1973 deficit of at least $214,521, all of which may have raised serious questions concerning his financial qualifications.[4]

3. In opposition to petitioner's contention regarding the failure to submit staffing proposals, Crosby contends that, as a television licensee already operating a conventional station, he is only required to submit information regarding the number of personnel which will be added to his existing staff to accommodate the proposed STV operation. Crosby argues that he has satisfied this requirement by indicating in his application that approximately four additional persons will be needed to provide "labor services" and that several persons will also be hired as STV "sales personnel". Second, Crosby maintains that Lincoln is simply in error in asserting that he has not appended a completed Section IV-B to his application. Finally, with respect to charges that he has not supplied the Commission with the required financial data. Crosby argues that he is only required to show his financial ability to continue operation of KEMO-TV when filing his regular renewal applications[5] and asserts that this evaluation need not be duplicated in the instant proceeding

[1] Section 73.642(a)(3) of the Rules provides that "[o]nly one such authorization will be granted in any community:" For a summary of the history underlying Commission authorization and regulation of over-the-air subscription services, see *National Ass'n. of Theatre Owners* v. *FCC*, 420 F. 2d 194 (D.C. Cir. 1969), cert. denied 397 U.S. 92 (1970). As to more recent developments, see First Report and Order in Docket Nos. 19554 and 18893, 52 FCC 2d 1, 33 RR 2d 367 (1975).

[2] Also before the Review Board are the following related pleadings: (a) opposition, filed January 22, 1976, by Crosby; (b) comments, filed February 4, 1976, by the Broadcast Bureau; (c) reply, filed February 17, 1976, by Lincoln; (d) supplement to (a), filed March 1, 1976, by Crosby; (e) motion to strike (d), filed March 2, 1976, by Lincoln; (f) opposition to (e), filed March 11, 1976, by the Broadcast Bureau; and (g) opposition to (e), filed March 16, 1976, by Crosby. Lincoln's request to strike Crosby's supplement to opposition will be denied. Although the supplement is an unauthorized pleading, it contains information relevant to the requested Rule 1.65 issue, and its consideration will not prejudice any party or unduly delay disposition of the petition at hand.

[3] Rule 1.514 reads in pertinent part as follows: (a) Each application shall include all information called for by the particular form on which the application is required to be filed. * * *

[4] In support, Lincoln has attached several certified court docket cards which evidence the filing of civil suits against Crosby, and a balance sheet, dated December 31, 1973, which was submitted by Crosby with his 1974 application for license renewal of Station KEMO-TV.

[5] Crosby's 1974 renewal application was granted by the Commission on September 15, 1975.

in view of the fact that his franchise holder will be wholly responsible for financing the proposed subscription operation.[6] As to the finances of his franchise holder, Crosby contends that an adequate showing has already been made in his application. The Bureau, in its comments, concurs in Crosby's opposition, stating in effect that Crosby's submission of a Section IV–B and personal financial data as a part of his regular renewal application relieved him of an obligation to file this information in the instant proceeding. In any event, argues the Bureau, Rule 1.514, by its terms, only applies to an applicant's failure to complete its required application form and since the Commission has not issued a specific form for STV applicants, designation of a Rule 1.514 issue is not warranted.

4. Although the Bureau correctly observes that the Commission has not adopted a specific STV application form, nevertheless, the Commission's Fifth Report and Order, supra, is sufficiently specific and detailed to put STV applicants on reasonable notice of their filing obligations. Consequently, we believe that an appropriate issue is warranted where an applicant fails to conform to these specifications. Accordingly, an issue will be added, first, on the basis of Crosby's failure to file a completed Section IV–B delineating his STV and non-STV programming proposals, as required by the Fifth Report and Order, supra, paras. 22 and 23.[7] In view of the fact that Crosby's failure in this regard appears to have been entirely inadvertent, however, and no motive for concealment has been alleged, the issue will be designated on a comparative basis only. Cf. Mel-Lin, Inc., 48 FCC 2d 1207, 31 RR 2d 819 (Rev. Bd. 1974). Second, Inquiry is warranted into Crosby's failure to file personal financial information with his application. We cannot accept Crosby's contention that he is exempted from making a personal financial showing due to the fact that his franchise holder will bear full financial responsibility for the proposed STV operation. While it did envision an applicant-franchise holder relationship very similar to that proposed in the instant case in its Fifth Report and Order,[8] at no point did the Commission exempt such applicants from making the required financial showing. Rather, throughout its Fifth Report and Order, the Commission emphasized that all STV applicants will be required to demonstrate compliance with the Ultravision test. See Fifth Report and Order, supra, paras. 30, 31, 34; Fourth Report and Order, supra, para. 273. See also para. 12, infra. The potential decisional significance of this matter is apparent in light of Crosby's apparent insolvency, as evidenced by his last filed, 1973 balance sheet. This issue will also be added on a comparative rather than a disqualifying basis for the following reasons. First, we do not believe that Crosby's misunderstanding of his filing requirements is so unreasonable as to suggest bad faith, and second, the fact that Crosby filed his personal balance sheet in another Commission proceeding effectively rebuts an inference that he may have intended to deliberately conceal his insolvency from the Commission. Cf. Folkways Broadcasting Co., Inc., 48 FCC 2d 723, 31 RR 2d 427 (Rev. Bd. 1974). See also Perdido Broadcasting Co., 56 FCC 2d 792, 35 RR 2d 897 (Rev. Bd. 1975). Petitioner's remaining allegations, however, do not provide grounds for additional inquiry. Thus, although Lincoln is correct that a financial showing, including a personal balance sheet, is required of the STV franchisee (Fifth Report and Order, supra, paras. 30–31, 34–35, 37), nevertheless, we do not view this omission as decisionally significant in the instant case in light of the fact that Murphy has submitted a loan commitment which exceeds his estimated first year costs, and petitioner has failed to allege that Murphy's balance sheet will reflect adversely on his ability to secure the required loan. (See paragraphs 8 and 13 for a discussion of alleged deficiencies in this loan commitment.) As to non-STV staffing proposals, though STV operators must ultimately develop and maintain a non-STV programming staff equivalent to that required of conventional television stations, the Commission has refrained from specifically requiring submission of such proposals as a routine part of the STV application process. See Fifth Report and Order, supra, para. 24. Moreover, since petitioner has failed to allege that Crosby's non-STV staffing is in any way deficient, the omission has no specific significance in this case.

RULE 1.65 ISSUE

5. In support of its requested Rule 1.65 issue,[9] Lincoln asserts that Crosby has failed to amend his application to reflect numerous lawsuits, outstanding judgments, and other matters which occurred subsequent to the July 31, 1973 filing of his STV application. Specifically, petitioner notes the following: (1) a default judgment for $12,893.14 for a wage claim entered against Crosby in favor of Whitney Harris on September 25, 1974; (2) a default judgment for "fraud", entered against Crosby in favor of Coltape, Columbia Pictures Industries, Inc., on June 24, 1974; (3) a suit for damages filed against Crosby by Collectronics, Inc., o June 7, 1975; (4) a suit for money damages filed against Crosby by an M. Willcutt on April 16, 1974;[10] (5) a June 28, 1974 letter from counsel for a Michael Moeller stating that Mr. Moeller intended to initiate involuntary bankruptcy proceedings against Crosby if the terms of alleged employment and limited partnership agreements were not met; and (6) the May 9, 1975 termination of Crosby's position as president and 20% stockholder of Station KPGH-TV, Pittsburgh, Pennsylvania. Lincoln contends that failure to report these events renders Crosby's application no longer "substantially accurate and complete" within the meaning of Rule 1.65. The Broadcast Bureau, in its comments, supports the addition of a Rule 1.65 issue, although solely on the basis of Crosby's failure to report the outstanding civil judgments listed in items (1) and (2) above.

6. In opposition, Crosby maintains that he was not under an obligation to report any of the foregoing suits and judgments to the Commission because his personal finances are not relevant to his qualifications as an STV applicant. In any event, Crosby asserts that Lincoln's allegations in this regard are both inaccurate and misleading since the Harris default judgment (item (1)) has been set aside; the Coltape and Collectronics judgments (items (2) and (3)) have been paid; the Willcutt complaint (item (4)) was dismissed; and the Moeller petition for involuntary bankruptcy (item (5)) was dismissed as lacking in merit. As to the divestiture of his interest in the Pittsburgh television station (item (6)), Crosby maintains that he did not know he was required to report such information in this proceeding and that, at any rate, it is apparent that he had no motive to conceal this matter since it could only improve his comparative posture.

7. The Review Board is of the view that certain of the matters set forth by petitioner may be or could have been of decisional significance in this proceeding

[6] This argument is more clearly made by Crosby in response to the requested Rule 1.65 issue, paragraph 5, infra; however, it appears to be his position in opposition to the Rule 1.514 request as well.

[7] Our examination of Crosby's application reflects that he is mistaken in his contention that the appropriate Section was included in his application. The material is significant in that it informs the Commission of the hours and percentages of STV and non-STV programming proposed, of non-STV past programming, of past and proposed commercial practices, and of general station policies and procedures.

[8] In establishing its filing requirements the Commission contemplated, inter alia, the situation in which the franchise holder, as a separately owned entity, both constructs and operates the STV service, while the applicant retains for itself little more than an obligation to provide air time to its franchisee and to comply with its ascertainment and programming obligations. See Fifth Report and Order, supra, paras. 12 and 29. Essentially the same relationship exists in this case between franchisee and applicant although Crosby will be responsible for the technical aspects of STV signal transmission and Murphy will, by contract, delegate responsibility for the manufacture, installation, and maintenance of STV decoding equipment to its equipment manufacturer.

[9] Rule 1.65 provides that an applicant shall amend his pending application whenever the information furnished therein is no longer substantially accurate and complete in all significant respects" or whenever there is a "substantial change as to any other matters which may be of decisional significance in a Commission proceeding involving the pending application" and that such amendment shall be made "as promptly as possible and in any event within 30 days, unless good cause is shown."

[10] In support of items (1)–(4), Lincoln has submitted, inter alia, certified copies of the respective California Superior Court docket cards.

and that, consequently, the failure to timely report them appears to violate the requirement of Rule 1.65. Specifically, the Coltape judgment (item (2) above), which apparently was based on allegations of "fraud", should have been reported to the Commission within thirty days since it could reflect directly on Crosby's qualifications to operate his broadcast facilities in the public interest. See Lorain Community Broadcasting Co., 18 FCC 2d 686, 16 RR 2d 946 (1969); cf. Post Newsweek Stations, Florida, Inc., 49 FCC 2d 92, 31 RR 2d 692 (Rev. Bd. 1974). In this regard, though Crosby has claimed that the Coltape matter was a "simple suit for collection",[11] this unsupported assertion is insufficient to rebut petitioner's prima facie showing that the judgment was entered on the basis of fraudulent conduct.[12] A second basis for designation of this issue arises from Crosby's failure to inform the Commission that a petition for involuntary bankruptcy had been filed against him (item (5) above).[13] As noted previously, Crosby is in error in his assertion that his financial condition is not a relevant consideration in this proceeding. See para. 4, supra; Fifth Report and Order, supra, paras. 28–39; Fourth Report and Order, supra, paras. 271–273. Moreover, the potential decisional significance of this suit is also apparent in view if Crosby's admitted financial difficulties prior to the time the suit was filed[14] and the insolvency evidenced by his 1973 balance sheet. None of petitioner's remaining allegations, however, are of sufficient demonstrated importance to warrant further inquiry. Thus, Crosby's failure to report the judgment in the Harris wage suit (item (1) above), is of minimal significance in view of the fact that the judgment was set aside within a few days of the thirty-day filing deadline. As to the Collectronics and Willcutt matters (items (3) and (4) above), since no information regarding the amount of money at issue in these suits has been submitted, petitioner has failed to demonstrate their potential impact on Crosby's financial qualifications. Cf. Western Television Co., 50 FCC 2d 1165, 32 RR 2d 808 (Rev. Bd. 1975). Additionally, we agree with Crosby that the termination of his interest in the Pittsburgh television station (item (6)), could only improve his comparative stature, and, accordingly, the significance of this nondisclosure is not apparent. Consequently, the requested Rule 1.65 issue will be limited in scope to the two matters mentioned above and will be designated on a comparative rather than a disqualifying basis since no intentional misconduct in failing to report either matter has been alleged and since the Moeller bankruptcy petition was subsequently dismissed.

FINANCIAL ISSUE

8. In support of its request for a financial issue, Lincoln contends first that Crosby has failed to demonstrate an ability to maintain operation of KEMO–TV on a continuing basis, as required by the Commission in its Fourth and Fifth Reports and Orders, supra. Noting that Crosby has not included any personal financial data in his STV application, petitioner avers that his apparent insolvency (as evidenced by his filed, 1973 balance sheet, see note 3, supra) as well as his "propensity for defaulting on financial obligations" (as evidenced by the suits and judgments discussed at para. 5, supra), makes inquiry into his financial status essential to a determination of his qualifications as an STV applicant. Though Lincoln concedes that Crosby intends to profit from incoming STV revenues, it argues that receipt of these revenues will inevitably be delayed by a considerable construction and installation period and even then will tend to accumulate slowly. Petitioner asserts that a serious question exists as to whether Crosby will be able to continue operation of KEMO–TV until such time as he stands to profit from the proposed subscription venture. Additionally, Lincoln challenges the financial proposal of Kingsley Murphy who, by agreement with Crosby, will bear financial responsibility for construction and operation of the proposed venture. Petitioner notes first that though Murphy intends to rely solely on a $2.5 million dollar bank loan from First National Bank of Minneapolis to finance his proposal, and though the bank's commitment letter provides that Murphy may be required to secure the loan with personal assets, no information regarding Murphy's personal finances or available assets has been submitted to the Commission. According to Lincoln, this omission precludes a finding of reasonable assurance that the relied upon funds will be available.

9. Second, Lincoln challenges the Crosby-Murphy estimation of first-year operating expenses, contending that deficiencies contained therein make it unlikely that the proposed $2.5 million dollar financing, even if obtained, will be sufficient to enable the applicant to continue its STV operation for one year after construction. Specifically, petitioner alleges that first year interest payments on the proposed $2.5 million dollar loan, totalling approximately $265,000,[15] have been entirely omitted from the Crosby-Murphy estimation of first-year costs. Additionally, Lincoln attaches the affidavit of Laurence M. Turet, its vice president, who outlines various other alleged defects in Crosby's proposal on the basis of his more than twenty years of experience in the management of television stations. Noting that the Crosby-Murphy proposal provides for the payment of all "Programming Costs" on a "percentage of gross" basis, Turet asserts that in his experience the over 200 hours of proposed sports programming cannot be effectuated without substantial "below the line" costs. Even assuming that sports events can be successfully obtained from a production company willing to deliver the material to San Francisco solely on a percentage basis, Turet argues that an additional $2,500 per month will still be required for telephone line and connection services.[16] Moreover, as to sports programming which is local in origin, Turet estimates necessary production costs at $2,500/$3,500 per event. Additionally, Turet estimates that the proposed figure of $60,000 for "General Administrative and Miscellaneous" is a small fraction of the amount which will actually be required to cover such items as computer billing service, employee salaries for the proposed staff of four, draw for the sales personnel, office rental, telephone and postage (including the costs of receiving and shipping films and tapes), payroll taxes, office equipment, and management salaries and expenses. Petitioner contends that in view of the foregoing omissions and miscalculations, Crosby has failed to demonstrate an ability to meet first-year expenditures as required by Ultravision Broadcasting Co., 1 FCC 2d 544, 5 RR 2d 343 (1965).

10. The Broadcast Bureau, in its comments, disputes Lincoln's contention that an issue is warranted to inquire into Crosby's ability to operate KEMO–TV on a continuing basis. According to the Bureau, the Commission's September 15, 1975 renewal of Crosby's television license established his ability to maintain operation of his television station, and since Crosby incurs no additional costs under its STV proposal, the Bureau contends that there is no basis for further inquiry into his personal finances. On the other hand, the Bureau does believe that further inquiry is warranted into the ability of Crosby's franchise holder to construct and operate the proposed STV service. Thus, the Bureau supports addition of an availability of funds issue, arguing that the interest rate on the proposed $2.5 million dollar bank loan has not been specified with the required certainty,[17] that the bank has not dis-

[11] This argument by Crosby was made in his "supplement to opposition to petition to enlarge issues", filed on March 1, 1976.

[12] The certified Coltape docket card, submitted by Lincoln, describes the nature of the action as "fraud".

[13] Though the documentation supplied by Lincoln with regard to the Moeller matter does not establish that the bankruptcy suit was actually filed, Crosby's assertion that the suit was dismissed on October 14, 1975 though the exact date of its filing has not been firmly established, an October 30, 1974 letter sent by Mr. Moeller's counsel to the Commission indicates that the suit was filed within a few days of that letter.

[14] Crosby took over operation of KEMO–TV on January 25, 1972 and in his pleadings he describes the financial difficulties which accompanied his early years of operation.

[15] Lincoln bases this estimate on a detailed computation in which he utilizes a prime rate of 7.5%.

[16] Affiant also notes Crosby's proposed transmission of some "bonus" or free programming for promotional purposes, and points out that this material clearly cannot be paid for on a "percentage of gross" basis.

[17] The bank's commitment letter dated July 12, 1973, specifies the interest rate at "between 2 to 2½% over prime or cost of funds, whichever is greater, subject to any usury limitations then in effect."

closed its collateral requirements, and that Murphy has not shown that he has available assets with which to meet these requirements, once they are determined. Moreover, the Bureau agrees with petition that the Crosby-Murphy estimation of first-year costs is defective; while it does not share Lincoln's view that actual first-year expenditures will exhaust the proposed $2.5 million dollar loan, if obtained, it argues that further inquiry into cost estimates is warranted unless availability of the proposed loan is firmly established.

11. In opposition to allegations that he may not have the ability to keep KEMO–TV on the air and operating, Crosby explains that KEMO's financial difficulties stem from the fact that its previous owner suffered severe financial losses, certain of which were assumed by Crosby as consideration for assignment of the station license. Despite this initial drawback, Crosby states that he has maintained continuous operation of KEMO–TV for a longer period than either of the station's two previous owners, that he has every probability of continuing its successful operation and that Lincoln's assertions to the contrary are based solely on "surmise and speculation". With regard to allegations concerning Murphy's bank commitment letter, Crosby maintains that this letter expresses satisfaction with Murphy's balance sheet, that the bank is "quite willing" to provide the requested funds, and that, consequently, reasonable assurance of their availability has been provided. Finally, as to Lincoln's contention that the Crosby-Murphy application underestimates first-year costs and expenses, Crosby challenges the qualifications of Turet to provide reliable alternative cost estimates, alleging that Turet was general manager of KEMO–TV during a period in which it sustained crippling losses. In any event, Crosby argues that even if all allegedly necessary "corrections" in his estimates are made, the proposed $2.5 million in financing is still more than sufficient to meet first year costs.

12. We note preliminarily that there is a particularly strong policy in the area of over-the-air subscription television favoring careful scrutiny of an applicant's ability to operate on a continuing basis. This policy derives from several factors including the direct investment of the public in STV operations—subscribers may bear installation and leasing costs for decoder equipment (see Fourth Report and Order, supra, para. 273); the presumption that a substantial portion of the public in any given area will participate in a single STV service—due to the fact that a single STV authorization will be granted in each qualifying community (see Rule 73.642(a)); and the Commission's concern regarding the as yet unproven financial viability of subscripiton ventures (see Fourth Report and Order, supra, para. 271; Further Notice of Proposed Rulemaking and Notice of Inquiry, 3 FCC 2d 1, 7 RR 2d 1501, para. 17 (1966)). Pursuant to this policy, we believe that an issue is warranted to determine whether Crosby has the ability to maintain operation of KEMO–TV for a period of one year after installation of the STV transmitting equipment. Despite the Commission's specific requirement that STV applicants demonstrate compliance with the Ultravision test (see Fifth Report and Order, supra, paras. 28, 30, 34), Crosby has failed to file any personal financial data in this proceeding (see para. 4, supra). Moreover, Crosby's last filed (1973) balance sheet indicates that at that time Crosby was operating with a deficit of over $214,000 and, as petitioner alleges, a current assets to current liabilities ratio of 1:7.14. Consequently, a substantial question has been raised regarding his continuing ability to meet operating expenses. See Fifth Report and Order, supra, para. 37; cf. David Ortiz Radio Corp., 47 FCC, 28, 30 RR 2d 475 (Rev. Bd. 1974). While it has been argued that inquiry into this matter is inapposite since Crosby will have no financial stake in the proposed STV operation, as we noted previously, a careful reading of the Fifth Report and Order indicates that the Commission did not intend to exempt such applicants from the required financial showing. (See para. 4, supra.) Moreover, the rationale for requiring a financial showing on the part of an applicant with little or no financial responsibility for his proposed STV service is readily apparent in view of the continual dependence of over-the-air subscription services on the facilities and air time of the applicant's underlying television station. In such circumstances, a finding of the station's ability to continue operation is a necessary prerequisite to a determination that the subscription service itself can successfully maintain operation.[18] Finally, contrary to the Bureau's view, we do not believe that the Commission's September 15, 1975 grant of Crosby's 1974 renewal application either precludes or renders unnecessary further inquiry into Crosby's financial status. Rather, in view of Crosby's apparent insolvency, the specific challenge to his financial qualifications and the absence of current financial information which would answer the questions raised, and the above-mentioned strong policy favoring strict scrutiny of an STV applicant's ability to continue operation, further inquiry into this matter is clearly warranted.

13. The Board will also add a funds available issue on the basis of Murphy's failure to submit a personal balance sheet which would evidence his ability to meet the bank's collateral requirements for the proposed $2.5 million loan. Though Murphy has submitted a statement evidencing his willingness to pledge the necessary collateral,[19] this statement, standing alone, does not provide the Commission with an adequate basis on which to determine that sufficient assets are actually available. Western Communications, Inc., 39 FCC 2d 1077, 26 RR 2d 1456 (Rev. Bd. 1973); Calojay Enterprises, Inc., 33 FCC 2d 690 (1971). Consequently, reasonable assurance that the relied upon funds will be available has not been provided.[20]

14. Finally, the Board will deny petitioner's request for a cost estimates issue. We agree with Lincoln that a substantial question has been raised regarding the feasibility of Crosby's plan to finance all STV programming on a "percentage of gross" basis,[21] and in addition, Lincoln has correctly noted Crosby's error in failing to include first year bank loan interest payments in his projected first year expenses.[22] However, even if first year interest payments and programming expenditures for lines and connections, as estimated by Turet, are added to Crosby's estimated first year costs, a first year surplus of approximately $353,500 would remain from the proposed $2.5 million bank loan. Since this amount would appear to be adequate to cover other allegedly necessary expenditures, no useful purpose would be served by

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[18] The situation is similar in this regard to that in which an applicant for construction of an FM station proposes to rely on the programming and/or facilities of an existing AM station: the AM station is viewed as an integral component of the FM proposal and as such a demonstration of the AM station's ability to operate on a continuing basis may be required where a question has been raised regarding its financial stability. See Heart of Georgia Broadcasting Co., Inc., 15 FCC 2d 905, 15 RR 2d 303 (Rev. Bd. 1969); cf. Medford Broadcasters, Inc., 16 FCC 2d 684, 15 RR 2d 780 (Rev. Bd. 1969).

[19] A revised commitment letter from the First National Bank of Minneapolis, dated February 21, 1975, states that the bank "may require a direct pledge of personal collateral." Murphy's statement of the same date recites that he will pledge "such * * * assets as may be required" by the bank.

[20] We do not believe that further inquiry is warranted into the required interest rate, however. The Board recognizes the difficulty of ascertaining appropriate interest rates well in advance of the actual loan transaction, (see Belo Broadcasting Corp., 44 FCC 2d 703, 706, 29 RR 2d 238, 242 (Rev. Bd. 1974)), and, in this case, it appears that the Crosby-Murphy proposal has provided for a sufficient first year surplus to cover the required interest payments when they are determined with greater certainty (see para. 14, infra). Cf. Mel.-Lin, Inc., 48 FCC 2d 536, 31 RR 2d 106 (Rev. Bd. 1974).

[21] In this regard, we reject Crosby's assertion that Turet is not qualified to make reasonable alternative cost estimates. As an experienced broadcaster, Turet's alternative estimates, which are submitted in an uncontested affidavit, clearly have probative weight at this stage of the proceeding. See, e.g., LaFourche Valley Enterprises, Inc., 30 FCC 2d 539, 22 RR 2d 228 (Rev. Bd. 1971). Crosby's assertions to the contrary are unsupported.

[22] We do not believe, however, that Crosby's provision of $60,000 for "General Administrative and Miscellaneous" is unreasonable on its face; nor do we believe that petitioner has raised a substantial question regarding its adequacy. We note, in this regard, first, that considerable discretion is afforded an applicant with respect to its administrative and personnel costs; and, second, as indicated in the text, a substantial surplus would be available from the proposed bank loan to meet such additional costs.

further inquiry into Crosby's cost estimates. Accordingly, the requested issue will be denied. Cf. Commercial Radio Institute, Inc., 48 FCC 2d 323, 31 RR 2d 12 (Rev. Bd. 1974); Snake River Valley Television, Inc., 18 FCC 2d 70, 16 RR 2d 442 (Rev. Bd. 1969). Moreover, this result is not altered by our designation of a funds availability issue, since Crosby's financial qualifications with regard to construction and operation of his STV service will stand or fall on his ability to demonstrate reasonable assurance that the proposed bank loan will be available. Cf. Eastern Broadcasting Co., 39 FCC 2d 700, 26 RR 2d 1229 (Rev. Bd. 1973).

ASCERTAINMENT AND COMPARATIVE EFFORTS ISSUES

15. Lincoln's final requests are for the addition of an ascertainment issue against Crosby and a comparative efforts issue. Its request for an ascertainment issue is premised on an argument that STV applicants, like regular broadcast applicants, are required to conform to the procedures outlined in the Commission's Primer on Ascertainment of Community Problems by Broadcast Applicants (Primer), 27 FCC 2d 650, 21 RR 2d 1507 (1971).[23] Pursuant to this assumption, Lincoln proceeds to outline various alleged defects in Crosby's ascertainment showing, noting that: no demographic data has been included (as required by Question 9 of the Primer); no community leaders were consulted (see Primer, Question 4); there is no evidence to indicate that Crosby or some other qualified person conducted interviews which were all by telephone (see Primer, Question 11(b)); there is no indication as to how those interviewed were selected (Primer Question 13(b)); or what specific communities were encompassed by the survey (Primer, Question 6). Moreover, according to petitioner, Crosby's showing of 101 interviews is too small "to assure a generally random sample", as required by Question 14 of the Primer, in view of the fact that San Francisco has a population of 715,675 and the San Francisco "area" (including San Francisco, Santa Clara, San Mateo, Alameda and Marin Counties) has a population of 2.6 million. Additionally, petitioner notes that there is no showing that the persons contacted by Crosby were representative of all significant interest groups in the service area, including minorities (as required by Primer, Question 10). As a related matter, Lincoln points out that since Crosby's franchise holder, Mr. Murphy, will actually select and schedule the STV programming, his apparent failure to participate in the ascertainment procedure renders it of dubious value. In sum, petitioner characterizes Crosby's ascertainment efforts as "perfunctory at best" and asserts that a Suburban issue is warranted, citing Maranatha, Inc., 56 FCC 2d 473, 35 RR 2d 475 (Rev. Bd. 1975); and Post-Newsweek Stations, Florida, Inc., 55 FCC 2d 172, 34 RR 2d 1410 (Rev. Bd. 1975).

16. In addition, Lincoln requests a comparative efforts issue on the basis of what it views as a "significant disparity" between its own ascertainment efforts and those of Crosby (citing Chapman Radio and Television Co., 7 FCC 2d 213, 9 RR 2d 635 (1967); and RKO General, Inc., 25 FCC 2d 633, 19 RR 2d 1079 (1970). First, Lincoln contrasts Crosby's failure to include demographic material with its own detailed, 64-page historic, economic, cultural, and demographic analysis of the service area. Additionally, Lincoln notes that, between its original and amended ascertainment showings,[24] it has conducted 171 face-to-face interviews with community leaders (while Crosby has conducted none); that it has surveyed 1,202 members of the general public (including both man-on-the-street and telephone contacts), as compared with Crosby's sample of 101 persons; and it has submitted a "detailed and painstaking analysis" of its findings and conclusions which is not duplicated by anything found in the Crosby materials. Finally, petitioner notes that its principals and those of its franchise holder (Lincoln Subscription Television, Inc.) actively participated in these efforts while Crosby's personal involvement is uncertain and that of his franchise holder apparently non-existent.

17. In opposition, Crosby contends that STV applicants are not required to comply with the procedures outlined in the Commission's Primer. While conceding that the Fourth Report and Order, supra, does compare subscription ascertainment requirements with those of "free" television, Crosby argues that at the time the Fourth Report and Order was issued, applicants for free television were only required to determine community programming needs. Subsequent to that time, continues Crosby the Commission issued its Primer requiring applicants for free television to ascertain community problems, a requirement which differs substantially from their earlier obligation, and which has never been made applicable to subscription applicants. Crosby concludes that his only obligation in this proceeding is to determine community programming preferences, without reference to the procedures outlined in the Primer, and contends that he has completely satisfied this requirement. As to petitioner's request for a comparative ascertainment issue, Crosby contends that it would be unfair to compare the thoroughness of his own survey with that of Lincoln since applicants for renewal, such as Crosby, are not required to make the same extensive ascertainment surveys as are new applicants, such as Lincoln, citing Primer on Ascertainment of Community Problems by Broadcast Applicants, 41 FR 1372, published January 27, 1976. The Broadcast Bureau, in its comments, also opposes the addition of an ascertainment issue, arguing that STV applicants need only submit a "program preference survey" (citing Fifth Report and Order, supra, para. 25), and that Crosby has satisfied this requirement by interviewing some 100 members of the public. As to petitioner's request for a comparative issue, the Bureau argues, in substance, that the comparative superiority of an STV applicant's ascertainment showing is of little note, since the "market place" will serve as a more direct and effective means of determining and satisfying the community's programming preferences.

18. The Review Board will add a limited ascertainment issue. In its Fifth Report and Order, supra, at para. 25, the Commission stated that STV applicants would be required to ascertain STV programming needs of the community, to specify the methodology employed, and to state how the programming proposed would fulfill those needs. Since the Commission views STV programming as supplemental to conventional television and expects it to consist largely of sports and entertainment (Fourth Report and Order, supra, paras. 284, 306–8), applicants are not required to determine the community's needs, problems, and issues generally, but rather to seek the "sports and entertainment needs and interests of the community" (Fifth Report and Order, supra, para. 25, city City of Camden, 18 FCC 2d 412, 16 RR 2d 555 (1969), para. 26). At paragraph 26 of City of Camden, the Commission stated that programming preferences may be determined by a survey of the general public using valid sampling methods. It is the Board's view, therefore, that although the Commission's 1971 Primer is not generally applicable to STV applicants, nevertheless, it would be reasonable and appropriate to apply its guidelines relating to general public surveys to STV applicants.

19. Thus, turning to Crosby's survey efforts, we note, first, that while the Commission has never required "a highly sophisticated methodology" in the selection of persons to be included in a general public survey, a generally random sampling is considered essential to ensure that those chosen have a representative viewpoint. The Outlet Co., 38 FCC 2d 355, 358, 25 RR 2d 1077, 1082 (1972); Primer, supra, Q. & A. 13(b), para. 40. Since this principle is equally applicable to a programming preference survey, and since Crosby has failed to specify the method by which he selected those persons surveyed, an issue will be designated on this basis. See Fifth Report and Order, supra, para. 25; WAVV Communications, Inc., 48 FCC 2d 1113, 31 RR 2d 749 (Rev. Bd. 1974); Dowric Broadcasting Co., Inc., 45 FCC 2d 680, 29 RR 2d 1059 (Rev. Bd. 1974). Second, the Primer requires broadcast applicants

[23] In support, petitioner relies on the following language found in the Commission's Fourth Report and Order at para. 337: "*As with free TV*, we shall require that applicants provide us with narrative statements about what they have done to determine the needs of the community with regard to STV programming and the manner in which they propose to fulfill those needs." (Emphasis added.)

[24] Lincoln updated its community ascertainment showing on May 23, 1975.

to include in their general public surveys a sufficient number of persons "to assure a generally random sample," noting that the number of consultations will vary with the size of the city in question. Primer, supra, Q. & A. 14. In our view, a substantial question exists as to whether Crosby's sampling of 101 persons taken from a metropolis of 715,675, is adequate to satisfy the Commission's requirements, especially in view of his failure to specify whether those interviewed were chosen from the city of license itself or were taken in part from outlying areas. Cf. Eastern Broadcasting Co., 50 FCC 2d 599, 32 RR 2d 601 (1975); Jerry Lawrence, 48 FCC 2d 373, 31 RR 2d 59 (Rev. Bd. 1974); WPIX, Inc. (WPIX), 34 FCC 2d 419, 24 RR 2d 59 (Rev. Bd. 1972); compare RKO General, Inc. (WHCT-TV), 33 FCC 2d 664, 23 RR 2d 930 (1972). Finally, as to regular broadcast applicants, the Commission has specified those persons allowed to conduct a general public survey. See Primer, supra, Q. & A. 11(b). While the Commission has not stated that STV applicants are so limited in their choice of appropriate interviewers, we do believe that information regarding who has conducted the survey and the supervision to which such person or persons were subject is necessary to allow reliance on the results obtained. Since Crosby's application and pleadings are inconclusive on this point,[25] an issue is also warranted on this basis. Cf. Eastern Broadcasting Co., supra. Petitioner's remaining allegations, however, are based on ascertainment requirements which are not applicable to or appropriate for STV applicants. Thus, the submission of demographic information, the necessity of conducting interviews with community leaders, the requirement of face-to-face (vs. telephone) contacts, and the importance of contacting all "significant" groups in the service area, including minorities, are Primer requirements which are specifically tailored to ensure the effective ascertainment of all significant community problems, and as such are not applicable to a more limited effort to determine STV programming preferences.[26] Finally, we do not believe that Murphy was required to personally participate in Crosby's survey effort since the Fifth Report and Order does not specifically impose an ascertainment requirement on STV franchisees in addition to STV applicants.

20. We will deny petitioner's request for a comparative efforts issue. While we do not agree with the Bureau that the comparative superiority of an STV applicant's efforts may never be a relevant consideration, in this case petitioner's allegations are not sufficient to warrant such an issue. First, the majority of petitioner's averments pertain to additional efforts not required of STV applicants. See paragraph 19, supra. Moreover, while it is true that Lincoln has surveyed a more extensive cross-section of the general public, petitioner has not alleged that there are significant disparities between the programming preferences ascertained by the two applicants. In the absence of such a showing, the requested issue must be denied. Cf. Mid-Florida Television Corp., 57 FCC 2d 1052, ____ RR 2d ____ (Rev. Bd. 1976); CBS, Inc., 49 FCC 2d 743, 31 RR 2d 1467 (Rev. Bd. 1974).

21. *Accordingly, it is ordered,* That the motion to strike, filed March 2, 1976, by Lincoln Television, Inc., is denied; and

22. *It is further ordered,* That the petition to enlarge issues, filed December 24, 1975, by Lincoln Television, Inc., is granted to the extent indicated below, and IS DENIED in all other respects; and

23. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine whether Leon A. Crosby has failed to comply with the Commission's Fifth Report and Order by not filing a completed programming Section IV-B, and by not filing financial information and, if so, the effect on his comparative qualifications;

(b) To determine whether Leon A. Crosby has violated Section 1.65 of the Commission's Rules by not reporting a 1974 default judgment for "fraud" entered in favor of Coltape, Columbia Pictures Industries, Inc., and a 1974 petition for involuntary bankruptcy filed by Mr. Michael Moeller, and, if so, the effect on his comparative qualifications;

(c) To determine whether Leon A. Crosby has sufficient funds available to sustain operation of KEMO-TV for one year after construction of the proposed STV facility;

(d) To determine whether Leon A. Crosby's STV franchise holder, Kingsley Murphy, will have available a $2,500,000 loan from First National Bank of Minneapolis;

(e) To determine in light of the evidence adduced under issues (c) and (d) whether Leon A. Crosby and Kingsley Murphy are financially qualified to construct the proposed STV facility and to continue operations for a period of one year;

(f) To determine whether Leon A. Crosby's STV ascertainment survey was conducted on a random basis, encompassed a sufficiently large sample of the proposed community, and was conducted by reliable persons, and in light of the evidence adduced, whether the applicant has complied with the Commission's Fifth Report and Order.

24. *And, it is further ordered,* That the burden of proceeding with the introduction of evidence under issues (c), (d) and (f) and the burden of proof under all of the issues added herein shall be on Leon A. Crosby.

Adopted: June 7, 1976; released: June 14, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-17539 Filed 6-15-76;8:45 am]

[25] Crosby has failed to refute petitioner's allegation that his survey may have been conducted by persons not subject to appropriate supervision.

[26] See *Primer, supra,* Q. & A. 9, 10, paras. 27, 28 (demographic information); Q. & A. 18 (interviews with community leaders); Q. & A. 11(a), para. 33 (face-to-face interviews); Q. & A. 14, para. 41 (contact with all significant groups).

[Docket No. 20835; File No. BPCT-4412, FCC 76-517]

WFMY TELEVISION CORP. (WFMY-TV)

Application for Changes in Facilities

By the Commission: Commissioner Lee concurring in part and dissenting in part and issuing a statement; Commissioner Reid absent.

1. The Commission has before it for consideration the application (BPCT-4412) of WFMY Television Corp., Greensboro, North Carolina, for changes in the authorized facilities of television broadcast station WFMY-TV, channel 2, Greensboro, North Carolina, and timely petitions to deny the application, filed by Jefferson-Pilot Broadcasting Company, licensee of television station WBTV, channel 3, Charlotte, North Carolina, and Triangle Telecasters, Inc., licensee of WRDU-TV, channel 28, Durham, North Carolina.

2. The WFMY-TV application was accepted for filing February 11, 1971, and the petitions to deny, alleging adverse impact on UHF television broadcasting, were filed on March 15, 1971. Thereafter, the following pleadings, also now before the Commission, were received: (a) an "Opposition to Petitions to Deny," filed by WFMY-TV on May 19, 1971, and (b) a "Reply" to WFMY-TV's Opposition, filed by WRDU-TV on June 11, 1971.[1] On January 29, 1975, letters were addressed by the Commission to WRDU-TV and WBTV, requesting them to state whether they continued to oppose the application and whether changes had occurred since the date of the last pleadings which should be considered by the Commission. Both WRDU-TV and WBTV affirmed their continuing opposition to the application, but provided no information concerning new or changed circumstances except for WRDU-TV's notation that it is now a primary NBC affiliate.

3. To demonstrate standing, WBTV notes that "[a]t present the WFMY-TV Grade B contour encompasses 16.2% of the area within the present WBTV Grade B contour. Operating as proposed, WFMY-TV would increase the overlap percentage to 45.2%. Accordingly, [WBTV] has standing with respect to the above-entitled application."[2] From the fact that both stations are CBS affiliates, and the substantial area of additional overlap should the application be granted, we will infer the likelihood of increased competition and will grant WBTV standing respect to this application. *FCC* v. *Sanders Bros. Radio Station,*

[1] The delay in disposing of this case is due in large part to the pendency of a competing application filed against WFMY-TV's 1969 renewal application. The competing application, BPCT-4303, was finally dismissed October 31, 1974, by the Chief, Broadcast Bureau, at the request of the applicant.

[2] Those figures reflect use of our former prediction methods, rather than those adopted in Docket No. 16004, 53 FCC 855 (1975). However, for the purposes of our discussion of the possible impact on UHF, we have used predicted contours arrived at by the new prediction methods, unless otherwise indicated.

309 U.S. 470 (1941). Although the increased competition which establishes WBTV's standing is not related to the alleged injury to the public interest (WBTV, a VHF station, raises only the issue of adverse impact on the development of UHF television), as a party under the *Sanders Bros.* doctrine, WBTV may now invoke the public interest as it may be affected by a grant of this application. *Scripps-Howard Radio* v. *FCC*, 316 U.S. 4 (1942). Cf., *Sierra Club* v. *Morton*, 405 U.S. 727, 737 (1972). The other petitioner, WRDU–TV, claims status as a party in interest "because a grant of the WFMY–TV application would have the effect [of] causing substantial economic harm to WRDU–TV." Such an allegation merely assumes the existence of the ultimate fact at issue, and, under normal circumstances, we would hold that such pleading "by speculation and conjecture" was not acceptable. Mel-Eau Broadcasting Corp., et al, 10 FCC 2d 537, 538 (1967). However, at the time the petition was filed, WRDU–TV was obtaining a not insignificant amount of CBS network programming on a per-program basis, and was competing for audience with WFMY–TV over a large area. While WRDU–TV has ceased to be an outlet for CBS programming, the area of overlap between the two stations would increase significantly if the WFMY–TV application were granted. We believe this additional overlap represents additional competition that is sufficient to establish standing under the *Sanders Bros.* doctrine.

4. Both petitions are addressed almost exclusively to the issue of adverse impact on UHF television broadcasting, which, it is alleged, will follow directly from the extension of the WFMY–TV signal into new areas. Now operating at maximum permissible visual effective radiated power (ERP) of 100 kilowatts, at an antenna height above average terrain (HAAT) of 720 feet, WFMY–TV proposes to move its transmitter from the area northeast of Greensboro some 14.2 miles southwest in the direction of Charlotte, where it proposes to increase HAAT to 1924 feet, while continuing to operate with ERP (visual) of 100 kilowatts. This will result in an increase in the area within WFMY–TV's predicted Grade B contour from 11,239 to 19,637 square miles. This expanded coverage area will have the effect of improving WFMY–TV's signal over, or extending its service for the first time to, a number of communities where UHF television stations have been licensed, or UHF channels lie fallow.[3] For the first time, WFMY–TV will place a predicted Grade B signal over the communities of Charlotte, where WCCB–TV, channel 18, and WRET–TV, channel 36, are operating (the former as an ABC affiliate); Raleigh, where commercial channel 22 is assigned; and Fayetteville, where channels 40 and 62 are assigned.[4] Likewise for the first time, WFMY–TV will place a predicted Grade B signal over Kannapolis, where channel 64 is assigned, and a City Grade signal over the communities of Winston-Salem and Lexington, where channels 45 and 20, respectively, are assigned. With respect to WRDU–TV, overlap of that station's Grade B service area by WFMY–TV will increase, from roughly 72 percent to fractionally less than 97 percent. WRDU–TV's community of license, Durham, will remain outside WFMY–TV's predicted Grade A contour, but within the Grade B. In WFMY–TV's own community of Greensboro, channels 48 and 61 are assigned.[5]

5. The Commission's policy of fostering the development of UHF broadcasting has historically involved the weighing of the objectives of the applicant VHF station against the adverse effects of the proposed move. See, e.g., Triangle Publications, Inc., 29 FCC 315, 325 (1960), aff'd. sub nom. *Triangle Publications, Inc.* v. *FCC*, 291 F. 2d 342 (1961). The question presently before the Commission, however, is not whether there is substantial UHF impact, but whether petitioners' allegations raise a substantial and material question of fact as to whether a grant of the application would serve the public interest and a hearing is therefore required.

6. We are aware that, in designating a similar application by WBTV for hearing, we stated that:

> Although WBTV's present Grade B signal reaches a small portion of Winston-Salem, the station would, for the most part, service the entire market for the first time. The issue, therefore, is whether or not the imposition of a fourth network VHF signal into the market would create an adverse impact upon UHF television. Jefferson Standard Broadcasting Company, 23 FCC 2d 931, 933 (1970)

We do not, however, believe that statement should be permitted to stand for the proposition that all that is necessary to require designation is the allegation that grant of an application would extend another VHF service into communities where UHF channels are occupied or allocated. While the burden is always on the applicant to demonstrate that a grant of its application would serve the public interest, convenience and necessity, to warrant designation, the burden, by statute, is on the objecting party to set forth facts sufficient to support a prima facie determination that grant of the application would be inconsistent with the public interest. 47 U.S.C. § 309 (d). See, e.g., Radio Samoa, Ltd., 51 FCC 2d 533, 538, 32 RR 2d 1357 (1975). We have also stated that, "the unsupported conclusion that any improvement of the service contours of a VHF station in an area in which a UHF station is allocated is, per se, fatal to the prospects for successful UHF operation is not warranted," Atlantic Telecasting Corp., 3 FCC 2d 442, 444 (1966) affirmed sub nom, *Lee* v. *FCC*, 374 F. 2d 259 (D.C. Cir. 1967), and that "the time has * * * passed" when it was appropriate to "insulate every UHF station or potential station from any possible small wind of VHF impact * * *". TelevisionTable of Assignments: Mt. Vernon, Illinois, 17 RR 2d 1620, 1630 (1969), affirmed sub nom, *Plains Television Corporation* v. *FCC*, 440 F. 2d 276 (D.C. Cir. 1971). See also, Selma Television, Inc., 29 FCC 2d 522 (1971), affirmed sub nom, *WCOV, Inc.* v. *FCC*, 464 F. 2d 812 (D.C. Cir. 1972). From the foregoing, it is clear that, to require designation of an application for hearing, a petition must demonstrate some nexus between the fact of extended VHF service and claimed specific adverse consequences to the public interest. See, e.g., KTVO, Inc., 47 FCC 2d 914, 915 (1974). See, generally, *WLVA, Inc.* v. *FCC*, 459 F. 2d 1286, 1298–99 (1972).

7. It appears to be WBTV's position that the Commission's action in designating its application for hearing, Jefferson Standard Broadcasting Company, supra, is dispositive of this case.[6] In its pleading now before us, WBTV relies heavily on testimony in that proceeding of an official of WFMY–TV that WBTV's entry into the Greensboro-Winston-Salem-High Point market (with a first time Grade B signal) "clearly [would] impede if not wholly prevent the successful development of local UHF service in this market." WBTV concludes, on the basis of this testimony, that "it is apparent that a substantial question is raised because of the WFMY–TV application to increase signal strength over the markets of Charlotte and Raleigh-Durham, which can be resolved only by a hearing * * *."

8. WRDU–TV's petition expresses its fear that the extension of WFMY–TV's coverage would make WFMY–TV the primary CBS affiliate for both Greensboro and the Raleigh-Durham market, and deprive WRDU–TV of the opportunity to purchase, occasionally, CBS programs. WRDU–TV also raises the possibility of an adverse impact from the WFMY–TV transmitter move on the development of UHF broadcasting in Fayetteville, North Carolina, where WRDU–TV had, at the time of its petition, proposed to acquire the construction permit for WCCT–TV, channel 40, to operate the station as a satellite. As indicated above (see footnote 4), to construction

[3] Because this decision is concerned with the consequences of commercial competition, we will not be concerned with noncommercial educational stations or reserved educational channels.

[4] The construction permit for station WCCT–TV, channel 40, Fayetteville, was cancelled October 25, 1972, at the request of the permittee.

[5] Station WUBC–TV, licensed to operate on channel 48, went silent due to continuing financial losses, and, on June 15, 1971, at the licensee's request, the license was cancelled and the call letters deleted.

[6] WBTV proposed, in BPTC–4168, to increase antenna height by roughly 700 feet and move its transmitter approximately 22 miles in the general direction of Greensboro, Winston-Salem and High Point. This application was denied in an Initial Decision, released July 30, 1971 (FCC7D–44) affirmed by the Review Board, 42 FCC 2d 908 (1973), and affirmed by the Commission en banc, 53 FCC 2d 262 (1975).

permit for channel 40 has since been cancelled, at the request of the permittee.

9. At the outset, we would state that we do not anticipate that the proposed change will result in any significant adverse impact on the development of UHF in Greensboro, Winston-Salem or Lexington. In addition to its city of license, WFMY–TV is already well-established in both the latter communities. See Television Factbook, No. 44 (1974), page 589–b. We do not understand that either of the petitioning parties especially urges a hearing on the basis of potential impact in any of the three.

10. Considering the testimony adduced in the Jefferson-Pilot hearing and quoted by WBTV, we find it to be relevant only to the WBTV proposal to bring a fourth VHF service into the Greensboro-Winston-Salem-High Point market. Each market is distinctive, and WBTV has provided no information on how advertiser and audience behavior in the Charlotte market is likely to be affected by WFMY–TV's proposed operation, or what specific consequences can be expected for existing or prospective UHF stations in Charlotte. Stripped of its "allegations by reference," all that is left of WBTV's petition is the bare claim of increased signal strength over a number of communities, if WFMY–TV's application is granted. This does not satisfy WBTV's burden of pleading, and, accordingly, WBTV's petition will be denied. If we were to set WFMY–TV's application for hearing on that basis alone, we would, in effect, be falling back upon what we found in Atlantic Telecasting, supra, to be an unwarrantable assumption. In this regard, we again note our disinclination to insulate VHF stations from competition. TV Table of Assignments: Mt. Vernon, Illinois, supra. What is important is that the UHF station be afforded "an opportunity to develop free from * * * substantially adverse competitive circumstances * * *." Jefferson-Pilot Broadcasting Co., 53 FCC 2d 262, 265 (1975). UHF television in the Charlotte market has benefitted from a stable environment for a number of years: WCCB–TV has operated continuously since November 1, 1964, while WRET–TV has been on the air since July 9, 1967, and during this period, the percentage of households in the Charlotte metropolitan area with UHF receivers has reached 94 percent, significantly in excess of the national average.[7]

11. Reviewing the allegations of WRDU–TV, we find that circumstances have changed significantly since its petition was filed. At the time WRDU–TV's petition was filed, WRDU–TV was obtaining some programming from both CBS and NBC, as the programming was rejected by WTVD, channel 11 in Durham, which had primary affiliation agreements with both networks. In its petition, WRDU–TV set forth its fear that the extension of WFMY–TV's coverage would make WFMY–TV the primary CBS affiliate for both Greensboro and the Raleigh-Durham market, forcing WTVD into an exclusive affiliation with NBC and drying up one of WRDU–TV's most important sources of attractive programming. Since then, in response to a petition for rulemaking by WRDU–TV, we have amended our rules to limit primary affiliation arrangements between a station and two networks where a third station in the market has no network affiliation. See 47 C.F.R. Part 73.658(1). Apparently as a result of this rule, WTVD has become exclusively a CBS affiliate while, as we are now informed, WRDU–TV has become the primary NBC affiliate in the Raleigh-Durham market. This stabilization of the network affiliation picture, we believe, moots the major thrust of WRDU–TV's allegations. Because WFMY–TV and WRDU–TV are affiliates of different networks, there appears to be little likelihood of competition between the two stations for network programming and, while there may well be some additional competition between the two stations in other respects, WRDU–TV has not shown in what manner it will be affected, or that the additional competition is the sort against which it should be protected. See TV Table of Assignments: Mt. Vernon, Illinois, supra.

12. However, we believe, nevertheless, that a hearing will be required to establish whether the WFMY–TV proposal, if granted, would have an impact on WRDU–TV sufficiently adverse to require denial of the application. In reaching this conclusion we do not depart from any standard of pleading. Rather, a hearing appears to be necessary in light of our decision in Daily Telegraph Printing Co., 56 FCC 2d 990 (1975). Therein we determined that a proposed change in transmitter location and increase in antenna height above average terrain for VHF station WBTW, Florence, South Carolina, would have a substantial adverse impact on the growth and survival of WRDU–TV. In particular, we found that WRDU–TV was "an economically insecure UHF broadcasting outlet" (paragraph 7), and that increased overlap of WBTW's signal with WRDU–TV's signal over Cumberland County, North Carolina, was of "decisional significance." (Paragraph 9.) We found that "if competitive conditions remain the same in that area, WRDU can expect an increase in its standings (sic) within the foreseeable future." (Paragraph 11.) Much of the additional overlap between WFMY–TV and WRDU–TV would occur in the direction of Cumberland County.

13. This last fact, we believe, establishes a sufficient identity of issues between the *Daily Telegraph* case and the one before us (as contrasted with the *Jefferson-Pilot* case, see paragraph 10, above), to raise a substantial and material question whether a grant of the WFMY–TV application would be consistent with the public interest. We do not, however, believe that it creates any "presumptions" which WFMY–TV should first be required to rebut.[8] It does, however, raise a matter which has received increasing attention in recent cases: the allocation of burdens and the right of VHF applicants to have certain evidence considered in the weighing of public interest considerations. See, e.g., Jefferson-Pilot Broadcasting Company, supra; Daily Telegraph Printing Co., supra. In the latter case, we summarized our policy by stating that where the evidence "requires a holding of substantial [adverse] impact [on UHF], then we need delve no further into * * * the remaining contentions raised by the parties," i.e., that "the benefits to be derived" from the VHF application outweigh the adverse impact. 56 FCC 2d, at 993. Only where the record has indicated a likelihood of minimal, as opposed to substantial impact have we weighed "whether the public interest would be better served by protecting the potential for UHF growth or by allowing expanded VHF service." Id.

14. We are aware of significant advances made by UHF television since the enactment in 1962 of the All-Channel Receiver Law, 47 U.S.C. § 303(s). These advances are beyond even those noted by the Commission in the *Mt. Vernon* assignment case, supra, at 1630. For example, in 1974 (the most recent year for which data is available) 48% of the UHF television stations reporting financial data indicated profitable operations for the year.[9] UHF penetration, i.e., the percentage of households with UHF receivers, has increased, nationally, from 55 percent in 1969, the year of the *Mount Vernon* decision, to 89 percent in 1974,[10] a figure exceeded in many areas with more than one UHF station.

15. While we still believe that UHF represents the principal avenue for providing additional local television service, and that, where consistent with the public interest, struggling UHF stations should be protected against destructive competition from VHF stations, we also believe the time has come when we can more critically examine allegations of potential adverse impact and pursue a somewhat less restrictive approach to analyzing the benefits of proposals for expanded VHF service. With this in mind

[7] For the purposes of this discussion, we believe Kannapolis, because of its proximity (roughly 25 miles) to Charlotte, may be treated as part of the Charlotte market. We may also say that the same stable environment which has benefitted the Charlotte UHF stations has likewise been available for the benefit of potential operators of a Kannapolis station. The lack of interest (no application filed) shown in the Kannapolis allocation, however, during this stable period and since the allocation was added to the Table of Assignments in 1965, would suggest that whether the community receives a fifth VHF service, which WFMY–TV would provide if its application is granted, will not be determinative of whether the channel will ever be activated.

[8] For example, the hearing might shed light on the extent to which WRDU–TV has fulfilled what we saw (based on circulation data which did not go beyond 1972) as its potential for development in Cumberland County during a period of stable competitive conditions.

[9] FCC Annual Report (1974).

[10] 1969: Department of Commerce-Census News Release CB–69–44. 1974: American Research Bureau (ARB).

we are hereby providing for a restructuring of our approach to UHF impact hearing cases.

16. Beginning with this case, we will expect the responding party, where the allegations of UHF impact revolve around an unoccupied channel or rest on suppositions about the extension of service by an existing UHF station into a new area, to bear first the burden of proving that there is a near-term potential for activation of the vacant channel or the hypothesized extension of UHF service.[11] If the potential does not exist, it follows that there can be no near-term adverse consequences to UHF if the VHF expansion is permitted. We adhere to our earlier stated premise, that:

> * * * [t]o the extent there are uncertainties, the public interest is better served by following the course which presently preserves the best possible opportunity for the development of the basic *local* broadcast service to the entire area * * * and still retains the opportunity for remedial action once the uncertainty has been removed." *Midwest Television, Inc.*, 13 FCC 2d 478, 498 (1968). (Emphasis in the original.)

We simply do not believe that the public interest is served by foreswearing indefinitely the benefit of additional VHF service while awaiting the germination of dormant interest in an idle UHF allocation. Placing on the applying party the burden of proving the lack of potential seems to be an unnecessary and unwise handicap. Where a UHF channel is unoccupied (or VHF service is proposed to be extended to an area where a UHF station has not established a presence), the possibility of a consequential relationship between an extension of VHF service and an adverse impact on UHF is not as readily apparent as where direct additional competition results between the VHF station and an existing UHF station. In those former instances, while the ultimate burden of proving that a grant of the application would serve the public interest should remain on the applicant, we believe that the party alleging the potential for substantial adverse impact should be required to demonstrate at the threshold that realistic near-term potential exists for one of the necessary elements to be weighed: preservation of the opportunity for UHF service. Where the respondent fails to sustain its burden on this issue, no useful purpose will be served by proceeding to the larger issue concerning UHF impact.

17. The other element to be weighed, in all cases, whether involving unoccupied UHF channel assignments or operating UHF stations, is the benefit to the public interest from a grant of the VHF application. In this respect, we believe this is the appropriate time to modify the approach summarized in the *Daily Telegraph* case, supra. We have, heretofore, attempted to weigh benefits of improved VHF service against adverse competitive impact on UHF only in cases where the adverse impact was already determined to be "minimal." We believe that, in certain cases, this approach can produce an artificial result, based only on the characterization of the impact. We also believe that UHF broadcasting has advanced to the point where a much more "substantial" impact can be tolerated without disservice, overall, to the total public interest. See, generally, *Carroll Broadcasting Co.* v. *FCC*, 103 D.C. App. 346, 258 F. 2d 440 (1958). By this we mean that, regardless of the characterization of the impact on UHF, the VHF applicant should be permitted to demonstrate by countervailing evidence, that, overall, the weight of the public interest favors a grant of the application. This may be done by any of the criteria which we have traditionally considered in allocations-related matters. This includes, but should not be limited to, first or second service to new areas; first network service; choice of networks, etc. Of course, the more substantial the impact on the UHF station (or allocation), the more substantial a showing will be required.

18. Inasmuch as a hearing will be required to explore the potential impact on the development of a Durham UHF station in Cumberland County, an issue will also be specified to explore the potential impact on the development of prospective UHF stations in Cumberland County, itself, i.e., on channels 40 and 62.

19. There remains to be considered, although the matter has not been raised by either WBTV or WRDU–TV, the possible impact from the WFMY–TV transmitter move on future activation of channel 22 in Raleigh. We can say, as we did with regard to channel 64 at Kannapolis (footnote 8, supra), that the area has been a stable environment for the development of UHF for a number of years. While we cannot say, as we did of Kannapolis, that there is a record of disinterest in the channel,[12] the history of ineffectual efforts at utilization of the channel lead us to believe that the possibility of a significant adverse impact on the development of UHF broadcasting in Raleigh is not sufficiently palpable to outweigh the benefits of WFMY–TV's proposed relocation, i.e., an additional service to an area of roughly 8,400 square miles, without loss of service to any area.

20. Also to be disposed of is WRDU–TV's allegation that a grant of WFMY–TV's application would contribute to an undue concentration of control of the mass media in North Carolina. Landmark Communications, Inc., the parent corporation of WFMY Television Corp., also owns the two Greensboro daily newspapers, The Greensboro Record and the Daily News, and through another subsidiary, a cable system in Roanoke Rapids, North Carolina (which is well beyond the Grade B contour proposed in the WFMY–TV application).[13] WRDU–TV alleges that while its programs are listed in the morning Daily News, Landmark has declined to list the WRDU–TV program schedule in the afternoon Daily Record, and concludes that Landmark's refusal to do so "smacks of an effort to keep the home market for the home stations, particularly since those papers are under common ownership with WFMY–TV." WRDU–TV also points to Section 314 of the Communications Act of 1934, as amended, which it says "precludes the grant of any application if the 'effect thereof may be to substantially lessen competition.'" The answer to the latter argument is that Section 314 applies only to cross ownership of broadcast and communications common carrier facilities. In response to the former argument, WFMY–TV points out that the afternoon newspaper, The Greensboro Record, does not have any significant circulation outside Greensboro and, therefore, the only commercial television stations' program schedules which it carries are those of the Greensboro-Winston-Salem-High Point market." The Commission has adopted rules relating to the ownership of newspapers and broadcast stations serving the same community in Docket No. 18110, In re Amendment of the Com-

[11] We do not expect that "pear-term" will have the same meaning in every case. It should be borne in mind, however, that the principal consideration is the provision of additional service, sometime within the foreseeable future. Keeping in mind the time required to process an application, and the time necessary to construct new UHF facilities (or major changes in existing facilities), we think that means, in most cases the respondent should show the likelihood that an application will be filed within 2–3 years. In the *Daily Telegraph* case, we noted that WRDU–TV placed a Grade B or better signal over "nearly two-thirds" of Cumberland County. Under our new methods of contour prediction, see footnote 2, above, we could no longer make this statement. So long as WRDU–TV continues to hold forth Cumberland County as significant to its growth and development and a basis for resisting incursions by potential VHF competitors, we believe it should be demonstrated that there is a basis for believing that WRDU–TV will provide service to Cumberland County, either by an improvement of its facilities or some other means.

[12] Channel 28 at Raleigh was included in the Table of Assignments adopted with the Sixth Report and Order on Television Assignments. A construction permit was first issued in October 1952 to Sir Walter Television Company. The station was operated, first as WETV, then as WNAO–TV, from July 12, 1953 to December 31, 1957, but no license was ever issued to cover the construction permit. The permit was cancelled October 19, 1962, at the request of the permittee. Later, a construction permit was issued to Crescent City Broadcasting, Inc., for WJHF (TV), in 1965, and was cancelled at the permittee's request four years later, in 1969, after the Table of Assignments had been amended at the request of the permittee to substitute channel 22, for channel 28, because the permittee had operations on channel 22, elsewhere in the country, and anticipated certain economies if the Raleigh station operated on the same channel Sixth Report and Order on Fostering Expanded Use of UHF Television Channels, 3 FCC 2d 927, 7 RR 2d 1698 (1966). Since the construction permit was cancelled, there have been no applications for channel 22.

[13] Landmark has other broadcast and newspaper interests in Virginia and other cable systems in Alabama, Georgia, Illinois, Indiana, Kansas, South Carolina, Virginia, West Virginia and Wisconsin.

mission's Rules Relating to Ownership of Standard, FM, and Television Stations, 50 FCC 2d 1046 (1975). The Greensboro situation does not fall within the metes and bounds found in that proceeding to require divestiture. With renewal applications, when a television station commonly owned with a newspaper published in the same community applies for changes in its authorized facilities, we will designate the application for hearing on concentration of control issues only where there is a showing of specific abuses of common ownership, or a showing of economic monopolization coming within the proscriptions of the Sherman Act. See Newhouse Broadcasting Corporation, 51 FCC 2d 336 (1975). This, of course, does not exclude the requirement of a hearing on a "major change," should the application conflict with other, i.e., duopoly or one-to-a-market provisions of Section 73.636(a)(1), or such rules as may be adopted as the result of the current proceeding, Docket No. 20548, seeking to give substantive characteristics to the rather amorphous concept of "regional concentration of control." See In re Amendment of Sections 73.35, 73.240 and 73.636 of the Commission's Rules Relating to the Multiple Ownership of Standard, FM, and Television Broadcast Stations (Notice of Proposed Rulemaking), 54 FCC 2d 331, (1975). WRDU-TV has made no showing of economic monopolization whatsoever. And the only allegation concerning possible abuse of the common ownership situation is that the Greensboro Record has refused to carry WRDU-TV's program schedule. WFMY-TV's response, under the circumstances, appears to be an entirely reasonable explanation and does not constitute an abuse of common ownership. See The A. H. Belo Corp., 46 FCC 2d 1075, 1086 (1974), reconsideration denied, 48 FCC 2d 669 (1974). And, inasmuch as this is Landmark's only broadcast holding in the area, we perceive no other conflict with Section 73.636.

21. In another proceeding, however, the Commission has added a character qualifications issue based on allegations that WFMY-TV's parent corporation, Landmark Communications, Inc., and Landmark Securities, Inc., the majority shareholder of Landmark Communications, Inc., had violated Federal securities laws, and had utilized licensed broadcast facilities in the commission of the violations. WTAR Radio-TV Corporation, et al., FCC 75-1068, released October 2, 1975. For obvious reasons, the outcome of that proceeding may require "further examination" of WFMY Television Corporation's qualifications. Report on Uniform Policy as to Violation by Applicants of Laws of the United States, 1 RR part 3, 91:498 (1951). However, the mere existence of the issue is not sufficient grounds for deferral of an application for modification of facilities. Questions Concerning Basic Qualifications of Broadcast Applicants, FCC 73-1024, 28 RR 2d 705 (1973). Therefore, we will provide that any grant of the application shall be subject to an appropriate condition.

2. With the exception of the matters discussed above, the Commission is of the opinion that WFMY-TV is legally, technically, financially and otherwise qualified to undertake the proposed changes.

In view of the above, *it is hereby ordered*, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the application (BPCT-4412) of WFMY Television Corp., for changes in the authorized facilities of television station WFMY-TV, Greensboro, North Carolina, IS DESIGNATED FOR HEARING, at a time and place to be fixed in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain television service by the proposed change in facilities, and the other broadcast services available to such areas.

2. To determine: (a) The potential for development of station WRDU-TV, Durham, North Carolina, in Cumberland County, North Carolina; and (b) the potential for development of prospective UHF television stations in Fayetteville, North Carolina.

3. To determine, in light of the evidence on issue 2(a), whether a grant of the application would impair the ability of station WRDU-TV, Durham, North Carolina, to compete effectively, or jeopardize, in whole or in part, the continuation of existing service by WRDU-TV.

4. To determine, in light of the evidence on issue 2(b) whether a grant of the application would impair the ability of prospective UHF television broadcast stations in Fayetteville, North Carolina, to compete effectively.

5. To determine, in the light of the evidence adduced pursuant to the above issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That, Triangle Telecasters, Inc., is made a party respondent to this proceeding.

It is further ordered, That the burden of proceeding with the introduction of evidence on issues (1), (2), (3) and (4) shall be on Triangle Telecasters, Inc., and the burden of proof on issue (2) shall be on Triangle Telecasters, Inc., and the burden of proof with respect to all other issues shall be on the applicant.

It is further ordered, That the Petition to Deny filed by Jefferson-Pilot Broadcasting Co., is denied.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and the party respondent herein, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 1.594(a) of the Commission's Rules, give notice of the hearing within the time and manner prescribed in such rules, and shall advise the Commission of the publication of such notice, as required by Section 1.594(g) of the Rules.

It is further ordered, That any grant of this application shall be without prejudice to whatever action the Commission may deem necessary as a consequence of the outcome of Docket No. 18791.

Adopted: June 2, 1976.

Released: June 15, 1976.

By direction of the Commission.[14]

VINCENT J. MULLINS,
Secretary.

[FR Doc.76-17540 Filed 6-15-76;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 76-32]

ARCTIC LIGHTERAGE CO.

Proposed Initial Tariff in the Western Alaska Trade; Order of Investigation and Hearing

On May 12, 1976, Artic Lighterage Company (Arctic) filed an initial joint FMC/ICC tariff to become effective June 15, 1976. The proposed tariff provisions encompass lighterage and commodity rates at Nome, Kotzebue and various other coastal points in Alaska (FMC application),[1] and commodity rates between Kotzebue and various river points in Alaska (ICC application).

Arctic's proposed tariff sets forth a seasonal operation commencing on June 1 and terminating on September 15, which replaces the service previously offered by B & R Tug & Barge (B & R).[2]

Additionally, Arctic filed a Special Permission Application No. 1 (SP-6023) seeking authority to advance the effective date of its tariff. As justification for this change, Arctic cites an approximate five month delay in obtaining operating authority from the ICC on May 6, 1976, and the impending beginning of the operating season which necessitates preserving service in the trade.

A Petition for Investigation and Suspension (Petition) was then filed on June 1, 1976 by attorneys for 22 (twenty-two) Alaska consignees (Protestants)

[14] Statement of Commissioner Robert E. Lee concurring in part and dissenting in part is filed as part of the original document.

[1] The FMC portion of Arctic's Tariff FMC-F No. 1 provides lighterage rates between ship's anchorage and shore at Nome and Kotzebue, Alaska and commodity rates between ship's anchorage and shore at Nome and Kotzebue and various coastal points in Alaska on the Bearing Sea and Arctic Ocean.

[2] B & R ceased operation of its service at the close of the last season cancelling its Tariff FMC-F No. 12, October 23, 1975.

protesting Arctic's proposed new tariff.[3] In their Petition, Protestants argue that the proposed increase in rates by Arctic's tariff are excessive in relation to rates formerly published by B & R, and conclude that no justification for such rates has been shown.[4]

As a result of this excessive increase, Protestants allege that there will be a "severe detirmental effect on protestants and will cast a harsh and undue burden on the movement of their essential groceries, supplies, fuel and equipment required for their very existence. * * *"

For the above reasons, Protestants submit that Arctic's proposed rate increases constitute unjust and unreasonable rates prohibited by section 18(a) of the Shipping Act, 1916 and Sections 3 and 4 of the Intercoastal Shipping Act, 1933 and therefore request the Commission to issue an Order to suspend and investigate Arctic's proposed lighterage rates, and to investigate all proposed rates for storage and ocean transportation. Further, Protestants request that Arctic be required to keep an account of all freight monies received from proposed rates permitted to go into effect prior to investigation, and to make prompt refund of any amounts in excess of the rates determined to be just, reasonable and lawful after investigation.

On June 3, 1976, Arctic filed with the Commission a Response to the Protestants' Petition for Investigation and Suspension (Response). In that Response, Arctic states that there are no separate lighterage rates as such, but rather its rates are from ships' anchorage to destination and include all services up to making cargo available for delivery to the consignee, including stripping of the ocean carrier container and collection of its own charges.

Additionally, Arctic contends that the prior General Order 11 Reports of B & R are not comparable to theirs since Arctic had not included its liquid petroleum tonnages in its tariff or its General Order 11 Report for the Arctic trade. Arctic also points out that whereas B & R handled 16,469 tons of dry cargo to FMC port areas for the 1975 season, Arctic projects for 1976 handling 17,886 tons of dry cargo, an increase of 8.6 percent.

In conclusion, Arctic argues that suspension of any portion of their proposed tariff will in effect suspend their entire tariff leaving much of the trade area in Alaska without service.

In view of the overriding public interest of providing immediate and full service to the Western Alaskan points in the trade, the Commission has determined that Arctic's proposed initial tariff shall become effective without suspension. However, in view of the above described circumstances, the Commission is of the opinion that important issues are raised concerning the reasonableness of Arctic's proposed rate levels which should be made the subject of an investigation to determine whether the subject tariff is unjust, unreasonable, or otherwise unlawful under section 18(a), Shipping Act, 1916, and Section 4, Intercoastal Shipping Act, 1933.

Further, the Commission has determined that the hearings in this proceeding shall commence after the close of Arctic's 1976 operating season in the trade in order to take advantage of the financial and revenue data accumulated during the 1976 operating season, and to facilitate a determination of the issues without affecting continued service in the trade.

Now, therefore, *it is ordered*, That pursuant to sections 18(a) and 22 of the Shipping Act, 1916 and Sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted to determine the lawfulness of Arctic Lighterage Company's initial Tariff FMC–F No. 1, for the purpose of making such findings as the facts and circumstances warrant. In the event the tariff is further changed, amended, or reissued, such changes are hereby ordered to be included in this investigation;

It is further ordered, That as part of this investigation, a determination shall be made as to whether Arctic's initial Tariff FMC–F No. 1 is unreasonable under section 18(a) of the Shipping Act, 1916 and Section 4 of the Intercoastal Shipping Act, 1933;

It is further ordered, That the objectives of this investigation shall include, but are not limited to an accurate determination of Arctic's revenues in the trade for the 1976 operating season, rate base, equity capital, rate of return on equity, and description and quantities of all commodities carried in the trade for the 1976 operating season;

It is further ordered, That Arctic shall be required to submit directly to the Bureau of Hearing Counsel at the end of each month of the 1976 operating season, true copies of all freight bills or billings for all services performed under its initial Tariff FMC–F No. 1, identifying those portions of the bills or billings which are attributable to services performed under the jurisdiction of other regulatory agencies;

It is further ordered, That Arctic's Special Permission Application No. 1 (SP–6023) is granted allowing Arctic to effectuate the provisions of its Tariff FMC–F No. 1 at the earliest possible date on not less than one day's notice;

It is further ordered, That Arctic Lighterage Company be named as Respondent in this proceeding;

It is further ordered, That the persons listed in Appendix "A" be named as Complainants in accordance with Rule 3(a) of the Commission's rules of practice and procedure (46 CFR 502.41);

It is further ordered, That inasmuch as no meaningful discovery can be commenced until the close of Arctic's 1976 operating season in the trade, Rule 12 (a) of the Commission's rules of practice and procedure (46 CFR 502.201) is hereby waived and discovery shall commence on a date to be determined by the Presiding Administrative Law Judge;

It is further ordered, That pursuant to Rule 1(j) of the Commission's rules of practice and procedure (46 CFR 502.10), the requirement that hearing(s) shall commence no later than 6 (six) months from the date of publication of the Commission's Order in the FEDERAL REGISTER under Rule 5(a) of the Commission's rules of practice and procedure (46 CFR 502.61) is hereby waived;

It is further ordered, That this proceeding shall be assigned for public hearing(s) before an Administrative Law Judge of this Commission's Office of Administrative Law Judges, and the hearing(s) and prehearing(s) be held at a place and date to be determined by the Presiding Administrative Law Judge after the close of Arctic's 1976 operating season in the trade;

It is further ordered, That (1) a copy of this Order be served upon each Respondent and Complainant herein and upon this Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER, and (2) that Respondent, Complainants and Hearing Counsel be duly served with notice of the date and place of the hearing(s).

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Federal Maritime Commission promptly and file petitions for leave to intervene in accordance with Rule 5(l) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding. Inasmuch as Rule 12(a) of the Commission's rules of practice and procedure (46 CFR 502.201) has been waived in this proceeding, discovery shall also commence for all intervenors on a date to be determined by the Presiding Administrative Law Judge.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

APPENDIX A

ATTORNEYS FOR COMPLAINANTS

Alan F. Wohlstetter, Esq., Edward A. Ryan, Esq., Denning & Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006

OF COUNSEL

Foster De Reitzes, Esq., Wilkinson, Cragun & Barker, 1735 New York Avenue, Washington, D.C. 20006

[3] Protestants are as follows: Alaska Cab Garage, Alaska Gold Company, Alaska Native Industries Cooperative Association, Inc., Alaska Village Electric Cooperative, Inc., Bering Sea Saloon, Bering Straits Native Corporation, Bering Straits Regional Housing Authority, Board of Trade Saloon, Breakers Bar, Central Construction Company, City of Nome, Fagerstrom ENT, Inc., Hanson Trading Company, Maynard McDougal Hospital, NANA Construction Company, NANA Regional Corporation, Inc., June Nelson—Board of Northwest Regional School, Nome Business Ventures, Don Perkins—Perkins Rental, Riddell Garage, Sitnasuak Native Corporation, Tupic Building Supply.

[4] A comparison study prepared by Protestants between 1975 B & R rates and 1976 proposed Arctic rates indicated the following: A. At least 100 percent increase in lighterage rates; B. Average increase of 182 percent on storage rates; and C. Ocean rate increases ranging from 55.2 percent to 255.3 percent.

COMPLAINANTS

Alaska Cab Garage
Alaska Gold Company
Alaska Native Industries Cooperative Association, Inc.
Alaska Village Electric Cooperative, Inc.
Bering Sea Saloon
Bering Straits Native Corporation
Bering Straits Regional Housing Authority
Board of Trade Saloon
Breakers Bar
Central Construction Company
City of Nome
Fagerstrom ENT, Inc.
Hanson Trading Company
Maynard McDougal Hospital
NANA Construction Company
NANA Regional Corporation, Inc.
June Nelson—Board of Northwest Regional Schools
Nome Business Ventures
Don Perkins—Perkins Rental
Riddell Garage
Sitnasuak Native Corporation
Tupic Building Supply

[FR Doc.76-17569 Filed 6-15-76;8:45 am]

INDEPENDENT OCEAN FREIGHT FORWARDERS

License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to Section 44(a) of the Shipping Act, 1916, (Stat. 522 and 46 U.S.C. 841(B)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Jack B. Herman, 235 Sidonia Avenue, Coral Gables, FL 33134.

Rohde & Liesenfeld, Inc., One World Trade Center, New York, N.Y. 10048, Officers: Deiter Liesenfeld, Director/V.P., Werner Knaack, Director/V.P., Erich H. Trendel, President, Carl-Peter Macke, Treasurer, Rudolph W. Stockhammer, V.P./Secr.

Byrd Freight Services International, P.O. Box 60132, AMF, Houston, Texas 77205, Officers: James E. Byrd, President, Richard E. Byrd, Vice President.

Arabian National Shipping Corp., 700 Rockaway Turnpike, Lawrence, N.Y. 11559, Officers: Genghis Khan Elkadiri, President, John Thomas Scura, General Mgr.

Allen Edwin Jones, 11825 Wakeley Plaza, #10, Omaha, Nebraska 68154.

Middle East Freight Corporation, 176 West Adams St., Chicago, IL 60603, Officers: Ramez Zorub, President, Toubia Hachem, Secretary/Treas.

By the Federal Maritime Commission.

Dated: June 11, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-17547 Filed 6-15-76;8:45 am]

LYKES BROS. STEAMSHIP CO., INC. AND STATES STEAMSHIP CO.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before June 25, 1976. 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.

LYKES BROS. STEAMSHIP CO., INC., AND STATES STEAMSHIP COMPANY

Notice of agreement filed by:

R. J. Finnan, Pricing Analyst, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 10246, between the above named parties, is an agency agreement whereby Lykes appoints States Steamship to act as its sub-agent at United States Pacific Coast ports to handle its interests in connection with calls on vessels owned and chartered by Compagnie Nationale Algerienne de Navigation.

By Order of the Federal Maritime Commission.

Dated: June 11, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-17549 Filed 6-15-76;8:45 am]

[Exemption No. 21]

SEA-LAND SERVICE, INC.

Denial

On December 4, 1975, Sea-Land filed a petition, pursuant to section 35 of the Shipping Act, 1916, for exemption from the tariff filing requirements of the Intercoastal Shipping Act, 1933, and the Shipping Act, 1916. Section 35 provides that the Commission may grant exemptions where it finds the exemption, "will not substantially impair effective regulation, * * * be unjustly discriminatory, or be detrimental to commerce." Notice of Sea-Land's petition appeared in the FEDERAL REGISTER on January 26, 1976. No comments were received on the notice. Sea-Land petitioned for the exemption in order to file supplements to its Contract No. 100003374SC1972 with the Military Sealift Command in lieu of complying with tariff filing requirements arising from the repeal of section 6 of the Intercoastal Shipping Act, 1933.

As justification for its exemption, Sea-Land relied upon the following:

(1) The contract was entered into on April 28, 1974, between Sea-Land and MSC;

(2) Pursuant to the contract, Sea-Land agreed to file schedules of rates with the appropriate regulatory agencies to include filing of the bunker fuel allowance supplements;

(3) Sea-Land's rate structure is composed of an all-water service supplemented by an Interstate Commerce Commission tariff covering the inland portion of the transportation;

(4) Sea-Land has filed the bunker fuel oil allowance supplements with both the FMC and ICC;

(5) At the time Rule 25 of Tariff Circular No. 3 (46 CFR 531.25) was cancelled, Sea-Land sought to amend the provisions of its contract with the Department of Defense (DOD). Sea-Land was advised by representatives of DOD that the Government was not in favor of adjusting or rewriting any terms of the contract;

(6) Due to the exigencies of the contract, it is not feasible to file bunkering charges in tariff form as these bunkering charges change on a monthly basis and the problems of notice, special permission, approval and acceptance are prohibitive to responsive adjustment in the bunker surcharge as required by the contract;

(7) The bunker oil allowance charges do not affect normal commercial cargo. All of the cargoes move under a Government contract and are paid by the United States Government; hence there can be no prejudice to commercial shippers.

Sea-Land failed to provide sufficient valid justification for a waiver of the statory tariff filing requirements. The justification merely allegd an impractically in adjusting the contract terms to meet tariff filing requirements, a condition that can be resolved by either of two alternative courses of action:

(1) File the contract provisions in the form of a joint through rate with the Interstate Commerce Commission pursuant to Public Law 87-595 and Section 22 of the Interstate Commerce Act; nor

(2) File a tariff for this service with the FMC holding out the terms, rate and conditions to commercial and Government shippers.

Sea-Land maintains that prejudice against commercial shippers is excluded since MSC, by virtue of being the contractor, is the only party which can take advantage of the contract rate.

Given the repeal of Section 6, the existence of the Government port-to-port contract rate may be a preferential situation in favor of the Government as a shipper, a situation which may only be rectified before this Commission by the

publication of a common carrier tariff pursuant to the Commission's rules and regulations.

Accordingly, by authority implicit under Section 35 of the Shipping Act, 1916, the request for exemption by Sea-Land Service, Inc., designated No. 21, is hereby denied by the Federal Maritime Commission. By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-17548 Filed 6-15-76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on June 10, 1976. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Since GAO has access to comments and testimony presented to the FTC and has on file comments provided to GAO on previous Line of Business forms, efforts should be taken to avoid duplicating issues already raised. Instead, the comments to GAO should concentrate on communicating new information pertinent to the issues within GAO's clearance responsibilities, i.e., issues of eliminating unnecessary duplication and minimizing respondent burden.

Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before July 7, 1976, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5216, 425 I Street, N.W., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL TRADE COMMISSION

Request for review and clearance of the FTC Annual Line of Business, Form LB. The LB Program has been undertaken as part of the FTC's mandate under Section 6 of the Federal Trade Commission Act to gather and compile information, concerning the organization, business, conduct, practices, and management of corporations engaged in commerce in the United States. With the exception of several minor revisions, the form is the same as the one cleared by GAO in August 1975. FTC has estimated the respondent burden to average 960 hours annually for the reporting requirement—the same as their estimate for the prior year. Potential respondents include approximately 475 companies selected from among the 1,000 largest in the manufacturing sector. FTC has requested clearance of the form through December 1978.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76-17447 Filed 6-15-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

ADVISORY COMMITTEE FOR PROTECTION OF ARCHIVES AND RECORDS CENTERS

Committee Renewal

Renewal of Advisory Committee. This notice is published in accordance with the provisions of section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), and advises of the renewal of the Advisory Committee for Protection of Archives and Records Centers. The Administrator of General Services has determined that renewal of this advisory committee is in the public interest for the protection of archives and records.

Designation. Advisory Committee for Protection of Archives and Records Centers.

Purpose. The committee will (1) review the present state-of-the-art in protection of records in archives and records centers, including structural design, methods of records storage, records media, protective personnel, fire protection systems, and firefighting; (2) determine gaps in the data base of knowledge and the action needed to fill the gaps; (3) review present firesafety objectives for records protection, especially those of General Services Administration; (4) determine appropriate levels of protection; and (5) propose revisions and alternatives to present standards and practices to the Administrator.

Dated: June 7, 1976.

TERRY CHAMBERS,
Acting Administrator of General Services.

[FR Doc.76-17563 Filed 6-15-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[AA1921-156, 157, and 158]

ALPINE SKI BINDINGS FROM AUSTRIA, SWITZERLAND, AND WEST GERMANY

Investigations and Hearings

Having received advice from the Department of the Treasury on May 28, 1976, that alpine ski bindings and parts thereof from Austria, Switzerland, and West Germany, are being, or are likely to be, sold at less than fair value, the United States International Trade Commission on June 8, 1976, instituted investigations Nos. AA1921-156, 157, and 158, respectively, under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigations will be held in the Commission's Hearing Room, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.t., on Tuesday, July 13, 1976. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Commission, in writing, at the Commission's office in Washington, D.C., not later than noon on Friday, July 9, 1976.

By order of the Commission.

Issued: June 11, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-17554 Filed 6-15-76;8:45 am]

[Investigation No. 337-TA-20]

BISMUTH MOLYBDATE CATALYSTS

Procedure for Commission Action

Notice is hereby given that—

1. On May 26, 1976, the presiding officer issued his Recommendation in this proceeding that the Commission grant the motion of complainant that investigation No. 337-TA-20 be terminated. On June 7, 1976, respondents filed a Motion for Extension of Time in which to file its exceptions (M. 20-5), and on June 1, 1976, the Commission investigative attorney filed a Motion to Request Additional Time in which to file exceptions (M. 20-6). Copies of the presiding officer's Recommendation, which has been served on all parties of record, are available for inspection to the public during official working hours at the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

2. Any party to this proceeding or any person or Government agency interested in the outcome of this investigation may file exceptions to Judge Renick's Recommendation and submit alternative recommendations not later than the close of business on June 22, 1976. Documents setting forth such exceptions and alternatives shall be in form and number as set forth in section 201.8 of the Commission's Rules of Practice and Procedure, 19 CFR 201.8, as amended (41 F.R. 17710).

3. Briefs filed concerning exceptions to and alternatives for Judge Renick's Recommendation shall be in form and number as set forth in section 201.8 of the Commission's Rules of Practice and Pro-

cedure, 19 CFR 201.8, as amended (41 FR 17710), and be of no more than 25 pages. Such briefs shall be filed no later than June 29, 1976.

4. The Commission will hear oral argument concerning this Recommendation from the parties and interested persons in this investigation, except that no argument will be heard on the complainants' request to return all documents designated "business confidential." The oral argument will be held in the Commission's Hearing Room, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.t, on July 12, 1976. The parties to this investigation will each be allowed 45 minutes to present their arguments. Requests by interested persons to present argument should be included in briefs filed pursuant to paragraph 3 above.

By order of the Commission:

Issued: June 11, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-17553 Filed 6-15-76;8:45 am]

[AA1921-Inq.-5]

MONOSODIUM GLUTAMATE FROM KOREA

Determination

JUNE 10, 1976.

Commission does not determine "No Reasonable Indication of Injury".

On May 11, 1976, the United States International Trade Commission received advice from the Department of the Treasury that, in accordance with section 201(c) of the Antidumping Act, 1921, as amended, an antidumping investigation was being initiated with respect to monosodium glutamate from Korea, and that, pursuant to section 201(c) of the act, information developed during the preliminary investigation led to the conclusion that there is substantial doubt whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such monosodium glutamate from Korea into the United States. Accordingly, on May 18, 1976, the Commission instituted inquiry No. AA1921-Inq.-5 under section 201(c) (2) of the act to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on June 1, 1976. Notice of the institution of the inquiry and the hearing was duly given by posting copies of the notice at the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and at the Commission's office in New York City, and by publishing the original notice in the FEDERAL REGISTER of May 24, 1976 (41 FR 21224).

The Department of the Treasury instituted its investigation after receiving a properly filed complaint on April 12, 1976. The notice of the Department of the Treasury of its antidumping proceeding was published in the FEDERAL REGISTER of May 14, 1976 (41 FR 19990).

On the basis of its inquiry with respect to imports of monsodium glutamate from Korea possibly sold at less than fair value as indicated by the Department of the Treasury—the subject of the antidumping investigation initiated by the Department of the Treasury—the Commission (Commissioners Leonard, Minchew, Moore, Bedell, Parker and Ablondi) does not determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

STATEMENT OF REASONS

The United States International Trade Commission on May 18, 1976, instituted inquiry No. AA1921-Inq.-5 under section 201(c) (2) of the Antidumping Act, 1921, as amended. The purpose of this 30-day inquiry was to determine whether "there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation" into the United States of monosodium glutamate from Korea, which is the subject of a pending Department of the Treasury investigation under section 201(c)(1) of the Antidumping Act, 1921.

DETERMINATION

On the basis of the information developed with respect to this inquiry, we do not determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established,[1] by reason of the importation into the United States of monosodium glutamate from Korea possibly sold at less than fair value as indicated by the Department of the Treasury. As a result of this determination by the Commission, the Department of the Treasury may proceed with its pending investigation.

DISCUSSION

In making the determination in this inquiry, we considered the industry most likely to be adversely affected by imports of the subject merchandise to consist of the U.S. facilities devoted to the production of monosodium glutamate (MSG). In June 1976 two U.S. firms, Stauffer Chemical Co. and Great Western Sugar Co., produced MSG in plants in San Jose, Calif., and Johnstown, Colo., respectively. A third U.S. producer, commercial Solvents Corp., discontinued production of MSG at a plant in Terre Haute, Ind., in May 1975.

Apparent U.S. consumption of MSG, which was at peak levels in 1973 and early 1974, declined in the latter part of 1974 and 1975. Consumption, which had amounted to 56.3 million pounds in 1973, declined by 6 percent in 1974 and by another 19 percent in 1975 to a level of 42.6 million pounds. In the January-April 1976 period, consumption rose again, in comparison with that in the corresponding period of 1975.

Imports of MSG from Korea first entered the U.S. market in significant amounts during early 1974, when the U.S. demand exceeded the supply available from U.S. producers and traditional sources of imports (primarily Japan and (Taiwan). The ratio of imports from Korea to U.S. consumption increased from nonexistent or insignificant levels in the years prior to 1974 to 6.4 percent in that year. This ratio declined, as imports declined, to 3.8 percent in 1975. In January-April 1976, however, the ratio of imports from Korea to U.S. consumption rose sharply to 8.1 percent and the level of imports also rose sharply.

In 1975, imports from Korea had unit values which, according to the Department of the Treasury preliminary data, indicated less-than-fair-value margins ranging from 76 to 113 percent. The foreign unit values of MSG imported from Korea were significantly lower in 1975 and January-April 1976 than those of imports from all of the other sources of supply. Since January 1975, the price of MSG imported from Korea has consistently been 2 to 6 cents per pound less than the U.S. producers' price for MSG. Furthermore, the price of MSG imported from Korea declined from 73 cents per pound in January-March 1975 to a range of 66 to 69 cents per pound during July-September 1975, where it remained through March 1976.

The market penetration (8.1 percent in recent months) and underselling of domestic MSG by imports from Korea discussed above occurred even during a period of rising U.S. consumption. Such penetration and underselling have been accompanied by a decline in the lowest price at which U.S. producers offered MSG to U.S. purchasers from a range of 75 to 79 cents per pound in January-March 1975 to 69 to 71 cents in January-March 1976. Further, there has been a 77-percent increase in U.S. producers' inventories of MSG between December 31, 1975, and April 30, 1976, evidence of some loss of orders by U.S. producers to imports from Korea, and a decline in the profitability of U.S. producers' MSG operations in 1975 and January-April 1976.

CONCLUSION

On the basis of the evidence developed in this inquiry, we do not determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of monosodium glutamate from Korea possibly sold at less than fair value.

By order of the Commission.

Issued: June 11, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-17555 Filed 6-15-76;8:45 am]

[1] The question of no reasonable indication of the prevention of establishment of an industry was not an issue in this inquiry.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76-52]

APPLICATIONS STEERING COMMITTEE; AD HOC ADVISORY SUBCOMMITTEE FOR THE EVALUATION OF SOLAR CONSTANT MEASUREMENT EXPERIMENT PROPOSALS

Meeting

The Applications Steering Committee, ad hoc Advisory Subcommittee for the Evaluation of Solar Constant Measurement Experiment Proposals will meet at the NASA Goddard Space Flight Center, Greenbelt, Maryland, on July 1, 1976, 1 p.m. to 9 p.m. and on July 2, 1976, 8:30 a.m. to 4 p.m., in Building 26, Room 205. The Subcommittee will review proposals for flight on the Solar Maximum Mission. Discussion of the professional qualifications of the proposers and their potential scientific contributions to the Solar Maximum Mission would invade the privacy of the proposers and the other individuals involved. Since the Subcommittee sessions will be concerned throughout with matters listed in 5 U.S.C. 552(b)(6), it has been determined that the sessions be closed to the public.

For further information, please contact Mr. George Sweet at Area Code 202, 755-6820.

Dated: June 11, 1976.

WILLIAM W. SNAVEL,
Assistant Administrator for DOD and Interagency Affairs.

[FR Doc.76-17443 Filed 6-15-76;8:45 am]

[Notice 76-53]

APPLICATIONS STEERING COMMITTEE; OCEAN DYNAMICS ADVISORY COMMITTEE

Meeting

The Applications Steering Committee, Ocean Dynamics Advisory Subcommittee will meet on July 7, and 8, 1976, at Goddard Space Flight Center, Greenbelt, Maryland, Building 8 Auditorium. Members of the public will be admitted to the meeting beginning at 9:00 a.m. on a first-come, first-served basis, up to the seating capacity of the room, which can accommodate about 100 persons.

The Applications Steering Committee, Ocean Dynamics Advisory Subcommittee will assist NASA in the definition and conduct of the Seasat and other Ocean Dynamics related programs associated with the Earth and Ocean Dynamics Applications Program (EODAP), within the Office of Applications. This Subcommittee will advise and make recommendations on the conceptual design, development, and operational readiness phase of ocean dynamics programs and will review ongoing supporting research and technology tasks on an annual basis. Mr. Samuel W. McCandless can be contacted for further information at (202) 755-1201.

The following is the agenda and schedule for the July 7 and 8, 1976, meeting:

JULY 7, 1976

9:00 a.m. to 10:30 a.m.—Functional reorganization and consideration of the Subcommittee charter.
10:30 a.m. to 11:30 a.m.—Review of NOAA Experiment Plan.
11:30 a.m. to 12:00 noon.—Issues effecting the synthetic aperture rada: (a) Near real time readout in Alaska.
1:30 p.m. to 2:15 p.m.—(b) Use of VANGUARD in southern hemisphere.
2:15 p.m. to 3:30 p.m.—Status of Seasat-A Project.
3:30 p.m. to 4:30 p.m.—Coordination of the joint Seasat-A Announcement of Opportunity programs.

JULY 8, 1976

9:00 a.m. to 9:45 a.m.—Lageos Report.
9:45 a.m. to 10:30 a.m.—GEOS-3 Report.
10:30 a.m. to 11:30 a.m.—Budget Issues for FY 78 and beyond.
11:30 a.m. to 12:30 noon—Review of Ocean Program Plan for EODAP.

Dated: June 11, 1976.

WILLIAM W. SNAVELY,
Assistant Administrator for the Office of DOD and Interagency Affairs.

[FR Doc.76-17444 Filed 6-15-76;8:45 am]

[Notice 76-54]

STRATOSPHERIC RESEARCH ADVISORY COMMITTEE

Meeting

The Stratospheric Research Advisory Committee will meet at NASA Headquarters, 400 Maryland Avenue, SW., Washington, D.C. 20546 on July 20, 21, 1976. The meeting will be held in Room 5026 of Federal Office Building #6, from 9:00 a.m. to 4:30 p.m. July 20 and from 9:00 a.m. to 4:30 p.m. July 21. The meeting is open to members of the public. Visitors will be asked to register.

The Stratospheric Research Advisory Committee advises NASA concerning the contents and direction of the NASA Stratospheric Research program. The purpose of this, the fifth meeting, is to continue discussion of a comprehensive measurement strategy for atmopheric parameters and to review the progress of the NASA program in upper atmospheric research.

For further information regarding the meeting, please contact Dr. David P. Cauffman, Executive Secretary, at Area Code 202/755-3685.

Dated: June 10, 1976.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

[FR Doc.76-17446 Filed 6-15-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DANCE TOURING PROGRAM

Application Guidelines

The following are guidelines for Fellowship Grants made under the Dance Touring part of the Dance Program of the National Endowment for the Arts, an independent agency of the Federal government which makes grants to organizations and individuals concerned with the arts throughout the United States.

The Dance Touring Program Application Deadlines and Grant Calendar is included. Interested persons should contact Joseph Krakora, Director, Dance Program, National Endowment for the Arts, Mail Stop 555, Washington, D.C. 20506 (202) 634-6383, for further information and application forms.

Signed at Washington, D.C. on 10 June 1976.

EDWARD M. WOLFE,
Acting Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

PLANNING SCHEDULE AND CALENDAR OF DEADLINES

Following is the Planning Schedule for the Dance Touring Program in Fiscal Year 1978 (June 1, 1977 through May 31, 1978).

August 1, 1976—Postmark deadline for Company Information Questionnaire to be sent to Endowment by dance companies wishing to participate in DTP.

September 1, 1976—Deadline for applying for Long-Term Residencies for FY 1978.

October 1, 1976—Deadline for State Arts Agencies to notify the Endowment who will administer the program.

November 1976—Directory of Dance Companies and State Arts Agency/delegated organization list are distributed to potential sponsors and companies.

November 1976-March 1977—Peak period for tour engagement booking activity. Sponsors should indicate to their State Arts Agency their interest in participating in the program.

January 1977-April 1977—Agreements between sponsor and company should be finalized with a copy of the signed agreement going from the company to the sponsor's State Arts Agency or delegated administering organization for the purpose of committing funds.

March 1, 1977—Deadline for State Arts Agency applications for Fee Support Funds for FY 1978.

Early Spring 1977—Funds begin to run out. Sponsors will be notified as funds become limited. When all funds are allocated, the program is closed.

June 1, 1977—Fiscal Year 1978 program begins (i.e. actual engagements).

Late Summer 1977—Endowment funds released to State Arts Agency or delegated administrative organization for payments to sponsors.

May 31, 1978—Fiscal Year 1978 program ends.

The National Endowment for the Arts is an independent agency of the Federal Government created in 1965 to encourage and assist the nation's cultural resources. The Endowment is advised by the 26 Presidentially-appointed members of the National Council on the Arts.

The Dance Program is one of twelve major Program areas. This booklet contains information and instructions for its Dance Touring Program. The Dance Program also offers choreography fellowships and production grants; assistance to resident professional dance companies; assistance for professional management/administration of dance companies; services to the dance field and archival projects depicting dance on film and

videotape. Information about these and other Program areas of the Endowment is contained in the Endowment's "Guide to Programs" which is available from the Program Information Office, National Endowment for the Arts, Washington, D.C. 20506.

Acknowledgement

In all published material and announcements regarding residencies sponsored under the DTP including publicity and program material, we suggest that a special notice be made: This engagement is supported in part by a grant from (name of State Arts Agency or administrative organization) with funds provided by the National Endowment for the Arts, a Federal Agency.

If the State Arts Agency or administrative organization is also providing financial support for the residency, this statement should acknowledge that support as well. The SAA should notify the sponsor of the appropriate wording to be used.

Dance Touring Program

INTRODUCTION

The National Endowment for the Arts Dance Touring Program (DTP) began as a pilot project ten years ago when four companies visited eight communities in two states for a total of eight weeks. Since the DTP, formerly the Coordinated Residency Touring Program, has evolved and grown dramatically. Under its auspices during the 1975–76 season 91 companies toured in 52 states and jurisdictions for a total of 430 weeks.

Purpose

The basic purpose of the program is to make available the best professional dance to the largest possible number of Americans by stimulating dance company residencies in communities throughout the nation. Through these imaginatively planned residencies, sponsors and dance companies are improving their touring practices, nurturing new audiences and expanding both the public's awareness and its appreciation of this richly diversified performing art. Furthermore, DTP has fostered new sponsors for touring companies and helped communities traditionally interested in dance to attract/welcome more American companies with with greater frequency. Notably, the program supports residencies lasting at least a half-week—not one-night stands—and places great emphasis on involving the host community as broadly as possible in scheduled activities.

In order to provide the community with a variety of dance experience, or an in-depth exposure to dance, the sponsor is expected to engage at least two companies for a minimum of one-half week each, or in some cases one company for a minimum of one week. In extenuating circumstances, the State Arts Agency can waive this requirement for sponsors participating in the program for the first time. However, it is understood that this waiver can generally be granted only for first-year sponsors. Residencies must be at least one-half week in length (2½ working days) and may be lengthened by increments of one day.

Three-Way Partnership

Each DTP project depends on the effective cooperation and commitment of three organizations: a performing company, a local sponsor and a State Arts Agency (or its delegated administrative organization). Each of the three active partners has essential and distinct functions; no project is possible in the DTP unless it involves an organization in each category. For the partners to achieve their mutual goals each must meet its particular responsibilities.

The Endowment's primary function is to provide funds that pay one-third of the company's quoted minimum weekly or half-weekly fee (or additional daily fee). Regardless of whether a company and sponsor agree upon a fee higher than the minimum fee listed in the Directory of Dance Companies, the Endowment's one-third share will continue to be computed on the basis of this minimum fee.

Three Guidelines in One

In past years separate guidelines were issued for each category of participant: performing company, sponsor and State Arts Agency. This year the three guideline booklets have been integrated into this single publication. We urge interested persons to read this entire booklet so that they will understand the total process and their prospective partners' roles as well as their own.

Time Frame

In past years the program period began July 1 and ended June 30 in coincidence with the old Federal fiscal year. This year (FY '78), the program begins June 1, 1977 and closes May 31, 1978. The program period has been changed in order to better accommodate the participating dance companies.

Projects approved for FY '78 will be funded out of the Endowment's FY '77 budget. (A calendar of deadlines appears on page 2.)

NOTE.—The DTP is intentionally flexible. Yet it was not intended to serve the needs of all dance companies, nor can it. Companies are urged not to distort their artistic aims merely to satisfy quantitative DTP requirements outlined on the following pages. The Endowment has other assistance programs for dance companies, including companies that do not qualify for this Program. Complete Dance Program Guidelines may be secured by writing: Dance Program (Mail Stop 555), National Endowment for the Arts, Washington, D.C. 20506.

Eligible Participants

STATE ARTS AGENCY OR DESIGNATED ADMINISTRATIVE ORGANIZATION

Each State Arts Agency is given the option of administering the Dance Touring Program itself, or delegating another organization to administer it for the state. If the State Arts Agency chooses to delegate another organization, it has several options:

It might select a willing state-wide organization capable of administering the program within its state.

It might join with several other neighboring states and delegate a single organization which would be willing and able to administer the program for the several states involved. This is particularly advantageous in areas where there has been little dance touring activity in any single state.

It might, along with other member states, delegate an existing multi-state organization willing and able to assume this responsibility.

It is essential that each State Arts Agency notify the Endowment as to who will be responsible for administering the Dance Touring Program for the state (both the organization and individual in charge, with address and phone number). It is also essential that the designated organization express its willingness to accept the responsibility in writing, before October 1, 1976.

The Arts Endowment will be happy to answer any questions concerning the selection of an administrative organization. Please feel free to write or call:

Dance Touring Coordinator (Mail Stop 555), National Endowment for the Arts, Washington, D.C. 20506, Telephone: (202) 634–6383.

For the purposes of clarity the balance of this document uses the term, "State Arts Agency" (or "SAA") when referring to "the State Arts Agency or its delegated administrative organization." In general, the administrative organization should assume all responsibilities. If an individual State Arts Agency wishes to delegate only a portion of the responsibilities listed below, arrangements can be made with the Dance Program at the Endowment.

WHO MAY BE A SPONSOR

Given the purposes of the program, sponsors should be community-oriented organizations or individuals able to relate the activities of the companies in residence to the community visited through imaginative residency programming. Examples of sponsors who have participated in the past include colleges and universities, community arts councils, community service organizations, fraternal organizations, local dance companies or associations, parks and recreation departments, museums, private and public schools, school systems, community arts centers, theatres, orchestras, et cetera. Frequently a group or organizations will cooperate in sponsoring dance companies under this program. Cooperative sponsorship permits greater impact in the community and a sharing of the financial obligations. Generally, sponsors are non-profit, tax-exempt organizations.

Sponsors who, without cause, fail to meet financial and/or other contractual commitments to companies with whom they have contracted for residency engagements may be excluded from future participation in the Dance Touring Program.

PARTICIPATING COMPANIES

In order to qualify for DTP participation, a company must be listed in the *Directory of Dance Companies*, which is a *quantitative* catalogue published annually by the Endowment. There is no *qualitative* list of participating companies; sponsors must make their own artistic appraisals independently.

To be listed in the *Directory*, a company considering itself eligible and wishing to participate in DTP must complete a *Company Information Questionnaire*. These are available from the Endowment's Dance Touring Coordinator.

Deadline

Questionnaires must be returned to the Dance Touring Coordinator and postmarked no later than August 1, 1976. Because of very tight deadlines, material postmarked after this date will not be considered. Companies not listed in the publication are not eligible to participate in the program.

The Directory of Dance Companies

The companies available for touring under the DTP represent a great range in styles of and approaches to American dance. They vary from solo dance programs to companies of over 70 dancers. The *Directory of Dance Companies* is merely a compendium of factual information and is neither a guarantee that the company will be engaged nor a statement about the artistic quality of the company. This *Directory* provides potential sponsors with pertinent factual information about each company extracted from the *Company Information Questionnaire*. Sponsors are free to engage any of the companies appearing in the *Directory*. The *Directory* is intended only as an initial aid to sponsors, and cannot provide all the information needed by a sponsor to make final company selections. Sponsors are advised to contact all companies in which they are interested in order to obtain more detailed information. It is the respon-

sibility of the company to communicate directly with potential sponsors and to provide them with detailed information. It is up to the company's booking representative to promote the company, to procure any and all engagements, and to provide interested sponsors with more detailed information as requested.

NOTE.—The administration of touring engagements for the American Ballet Theatre, The City Center Joffrey Ballet, and The New York City Ballet will continue to be handled directly by the Dance Program office of the Endowment, because of the size and complexity of their touring activity. These companies will be clearly marked in the Directory. The Directory of eligible companies lists every company which demonstrates through its questionnaire that it meets the following quantitative criteria:

Company Criteria

1.The company must be a non-profit, tax-exempt organization donations to which are deductible as charitable contributions under section 170(c) of the Internal Revenue Code of 1954, and must submit a copy of its Internal Revenue Service Tax-Exempt Determination Letter to the Endowment along with the Company Questionnaire.

2. The company must certify to the Endowment that while on tour it pays all professional performers, related or supporting staff, laborers and mechanics no less than the minimum compensation level as determined by the appropriate union in accordance with Part 505 of Title 29 of the Code of Federal Regulations. The 'Company Statement' accompanying the Company Information Questionnaire is to be used for this purpose. Organizations receiving National Endowment for the Arts support must conduct their operations in accordance with the requirements of Title VI of the Civil Rights Act of 1964 and the Rehabilitation Act of 1973 as amended, which bar discrimination in federally assisted projects on the basis of race, color, national origin or handicap. Individuals receiving support from the National Endowment for the Arts who will be making payments for services to any person other than the grantee must comply with these requirements. Such grantees are required to file with the Grants Office, an Assurance of Compliance Form included in Company Questionnaire.

3. The company must have performed at least 15 public performances for which the dancers and staff were paid no less than the minimum compensation level as defined by the appropriate union during the 1975–76 season, and must project at least 15 such performances for the 1976–77 season. The company must have received compensation for these performances, either through box office receipts if self-produced or through contractual payment if not self-produced. Self-produced performances for a nonpaying audience, or other performances for which the company receives no compensation will not be considered when determining if the 15 performances requirement has been met. A list of these engagements must be attached to the Company Information Questionnaire indicating the place and date of these performances, and, for the 1975–76 appearances, the estimated attendance at each performance, and the company's compensation. The company must also attach budgetary information indicating payment was made to the performers and staff at or above the appropriate minimum scale.

4. The company must have adequate paid management to provide potential tour sponsors with the necessary services to contract and carry out tour engagements. The company must submit a description of its tour management structure, indicating the tour management staff employed (number, title, name, and description of responsibilities), whether part- or full-time (if part-time, number of hours per week employed), and how the staff is compensated. Please note: It is imperative companies be reached by phone year-round during regular business hours either directly or through an answering service. Therefore, please indicate in this description how the company's phone communications are handled. Also, a copy of the company's standard touring contract must be attached to the Company Information Questionnaire. Managers of companies which qualify will be required to attend regional meetings at their own expense in the fall of 1976.

5. The company must have a history of sound administrative practices. If there is reason to question the administrative practices of the company, such as a history of cancelled contracts, commitments unfulfilled, deviation from the minimum fee requirements, et cetera, the company will be required to describe what it has done to correct these problems before it will be considered eligible for participation in the program. If the problem remains, the company will be ineligible for participation. Each company's participation in the program will be reviewed annually to determine that the company is functioning within the guidelines of the program.

GENERAL PROCEDURES

THE FUNDING PROCESS

Three years ago when DTP formally took its present name, the State Arts Agencies assumed primary administrative responsibility for the program. It is through the SAAs that the Endowment indirectly pays one-third of a participating company's quoted minimum weekly or half-weekly fee (or additional daily fee).

Upon Endowment review of the applications and the awarding of the grant, the SAA will be notified. The SAA then requests the funds, receives them and distributes them directly to the local sponsors in the state or region. The sponsor is responsible for paying the total contracted fee to the company. State Arts Agencies should not make payments directly to the companies.

Only limited funds are available. The program operates on a first-come-first served basis and closes when all funds have been allocated for the year. It is impossible to set a firm date for this occurrence, though in the past all funds have been allocated by late spring. State Arts Agencies will keep sponsors informed of the status of available funds. Companies should keep in mind, however, that dance touring activity is not limited to what takes place under DTP auspices. For many companies this program supports only a fraction of their tour engagements. Companies will usually find it possible and desirable to arrange additional touring dates without Endowment assistance.

Formal applications are made to the Endowment by the SAAs. Similarly, local sponsors apply to their State Agencies. Application procedures vary from state to state so sponsors should immediately check with their SAA to determine an appropriate course of action. Sponsors are urged to confirm the availability of funds with their State Agency before entering into a final agreement with companies.

When the company and sponsor agree to conduct a residency, a contract or formal agreement must be signed. The company must send a signed copy to the sponsor's SAA for review; this is the company's responsibility. Upon receipt of a contract the SAA may allocate the funds necessary for the residency on a first-come-first-served basis. No Endowment funds will be allocated until the SAA has received a copy of the contract signed by both the company and the sponsor and has determined that the contract complies with DTP guidelines.

DIVISION OF RESPONSIBILITIES

Each State Arts Agency serves to promote the Dance Touring Program in general, to develop sponsorship for the program, to aid sponsors and companies participating in the program, and to evolve and administer its own program of technical assistance. (A listing of these agencies will be sent to all companies in November.) Sponsors deal directly with the appropriate agency for all matters concerning the Dance Touring Program. Although the State Arts Agency can be of assistance to companies seeking engagements in their state, companies should not ask or expect these agencies to promote them or seek engagements for them. This is solely the responsibility of the company. Sponsors are free to engage any of the companies appearing in the *Directory of Dance Companies*. Engagements under the Dance Touring Program are essentially the same as any other touring engagement. All negotiations between sponsor and company are the responsibility of the two parties.

WHAT IS A RESIDENCY?

By definition, a residency is a working visit lasting at least two and one-half working days by a professional dance company in a community away from its own home.

Three basic elements contribute to a successful residency:

1. Detailed advance work which will prepare the community for the residency so that it may take full advantage of the activities offered;

2. Broad involvement of the community in the activities offered during the residency;

3. Taking advantage of the "residual" benefits of the engagement.

The program is designated to aid in touring engagements. A touring engagement is one which requires the company to remain overnight at the place of the residency rather than returning home each night. (The quoted touring engagement fees are based on figures which include lodging and transportation expenses.) Therefore, residencies taking place within the immediate area of the company's home base are not eligible under this program.

A one-week residency is defined as five and one-half working days. A one-half week residency is defined as two and one-half working days. Except in extreme circumstances sponsors are normally expected to engage at least two companies for one-half week each or, in some cases, one company for a minimum of one week. Residencies may be lengthened by one-day increments. The company and the sponsor are expected to involve broad segments of the community during the residency. Since each company is unique in the services it offers to sponsors, there are no set rules or regulations as to what activities a residency should include, though the sponsor and company are expected to arrive at an agreeable residency schedule which will best serve the needs of the community and the purposes of the program. Residencies structured solely for the purpose of teaching a limited number of students will be considered contrary to the spirit of the program.

SCHEDULING THE RESIDENCY

The sponsor and the company in collaboration arrive at a mutually agreeable residency schedule. There are no set rules or requirements for the residency schedule other than the minimum residency length and the number of companies engaged, as stated above, though, it is expected that the goals and purposes of the program will be served by the schedule. Sponsors are encouraged to use the company as imaginatively as possible and to involve a broad spectrum of the community in th residency activities.

All engagements in a single city or contiguous communities may be construed as being part of community residency, and all participating sponsorship in a community may be construed as a single sponsor. For example, in a city with several colleges, a theatre, and a dance organization, each of these groups may participate in the residency activities as arranged by the contracting sponsor and the company. This not only broadens the base of community participation, it pools the community resources necessary to present the residency. Questions regarding the definitions of a sponsor and a community should be directed to the State Arts Agency.

Local sponsors may set admission prices, class fees, ticket prices, and so forth, according to local conditions. (However, it is hoped no segment of the community will be prohibited from participation because of admission prices.)

Advance planning is the key to a successful residency. Sponsors and companies are urged to work out the residency schedule in detail well before the engagement is to begin. It is important, to avoid misunderstandings, that the residency schedule in written form be approved by both sponsor and company. This schedule should include the type of activity programmed, when and where it will take place, for what duration of time, for whom it is being presented, and how many people will participate. All residency activities of companies and company members, both professional and social, should be limited to those agreed to in writing between the company manager and the local sponsor.

Sponsors should note that booking agents may be responsible only for procuring the engagements for the company and not for scheduling the details of the residency. Therefore, the sponsor should deal directly with the company in pursuing detailed arrangements if necessary.

Companies will make every attempt to be cooperative, but must know of their anticipated commitments well in advance in order to plan their schedule completely. (Sponsors should realize that, because of the time and energy involved in preparing for a concert performance, no further services should be expected of a company on full performance days unless the company manager agrees otherwise.)

Sponsors might find it helpful to contact previous sponsors of residency engagements to discuss what activities they found particularly successful. Companies will also be able to give the sponsor indications of what they are particularly qualified to do during a residency. Sponsors should take into consideration in their planning that dancing is a very strenuous activity and a company's effectiveness can be impaired if it is overscheduled. It might also be noted that dancers need time for company classes each day, and that dancers are usually very hungry after performances. The latter can be a problem in locations where eating facilities close early. In addition, sponsors can frequently be of substantial aid to companies in helping them obtain reduced rates for accommodations in the sponsor's town.

APPLICATION PROCEDURES FOR STATE ARTS AGENCIES

In all cases, applications to the Endowment for DTP funds should come from an individual State Arts Agency or a properly delegated administrative organization. Applications should come from the organization that is assuming full responsibility for administering the project. If the applicant is an agency of the state or local government it should use the Short Form OMB No. 80–R0185. If the application is coming from a nonprofit, tax-exempt organization that is not a government agency, it should use the Endowment's Project Grant Application, NEA–3 (Rev.).

Applications for the Endowment fee support for residencies taking place between June 1, 1977 and May 31, 1978 must be postmarked no later than March 1, 1977. Since very few engagements will be confirmed by this date, an estimated amount of funds needed for anticipated engagements should be requested. This estimate should be based on the confirmed engagements known to that date, the tentative engagements known to that date, and an estimate of anticipated engagements based on past years' activity in the state. The figure requested may not exceed one-third of the declared minimum fees anticipated, and should represent Endowment assistance based on 33⅓% of each company's weekly, half-weekly, or additional daily fee.

Once the Endowment has received all applications for fee support, the requests will be reviewed on the basis of the total funds expected to be available for the program, and the State Arts Agencies will be given a tentative planning figure. SAAs should realize that the final commitments made, as funds become limited, must be carefully checked through the Endowment so that the program is not over-committed.

The Endowment is well aware that there have been some substantial problems in the past with disbursement of funds on time in this program. One part of the problem has been the Cash Request itself.

Funds may not be requested more than 90 days in advance of the time they are needed. Often this has been misinterpreted to mean that funds cannot be requested more than 90 days before the residency. A more realistic interpretation is that funds may be requested 90 days in advance of the date the SAA needs to receive the funds in order to process them, get cash in hand to local sponsors, allow time for sponsor to process the money and get cash in hand to the dance company. Consequently, if it takes six weeks to get the money from the SAA to the dance company, the SAA should request cash from the Endowment as much as four ond one half months in advance of the residency (6 weeks plus 90 days).

Please try to keep close track of this timetable to insure that, once the SAA has received the grant award, each dance company will receive the Endowment portion of the fee before its residency ends. Set up a calendar, if necessary, to show when cash requests will have to be sent. Group as many residences as possible in each cash request. If there are questions about the appropriate way to fill out the cash request or what can be included on it, please call (202/634–6383) *before* sending it. To receive the speediest treatment, cash requests should be sent directly to the Grants Office (Mail Stop 500), National Endowment for the Arts, Washington, D.C. 20506.

THE STATE ARTS AGENCY'S DUTIES

The State Arts Agency will be responsible for the following:

1. Announcing and promoting the DTP within its state or region. The Endowment will also send out an announcement of the program nationally, and will inform the SAA which sponsors in their area have received these Guidelines.

2. Helping sponsors within their state or region to carry out the sponsor's part of the program—selecting the companies, contracting the companies, preparing the schedule of community activities, et cetera.

3. Receiving and reviewing company-sponsor contracts, and determining whether they meet the requirements of these Guidelines.

4. Maintaining a master schedule of Dance Touring Program engagements in its state or region.

5. Receiving and distributing promptly the Endowment funds to each local sponsor.

6. Establishing and implementing evaluation procedures in accordance with the information requested by the Endowment.

7. Where necessary, making application to the Endowment for assistance in planning and carrying out the program, receiving these funds, and administering them.

8. Making application to the Endowment for the fee support funds for engagements taking place within the state or region, receiving these funds, and passing them on to the sponsors.

9. Making final statistical and evaluative reports to the Endowment as requested in the grant letter. These reports will include only pertinent information, and are not expected to demand tremendous energies from the State Arts Agencies.

10. All other financial management requirements as outlined in the "Uniform Administrative Requirements for Grants-in-Aid to State anl Local Governments" which appears in Appendix of these Guidelines.

The Endowment will maintain direct contact with the State Arts Agencies in order to facilitate communications. However, there are other organizations and people who may be of assistance. In addition to the regional coordinators working throughout the country, there are evolving regional organizations, some particularly related to dance, and others conderned with a broad spectrum of activities. It is to the SAA's advantage to keep in close contact with these individuals and organizations since they can provide invaluable assistance with the program. The Endowment can help you contact these people.

THE TWO-COMPANY RULE

Except in extreme circumstances sponsors are expected to engage at least two companies for a minimum of one-half week each, or in some cases one company for a minimum of one week during Fiscal Year 1978. There are several reasons this is required. Given the great wealth and variety of American dance, communities are encouraged to experience at least two different companies which will bring the community some of the variety American dance offers or, in some cases, at least one company representing one artistic point of view in depth. Further, it is the strong feeling of the Endowment that a community should have the opportunity and the time to become involved in several activities in order to gain a better knowledge and appreciation of the dance. This is essential to audience development. Single "one shot" exposure inhibits the community in gaining a full appreciation of dance as a rich and varied art form.

The State Arts Agencies can be of great assistance to local sponsors by making them aware of the benefits of complying with these requirements, and by getting more than one sponsor together in a community so that individual financial and operational resources can be pooled to permit compliance.

In extenuating circumstances, the State Arts Agency can grant a waiver of the mini-

mum residency requirement (i.e. two one-half week residencies or one full-week residency). The request for this waiver must be made in writing by the local sponsor, and the decision of the SAA must be conveyed to the sponsor in writing. A copy of these letters should be attached to the SAA's copy of the sponsor's contract for future reference.

When reviewing requests for waivers, the SAA should take into account the following:

1. The over-all financial resources of the sponsor.

2. The history of performing arts presentations in the community. Generally a community with a history of sponsorship in other forms can be expected to assume the minimum residency requirement.

3. The appropriateness of the sponsor's choice of companies. There are many companies available with a great variety of fee structures. Sponsors should not be encouraged to engage companies which will tax their resources unduly. Communities have found it far more successful to keep their first residencies well within their sources and to engage a variety of companies, rather than only one or two financially and technically demanding companies. As experience is gained and audiencies are built, sponsors will find that they will quickly be able to assume sponsorship of these larger companies.

4. Population. Obviously, very small and isolated communities face special problems.

5. Other local conditions. Since the State Arts Agency is located in the immediate area of the sponsor, it will have personal knowledge of the local sponsor's situation.

If, after reviewing the waiver request, the SAA deems it absolutely essential a waiver be granted, it should be made clear to the sponsor that this is exceptional. Waivers should be permitted for first-year sponsors only.

The importance of granting this waiver as rarely as possible cannot be stressed enough. There is substantial evidence from the ten-year history of the program that enforcement of the minimum residency requirement is essential to the success of the program in each community. Only when a sponsor is committed to the presentation of dance in his community will the envolvement necessary for successful and effective residencies readily be available.

THE SPONSOR'S ROLE

Sponsors are expected to develop and apply their own qualitative criteria in selecting companies. Such criteria should take into account the artistic quality, experience, style, size, repertory, and managerial stability of the company. Further, sponsors should seek to match the talents, resources, and available services of the companies with the needs and resources of the community.

The Directory of Dance Companies include lists of previous and current tour engagements for each company, and a listing of engagements taking place under the current FY 1977 Dance Touring Program. Sponsors are encouraged to see companies in which they are interested whenever possible and to speak with sponsors who have previously engaged the company in order to make the most informed choices. State Arts Agencies can be of great help to sponsors in guiding them through the necessary evaluative steps, but should in no way participate in the final selection of companies. This qualitative decision is the full responsibility of the sponsor. The success of each residency depends upon the sponsor's careful selection.

A dialogue between the sponsor and desired companies should be established in order to determine what services each company can offer, its technical needs, and so forth. Sponsors are urged to discuss with the companies the details of the engagement (dates, types of activities desired, technical needs, et cetera) before making final choices.

As soon as contract discussions begin, the sponsor should:

Request a complete technical requirement sheet from the company; and

Provide the company with the technical details of its performance space.

This is necessary because each company is different in its technical requirements. Some companies carry all necessary technical materials, others carry only certain items, still others carry a minimum of equipment. In the past it has been found that misunderstandings are most frequent in this area.

In all discussions and agreements with the company, the sponsor should be sure to clarify all aspects of the engagement:

Company's technical requirements in terms of equipment, and personnel to be provided by the sponsor;

Publicity services offered by the company including dates when publicity materials are to be available;

Space needs for classes, rehearsals, and performances;

Limitations on class size and level;

Availability of the performance space for set-up and rehearsals, and the necessary free time before performance activities;

Actual beginning and ending time of the residency;

Total fee and schedule of payment;

Local transportation needs and who is to provide them; and

Names, addresses and phone numbers of all key people associated with the company (company manager, booking manager, technical director, road manager), et cetera.

Clarity and completeness in all agreements will help insure that the engagement will run smoothly.

Following these discussions, the sponsor must then enter into an agreement with the company he has decided to engage, with a signed copy of that agreement being sent by the dance company to the State Arts Agency for the purpose of committing Endowment funds. The State Arts Agency will accept the following documents for the purpose of committing funds:

1. A formal contract between the two parties (company and sponsor) including all items listed below.

2. A letter of agreement including all items listed below.

3. A "first priority" letter or contract including all items listed below. (If a sponsor is unable to execute either document #1 or #2 above because of a delay in budget approval or other internal funding problems which prevent committing funds to the engagement, the State Arts Agency will accept a letter or contract from the local sponsor which includes a clause certifying that, whether or not the sponsor's total budget is approved, the first monies received will be used for the engagements under the Dance Touring Program. The State Arts Agency can assist in the preparation of a "first priority", agreement.)

ITEMS TO BE INCLUDED IN ALL LETTERS, CONTRACTS, AND AGREEMENTS:

Name, address and phone number of the company;

Name, address and phone number of person actually in charge of scheduling details of the residency for the company;

Name, address and phone number of sponsor;

Name, address and phone number of person actually in charge of scheduling details of the residency for the sponsoring organization;

Fee for the engagement;

Specific dates and place of the engagement including beginning and ending times;

Name and address of the local sponsoring person or agency to whom the State Arts Agency should make checks payable for the Endowment share of the company fee; and

Signatures of both parties (sponsor and company).

If either agreement #2 or #3 above is used, it should be followed by a complete contract as soon as possible. If the dates of the engagement change following filing of the contract, the State Arts Agency must be notified.

A clause may be included in contracts or letters of agreement stating that the National Endowment for the Arts will provide $____ (appropriate amount of money, rounded to the nearest dollar) to the sponsor for the engagement.

NOTE.—The company's fee as quoted in the Directory is its minimum fee. The company and sponsor may arrive at a fee greater than this minimum fee, or may agree upon a percentage share of potential net income over and above the company's minimum fee. However the Endowment's participation will remain at one-third of the company's quoted minimum fee. The remainder of the fee and all local costs are the responsibility of the sponsor. The sponsor's total costs depend upon the company's fee, the activities scheduled for the residency, the company's repertory, local labor costs, theater costs, advertising, and other factors. Therefore, the sponsor should determined his own local costs, and reach preliminary agreement concerning company requirements with the company manager before setting a budget.

The Dance Touring Program is structured around a system of certified minimum fees which the companies list in the *Directory* and to which they must adhere for similar engagements whether the engagements are supported under this Program or not. The reason for this is to avoid a situation in which a company would be asked to reduce its fee when performing in a similar engagement without Endowment support.

SUMMARY CHECK LIST FOR SPONSORS

1. Notify your State Arts Agency of interest in participating in the Dance Touring Program. The addresses and phone numbers of the SAAs and designated administrative organizations are listed in the Directory of Dance Companies.

2. Request more detailed information from those companies in which you are interested. The Directory of Dance Companies will be available in November 1976 from your SAA and the Endowment.

3. Enter into discussions with the companies you select making sure to explain your requirements in terms of residency activities your resources (performing areas, class spaces, et cetera), your responsibilities to the company, and so forth.

4. Inform your SAA of those companies you plan to engage. Sponsors should check at this time to make sure funds are still available. This is particularly essential in the spring of 1977 as available funds become limited.

5. Reach an agreement with the company; confirm that the company sends a copy of the agreement signed by both parties to your SAA for the purpose of committing funds. The SAA will notify company and sponsor upon receipt of the contract whether or not funds are available.

6. Well in advance of the engagement, arrive at a mutually agreeable schedule of activities with the company in writing, being sure to indicate all details of the engagement. Sponsors should begin to collect the information requested for the final evaluation report.

7. Following the residency, complete the evaluation requested by the SAA.

THE COMPANY'S ROLE

The company should send a complete technical requirement sheet to the sponsor with the initial correspondence. In all discussions and agreements with the local sponsor, the company should be sure to clarify all aspects of the engagement, including:

1. The company's technical requirements in terms of equipment and personnel to be provided by the sponsor.

2. The publicity services offered by the company and their costs, if any, and when publicity materials are to be available to the sponsor.

3. The company's space needs for classes, rehearsals, wardrobes, et cetera.

4. Limitations on the class size and levels.

5. The availability of the performance space for set-up and rehearsals, including all necessary free time before performances.

6. The actual beginning and ending time of the residency.

7. The total fee and method of payment.

8. Local transportation needs and who is to provide them.

9. The names, addresses and phone numbers of all key people (technical director, sponsor, crew heads, et cetera).

If a dance company's booking is done through a booking agent who does not handle the details of residency scheduling, the company should be sure that the booking agent makes it clear to the sponsor who in the company management is responsible for the residency details. Conversely, the contracting sponsor is not always the person in charge of detailed planning on the other end. These facts should be ascertained in advance and contracts should include name, address, and phone number of the "detail person" on both sponsor and company sides.

Company Fees

Each participating company is asked to quote a minimum weekly fee for residencies. The company must then certify that it will accept no less than this fee for similar engagements whether under the DTP or not. It is expected that this fee will conform with the total fee structure of the company. There is no ceiling on this minimum fee.

In determining the company's minimum weekly fee, the following should be taken into account:

One week equals five and one-half days in residence;

One-half week equals two and one-half days in residence;

One day equal one full day in residence;

The minimum half-weekly fee will be exactly one-half the minimum weekly fee;

The minimum one day fee will be exactly one-fifth minimum weekly fee.

Companies may negotiate larger fees than the minimum fees quoted. The Endowment's participation, however, will remain at the levels stated above based on the company's quoted minimum fee.

Contracts

When a sponsor and a company agree on a residency they must enter into a formal agreement. (The company is responsible for sending a copy of the agreement, signed by both parties, to the sponsor's SAA for the purpose of committing Endowment funds.) For this purpose, the SAA will accept either a formal contract between the two parties, a letter of agreement, or a "first priority" letter or contract. (See page 9 for list of documents.)

EVALUATIONS AND FINAL REPORTS

In order to remain responsive to the needs of the field, and to keep the program relevant, each SAA will be asked to assemble statistical and evaluative information from each sponsor as part of the final reporting procedures. Requested information includes:

1. The schedule of activities offered during each residency.

2. Attendance at each activity, and a general descripiton of the make-up of the participants (i.e. dance students, community residents, et cetera).

3. Admission charges for each activity.

4. The over-all budget for the residency, including total expenses and sources of income.

5. A general description and evaluation of the successes and failures of the residency.

6. Suggestions for improving the program and better achieving its goals.

State Arts Agencies should develop a simple form which can be circulated to local sponsors in order to collect this information. If the SAA would like more information for its own records, additional questions may be included. However, the Endowment hopes that evaluation procedures be kept relatively uncomplicated so as not to burden the local sponsors unnecessarily. The information collected should be submitted with the final report for the Endowment grant.

In addition, companies will receive brief evaluation forms from the Endowment which should be completed at the end of each residency. A copy should be sent to the Dance Touring Coordinator (Mail Stop 555) National Endowment for the Arts, Washington, D.C. 20506, another copy to the appropriate SAA, and a third copy of the sponsor. (Companies are not required to share their evaluations with the sponsor, but it is urgently requested that they do so.)

Companies will also be required to complete a Technical Facilities Information Form following each residency under the program. The forms will be furnished to the companies by the Endowment at the commencement of the FY 78 program.

PILOT: LONG-TERM DANCE RESIDENCIES

On a pilot basis the Endowment hopes to fund a few projects for sponsors who are willing to engage dance companies for two or more weeks in order to allow the companies the ability to provide more community services and to develop a stronger relationship with the community.

Eligibility

Nonprofit, tax-exempt sponsors of dance companies in residence for two weeks or more. Companies need not qualify for the Dance Touring Program.

Funding

Grants will be made on a matching basis not to exceed 50% of total project costs; in most cases grants will be considerably less. Particular attention will be paid by the Dance Advisory Panel in reviewing these applications to the amount of funds that will be raised in the community, especially what new sources of support will be sought so that funds for ongoing dance activities in a community are not diverted.

Application Procedures

The application should include:

1. A letter of intent from the company, if a formal contract has not been signed;

2. A budget for the residency; and

3. A proposed residency schedule. Possible residency activities might include performances, workshops, master classes, collaborative projects with local arts organizations, creative rehearsal times for the company and a variety of other projects.

Sponsors may wish to apply for both a residency under the Dance Touring Program or the Large Company Touring Program and this category in order to insure that the sponsor will have the services of the dance company, if support cannot be offered for a Long Term Residency. Please note on each application that support is being applied for under one of the Touring Programs and this category.

Applications must be postmarked no later than September 1, 1976. The project period for residencies under this program is June 1, 1977 through June 1, 1978. Notification of acceptance or rejection will be sent by December 15, 1976. This will allow sponsors sufficient planning time to apply for residencies under the regular Dance Touring Program through their appropriate administrative agency if support cannot be offered for a Long-Term Residency.

APPENDIX:

UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS-IN-AID TO STATE AND LOCAL GOVERNMENTS

Standards for Grantee Financial Management Systems

1. This attachment prescribes standards for financial management systems of grant-supported activities of state and local governments. Federal grantor agencies shall not impose additional standards on grantees unless specifically provided for in other Attachments to this Circular. However, grantor agencies are encouraged to make suggestions and assist the grantees in establishing or improving financial management systems when such assistance is needed or requested.

2. Grantee financial management systems shall provide for:

(a) Accurate, current, and complete disclosure of the financial results of each grant program in accordance with Federal reporting requirements. When a Federal grantor agency requires reporting on an accrual basis and the grantee's accounting records are not kept on that basis, the grantee should develop such information through an analysis of the documentation on hand or on the basis of best estimates.

(b) Records which identify adequately the source and application of funds for grant-supported activities. These records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.

(c) Effective control over and accountability for all funds, property, and other assets. Grantees shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.

(d) Comparison of actual with budgeted amounts for each grant. Also, relation of financial information with performance or productivity data, including the production of unit cost information whenever appropriate and required by the grantor agency.

(e) Procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the grantee, whenever funds are advanced by the Federal Government. When advances are made by a letter-of-credit method, the grantees shall make drawdowns from the U.S. Treasury through his commercial bank as close as possible to the time of making the disbursements.

(f) Procedures for determining the allowability and allocability of costs in accordance with the provisions of Office of Management and Budget Circular No. A-87.

(g) Accounting records which are supported by source documentation.

(h) Audits to be made by the grantee or at his direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with laws, regulations, and administrative requirements. The grantee will schedule such audits with reasonable frequency usually annually,

but not less frequently than once every two years, considering the nature, size and complexity of the activity.

(i) A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

3. Grantees shall require subgrantees (recipients of grants which are passed through by the grantee) to adopt all of the standards in paragraph 2 above.

[FR Doc.76-17498 Filed 6-15-76;8:45 am]

EXPANSION ARTS ADVISORY PANEL

Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Expansion Arts Advisory Panel to the National Council on the Arts will be held on July 8-9, 1976, from 9:00 a.m.-5:30 p.m. in the Arlington Room, South of the Quality Inn Hotel, in Arlington, Virginia.

A portion of this meeting will be open to the public on July 9 from 9:00 a.m.-5:30 p.m. on a space available basis. Accommodations are limited. The agenda for this portion will include: (1) Guidelines for FY 1979, (2) Program relationships with other Endowment programs, (3) Other funding sources.

The remaining sessions of this meeting on July 8 from 9:00 a.m.-5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applications. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

EDWARD M. WOLFE,
Acting Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76-17487 Filed 6-15-76;8:45 am]

FEDERAL-STATE PARTNERSHIP ADVISORY PANEL

Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Federal-State Partnership Advisory Panel to the National Council on the Arts will be held on July 12-13, 1976, from 9:00 a.m.-5:00 p.m. and on July 14, 1976, from 9:00 a.m.-1:00 p.m. in the Columbus Gallery of Fine Arts, 480 East Broad Street, Columbus, Ohio.

A portion of this meeting will be open to the public on July 13 from 9:00 a.m.-5:00 p.m. and on July 14 from 9:00 a.m.-1:00 p.m. on a space available basis. Accommodations are limited. The agenda for this portion will include: (1) General discussion with Board of NASAA (2) Selected Federal-State Partnership Programs.

The remaining sessions of this meeting on July 12 from 9:00 a.m.-5:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

EDWARD M. WOLFF,
Acting Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76-17483 Filed 6-15-76;8:45 am]

MUSEUM ADVISORY PANEL

Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Museum Advisory Panel to the National Council on the Arts will be held on July 7, 1976, from 9:00 a.m.-6:00 p.m. in the fourteenth floor conference room of the Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C.

A portion of this meeting will be open to the public on July 7 from 9:00 a.m.-12:15 p.m. on a space available basis. Accommodations are limited. Policies affecting the Museum program will be discussed.

The remaining sessions of this meeting on July 7 from 1:30 p.m.-6:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

EDWARD M. WOLFE,
Acting Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities

[FR Doc.76-17488 Filed 6-15-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

ADVISORY COMMITTEE ON REPLACEMENT COST IMPLEMENTATION

Meeting

This is to give public notice, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, 10(a), that the Securities and Exchange Commission Advisory Committee on Replacement Cost Implementation will conduct a meeting on June 29, 1976, at the Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. beginning at 9:30 a.m. This meeting will be open to the public.

This will be the second meeting of the Advisory Committee. The purpose of the meeting is to (1) discuss the Chief Accountant's recommended solutions to questions put before the Advisory Committee at its previous meeting (May 18, 1976), (2) discuss various aspects of the Commission's replacement cost regulation and (3) discuss implementation questions having come to the attention of the Chief Accountant of the Securities and Exchange Commission since the date of the previous meeting.

Further information on this matter may be obtained by writing:

Mr. George A. Fitzsimmons, Secretary, Securities and Exchange Commission, United States Securities and Exchange Commission, 600 North Capitol Street, Washington, D.C. 20549.

GEORGE A. FITZSIMMONS,
Advisory Committee Management Officer.

JUNE 10, 1976.

[FR Doc.76-17565 Filed 6-15-76;8:45 am]

[File No. 500-1]

DYNA GRAPHICS INTERNATIONAL, INC.

Suspension of Trading

JUNE 8, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Dyna Graphics International, Inc. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 12:01 p.m. (e.d.t.) on June 8, 1976 through June 17, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-17566 Filed 6-15-76;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA AND ORION CAPITAL CORP.

Suspension of Trading

JUNE 9, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Equity Funding Corporation of America, including Orion Capital Corporation, being traded on a national securities exchange or otherwise, is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from June 10, 1976 through June 19, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-17567 Filed 6-15-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 06/10-0015]

FIRST BUSINESS INVESTMENT CORP.

Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA), pursuant to Section 107.701 of the regulations governing small business investment companies (13 C.F.R. Section 107.701 (1976)), for transfer of control of First Business Investment Corporation (First Business), Suite 301 Zidell Building, 7007 Preston Road, Dallas, Texas 75205, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

First Business was licensed on February 25, 1960, and has a paid-in capital and paid-in surplus of $202,000. The transfer of control is being made pursuant to a purchase and sale agreement between Mr. Albert J. Prevot (purchaser) and Mr. John Mr. McCoy (seller). Mr. McCoy is the present owner of all the issued and outstanding stock of First Business. The proposed transfer of control is subject to the approval of SBA. If such approval is given the officers and directors of First Business will be as follows:

Albert J. Prevot, President, Treasurer, Director, Route 4, Box 532-0, Mission, Texas 78572

Millicent McCoy, Vice President, Director

Walter M. Collie, Secretary Director

Mrs. McCoy and Mr. Collie at the present time are officers and directors of First Business. The only change in the structure of management will be Mr. Prevot replacing Mr. John McCoy. There will be no significant changes in the charter or bylaws. Mr. Prevot was formerly the present of Dixie Business Investment Company, a small business investment company located at 406 Lake Street, Lake Providence, Louisiana 71254.

In approximately four months First Business will be moved from Dallas, Texas to Mission, Texas. At that time Mrs. Connie Prevot will replace Mrs. McCoy and Mr. Collie and serve as secretary-treasurer and also serve on the company's board of directors.

It is proposed to increase the capitalization of First Business up to $500,000 in the near future.

Matters involved in SBA's consideration of the application include the general business reputation and character of management and shareholders, and the probability of successful operations of First Business under their management, in accordance with the Act and Regulations.

Notice is further given that any person may, on or before July 1, 1976, submit to SBA in writing, comments on the proposed transfer of control of this company. Any such comments should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice will be published by First Business in a newspaper of general circulation in Dallas, Texas and Mission, Texas.

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

Dated: June 8, 1976.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.76-17439 Filed 6-15-76;8:45 am]

[Declaration of Disaster Loan Area #1248]

IDAHO

Declaration of Disaster Loan Area

As a result of the President's declaration I find that Bingham, Bonneville, Fremont, Jefferson and Madison Counties, and adjacent counties within the State of Idaho, constitute a disaster area due to the collapse of the Teton Dam and resultant flooding beginning on June 5, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 5, 1976, and for economic injury until the close of business on March 7, 1977 at:

Small Business Administration, District Office, 216 North Eighth Street, Boise, Idaho 83701.

or other locally announced locations.

Dated: June 9, 1976.

ROGER H. JONES,
Acting Administrator.

[FR Doc.76-17490 Filed 6-15-76;8:45 am]

[Declaration of Disaster Loan Area #1247]

OKLAHOMA

Declaration of Disaster Loan Area

As a result of the President's declaration, I find that Tulsa and Wagoner Counties, and adjacent counties within the State of Oklahoma, constitute a disaster area because of damage resulting from severe storms and flooding beginning about May 30, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 5, 1976, and for economic injury until the close of business on March 7, 1977, at:

Small Business Administration, District Office, 50 Penn Place, Suite 840, Oklahoma City, Oklahoma 73118.

or other locally announced locations.

Dated: June 9, 1976.

ROGER H. JONES,
Acting Administrator.

[FR Doc.76-17489 Filed 6-15-76;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on Thursday, July 15, 1976, at 10 a.m. e.d.t., the White River Junction Station Committee on Educational Allowances shall at Room 124, Administration Building, Veterans Administration Center, White River Junction, Vt. conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Community College of Vermont, Montpelier, Vt. and all sites should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: June 9, 1976.

W. A. YASINSKI,
Director, VA Center, White River Junction, Vt.

[FR Doc.76-17564 Filed 6-15-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 70]

ASSIGNMENT OF HEARINGS

JUNE 10, 1976.

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 114028 (Sub 21), Rowley Interstate Transportation Company now assigned July 8, 1976 (2 days) at Kansas City, Missouri and will be held in Room 609, Federal Office Building, 911 Walnut Street.

MC 141517, California Contract Carrier, Inc. now assigned July 7, 1976 (1 day) at Kansas City, Missouri and will be held in Room 609, Federal Office Building, 911 Walnut Street.

MC-F 12630, D. Q. Wise & Co., Inc.—Purchase—E. L. Beakley (Barbara Ann Brewer, Independent Executrix) and MC-F 12685, William E. Lewis—Purchase (Portion)—E. L. Beakley (Barbara Ann Brewer, Independent Executrix) now assigned July 12, 1976 (2 days) at Houston, Texas and will be held in Room 7006, U.S. Tax Court, Federal Building, 515 Rusk Avenue, and July 14, 1976 (3 days) at Tulsa, Oklahoma and will be held in Room 3469, Page Balcher Federal Building, 333 West 14th Street.

MC 133922 Sub 11, Jenkins and Nagel Trucking Co., now assigned July 20, 1976, at Chicago, Ill., will be held in Room 1319, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 135078 Sub 7, American Transport, Inc., now assigned July 21, 1976, at Chicago, Ill., will be held in Room 1319, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 128273 Sub 167, Midwestern Distribution, Inc., now assigned July 22, 1976, at Chicago, Ill., will be held in Room 1319, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 136147 Sub 2, Coach Travel Unlimited, Inc., now assigned July 28, 1976, at Chicago, Ill., will be held in Room 1319, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 115651 Sub 26, Kaney Transportation, Inc., now assigned July 26, 1976, at Chicago, Ill., will be held in Room 1319, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC-C 8808, R. C. Filkins, Inc. and Watkins Salt Company—Investigation and Revocation of Certificates, now assigned July 7, 1976, at Boston, Mass., will be held on the Fifth Floor, 150 Causeway.

MC-C 8863, Barrows Transfer and Storage Company Revocation of Certificates, now assigned July 14, 1976, at Boston, Mass., will be held on the Fifth Floor, 150 Causeway.

MC 139991 Sub 1, Jerry Cohen, d.b.a. Fashion Carriers Reg'd, now assigned July 12, 1976, at Boston, Mass., will be held on the Fifth Floor, 150 Causeway.

MC 116014 (Sub-No. 75), Oliver Trucking Company, Inc., now assigned July 22, 1976, at Washington, D.C. is being advanced to July 8, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 141352, Lamusta's Auto Service, Inc., now assigned July 8, 1976, at Boston, Mass., will be held on the Fifth Floor, 150 Causeway.

MC-C 8935, Henry N. Lanciana, d.b.a. Henry N. Lanciana Sales—Investigation of Operations, now assigned July 15, 1976, at Boston, Mass., will be held on the Fifth Floor, 150 Causeway.

MC 113267 Sub 323, Central & Southern Truck Lines, Inc., now assigned July 7, 1976, at Memphis, Tenn., will be held at the Tax Court Room 1006, Federal Bldg., 167 North Main Street.

MC 134922 Sub 144, B. J. Mcadams, Inc., now assigned July 8, 1976, at Memphis, Tenn., will be held at the Tax Court Room 1006, Federal Bldg., 167 North Main Street.

MC 82063 Sub 59, Klipsch Hauling Co., now assigned July 12, 1976, at Memphis, Tenn., will be held at the Tax Court Room 1006, Federal Bldg., 167 North Main Street.

MC 59135 Sub 31, Red Star Express Lines Of Auburn, Inc. d.b.a. Red Star Express Lines, will be held at the Federal Office Building, Room 1617-A, 1001 Liberty Avenue, Pittsburgh, Pa. instead of Room 2218, now assigned June 21, 1976.

MC 141726 (Sub-No. 3), National Distributors, Inc., now assigned July 26, 1976, at San Francisco, Calif. is canceled and application dismissed.

MC 141726 (Sub-No. 4), National Distributors, Inc., now assigned July 26, 1976, at San Francisco, Calif. is canceled and application dismissed.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-17575 Filed 6-15-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 11, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed within, on, or before July 1, 1976.

FSA No. 43178—Joint Water-Rail Container Rates—Far Eastern Shipping Company. Filed by Far Eastern Shipping Company (No. 2), for itself and interested rail carriers. Rates on general commodities, from rail carriers terminals on the U.S. Atlantic and Gulf coast, to ports in Hong Kong and Japan.

Grounds for relief—Water competition.

Tariffs—Far Eastern Shipping Company tariffs I.C.C. Nos. 3 and 4, F.M.C. Nos. 21 and 16, respectively. Rates are published to become effective on July 9, 1976.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-17574 Filed 6-15-76;8:45 am]

[Notice No. 274]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JUNE 16, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 1, 1976 Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-76150. By order of June 9, 1976 the Motor Carrier Board approved the transfer to Bob R. Thrush, doing business as Arrow Transfer and Storage Company, Colorado Springs, Colo., of the operating rights in Certificate No. MC-139452 issued June 3, 1975, to Arrow Van Lines, Inc., Colorado Springs, Colo., authorzing the transportation of household goods between points in Colorado, subject to certain restrictions.

Charles J. Kimball, 1612 Court Place, Denver, Colo., 80202 Attorney for applicants.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-17576 Filed 6-15-76;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

JUNE 11, 1976.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience

in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 1222 (Sub-No. E2), (correction), filed June 3, 1974, published in the FEDERAL REGISTER issue of June 5, 1975, and republished, as corrected, this issue. Applicant: REINHARDT TRANSFER COMPANY, 1410 10th Street, Portsmouth, Ohio 45662. Applicant's representative: Robert H. Kinker, P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Huntington, W. Va., to points in Tennessee west and south of Scott, Campbell, Union, Grainger, Hawkins, Sullivan and Johnson Counties, and points in Kentucky west of Hancock, Breckinridge, Grayson, Edmonson, Barren, Metcalfe, and Cumberland Counties. The purpose of this filing is to eliminate the gateway of New Boston, Ohio.

(2) *Iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, except commodities which be reason of their size or weight require the use of special equipment or special handling, from the plantsites and warehouses of the Kankakee Electric Steel Company, Swanson Manufacturing Company, and Jones & McKnight, Inc., in Kankakee County, Ill., to points in Tennessee east of Claiborne, Grainger, Hamblen and Cocke Counties. The purpose of this filing is to eliminate the gateway of New Boston, Ohio.

(3) *Iron and steel articles* (except those which because of size or weight require the use of special equipment), from the plant site of Jones & Laughlin Steel Corporation in Putnam County, Ill., to points in West Virginia and points in Tennessee east of Campbell, Scott, Morgan, Roane, Loudon, Blount and Sevier Counties; The purpose of this filing is to eliminate the gateway of New Boston, Ohio.

(4) *Plastic foam shapes and forms*, (1) from the plant site of Dow Chemical Company, near Hanging Rock, Ohio, to points in Wisconsin, (2) from Ironton, Portsmouth and Hamilton Township, Ohio to points in Wisconsin, and (3) from Findlay, Ohio to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Decatur, Ind.

NOTE.—The purpose of this correction is to correct the letter-notice previously published in error.

No. MC 1222 (Sub-No. E3), (correction), filed May 15, 1974, published in the FEDERAL REGISTER issue of August 20, 1975, and republished, as corrected, this issue. Applicant: REINHARDT TRANSFER CO., 1410 Tenth Street, Portsmouth, Ohio 45662. Applicant's representative: Robert H. Kinker, P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities which because of size or weight require the use of special equipment or special handling) from the plant sites and warehouses of the Kankakee Electric Steel Company, Swanson Manufacturing Company, and Jones & McKnight, Inc., in Kankakee County, Ill., to points in West Virginia north of U.S. Highway 60 and on and south of Interstate Highway 70. The purpose of this filling is to eliminate the gateway of New Boston, Ohio.

NOTE.—The purpose of this correction is to correct the letter-notice previously published in error.

No. MC 2253 (Sub-No. E3), (correction), filed January 29, 1975 published in the FEDERAL REGISTER December 4, 1975. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, N.C. 28021. Applicant's representative: J. S. McCallie (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; between Troy, N.Y., on the one hand, and, on the other, points in Allegheny and Westmoreland Counties, Pa., points in Brooke, Hancock, Marshall and Ohio Counties, W. Va., and all points in Ohio except those on, east and north of a line beginning at the Pennsylvania-Ohio State line and extending along Ohio Highway 305 to junction Ohio Highway 82, thence along Ohio Highway 82 to junction Ohio Highway 83, thence along Ohio Highway 83 to Avon Lake, Ohio. The purpose of this filing is to eliminate the gateway of points in New Jersey within 15 miles of North Bergen, N.J. The purpose of this correction is to clarify the territorial destination point.

No. MC 2253 (Sub-No. E11), (correction), filed January 29, 1975 published in the FEDERAL REGISTER December 10, 1975. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, N.C. 28021. Applicant's representative: J. S. McCallie (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Charlotte, N.C., and points in North Carolina within 30 miles of Charlotte, N.C., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Morris, Monmouth, Ocean, Passaic, Somerset, Union and Warren Counties, N.J., and points in that part of Burlington County, N.J., on and north of a line beginning at Riverside, N.J., and thence along New Jersey Highway 537 to junction unnumbered highway at Masonville, N.J., thence along unnumbered highway to junction New Jersey Highway 541, thence along New Jersey Highway 541 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 72, thence along New Jersey Highway 72 to the Burlington-Ocean County line. The purpose of this filing is to eliminate the gateway of New York, N.Y. The purpose of this correction is to correct the "E" number and the territorial description.

No. MC 107064 (Sub-No. E251), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, (except liquid sulphur and petroleum products), from points in California, to points in Oklahoma, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E252), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in California, to points in Alabama, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E253), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Arkansas, restricted against the trans-California, to points in Arkansas, restricted against the transportation of chemicals from points in the United States (except Hawaii and Alaska) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E254), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998,

Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bags, and in mixed loads of bulk and bags, from points in California, to points in Arkansas, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E255), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bags, and in mixed loads of bulk and bags, from points in California, to points in Louisiana, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E256), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in California, to points in Mississippi, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E257), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except liquid sulphur and petroleum products), from points in Connecticut, to points in New Mexico, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E258), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except liquid sulphur and petroleum products), from points in Delaware, to points in New Mexico, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E259), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles and *dry fertilizer*, in bags, from points in New York, to points in Arizona, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E260), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except liquid sulphur and petroleum products), from points in New York, to points in New Mexico, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E261), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles and *dry fertilizer*, in bags, from points in North Carolina, to points in Arizona, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107065 (Sub-No. E262), filed December 21, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in New Mexico on, south and west of a line beginning at the Colorado-New Mexico State Line and extending along U.S. Highway 84 to its intersection with U.S. Highway 66, thence along U.S. Highway 66 to the New Mexico-Texas State Line, to points in Indiana, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E263), filed December 21, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Wyoming, to points in Georgia on and south of a line beginning at the Alabama-Georgia State Line and extending along U.S. Highway 78 to Atlanta, Ga., thence along Interstate Highway 20 to the Georgia-South Carolina State Line, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E264), filed December 21, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Idaho, to points in Parmer, Castro, Swisher, Biscoe, Hall, Bailey, Lamb, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex. and points on and west of U.S. Highway

83 in Childress, Cottle, King and Stonewall Counties, Tex., restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E265), filed December 21, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex. and points on and west of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex., to points in Idaho, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E266), filed December 21, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex. and points on and west of U.S. Highway 83 in Childress, Cottle, King and Stonewall Counties, Tex., to points in California, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E267), filed December 21, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex. and points on and west of U.S. Highway 83 in Childress, Cottle, King and Stonewall Counties, Tex., to points in Ohio, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E268), filed December 21, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex. and points on and west of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex., to points in Wisconsin, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E269), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), between points in Rhode Island, on the one hand, and on the other, points in Utah in and south of Millard, Sevier, Wayne and San Juan Counties, Utah, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. and the facilities of Goodpasture, Inc. in Castro County, Tex.

No. MC 107064 (Sub-No. E270), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), between point in Alabama, on the one hand, and, on the other, points in California, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. and the facilities of Goodpasture, Inc. in Castro County, Tex.

No. MC 107064 (Sub-No. E271), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in South Carolina, to points in Idaho, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. and the facilities of Goodpasture, Inc. in Castro County, Tex.

No. MC 107064 (Sub-No. E272), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Oldham, Potter, Carson, Gray, Deaf Smith, Randall, Armstrong, Donley, Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, and Motley Counties, Tex. and points on and west of U.S. Highway 83 in Wheeler, Collingsworth, Childress, and Cottle Counties, Tex. to points in Oregon. The purpose of this filing is to eliminate the gateway of the facilities of Goodpasture, Inc. in Castro County, Tex.

No. MC 107064 (Sub-No. E277), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in West Virginia to points in Utah in and south of Millard, Sevier, Wayne and San Juan Counties, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the

plant site and storage facilities of Occidental Chemical Co. in Hale County, Tex. and the facilities of Goodpasture, Inc. in Castro County, Tex.

No. MC 107064 (Sub-No. E278), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), between points in Nevada, on the one hand, and, on the other, points in Tennessee, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. and the facilities of Goodpasture, Inc. in Castro County, Tex.

No. MC 107064 (Sub-No. E279), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, and Nolan Counties, Tex., and points on and west of U.S. Highway 83 in King, Stonewall, Fisher, Jones, and Taylor Counties, Tex., to points in California. The purpose of this filing is to eliminate the gateway of the facilities of Goodpasture, Inc. in Terry County, Tex.

No. MC 107064 (Sub-No. E280), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, and Nolan Counties, Tex., and points on and west of U.S. Highway 83 in King, Stonewall, Fisher, Jones, and Taylor Counties, Tex., to points in Oregon. The purpose of this filing is to eliminate the gateway of the facilities of Goodpasture, Inc., in Terry County, Tex.

No. MC 107064 (Sub-No. E281), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), between points in California, on the one hand, and, on the other, points in Kentucky restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex., and the facilities of Goodpasture, Inc., in Castro County, Tex.

No. MC 107064 (Sub-No. E282), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), between points in Alabama, on the one hand, and, on the other, points in Idaho, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex., and the facilities of Goodpasture, Inc., in Castro County, Tex.

No. MC 107064 (Sub-No. E283), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), between points in Colorado, on the one hand, and, on the other, points in Louisiana, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex., and the facilities of Goodpasture, Inc., in Castro County, Tex.

No. MC 107064 (Sub-No. E284), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), between points in Texas on, south, and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 62 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Gulf of Mexico, on the one hand, and, on the other, points in Utah, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex., and the facilities of Goodpasture, Inc., in Castro County, Tex.

No. MC 107064 (Sub-No. E285), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), between points in Massachusetts, on the one hand, and, on the other, points in Utah in and south of Millard, Sevier, Wayne, and San Juan Counties, Utah, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex., and the facilities of Goodpasture, Inc., in Castro County, Tex.

No. MC 107064 (Sub-No. E286), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), between points in Mississippi, on the one hand, and, on the other, points in Oregon, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex., and the facilities of Goodpasture, Inc., in Castro County, Tex.

No. MC 107064 (Sub-No. E287), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), between points in Mississippi, on the one hand, and, on the other, points in Utah, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to

the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex., and the facilities of Goodpasture, Inc., in Castro County, Tex.

No. MC 107064 (Sub-No. E288), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), between points in New Hampshire, on the one hand, and, on the other, points in Utah in and south of Millard, Sevier, Wayne, and San Juan Counties, Utah, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex., and the facilities of Goodpasture, Inc., in Castro County, Tex.

No. MC 107064 (Sub-No. E289), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), between points in Louisiana, on the one hand, and, on the other, points in Wyoming, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex., and the facilities of Goodpasture, Inc. in Castro County, Tex.

No. MC 107064 (Sub-No. E290), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), between points in Louisiana, on the one hand, and, on the other, points in Washington, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex., and the facilities of Goodpasture, Inc., in Castro County, Tex.

No. MC 107064 (Sub-No. E291), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), between points in Mississippi, on the one hand, and, on the other, points in New Mexico, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. and the facilities of Goodpasture, Inc. in Castro County, Tex.

No. MC 107064 (Sub-No. E292), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Sawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell and Nolan Counties, Tex., and points on and west of U.S. Highway 83 in King, Stonewall, Fisher, Jones and Taylor Counties, Tex., to points in Arizona. The purpose of this filing is to eliminate the gateway of the facilities of Goodpasture, Inc. in Terry County, Tex.

No. MC 107064 (Sub-No. E293), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), between points in Mississippi, on the one hand, and, on the other, points in Washington, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. and the facilities of Goodpasture, Inc. in Castro County, Tex.

No. MC 107064 (Sub-No. E294), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except Petroleum products and potash), between points in Montana, on the one hand, and, on the other, points in Louisiana, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. and the facilties of Goodpasture, Inc. in Castro County, Tex.

No. MC 107064 (Sub-No. E295), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from Kerens, Tex., to points in Arizona, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. and the facilities of Goodpasture, Inc. in Castro County, Tex.

No. MC 107064 (Sub-No. E296), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), between points in Minnesota, on the one hand, and, on the other, points in New Mexico on and south of U.S. Highway 66, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. and the facilities of Goodpasture, Inc. in Castro County, Tex.

No. MC 107064 (Sub-No. E297), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), between points in Colorado, on the one hand, and, on the other, points in Texas on, south and east of a line beginning at the Texas-Arkansas State line, thence along Interstate Highway 30 to Interstate Highway 20, thence along Interstate Highway 20 to Abilene, Tex.,

thence along U.S. Highway 83 to the International Boundary line between United States and Mexico, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. and the facilities of Goodpasture, Inc. in Castro County, Tex.

No. MC 107064 (Sub-No. E298), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), between points in Kentucky, on the one hand, and, on the other, points in Nevada on and south of U.S. Highway 50, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. and the facilities of Goodpasture, Inc. in Castro County, Tex.

No. MC 107064 (Sub-No. E309), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell and Nolan Counties, Tex. and points on and west of U.S. Highway 83 in King, Stonewall, Fisher, Jones, and Taylor Counties, Tex. to points in Utah. The purpose of this filing is to eliminate the gateway of the facilities of Goodpasture, Inc. in Terry County, Tex.

No. MC 107064 (Sub-No. E310), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), between points in Arizona, on the one hand, and, on the other, points in Mississippi, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. and the facilities of Goodpasture, Inc. in Castro County, Tex.

No. MC 107064 (Sub-No. E311), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), between points in Arizona, on the one hand, and, on the other, points in Michigan, restricted against the transportation of chemicals from points in the United States except (Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. and the facilities of Goodpasture, Inc. in Castro County, Tex.

No. MC 10764 (Sub-No. E312), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), between points in Alabama, on the one hand, and, on the other, points in Oregon, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. and the facilities of Goodpasture, Inc. in Castro County, Tex.

No. MC 107064 (Sub-No. E313), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), between points in Arizona, on the one hand, and, on the other, points in Oklahoma (except points in Cimarron, Tex. and Beaver Counties, Okla., restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. and the facilities of Goodpasture, Inc. in Castro County, Tex.

No. MC-107064 (Sub. No. E314), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), between points in New Mexico, on the one hand, and, on the other, points in Tennessee, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. and the facilities of Goodpasture, Inc. in Castro County, Tex.

No. MC 107064 (Sub. No. E316), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), between points in Idaho, on the one hand, and, on the other, points in Mississippi, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. and the facilities of Goodpasture, Inc. in Castro County, Tex.

No. MC 107064 (Sub. No. E317), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), between points in California, on the one hand, and, on the other, points in Mississippi, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. and the facilities of Goodpasture, Inc. in Castro County, Tex.

No. MC 107064 (Sub. No. E319), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Cochran, Hockley, Lubbock, Crosby,

Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, and Nolan Counties. Tex. and points on and west of U.S. Highway 83 in King, Stonewall, Fisher, Jones, and Taylor Counties, Tex. to points in Wyoming. The purpose of this filing is to eliminate the gateway of the facilities of Goodpasture, Inc. in Terry County, Tex.

No. MC 107064 (Sub-No. E387), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Arizona, to points in Tennessee (except Kingsport), restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E388), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except liquid sulphur and petroleum products), from points in Louisiana, to points in New Mexico, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E389), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bags, and in mixed loads of bulk and bags, from points in Nevada, to points in Louisiana, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E390), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bags, and mixed loads of bulk and bags, from points in New Mexico, to points in Louisiana, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E391), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Arizona, to points in Mississippi, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical. Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E392), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Arizona, to points in Indiana, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E393), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles and *dry fertilizer*, in bags, from points in Illinois, to points in Arizona, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E394), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles and *dry fertilizer*, in bags, from points in Georgia, to points in Arizona, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E395), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Arizona, to points in Georgia, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E396), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bags, and in mixed loads of bulk and bags, from points in Arizona, to points in Arkansas, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E297), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles and *dry fertilizer*, in bags, from points in Arkansas, to points in Arizona, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental

Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E398), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from points in Alabama, to points in Nevada, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E399), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Nevada, to points in Alabama, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E400), filed January 18, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in South Carolina, to points in Oregon, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. and the facilities of Goodpasture, Inc. in Castro County, Tex.

No. MC 107064 (Sub. No. E401), filed January 18, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in South Carolina, to points in New Mexico, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. and the facilities of Goodpasture, Inc. in Castro County, Tex.

No. MC 107064 (Sub. No. E403), filed January 18, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Rhode Island, to points in New Mexico, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co. in Hale County, Tex. and the facilities of Goodpasture, Inc. in Castro County, Tex.

No. MC 107064 (Sub. No. E404), filed January 18, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in South Carolina, to points in Arizona, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. and the facilities of Goodpasture, Inc. in Castro County, Tex.

No. MC 107064 (Sub. No. E405), filed January 18, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in South Carolina, to points in California, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. and the facilities of Goodpasture, Inc. in Castro County, Tex.

No. MC 107064 (Sub-No. E406), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, and Nolan Counties, Tex., and points on and west of U.S. Highway 83 in King, Stonewall, Fisher, Jones, and Taylor Counties, Tex., to points in Montana. The purpose of this filing is to eliminate the gateway of the facilities of Goodpasture, Inc., in Terry County, Tex.

No. MC 107064 (Sub-No. E407), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, and Noland Counties, Tex., and points on and west of U.S. Highway 83 in King, Stonewall, Fisher, Jones, and Taylor Counties, Tex., to points in Nevada. The purpose of this filing is to eliminate the gateway of the facilities of Goodpasture, Inc. in Terry County, Tex.

No. MC 107064 (Sub-No. E408), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), between points in Texas on, south, and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 62 to its intersection with U.S. Highway 83, thence along U.S. Highway 83 to the Gulf of Mexico, on the one hand, and, on the other, points in Washington, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex., and the facilities of Goodpasture, Inc. in Castro County, Tex.

No. MC 107064 (Sub-No. E409), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H.L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*

and fertilizer ingredients (except petroleum products and potash), between points in Washington, on the one hand, and, on the other, points in Alabama, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. and the facilities of Goodpasture, Inc. in Castro County, Tex.

No. MC 107064 (Sub-No. E410), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), between points in Washington, on the one hand, and, on the other, points in Arkansas, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. and the facilities of Goodpasture, Inc. in Castro County, Tex.

No. MC 107064 (Sub-No. E412), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Oldham, Potter, Carson, Gray, Deaf Smith, Randall, Armstrong, Donley, Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, and Motley Counties, Tex., and points on and west of U.S. Highway 83 in Wheeler, Collingsworth, Childress, and Cottle Counties, Tex., to points in Nevada. The purpose of this filing is to eliminate the gateway of the facilities of Goodpasture, Inc. in Castro County, Tex.

No. MC 107064 (Sub-No. E413), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), between points in Kentucky, on the one hand, and, on the other, points in New Mexico, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. and the facilities of Goodpasture, Inc. in Castro County, Tex.

No. MC 107064 (Sub-No. E415), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, and Nolan Counties, Tex., and points on and west of U.S. Highway 83 in King, Stonewall, Fisher, Jones and Taylor Counties, Tex., to points in North Dakota. The purpose of this filing is to eliminate the gateway of the facilities of Goodpasture, Inc. in Terry County, Tex.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-17573 Filed 6-15-76;8:45 am]

[Amendment No. 8]

WESTERN MOTOR TARIFF BUREAU, INC.

Agreement

JUNE 8, 1976.

The Commission is in receipt of an application in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed April 21, 1976 by: M. J. Nicolaus, Attorney-in-Fact, Western Motor Tariff Bureau, Inc., P.O. Box 392, South Gate, CA 90280.

The Amendments involve: Changes to comply with provisions of Ex Parte No. 297, 349 I.C.C. 811 and 351 I.C.C. 437.

The complete application may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of publication of this notice in the Federal Register. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application, without further or formal hearing.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-17572 Filed 6-15-76;8:45 am]

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS

MEETINGS

Notice and Cancellation

The meeting of the National Commission on Electronic Fund Transfers scheduled for Friday, July 9 will not be held.

The Commission has established four committees, as previously announced (41 FR 16887, April 22, 1976). Each of these four committees will meet on the date set out below, to continue its examination of the implications of EFT for the group with which it is concerned:

1. The Committee on EFT Users will meet on Thursday, June 24th beginning at 10:00 a.m. at the Central Savings Bank, 73rd Street and Broadway, in New York City.
2. The Committee on EFT Suppliers will meet on Tuesday, June 29th, beginning at 1:00 p.m. and continuing on June 30th, at the Annapolis Hilton Hotel in Annapolis, Maryland.
3. The Committee on EFT Providers will meet on July 7, 1976.
4. The Committee on EFT Regulators will meet on July 8, 1976.

The exact time and location of the last two meetings is currently being determined, and will be published in the FEDERAL REGISTER. Each meeting will be open to the public observation on a first-call basis to the extent limited space permits.

Any person interested in observing any of these meetings should first call Ms. Janet Miller at (202) 254-7400 to check on the availability of space.

Dated: June 14, 1976.

JAMES O. HOWARD, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-17788 Filed 6-15-76;12:13 pm]

federal register

WEDNESDAY, JUNE 16, 1976

PART II:

FEDERAL ELECTION COMMISSION

■

PAYMENT OF DELEGATES' TRAVEL AND SUBSISTENCE DURING NATIONAL NOMINATING CONVENTIONS

Policy Statement

FEDERAL ELECTION COMMISSION

[Notice 1976-30]

PAYMENT OF DELEGATES' TRAVEL AND SUBSISTENCE DURING NATIONAL NOMINATING CONVENTIONS

Policy Statement

NOTE.—For distinctions between "authorized" and "unauthorized" delegates, see "Federal Election Commission Policy Statement on Delegate Selection", FEC Record, Vol. 2, No. 3, 1976

A. TRAVEL AND SUBSISTENCE OF UNAUTHORIZED DELEGATES

1. An unauthorized delegate may finance travel and subsistence costs out-of-pocket. Such disbursements do not count against the delegate's personal contribution limit of $1,000 per election to any presidential candidate. Furthermore, the delegate need not report such out-of-pocket expenses to the Federal Election Commission.

2. A presidential candidate or the candidate's authorized campaign committees may finance travel and subsistence costs of delegates who were unauthorized during the selection process in their respective states (primary election, caucus or convention). These disbursements must be reported in a timely fashion pursuant to 2 U.S.C. 434, as amended; the disbursements will count against the candidate's national expenditure limitation in 2 U.S.C. 441a(b)(1)(A), but will not apply against state limits.

3. Subject to the following conditions a national or state political party committee may finance the travel and subsistence of unauthorized delegates to a national nominating convention.

(i) Such expenditures on behalf of any slate or group of delegates which has become a political committee are limited to $5,000 in any calendar year. The political party committee must report the disbursements as "contributions in-kind" to the delegate committee in a timely fashion, pursuant to 2 U.S.C. 434, as amended. The delegate committee must report the receipts as "contributions in-kind" and "expenditures," in a timely fashion, pursuant to 2 U.S.C. 434, as amended, and § 104.3 of the Proposed Regulations on Disclosure.

(ii) Such expenditures on behalf of any individual unauthorized delegate are unlimited, and must be reported as discussed in 4(ii) below.

(iii) A national political party committee may not defray the expenses of delegates for travel and subsistence with public funds (26 U.S.C. 9008(c)). The amount of private funds expended, directly or indirectly for this purpose will count toward the party's $2 million convention expenditure limitation and public entitlement. If state or local party committees finance delegate expenses, the disbursements will not be considered to be expenditures made by the national party, and will not count against the limit or entitlement. See Advisory Opinion 1975-91, The FEDERAL REGISTER, 41 FR 5752 (February 9, 1976).

4. An unauthorized delegate may solicit and receive contributions from any person, except as noted in paragraph C below, to defray the costs of travel and subsistence for national nominating conventions.

(i) Contributions to any slate or group of delegates which has become a political committee are limited to $5,000 in any calendar year.

(ii) Contributions for this purpose count toward the $25,000 ceiling on all contributions in a calendar year by any individual. Any person who contributes more than $100 to one or more unauthorized delegates (except to a political committee as in (i)), whether or not expressly for travel and subsistence, must report these "independent contributions" to the Commission on FEC Form 5.

B. TRAVEL AND SUBSISTENCE OF AUTHORIZED DELEGATES

1. An authorized delegate may finance travel and subsistence costs out-of-pocket. The delegate need not report these disbursements to the authorizing candidate's principal campaign committee; the payments are neither considered contributions to the candidate by the individual delegate nor campaign expenditures by the candidate counting against his/her primary election national limit.

2. A national or state political party committee may finance the travel and subsistence of authorized delegates to a national nominating convention.

(i) Such disbursements are considered "contributions in-kind" to the related presidential candidate, and will count against the party committee's primary election contribution limitation with respect to the candidate.

(ii) The political party committee must report the disbursements as "contributions in-kind" to the presidential candidate in a timely fashion, pursuant to 2 U.S.C. 434, as amended. The presidential campaign committee must report the amounts, upon notification and accounting by the authorized delegate, as "contributions in-kind" received and "expenditures" pursuant to 2 U.S.C. 434, as amended, and § 104.3 of the Proposed Regulations on Disclosure.

(iii) See 3(iii) in Section A above.

3. An authorized delegate may solicit and receive contributions from any person, except as noted in paragraph C below, to defray the costs of travel and subsistence for national nominating conventions. The contributions must be deposited in the presidential candidate's campaign depository and refunneled to the delegate in the manner outlined below:

(i) Contributions by check must be made payable to the related presidential candidate. These checks will be considered matchable campaign contributions for primary funds if they contain the full name, mailing address and signature of the contributor as well as the full amount and date of the contribution.

(ii) No cash contribution in excess of $100 may be received.

(iii) These donations are considered contributions to the authorizing presidential candidate, and count toward the donor's $1,000 or $5,000 limit. Such contributions also count toward the limit of $25,000 which an individual is permitted to make in a calendar year.

(iv) The authorized delegate must:

Report to the presidential campaign committee all contributions in excess of $50, including the amount, name and address of the contributor, and the date received, within 5 days after receiving the contributions;

Report a contributor's occupation and place of business when the person's contributions total more than $100;

Transfer all contributions to the presidential campaign committee in a reasonable time.

(v) The presidential candidate or the candidate's committee may finance travel and subsistence costs of the authorized delegates. These disbursements must be reported in a timely fashion pursuant to 2 U.S.C. 434, as amended; the disbursements will count against the candidate's national expenditure limitation in 2 U.S.C. 441b(b)(1)(A), but will not apply against state limits.

C. PROHIBITED CONTRIBUTIONS

The general prohibitions on contributions by corporations, labor unions, and national banks and government contractors, and on contributions from foreign nationals, apply to these donations.

Dated: June 10, 1976.

VERNON W. THOMSON,
Chairman for the
Federal Election Commission.

[FR Doc.76-17536 Filed 6-15-76;8:45 am]

federal register

WEDNESDAY, JUNE 16, 1976

PART III:

FEDERAL ENERGY ADMINISTRATION

■

MANDATORY PETROLEUM ALLOCATION AND PRICE REGULATIONS

Exemption of Middle Distillates

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

MANDATORY PETROLEUM ALLOCATION AND PRICE REGULATIONS

Exemption of No. 2 Heating Oil and No. 2–D Diesel Fuel

INTRODUCTION

On April 21, 1976, the Federal Energy Administration issued a notice of proposed rulemaking and public hearing (41 FR 17512, April 26, 1976) to amend 10 CFR Parts 210, 211 and 212 to exempt middle distillate, including No. 2 heating oil and No. 2–D diesel fuel, from the Mandatory Petroleum Price and Allocation Regulations and to revoke 10 CFR Part 215 which regulates the use of low sulfur petroleum products. The proposal was based on tentative conclusions set forth in a document dated April 21, 1976, entitled "Preliminary Findings and Views Concerning the Exemption of Middle Distillates from the Mandatory Petroleum Allocation and Price Regulations" ("Preliminary Findings"). Written comments on the exemption proposal and on the Preliminary Findings were invited through May 11, 1976, and the public hearing was held May 12 and May 13, 1976.

In the April 21 notice, FEA noted that its conclusion that market conditions might be appropriate for an end to price and allocation controls was shared by many members of Congress who had urged FEA to commence the process of exempting products from regulation.

As an example, FEA specifically cited a letter to the Administrator of FEA dated November 4, 1975, from Senators Kennedy, Durkin, Stafford, Muskie, Pastore, McIntyre, Brooke, Pell and Ribicoff which stated:

> As supplies of fuel oil and other petroleum products have returned to normal levels, fuel dealers are reporting to us that the price and allocation controls may be preventing the free play of competitive forces and thereby raising consumer prices. * * *
>
> Since there is conflicting and complex evidence on this issue, we believe it is the best interest of all parties to air fully the options for action and the possible consequences of changing the allocation and price control system. We therefore feel that public hearings should be held by the Federal Energy Administration as provided by section 4(g)(2) of the Allocation Act of 1973 and the similar provision of S. 622–H.R. 7014, now in Conference. * * *
>
> As the hearing process is a lengthy one and must, of course, be followed by careful congressional review of the FEA's findings, the FEA should begin this process soon so that the Congress and the public will have full opportunity to consider this vital issue.
>
> We therefore strongly urge that you issue the public notice necessary to the commencement of public hearings on the removal of allocation and price controls from retailers and wholesalers of fuel oil and other petroleum products.

Section 12(c)(2) of the Emergency Petroleum Allocation Act of 1973 (EPAA) requires that an exemption amendment apply to only one oil or one refined product category, and specifies that No. 2 heating oil and No. 2–D diesel fuel constitute a single product category. FEA proposed the exemption of No. 2 heating oil, No. 2–D diesel fuel and other middle distillate fuels in a single notice of proposed rulemaking and issued a single document containing its preliminary findings and views related to the exemption. However, as required by the EPAA, FAA has determined separately for the No. 2 oils and for the other middle distillate fuels that an exemption should be adopted, and is today submitting separate exemption amendments ("Energy Actions Nos. 3 and 4") for these product categories for Congressional review of FEA's findings and views supporting these exemptions. The exemption amendment contained in this document, to be submitted as Energy Action No. 3, relates to No. 2 heating oil and No. 2–D diesel fuel as a single product category ("No. 2 oils"). "No. 2 heating oil" means heating oil grade No. 2 as defined in American Society for Testing and Materials (ASTM) D396–71. "No. 2–D diesel fuel" means diesel fuel grade No. 2 as defined in American Society for Testing and Materials (ASTM) D975–71.

One hundred forty-seven written and oral comments were received in response to the notice of proposed exemption. Those offering comments included major integrated refining companies, small and independent refining companies, marketers, ultimate consumers, state governments and trade associations.

Almost all of the parties commenting agreed with FEA that No. 2 oils should be exempted from FEA's allocation and price regulations. This support was based generally upon agreement with FEA's conclusions as to supply and demand projections, competition, and other findings and views set forth in the Preliminary Findings. Parties opposing the exemption of No. 2 oils generally based their opposition on the belief that the current surplus supply situation might not continue through the upcoming heating season, that spot shortages might occur, and that if such shortages were to occur, independent marketers and consumers of No. 2 oils would be without the protection of price and allocation controls and might be subject to inequitable prices or termination of supply.

FEA has carefully considered the comments of all persons who participated in the rulemaking. Following its consideration, FEA has concluded that its initial view that No. 2 oils should be exempted from regulations is correct.

No information or data were presented in this proceeding which significantly alter FEA's preliminary findings and views. FEA does not anticipate that supply shortages will occur in the future as predicted by some comments and in any event FEA has standby authority under section 12(f) of the Emergency Petroleum Allocation Act of 1973 (EPAA) to reimpose allocation and price controls (on a temporary or permanent basis) if necessary to attain the objectives set forth in section 4(b)(1) of the EPAA. Therefore, FEA hereby adopts the proposed amendments exempting No. 2 oils from the Mandatory Petroleum Allocation and Price Regulations. Unless disapproved by either House of Congress under section 551 of the Energy Policy and Conservation Act (EPCA), this exemption will be effective either July 1, 1976 or the first day following the expiration of the 15 day period provided in section 551 for Congressional review, whichever is later.

Although FEA is adopting this exemption amendment based on its firm conclusion that a supply shortage respecting No. 2 oils will not occur in the foreseeable future, FEA recognizes that unforeseeable difficulties, unrelated to the exemption amendment adopted today and confined to particular market areas, could arise. In order to further ensure that any such possible supply problems following the removal of controls do not adversely affect independent marketers and their customers, FEA intends to propose shortly procedures pursuant to which firms experiencing supply problems may obtain supplies. FEA's proposed rulemaking in this regard will request comments on programs that operate in a manner similar to the state set-aside program currently in effect and in a manner similar to that by which supplier/purchaser assignments are currently effected.

FINDINGS AND VIEWS

In addition to this amendment to exempt No. 2 oils from the Mandatory Petroleum Allocation and Price Regulations, FEA has prepared its findings and views supporting the amendment as required by section 12 of the EPAA based upon its consideration of the comments of those persons who participated in the rulemaking and other information available to FEA. These findings and views are set forth in a document dated June 15, 1976 and entitled "Findings and Views Concerning the Exemption of Middle Distillates from the Mandatory Petroleum Allocation and Price Regulations" ("Findings and Views"). These findings and views may be summarized, in part, as follows:

(1) No. 2 oils are *not* in short supply. Projected supplies of No. 2 oils, taking into account projected expansions of domestic refinery capacity, will be sufficient to meet demand over the near term (1976–1978).

(2) Exemption of No. 2 oils from the Mandatory Petroleum Allocation and Price Regulations will not have an adverse impact on the supply of any other oil or refined product subject to the EPAA.

(3) Competition and market forces are adequate to protect consumers, following an exemption of No. 2 oils from regulation. In fact a greater degree of competition would be expected after exemption than exists under current regulations.

No price increases are anticipated to result directly from decontrol.

The No. 2 oil market share of large, integrated refiners has been decreasing since 1972, while that of the large inde-

pendent and small refiners has been increasing. However, continued controls could lead to a deterioration of competition, resulting in reduced economic efficiency and higher prices.

The exemption itself will have a positive effect on competition, in particular enhancing the competitive viability of small and independent refiners and marketers.

The exemption would permit purchasers (including consumers) to seek the lowest cost supplier by freely using competitive bids without regard to fixed supplier/purchaser relationships, thereby exerting downward pressure on existing market prices and providing incentives to enhance marketing services.

(4) Exemption of No. 2 oils from regulation will not result in inequitable prices for any class of No. 2 oil or other product user.

Aggregate prices for No. 2 oils will remain unchanged by the exemption itself. Prices can, however, be expected to rise over time as the result of increased domestic and foreign crude costs.

(5) Exemption of No. 2 oils from the price and allocation regulations is consistent with the attainment of the objectives set forth in section 4(b)(1) of the EPAA.

Since an adequate supply is anticipated, the continued allocation and pricing of No. 2 oils are not necessary to protect the public health, safety and welfare, and the national defense [Section 4(b)(1)(A)]; the maintenance of all public services [Section 4(b)(1)(B)]; the maintenance of agricultural operations [Section 4(b)(1)(C)]; or the maintenance of exploration for and production or extraction of fuels and minerals [Section 4(b)(1)(G)].

Adequate supply and the positive effects of increased competition insure that the exemption is consistent with the equitable distribution of crude oil, residual fuel oil and refined petroleum products [Section 4(b)(1)(F)] and that the exemption will have no adverse effect on the allocation of suitable crude oil to U.S. refineries [Section 4(b)(1)(E)].

Because the regulations issued pursuant to the EPAA are designed to deal primarily with shortage conditions, the exemption is not only consistent with but, in the current period of ample supplies, should actually facilitate the attainment of the objectives of preservation of an economically sound petroleum industry [Section 4(b)(1)(D)]; economic efficiency [Section 4(b)(1)(H)]; and minimization of economic distortions, inflexibility, and interference with market mechanisms [Section 4(b)(1)(I)].

The Findings and Views also state FEA's views concerning the potential economic impacts of exempting No. 2 oils from the Mandatory Petroleum Allocation and Price Regulations. It is not anticipated that there will be any adverse state or regional impacts resulting from the proposed exemption. In fact, governmental units which use large quantities of No. 2 oils will find that exemption will permit them to use competitive bids more easily. In addition, FEA anticipates no adverse economic impacts on the availability of consumer goods or services, the gross national product, small business or the supply and availability of energy resources as fuel or feedstock for industry. FEA expects that the exemption will have a positive effect on competition. The exemption is likewise expected not to cause an adverse effect on employment or consumer prices. FEA's analysis of the effects of the exemption on the rate of unemployment in the U.S., on the Consumer Price Index and on the implicit price deflator for the gross national product are set forth in detail in the Findings and Views.

Allocation of Increased Crude Oil Costs to No. 2 Oils

The refiners' cost allocation formulae of § 212.83(c) provide that the portion of a refiner's total increased costs of crude oil and increased non-product costs which are incurred in a month of measurement and which are attributable on a proportionate volumetric basis to the quantity of exempt products produced from crude oil must be excluded from the amount of increased costs which may be passed through in prices charged for covered (i.e., non-exempt) products. Increased costs incurred with respect to purchases of exempt products are excluded from the total of increased costs of purchased product permitted to be included in maximum allowable prices charged for covered products. These exclusions effectively prevent increased costs incurred beginning with the month prior to the effective date of the exemption of a product and attributable to that exempt product from being passed through in prices charged for nonexempt products. The notice of proposed rulemaking noted the substantial amounts of unrecovered increased costs currently allocable to maximum allowable prices for middle distillates and the fact that these increased costs could be reallocated under current price rules to maximum allowable prices for gasoline prior to the effective date of the exemption of middle distillates. FEA therefore proposed to limit the reallocation of any increased costs attributable to No. 2 oils, effective as of the date of the April 21 notice. FEA requested comments on both the extent and the effective date of this proposed limitation in light of the seasonal pricing patterns for gasoline and certain middle distillates and any other historic pricing practices relevant to this issue.

Parties commenting on this issue generally opposed reducing refiners' banked costs. The great majority of this opposition was voiced by refiners which stated that: (1) the limitation would be inconsistent with the general feature of the price rules permitting more than a proportionate amount of increased costs to be recovered in gasoline prices; and (2) the limitation would penalize refiners by causing them to lose unrecovered costs. Although the refiner price rules do permit a disproportionate allocation of increased costs to gasoline prices, in no event do the price rules permit increased costs attributable to exempt products to be recovered in lawful prices charged for covered products; and while it is true that the limitation would prohibit the recovery of these costs in gasoline prices, it does not follow that these costs are "lost". Such costs may be recovered without any restrictions whatsoever in prices charged for the exempt middle distillates to which they are properly attributable. Accordingly, the refiner price rules are amended to prohibit the reallocation of increased costs attributable to No. 2 oils, effective April 21, 1976. Other conforming amendments to the price regulations of Part 212 are also being adopted to reflect the exemption of No. 2 oils.

On April 28, 1976, FEA adopted reallocation of increased product costs provisions for resellers which granted them the same pricing flexibility previously restricted to refiners. The same reasons which have convinced FEA that the refiner price rules should be amended to prohibit the reallocation of banked costs attributable to No. 2 oils, effective April 21, 1976, are equally applicable to resellers. Therefore, conforming changes have been made to the reseller regulations in § 212.93(i)(2).

Authority Delegated to the Governor of Puerto Rico

On March 7, 1974 the Administrator of FEA (then FEO) delegated to the Governor of the Commonwealth of Puerto Rico all authority previously delegated to the Administrator of FEO by section 3(a) of Executive Order 11748 with respect to the allocation of several refined petroleum products, including middle distillate, within the Commonwealth of Puerto Rico. The March 7 delegation of authority, insofar as it applies to No. 2 oils, will be revoked by separate order to reflect the exemption amendments adopted today.

Revocation of Part 215

The exemption amendments adopted today result in an end to the effectiveness of Part 215 of FEA's regulations, since middle distillates constitute the greatest part of the fuels that remain subject to Part 215. FEA is therefore revoking Part 215, the Low Sulfur Petroleum Products Regulation.

Effective Date and Standby Authority

Comments and testimony received with respect to the time necessary between the promulgation of the exemption amendment and its implementation generally supported FEA's tentative conclusion that July 1, 1976 is the most appropriate effective date for the exemption of No. 2 oils. In particular, the comments noted that an early effective date was necessary to facilitate the implementation of "summer fill" and other inventory maintenance programs historically utilized in the marketing of No. 2 oils.

Section 12(f) of the EPAA provides that following the exemption of any product from regulation, FEA shall have the authority at any time to reimpose

price and allocation controls if necessary to attain the objectives of the EPAA. For this reason, FEA is adopting amendments which stay the effectiveness of Subpart G of Part 211 and of the general price regulations as they would otherwise apply to No. 2 oils without deleting those regulations from the Code of Federal Regulations. They are in effect converted to standby status, so that in the event of shortages or other occurrences which might require reimposition of controls, they may be quickly put into effect.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Public L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790 (39 FR 23185))

In consideration of the foregoing, Parts 210, 211 and 212 of Chapter II, Title 10 of the Code of Federal Regulations, are amended and Part 215 is revoked as set forth below, effective July 1, 1976 or the first day following the expiration of the 15-day review period under section 551 of the EPCA, whichever is later, unless this amendment is disapproved by either House of Congress pursuant to the review procedures set forth in section 551 of the EPCA.

Issued in Washington, D.C., June 15, 1976.

MICHAEL F. BUTLER,
General Counsel.

PART 210—GENERAL ALLOCATION AND PRICE RULES

1. Section 210.35 of Part 210 is amended by the addition of a paragraph (b) to read as follows:

§ 210.35 Exempted products.

* * * * *

(b) No. 2 heating oil and No. 2-D diesel fuel are exempt from the provisions of Part 211 and Part 212 of this chapter.

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

2. Section 211.1 is amended in paragraph (b) by the addition of a new subparagraph (5) to read as follows:

§ 211.1 Scope.

* * * * *

(b) *Exclusions.* * * *

(5) Notwithstanding the provisions of Subpart G of this part, No. 2 heating oil and No. 2-D diesel fuel, as defined in § 212.31 of this chapter, are excluded from this part.

* * * * *

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

3. Section 212.31 is revised in the definition of "covered products" to read as follows:

§ 212.31 Definitions.

* * * * *

"Covered products" means aviation fuels, benzene, butane, crude oil, gas oil, gasoline, greases, hexane, kerosene, lubricant base oil stocks, lubricants, naphthas, natural gas liquids, natural gasoline, No. 1 heating oil and No. 1-D diesel fuel, propane, special naphthas (solvents), toluene, unfinished oils, xylene, and other finished products. A blend of two or more particular covered products is considered to be that particular covered product constituting the major proportion of the blend.

* * * * *

4. Section 212.83(d)(2) is revised to read as follows:

§ 212.83 Price rule.

* * * * *

(d) Reallocation of increased costs among product categories. * * *

(2) No. 2 oils. (i) To the extent that a refiner does not allocate its increased costs for No. 2 oils to maximum allowable prices for No. 2 oils, it may instead allocate that part of its increased costs for No. 2 oils only to maximum allowable prices for gasoline. No increased costs for No. 2 oils may be reallocated to maximum allowable prices for general refinery products or aviation jet fuel.

(ii) Beginning on April 21, 1976, no increased costs for No. 2 oils may be reallocated to maximum allowable prices for any other covered product.

5. Section 212.93 is amended in subdivision (ii) of subparagraph (2) of paragraph (i) to read as follows:

§ 212.93 Price rule.

* * * * *

(i) Reallocation of increased product costs among products. * * *

(2) * * *

(ii) No. 2 oils. (A) To the extent that a seller does not allocate its increased product costs for No. 2 oil to the prices for that product, it may reallocate the unallocated part of its increased product costs for that product to the prices for gasoline, in whatever amounts the seller deems appropriate. No increased product costs for No. 2 oils may be reallocated to the prices for any general refinery product or products, including propane, or for aviation jet fuel.

(B) Beginning on April 21, 1976, no increased costs for No. 2 oils may be reallocated to maximum allowable prices for any other covered product.

PART 215—LOW SULFUR PETROLEUM PRODUCTS REGULATION [REVOKED]

6. Part 215 is revoked.

[FR Doc.76-1776 Filed 6-15-76;10:30 am]

EXEMPTION OF NO. 1 HEATING OIL, NO. 1-D DIESEL FUEL AND KEROSENE

Mandatory Petroleum Allocation and Price Regulations

INTRODUCTION

On April 21, 1976, the Federal Energy Administration issued a notice of proposed rulemaking and public hearing (41 FR 17512, April 26, 1976) to amend 10 CFR Parts 210, 211 and 212 to exempt middle distillate, including No. 1 heating oil, No. 1-D diesel fuel and kerosene, from the Mandatory Petroleum Price and Allocation Regulations and to revoke 10 CFR Part 215 which regulates the use of low sulfur petroleum products. The proposal was based on tentative conclusions set forth in a document dated April 21, 1976, entitled "Preliminary Findings and Views Concerning the Exemption of Middle Distillates from the Mandatory Petroleum Allocation and Price Regulations" ("Preliminary Findings"). Written comments on the exemption proposal and on the Preliminary Findings were invited through May 11, 1976, and the public hearing was held May 12 and May 13, 1976.

In the April 21 notice, FEA noted that its conclusion that market conditions might be appropriate for an end to price and allocation controls was shared by many members of Congress who had urged FEA to commence the process of exempting products from regulation.

As an example, FEA specifically cited a letter to the Administrator of FEA dated November 4, 1975, from Senators Kennedy, Durkin, Stafford, Muskie, Pastore, McIntyre, Brooke, Pell and Ribicoff which stated:

> As supplies of fuel oil and other petroleum products have returned to normal levels, fuel dealers are reporting to us that the price and allocation controls may be preventing the free play of competitive forces and thereby raising consumer prices. * * *
>
> Since there is conflicting and complex evidence on this issue, we believe it is the best interest of all parties to air fully the options for action and the possible consequences of changing the allocation and price control system. We therefore feel that public hearings should be held by the Federal Energy Administration as provided by section 4(g)(2) of the Allocation Act of 1973 and the similar provision of S. 622-H.R. 7014, now in Conference. * * *
>
> As the hearing process is a lengthy one and must, of course, be followed by careful congressional review of the FEA's findings, the FEA should begin this process soon so that the Congress and the public will have full opportunity to consider this vital issue.
>
> We therefore strongly urge that you issue the public notice necessary to the commencement of public hearings on the removal of allocation and price controls from retailers and wholesalers of fuel oil and other petroleum products.

Section 12(c)(2) of the Emergency Petroleum Allocation Act of 1973 (EPAA) requires that an exemption amendment apply to only one oil or one refined product category, and specifies that No. 2 heating oil and No. 2-D diesel fuel constitute a single product category. FEA proposed the exemption of No. 2 heating oil, No. 2-D diesel fuel and other middle distillate fuels (No. 1 heating oil, No. 1-D diesel fuel and kerosene, which are hereinafter referred to as "other middle distillates") in a single notice of proposed rulemaking and issued a single document containing its preliminary findings and views related to the exemption. However, as required by the EPAA, FEA has determined separately for No. 2 heating oil and No. 2-D diesel fuel and for other middle distillates that an exemption should be adopted, and is today submitting separate exemption amendments ("Energy Actions Nos. 3 and 4") for these product categories for Congressional review of FEA's findings and views supporting

these exemptions. The exemption amendment contained in this document, to be submitted as Energy Action No. 4, relates to the other middle distillates, which are defined as follows. "No. 1 heating oil" means heating oil grade No. 1 as defined in American Society for Testing and Materials (ASTM) D396–71. "No. 1–D diesel fuel" means diesel fuel grade No. 1 as defined in American Society for Testing and Materials (ASTM) D975–71. "Kerosene" means all petroleum distillate suitable for use as an illuminant when burned in a wick lamp.

One hundred forty-seven written and oral comments were received in response to the notice of proposed exemption. Those offering comments included major integrated refining companies, small and independent refining companies, marketers, ultimate consumers, state governments and trade associations.

Almost all of the parties commenting agreed with FEA that other middle distillates should be exempted from FEA's allocation and price regulations. This support was based generally upon agreement with FEA's conclusions as to supply and demand projections, competition, and other findings and views set forth in the Preliminary Findings. Parties opposing the exemption of other middle distillates generally based their opposition on the belief that the current surplus supply situation might not continue through the upcoming heating season, that spot shortages might occur, and that if such shortages were to occur, independent marketers and consumers of other middle distallates would be without the protection of price and allocation controls and might be subject to inequitable prices or termination of supply.

FEA has carefully considered the comments of all persons who participated in the rulemaking. Following its consideration, FEA has concluded that its initial view that other middle distillates should be exempted from regulations is correct.

No information or data were presented in this proceeding which significantly alter FEA's preliminary findings and views. FEA does not anticipate that supply shortages will occur in the future as predicted by some comments and in any event FEA has standby authority under section 12(f) of the Emergency Petroleum Allocation Act of 1973 (EPAA) to reimpose allocation and price controls (on a temporary or permanent basis) if necessary to attain the objectives set forth in section 4(b)(1) of the EPAA. Therefore, FEA hereby adopts the proposed amendments exempting other middle distillates from the Mandatory Petroleum Allocation and Price Regulations. Unless disapproved by either House of Congress under section 551 of the Energy Policy and Conservation Act (EPCA), this exemption will be effective either July 1, 1976 or the first day following the expiration of the 15 day period provided in section 551 for Congressional review, whichever is later.

Although FEA is adopting this exemption amendment based on its firm conclusion that a supply shortage respecting other middle distillates will not occur in the foreseeable future. FEA recognizes that unforeseeable difficulties, unrelated to the exemption amendment adopted today and confined to particular market areas, could arise. In order to further ensure that any such possible supply problems following the removal of controls do not adversely affect independent marketers and their customers, FEA intends to propose shortly procedures pursuant to which firms experiencing supply problems may obtain supplies. FEA's proposed rulemaking in this regard will request comments on programs that operate in a manner similar to the state set-aside program currently in effect and in a manner similar to that by which supplier/purchaser assignments are currently effected.

Findings and Views

In addition to this amendment to exempt other middle distillates from the Mandatory Petroleum Allocation and Price Regulations, FEA has prepared its findings and views supporting the amendment as required by section 12 of the EPAA based upon its consideration of the comments of those persons who participated in the rulemaking and other information available to FEA. These findings and views are set forth in a document dated June 15, 1976 and entitled "Findings and Views Concerning the Exemption of Middle Distillates from the Mandatory Petroleum Allocation and Price Regulations" ("Findings and Views"). These findings and views may be summarized, in part, as follows:

(1) Other middle distillates are not in short supply.

Projected supplies of other middle distillates, taking into account projected expansions of domestic refinery capacity, will be sufficient to meet demand over the near term (1976–1978).

(2) Exemption of other middle distillates from the Mandatory Petroleum Allocation and Price Regulations will not have an adverse impact on the supply of any other oil or refined product subject to the EPAA.

(3) Competition and market forces are adequate to protect consumers, following an exemption of other middle distillates from regulation. In fact a greater degree of competition would be expected after exemption than exists under current regulations.

No price increases are anticipated to result directly from decontrol.

The market share for other middle distillates of large, integrated refiners has been decreasing since 1972, while that of the large independent and small refiners has been increasing. However, continued controls could lead to a deterioration of competition, resulting in reduced economic efficiency and higher prices .

The exemption itself will have a positive effect on competition, in particular enhancing the competitive viability of small and independent refiners and marketers.

The exemption would permit purchasers (including consumers) to seek the lowest cost supplier by freely using competitive bids without regard to fixed supplier/purchaser relationships, thereby exerting downward pressure on existing market prices and providing incentives to enhance marketing services.

(4) Exemption of other middle distillates from regulation will not result in inequitable prices for any class of other middle distillate or other product user.

Aggregate prices for other middle distillates will remain unchanged by the exemption itself. Prices can, however, be expected to rise over time as the result of increased domestic and foreign crude costs.

(5) Exemption of other middle distillates from the price and allocation regulations is consistent with the attainment of the objectives set forth in section 4(b)(1) of the EPAA.

Since an adequate supply is anticipated, the continued allocation and pricing of other middle distillates are not necessary to protect the public health, safety and welfare, and the national defense [Section 4(b)(1)(A)]; the maintenance of all public services [Section 4(b)(1)(B)]; the maintenance of agricultural operations [Section 4(b)(1)(C)]; or the maintenance of exploration for and production or extraction of fuels and minerals [Section 4(b)(1)(G)].

Adequate supply and the positive effects of increased competition insure that the exemption is consistent with the equitable distribution of crude oil residual fuel oil and refined petroleum products [Section 4(b)(1)(F)] and that the exemption will have no adverse effect on the allocation of suitable crude oil to U.S. refineries [Section 4(b)(1)(E)].

Because the regulations issued pursuant to the EPAA are designed to deal primarily with shortage conditions, the exemption is not only consistent with but, in the current period of ample supplies, should actually facilitate the attainment of the objectives or preservation of an economically sound petroleum industry [Section 4(b)(1)(D)]; economic efficiency [Section 4(b)(1)(H)]; and minimization of economic distortions, inflexibility, and interference with market mechanisms [Section 4(b)(1)(I)].

The Findings and Views also state FEA's views concerning the potential economic impacts of exempting other middle distillates from the Mandatory Petroleum Allocation and Price Regulations. It is not anticipated that there will be any adverse state or regional impacts resulting from the proposed exemption. In fact, governmental units which use large quantities of other middle distillates will find that exemption will permit them to use competitive bids more easily. In addition, FEA anticipates no adverse economic impacts on the availability of consumer goods or services, the gross na-

tional product, small business or the supply and availability of energy resources as fuel or feedstock for industry. FEA expects that the exemption will have a positive effect on competition. The exemption is likewise expected not to cause an adverse effect on employment or consumer prices. FEA's analysis of the effects of the exemption on the rate of unemployment in the U.S., on the Consumer Price Index and on the implicit price deflator for the gross national product are set forth in detail in the Findings and Views.

ALLOCATION OF INCREASED CRUDE OIL COSTS TO OTHER MIDDLE DISTILLATES

The refiners' cost allocation formulae of § 212.83(c) provide that the portion of a refiner's total increased costs of crude oil and increased non-product costs which are incurred in a month of measurement and which are attributable on a proportionate volumetric basis to the quantity of exempt products produced from crude oil must be excluded from the amount of increased costs which may be passed through in prices charged for covered (i.e., non-exempt) products. Increased costs incurred with respect to purchases of exempt products are excluded from the total of increased costs of purchased product permitted to be included in maximum allowable prices charged for covered products. These exclusions effectively prevent increased costs incurred beginning with the month prior to the effective date of the exemption of a product and attributable to that through in prices charged for non-exempt products. The notice of proposed rulemaking noted the substantial amounts of unrecovered increased costs currently allocable to maximum allowable prices for middle distillates and the fact that these increased costs could be reallocated under current price rules to maximum allowable prices for gasoline prior ot the effective date of the exemption of middle distillates. FEA therefore proposed to limit the reallocation of any increased costs attributable to other middle distillates, effective as of the date of the April 21 notice. FEA requested comments on both the extent and the effective date of this proposed limitation in light of the seasonal pricing patterns for gasoline and certain middle distillates and any other historic pricing practices relevant to this issue.

Parties commenting on this issue generally opposed reducing refiners' banked costs. The great majority of this opposition was voiced by refiners which stated that: (1) the limitation would be inconsistent with the general feature of the price rules permitting more than a proportionate amount of increased costs to be recovered in gasoline prices; and (2) the limitation would penalize refiners by causing them to lose unrecovered costs. Although the refiner price rules do permit a disproportionate allocation of increased costs to gasoline prices, in no event do the price rules permit increased costs attributable to exempt products to be recovered in lawful prices charged for covered products; and while it is true that the limitation would prohibit the recovery of these costs in gasoline prices, it does not follow that these costs are "lost". Such costs may be recovered without any restrictions whatsoever in prices charged for the exempt middle distillates to which they are properly attributable. Accordingly, the refiner price rules are amended to prohibit the reallocation of increased costs attributable to other middle distillates, effective April 21, 1976. Other conforming amendments to the price regulations of Part 212 are also being adopted to reflect the exemption of other middle distillates.

On April 28, 1976, FEA adopted reallocation of increased product costs provisions for resellers which granted them the same pricing flexibility previously restricted to refiners. The same reasons which have convinced FEA that the refiner price rules should be amended to prohibit the reallocation of banked costs attributable to other middle distillates, effective April 21, 1976, are equally applicable to resellers. Therefore, conforming changes have been made to the reseller regulations in § 212.93(i)(2).

AUTHORITY DELEGATED TO THE GOVERNOR OF PUERTO RICO

On March 7, 1974 the Administrator of FEA (then FEO) delegated to the Governor of the Commonwealth of Puerto Rico all authority previously delegated to the Administrator of FEO by section 3(a) of Executive Order 11748 with respect to the allocation of several refined petroleum products, including middle distillate, within the Commonwealth of Puerto Rico. The March 7 delegation of authority, insofar as it applies to other middle distillates, will be revoked by separate order to reflect the exemption amendments adopted today.

REVOCATION OF PART 215

The exemption amendments adopted today result in an end to the effectiveness of Part 215 of FEA's regulations, since middle distillates constitute the greatest part of the fuels that remain subject to Part 215. FEA is therefore revoking Part 215, the Low Sulfur Petroleum Products Regulation.

EFFECTIVE DATE AND STANDBY AUTHORITY

Comments and testimony received with respect to the time necessary between the promulgation of the exemption amendment and its implementation generally supported FEA's tentative conclusion that July 1, 1976 is the most appropriate effective date for the exemption of other middle distillates. In particular, the comments noted that an early effective date was necessary to facilitate the implementation of "summer fill" and other inventory maintenance programs historically utilized in the marketing of other middle distillates.

Section 12(f) of the EPAA provides that following the exemption of any product from regulation, FEA shall have the authority at any time to reimpose price and allocation controls if necessary to attain the objectives of the EPAA. For this reason, FEA is adopting amendments which stay the effectiveness of Subpart G of Part 211 and of the general price regulations as they would otherwise apply to other middle distillates without deleting those regulations from the Code of Federal Regulations. They are in effect converted to standby status, so that in the event of shortages or other occurrences which might require reimposition of controls, they may be quickly put into effect.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Public L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790 (39 FR 23185)).

In consideration of the foregoing, Parts 210, 211 and 212 of Chapter II, Title 10 of the Code of Federal Regulations, are amended and Part 215 is revoked as set forth below, effective July 1, 1976 or the first day following the expiration of the 15-day review period under section 551 of the EPCA, whichever is later, unless this amendment is disapproved by either House of Congress pursuant to the review procedures set forth in section 551 of the EPCA.

Issued in Washington, D.C., June 15, 1976.

MICHAEL F. BUTLER,
General Counsel.

PART 210—GENERAL ALLOCATION AND PRICE RULES

1. Section 210.35 of Part 211 is amended by the addition of a new paragraph (c) to read as follows:

§ 210.35 Exempted products.

* * * * *

(c) No. 1 heating oil, No. 1-D diesel fuel and kerosene, as defined in Part 212 Section 212.31, are exempt from the provisions of Part 211 and Part 212 of this chapter.

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

2. Section 211.1 is amended in paragraph (b) by the addition of a new subparagraph (6) to read as follows:

§ 211.1 Scope.

* * * * *

(b) *Exclusions.*

* * * * *

(6) Notwithstanding the provisions of Subpart G of this part, No. 1 heating oil, No. 1-D diesel fuel, and kerosene, as defined in Section 212.31 of this chapter, are excluded from this part.

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

3. Section 212.31 is revised in the definition of "covered products to read as follows:

§ 212.31 Definitions.

* * * * *

"Covered products" means aviation fuels, benzene, butane, crude oil, gas oil, gasoline, greases, hexane, lubricant base oil stocks, lubricants, naphthas, natural gas liquids, natural gasoline, No. 2 heating oil and No. 2-D diesel fuel, propane,

special naphthas (solvents), toluene, unfinished oils, xylene, and other finished products. A blend of two or more particular covered products is considered to be that particular covered product constituting the major proportion of the blend.

* * * * *

4. Section 212.83 is revised in paragraph (d) by the addition of a new subparagraph (6) to read as follows:

§ 212.83 Price rule.

* * * * *

(d) Reallocation of increased costs among product categories.

* * * * *

(6) No. 1 heating oil, No. 1–D diesel fuel, and kerosene. Beginning on April 21, 1976:

(i) The amount of increased costs attributable to general refinery products which bears the same proportion to the total of such costs as the combined volume of No. 1 heating oil, No. 1–D diesel fuel, and kerosene refined by the refiner from crude oil during the calendar year 1975 bears to the total volume of all general refinery products refined by the refiner from crude oil during the calendar year 1975, shall be excluded from reallocation to maximum allowable prices for covered products other than kerosene.

* * * * *

5. Section 212.93 is amended in clause (i) of subparagraph (2) of paragraph (i) to read as follows:

§ 213.93 Price rule.

* * * * *

(i) Reallocation of increased product costs among products.

* * * * *

(2) * * *

(i) General refinery products.

(A) To the extent that a seller does not allocate its increased product costs for a particular general refinery product, other than propane, to the prices for that product, it may reallocate the unallocated part of its increased product costs for the product to the prices for gasoline or for any other general refinery product (or products) except propane, in whatever amounts the seller deems appropriate. No increased product costs for general refinery products other than propane may be reallocated to the prices for No. 2 oils, for propane, or for aviation jet fuel.

(B) Beginning on April 21, 1976, no increased costs for No. 1 heating oil, No. 1–D diesel fuel, or kerosene may be reallocated to maximum allowable prices for any other covered product.

Part 215—Low Sulfur Petroleum Products Regulation [Revoked]

6. Part 215 is revoked.

[FR Doc.76–17785 Filed 6–15–76;11:59 am]

federal register

WEDNESDAY, JUNE 16, 1976

PART IV:

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

■

ENDANGERED AND THREATENED SPECIES

Plants

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Endangered Status for Some 1700 U.S. Vascular Plant Taxa

The Director, U.S. Fish and Wildlife Service (hereinafter, the Director and the Service, respectively), hereby issues a proposed rulemaking which would determine approximately 1700 native, U.S., vascular plant taxa to be Endangered Species, pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543, 87 Stat. 884; hereinafter, the Act). He also requests comments regarding the determination of "Critical Habitat" of any of these taxa.

BACKGROUND

On December 28, 1973, the Act became effective and, thereby, provided a means whereby plants in danger of extinction and their dependent ecosystems may be conserved. Recognizing that prior to this Act, members of only the animal kingdom had been considered and that adequate concern for plants was urgent, section 12 of the Act states:

ENDANGERED PLANTS

SEC. 12. The Secretary of the Smithsonian Institution, in conjunction with other affected agencies, is authorized and directed to review (1) species of plants which are now or may become endangered or threatened and (2) methods of adequately conserving such species, and to report to Congress, within one year after the date of the enactment of this Act, the results of such review including recommendations for new legislation or the amendment of existing legislation.

The Secretary of the Smithsonian Institution presented his report to Congress on January 9, 1975, by transmittal to the Speaker of the U.S. House of Representatives. Designated as House Document No. 94–51 of the 94th Congress, 1st Session, it was subsequently published by the Government Printing Office, Washington, D.C., for use of the House Committee on Merchant Marine and Fisheries, which oversees the Act through its Subcommittee on Fisheries and Wildlife Conservation and the Environment. That report contains lists of over 3,100 U.S. vascular plant taxa which the scientists who compiled the report consider to be endangered, threatened, or perhaps extinct; the criteria used in the selection of such plants; and recommendations for adequate plant conservation. Recommendations 1 and 3 read as follows:

1. Preservation of endangered and threatened species of plants in their native habitat should be adopted as the best method of ensuring their survival. Cultivation or artificial propagation of these species is an unsatisfactory alternative to *in situ* perpetuation and should be used only as a last resort, when extinction appears certain, with the purpose of re-establishing the species in its natural habitat.

3. In accordance with section 4 of the Endangered Species Act of 1973, the Secretary of the Interior should review the lists in this report and publish proposed lists of endangered and threatened plants in the FEDERAL REGISTER.

On April 22, 1975, the Director published a notice in the FEDERAL REGISTER (40 FR 17764–17765), describing the process of determination of "Critical Habitat" for Endangered and Threatened species, as encouraged by section 2(b) and provided for by section 7 of the Act.

On July 1, 1975, the Director published a notice in the FEDERAL REGISTER (40 FR 27823–27924), of his acceptance of the report of the Smithsonian Institution as a petition within the context of section 4(c)(2) of the Act, and of his initiation thereby of a review of the status of the plant taxa named therein as well as any habitat of these taxa which might be determined to be critical, pursuant to section 7 of the Act. On April 21, 1975, the Director had published (40 FR 17612), a similar notice of the review of four plant species of the eastern United States; one of which, *Aconitum noveboracense*, is included in the present proposal.

These publications have received wide distribution among government agencies, private groups, and interested individuals; they also have been provided at meetings and conferences, and references or excerpts from some of them have appeared in scientific and popular journals and in public newspapers and other media outlets.

In the FEDERAL REGISTER of June 7, 1976 (41 FR 22915–22922), the Service published proposed rules which, among other things:

(1) Set forth the procedural steps of determining Endangered or Threatened Species of Plants;

(2) Proscribe the prohibitions which apply to such Endangered or Threatened Plants or to the seeds, roots, or parts thereof;

(3) Establish procedures, conditions, and criteria for the application for and issuance of permits to conduct otherwise prohibited activities.

Any plant herein proposed which is eventually determined to be a Threatened Species or an Endangered Species would be subject to those regulations.

DISCUSSION OF COMMENTS RECEIVED

As a result of the dissemination of the FEDERAL REGISTER notices discussed above and as a result of the publicity given them, the Service has received hundreds of comments from the scientific community, various States, Federal agencies, industry groups, other special interest groups and the general public pertaining to the need, the procedures and the process of the determination of Threatened or Endangered Species of Plants. Many of these comments have been responded to individually, all have been considered and those containing substantive information will be analyzed further prior to finalization of this Proposal. All such comments have been incorporated into the background files for this Proposal which are maintained in the Service's Office of Endangered Species, Suite 1100, 1612 K Street, N.W., Washington, D.C., and have been catalogued in a correspondence log entitled "Comments on U.S. Plant Candidates Through April 1976." That log, dated May 5, 1976, also has been incorporated into the permanent background files.

DESCRIPTION OF THE PROPOSAL

Section 4(a) of the Act states that the Secretary may determine a species to be an Endangered Species or a Threatened Species because of any of the five factors following:

(1) The present or threatened destruction, modification, or curtailment of its habitat or range;

(2) Overutilization for commercial, sporting, scientific, or educational purposes;

(3) Disease or predation;

(4) The inadequacy of existing regulatory mechanisms; or

(5) Other natural or mandate factors affecting its continued existence.

The U.S. Fish and Wildlife Service has reviewed the information gathered and compiled by the Smithsonian Institution (Department of Botany) in the preparation of their report and in subsequent investigations to be sufficient for proposing an Endangered Species the approximately 1,700 plants named hereinafter. In obtaining this information which is on file at the Smithsonian Institution's Department of Botany, Washington, D.C., they contacted and received recommendations from a majority of the top botanists in the country, and this resulting list is a further refinement of their views. At least one of the above five factors threaten each of the identified plant taxa with extinction throughout all or a significant portion of its range. Certain plants proposed herein are of such a restricted range or habitat that they qualify despite their locally sufficient numbers.

The list of some 1,700 taxa proposed represents a portion of the revised report of the Smithsonian Institution, and has been assembled on the basis of the comments and data received by that Institution and the U.S. Fish and Wildlife Service in response to the publications mentioned above, particularly House Document No. 94–51 and the FEDERAL REGISTER notices of April 21 and July 1, 1975.

The Act requires inclusion of the "* * * scientific and common name or names, if any, * * *" upon the list of those species determined to be Threatened or Endangered. No generally recognized common name exists for many of the plants included on the list contained herein. In such cases, the entry (n.c.n.) follows the scientific name and indicates the Service has located *No Common Name* for that taxon.

In other cases, acceptable common names exist for the genera or species in question, but no such names for lesser taxa have been located. In these instances, the common name for the genus or species, as appropriate, will be followed by the notation (unnamed).

As usage of such names varies considerably, it should be recognized that only the scientific names carry legal significance. Comments and data toward improving the accuracy of common names, as well as scientific names, are requested.

The Service recognizes that plant taxonomy is not an exact science, that the knowledge of plants continues to develop, and that scientific nomenclature reflects such understanding. It further recognizes that the classification and nomenclatural rank given to a plant is subject to opinion, based on the specialist's knowledge of the plant in question, and his interpretation of the terms and concepts of plant taxonomy. Consequently, those plants named as "varieties" in the Smithsonian Institution report and its revision are here considered to be subspecies and, therefore, "species" as defined in section 3(11) of the Act.

Determination that a plant is a Threatened or Endangered Species would, among other things, make that species, including its seeds, roots, or other parts, subject to the prohibitions of section 9(a)(2) of the Act which reads as follows:

(2) Except as provided in sections 6(g)(2) and 10 of this Act, with respect to any endangered species of plants listed pursuant to section 4 of this Act, it is unlawful for any person subject to the jurisdiction of the United States to—

(A) Import any such species into, or export any such species from the United States;

(B) Deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity, any such species;

(C) Sell or offer for sale in interstate or foreign commerce any such species; or

(D) Violate any regulation pertaining to such species or to any threatened species of plants listed pursuant to section 4 of this Act and promulgated by the Secretary pursuant to authority provided in this Act.

Such determination also would make the Threatened or Endangered Plant eligible for the protection provided by section 7 of the Act which reads as follows:

INTERAGENCY COOPERATION

SEC. 7. The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

It should be noted that a determination that a plant is a Threatened Species or an Endangered Species imposes no restrictions upon: the "taking"; the *intrastate* sale; nor upon the *interstate* movement of such plants unless such movement is in the course of a commercial activity involving a change of ownership of the plant. In this context, the term "commercial activity" is defined in section 3(1) of the Act as follows:

(1) The term "commercial activity" means all activities of industry and trade, including, but not limited to, the buying or selling of commodities and activities conducted for the purpose of facilitating such buying and selling.

The terms "industry or trade," as used in the above definition, were defined in the September 26, 1975, FEDERAL REGISTER (40 FR 44416) as follows:

"Industry or trade" in the definition of "commercial activity" in the Act means the actual or intended transfer of wildlife or plants from one person to another person in the pursuit of gain or profit;

In the case of Endangered Species of plants, regulations proposed in the June 7, 1976, FEDERAL REGISTER (41 FR 22915–22922), would provide for the issuance of permits to carry out otherwise prohibited activities under certain circumstances. Such permits would be available for scientific purposes or to enhance the propagation or survival of the species. In some instances permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

PUBLIC COMMENTS SOLICITED

The Director intends for the finally adopted rules to be as accurate and effective in the conservation of Endangered plants as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

1. The location of any living specimen of those plants which are identified on the following list by an asterisk preceding the scientific name;

2. Botanical, horticultural or other relevant data concerning any threat (or the lack thereof) to any plant included on the following list;

3. Detailed information concerning the range and distribution of any of these plants;

4. The location of and reasons why any habitat of any plant on the following list should be determined to be "Critical Habitat" as provided for by section 7 of the Act;

5. Improved scientific or common names for any plant on the following list;

6. The extent and kinds of impact in regulating the importation or exportation, or the delivering, receiving, carrying, transporting, shipping, or sale or offer for sale in interstate or foreign commercial activity, of these plants;

7. The extent and kinds of impact on actions authorized, funded or carried out by Federal agencies which might affect these plants or any Critical Habitats which may be determined for any of them.

The list of plants following is arranged alphabetically in the sequence of subspecies (variety) within species within genus within family. The family names are included solely for the purpose of aiding in the identification of the other lower taxa and have no other legal significance.

The reader should be aware that the following list consists of two parts:

(1) The main list and

(2) An addendum immediately following which contains the names of several floral taxa brought to the Service's attention after the main list had been typed. Plants included in this addendum are arranged in the same sequence as those in the main list.

The Service is aware that this proposal, together with the already published proposed regulations for plants, could have a noticeable impact. It is hoped that comments to the Service will bring out any potential problem areas so that our final rules will be effective, equitable and conducive to voluntary compliance. Therefore, the Service will hold several public hearings in various areas of the country relating to this proposal, jointly with the proposal on plant regulations, before any final rulemakings are published. The dates, times, and locations of these public hearings will be announced in the FEDERAL REGISTER and press releases in the near future. It is planned that this proposal and the proposal on plant regulations will be considered together, and may be implemented together. If necessary, the period for comments on this proposal will be extended. Final promulgation of the regulations on these plant taxa will take into consideration the comments and any additional information received by the Director and such communications may lead him to adopt final regulations that differ from this proposal.

An environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species and International Activities, 1612 K Street, N.W., Washington, D.C. and may be examined during regular business hours. A determination will be made before the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments and other documents, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20036. All relevant comments and materials received no later than August 16, 1976, will be considered. Comments and materials received will be available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

This proposed rulemaking is issued under the authority contained in the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884).

Dated: June 7, 1976.

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

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below.

In § 17.12 it is proposed to add the following:

§ 17.12 Endangered or threatened plants.

SPECIES		RANGE				
Scientific Name	Common Name	Known Range	Portion of Range Where Threatened or Endangered	Status	When Listed	Special Rules
ACANTHACEAE - Acanthus Family:						
Justicia cooleyi	Water-willow, Cooley's	Florida	Entire	E		N/A
Justicia crassifolia	Water-willow, thick-leaved	Do	Do	E		N/A
AIZOACEAE - Carpet Weed Family:						
*Sesuvium trianthemoides	Sea purslane, Texas	Texas	Do	E		N/A
ALISMATACEAE - Water-Plantain Family:						
Sagittaria fasciculata	Arrowhead, bunched	North Carolina	Do	E		N/A
AMARANTHACEAE - Amaranth Family:						
Achyranthes mutica	(n.c.n.)	Hawaii	Do	E		N/A
Achyranthes splendens var. reflexa	Do	Do	Do	E		N/A
Achyranthes splendens var. rotundata	Do	Do	Do	E		N/A
Achyranthes splendens var. splendens	Do	Do	Do	E		N/A
*Aerva sericea	Do	Do	Do	E		N/A
Amaranthus brownii	Do	Do	Do	E		N/A
Charpentiera densiflora	(n.c.n.)	Hawaii	Entire	E		N/A
Nototrichium humile var. humile	Do	Do	Do	E		N/A
Nototrichium humile var. parvifolium	Do	Do	Do	E		N/A
Nototrichium humile var. subrhomboideum	Do	Do	Do	E		N/A
Nototrichium sandwicense var. decipiens	Do	Do	Do	E		N/A
*Nototrichium sandwicense var. dubium	Do	Do	Do	E		N/A
*Nototrichium sandwicense var. forbesii	Do	Do	Do	E		N/A
Nototrichium sandwicense var. helleri	Do	Do	Do	E		N/A
Nototrichium sandwicense var. kolekolense	Do	Do	Do	E		N/A
*Nototrichium sandwicense var. lanaiense	Do	Do	Do	E		N/A
Nototrichium sandwicense var. lanceolatum	Do	Do	Do	E		N/A
*Nototrichium sandwicense var. latifolium	Do	Do	Do	E		N/A
Nototrichium sandwicense var. leptopodum	Do	Do	Do	E		N/A
Nototrichium sandwicense var. longespicatum	Do	Do	Do	E		N/A
Nototrichium sandwicense var. macrophyllum	Do	Do	Do	E		N/A
Nototrichium sandwicense var. mauiense	Do	Do	Do	E		N/A
Nototrichium sandwicense var. olokeleanum	Do	Do	Do	E		N/A
*Nototrichium sandwicense var. pulchelloides	Do	Do	Do	E		N/A
*Nototrichium sandwicense var. pulchellum	Do	Do	Do	E		N/A
*Nototrichium sandwicense var. subcordatum	Do	Do	Do	E		N/A

SPECIES		RANGE				
Scientific Name	Common Name	Known Range	Portion of Range Where Threatened or Endangered	Status	When Listed	Special Rules
*Nototrichium sandwicense var. syringifolium	(n.c.n.)	Hawaii	Entire	E		N/A
Nototrichium viride var. oblongifolium	Do	Do	Do	E		N/A
Nototrichium viride var. subtruncatum	Do	Do	Do	E		N/A
Nototrichium viride var. viride	Do	Do	Do	E		N/A
ANACARDIACEAE - Cashew Family:						
Rhus kearneyi	Sumac, Kearney's	Arizona	Do	E		N/A
ANNONACEAE - Cherimoya Family:						
Asimina tetramera	Pawpaw, (unnamed) [2]	Florida	Do	E		N/A
APIACEAE - Parsley Family:						
Cymopterus minimus	(n.c.n.)	Utah	Do	E		N/A
Cymopterus nivalis	Do	Nevada	Do	E		N/A
Eryngium aristulatum var. parishii	Coyote-thistle, San Diego	California	Do	E		N/A
Lomatium bradshawii	Desert-parsley, Bradshaw's	Oregon	Entire	E		N/A
*Lomatium greenmanii	Desert-parsley, Greenman's	Do	Do	E		N/A
Lomatium minus	Desert-parsley, Day Valley	Do	Do	E		N/A
Lomatium ravenii	Desert-parsley, Lassen	California				
Lomatium suksdorfii	Desert-parsley Suksdorf's	Washington, Oregon	Do	E		N/A
Lomatium tuberosum	Desert-parsley, Hoover's	Washington	Do	E		N/A
Oxypolis greenmanii	Dropwort, Greenman's	Florida	Do	E		N/A
Peucedanum kauaiense	(n.c.n.)	Hawaii	Do	E		N/A
Peucedanum sandwicense var. sandwicense	Do	Do	Do	E		N/A
Sanicula maritima	Sanicle, Adobe	California	Do	E		N/A
Sanicula purpurea	Sanicle, Purple-flowered	Hawaii	Do	E		N/A
Sium floridanum	Water-parsnip, Florida	Florida	Do	E		N/A
Tauschia hooveri	(n.c.n.)	Washington	Do	E		N/A
APOCYNACEAE - Dogbane Family:						
*Apocynum jonesii	Dogbane, Jones'	Arizona	Do	E		N/A
Cycladenia jonesii	(n.c.n.)	Utah	Do	E		N/A
Ochrosia compta	Do	Hawaii	Do	E		N/A
*Pteralyxia caumiana	Do	Do	Do	E		N/A
Pteralyxia kauaiensis	Do	Do	Do	E		N/A
Rauvolfia helleri	Do	Do	Do	E		N/A
Rauvolfia mauiensis	Do	Do	Do	E		N/A
*Rauvolfia molokaiensis var. parvifolia	Do	Do	Do	E		N/A
Rauvolfia remotiflora	Wahaula heiau	Do	Do	E		N/A
ARALIACEAE - Ginseng Family:						
Cheirodendron helleri var. helleri	(n.c.n.)	Do	Do	E		N/A

SPECIES		RANGE				
Scientific Name	Common Name	Known Range	Portion of Range Where Threatened or Endangered	Status	When Listed	Special Rules
Cheirodendron helleri var. microcarpum	(n.c.n.)	Hawaii	Entire	E		N/A
Cheirodendron helleri var. sodalium	Do	Do	Do	E		N/A
Cheirodendron trigynum var. rockii	Olapa, (unnamed)	Do	Do	E		N/A
Cheirodendron trigynum var. subcordatum	Do	Do	Do	E		N/A
*Munroidendron racemosum var. macdanielsii	(n.c.n.)	Do	Do	E		N/A
Munroidendron racemosum var. racemosum	Do	Do	Do	E		N/A
Reynoldsia degeneri	Do	Do	Do	E		N/A
Reynoldsia hillebrandii	Do	Do	Do	E		N/A
Reynoldsia huehuensis var. brevipes	Do	Do	Do	E		N/A
Reynoldsia huehuensis var. huehuensis	Do	Do	Do	E		N/A
Reynoldsia huehuensis var. intermedia	Do	Do	Do	E		N/A
Reynoldsia mauiensis var. macrocarpa	Do	Do	Do	E		N/A
Reynoldsia mauiensis var. mauiensis	Do	Do	Do	E		N/A
Reynoldsia sandwicensis var. intercedens	Ohe, (unnamed)	Do	Do	E		N/A
*Reynoldsia sandwicensis var. molokaiensis	Do	Do	Do	E		N/A
Reynoldsia venusta var. lanaiensis	Ohe, kukuluane'o	Do	Do	E		N/A
Reynoldsia venusta var. venusta	(n.c.n.)	Hawaii	Entire	E		N/A
Tetraplasandra bisattenuata	Do	Do	Do	E		N/A
Tetraplasandra gymnocarpa var. pupukeensis	Ohe, (unnamed)	Do	Do	E		N/A
Tetraplasandra hawaiiensis var. microcarpa	Do	Do	Do	E		N/A
Tetraplasandra kaalae var. multiplex	Do	Do	Do	E		N/A
Tetraplasandra kahanana						
Tetraplasandra kavaiensis var. dipyrena	Ohe Ohe, (unnamed)	Do	Do	E		N/A
Tetraplasandra kavaiensis var. grandis	Do	Do	Do	E		N/A
Tetraplasandra kavaiensis var. intercedens	Do	Do	Do	E		N/A
Tetraplasandra kavaiensis var. nahikuensis	Do	Do	Do	E		N/A
Tetraplasandra kavaiensis var. occidua	Do	Do	Do	E		N/A
Tetraplasandra kohalae	(n.c.n.)	Do	Do	E		N/A
*Tetraplasandra lanaiensis	Do	Do	Do	E		N/A
*Tetraplasandra lydgatei var. brachypoda	Do	Do	Do	E		N/A
*Tetraplasandra lydgatei var. coriacea	Do	Do	Do	E		N/A
*Tetraplasandra lydgatei var. forbesii	Do	Do	Do	E		N/A
Tetraplasandra lydgatei var. leptorhachis	Do	Do	Do	E		N/A
*Tetraplasandra lydgatei var. lydgatei	Do	Do	Do	E		N/A
Tetraplasandra meiandra var. bryanii	Do	Do	Do	E		N/A
Tetraplasandra meiandra var. degeneri	Do	Do	Do	E		N/A
Tetraplasandra meiandra var. hillebrandii	Do	Do	Do	E		N/A

SPECIES		RANGE				
Scientific Name	Common Name	Known Range	Portion of Range Where Threatened or Endangered	Status	When Listed	Special Rules
Tetraplasandra meiandra var. leptomera	(n.e.n.)	Hawaii	Entire	E		N/A
Tetraplasandra meiandra var. makalehana	Do	Do	Do	E		N/A
*Tetraplasandra munroi	Do	Do	Do	E		N/A
*Tetraplasandra oahuensis var. eradiata	Do	Do	Do	E		N/A
Tetraplasandra pupukeensis var. pupukeensis	Do	Do	Do	E		N/A
Tetraplasandra waianensis var. palehuana	Do	Do	Do	E		N/A
ARECACEAE - Palm Family:						
Pritchardia aylmer-robinsonii	Loulu, (unnamed)	Do	Do	E		N/A
Pritchardia elliptica	Do	Do	Do	E		N/A
Pritchardia eriophora	Do	Do	Do	E		N/A
Pritchardia gaudichaudii	Do	Do	Do	E		N/A
Pritchardia hillebrandii	Loulu-lelo	Do	Do	E		N/A
Pritchardia kaalae var. kaalae	Loulu, (unnamed)	Do	Do	E		N/A
Pritchardia kaalae var. minima	Do	Do	Do	E		N/A
Pritchardia kahanae	Do	Do	Do	E		N/A
Pritchardia lanaiensis	Do	Do	Do	E		N/A
Pritchardia munroii	Do	Do	Do	E		N/A
Roystonea elata	Palm, Florida royal	Florida	Do	E		N/A
ARISTOLOCHIACEAE - Birthwort Family:						
Hexastylis naniflora	Heartleaf, dwarf-flowered	North Carolina, South Carolina, Virginia	Entire	E		N/A
Hexastylis speciosa	Heartleaf, (unnamed)	Alabama	Do	E		N/A
ASCLEPIADACEAE - Milkweed Family:						
Asclepias eastwoodiana	Milkweed, Eastwood's	Nevada	Do	E		N/A
Asclepias meadii	Milkweed, Mead's	Indiana, Illinois, Iowa, Kansas, Missouri	Do	E		N/A
Matelea alabamensis	Angle-pod, (unnamed)	Alabama	Do	E		N/A
Matelea edwardsensis	Milkvine, plateau	Texas	Do	E		N/A
*Matelea radiata	Angle-pod, (unnamed)	Do	Do	E		N/A
Matelea texensis	(n.c.n.)	Do	Do	E		N/A
ASTERACEAE - Aster Family:						
Ambrosia cheiranthifolia	Ragweed, (unnamed)	Texas, Mexico	Do	E		N/A
Antennaria arcuata	Pussy-toes, (unnamed)	Idaho, Wyoming	Do	E		N/A
Argroxiphium kauense	Silversword, Kau	Hawaii	Do	E		N/A
Argroxiphium macrocephalum	Silversword (Ahinahina)	Do	Do	E		N/A
*Argroxiphium virescens var. virescens	Greensword	Do	Do	E		N/A
Artemisia sp. (from Kaiholena Gulch, Lanai)	(n.c.n.)	Do	Do	E		N/A
Aster pinifolius	Aster, (unnamed)	Florida	Do	E		N/A
*Aster sandwicensis	Do	Hawaii	Do	E		N/A
Balduina atropurpurea	(n.c.n.)	Georgia, Florida	Do	E		N/A
*Bidens asplenioides	Kookoolau, (unnamed)	Hawaii	Do	E		N/A
Bidens cervicata	Do	Do	Do	E		N/A
Bidens coartata	Do	Do	Do	E		N/A
Bidens conjunctata	Do	Do	Do	E		N/A
Bidens cuneata	Do	Do	Do	E		N/A

SPECIES		RANGE				
Scientific Name	Common Name	Known Range	Portion of Range Where Threatened or Endangered	Status	When Listed	Special Rules
Bidens degeneri var. apioides	Kookoolau, (unnamed)	Hawaii	Entire	E		N/A
Bidens degeneri var. degeneri	Do	Do	Do	E		N/A
*Bidens distans	Do	Do	Do	E		N/A
Bidens forbesii	Do	Do	Do	E		N/A
Bidens graciloides	Do	Do	Do	E		N/A
*Bidens hawaiiensis	Do	Do	Do	E		N/A
*Bidens macrocarpa var. ovatifolia	Do	Do	Do	E		N/A
Bidens magnadisca	Do	Do	Do	E		N/A
Bidens mauiensis var. cuneatoides	Do	Do	Do	E		N/A
Bidens mauiensis var. forbesiana	Do	Do	Do	E		N/A
Bidens mauiensis var. lanaiensis	Do	Do	Do	E		N/A
Bidens mauiensis var. media	Do	Do	Do	E		N/A
Bidens menziesii var. leptodonta	Do	Do	Do	E		N/A
*Bidens micrantha var. caduca	Do	Do	Do	E		N/A
Bidens micrantha var. kaalana	Do	Do	Do	E		N/A
Bidens napaliensis	Do	Do	Do	E		N/A
*Bidens nematocera	Do	Do	Do	E		N/A
Bidens obtusiloba	Do	Do	Do	E		N/A
Bidens populifolia	Do	Do	Do	E		N/A
*Bidens pulchella	Do	Do	Do	E		N/A
Bidens salicoides	Kookoolau, (unnamed)	Hawaii	Entire	E		N/A
Bidens sandwicensis var. setosa	Do	Do	Do	E		N/A
Bidens skottsbergii var. conglutinata	Do	Do	Do	E		N/A
Bidens skottsbergii var. skottsbergii	Do	Do	Do	E		N/A
*Bidens stokesii	Do	Do	Do	E		N/A
*Bidens valida	Do	Do	Do	E		N/A
*Bidens waimeana	Do	Do	Do	E		N/A
Bidens wiebkei	Do	Do	Do	E		N/A
Blennosperma bakeri	(n.c.n.)	California	Do	E		N/A
Blennosperma nanum var. robustum	Do	Do	Do	E		N/A
Brickellia viejensis	Do	Texas	Do	E		N/A
*Calycadenia fremontii	Rosinweed, (unnamed)	California	Do	E		N/A
Cirsium clokeyi	Thistle, Clokey's	Nevada	Do	E		N/A
Cirsium fontinale var. fontinale	Thistle, fountain	California	Do	E		N/A
Cirsium hydrophilum var. hydrophilum	Thistle, Suisun	Do	Do	E		N/A
Cirsium loncholepis	Thistle, La Graciosa	Do	Do	E		N/A
Cirsium rhothophilum	Thistle, surf	Do	Do	E		N/A
Coreopsis intermedia	Tick seed, (unnamed)	Texas, Louisiana	Do	E		N/A
Dubautia arborea	(n.c.n.)	Hawaii	Do	E		N/A
Dubautia hillebrandii	Do	Do	Do	E		N/A
Dubautia knudsenii var. knudsenii	Naenae	Do	Do	E		N/A
Dubautia latifolia var. latifolia	(n.c.n.)	Do	Do	E		N/A
Dubautia laxa var. waianensis	Naenae-pua-melemele, (unnamed)	Do	Do	E		N/A
Dubautia lonchophylla	(n.c.n.)	Do	Do	E		N/A
*Dubautia magnifolia	Do	Do	Do	E		N/A
Dubautia microcephala var. microcephala	Do	Do	Do	E		N/A

SPECIES		RANGE				
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Dubautia molokaiensis	(n.c.n.)	Hawaii	Entire	E		N/A
Dubautia montana	Do	Do	Do	E		N/A
var. longifolia						
Dubautia montana	Do	Do	Do	E		N/A
var. robustior						
Dubautia plantaginea	Do	Do	Do	E		N/A
var. acridentata						
Dubautia plantaginea	Do	Do	Do	E		N/A
var. plantaginea						
Dubautia platyphylla	Do	Do	Do	E		N/A
var. leptophylla						
Dubautia reticulata	Do	Do	Do	E		N/A
*Dubautia rockii	Do	Do	Do	E		N/A
Dubautia sherffiana	Do	Do	Do	E		N/A
*Dubautia struthioloides	Do	Do	Do	E		N/A
Dubautia ternifolia	Do	Do	Do	E		N/A
Dubautia thrysiflora	Do	Do	Do	E		N/A
var. thrysiflora						
Dyssodia tephroleuca	Do	Texas	Do	E		N/A
Echinacea tennesseensis	Purple coneflower, Tennessee	Tennessee	Do	E		N/A
Erigeron basalticus	Daisy, basalt	Washington	Do	E		N/A
Erigeron calvus	Fleabane, (unnamed)	California	Do	E		N/A
Erigeron delicatus	Fleabane, Del Norte	Oregon, California	Do	E		N/A
Erigeron eriophyllus	Fleabane, (unnamed)	Arizona	Do	E		N/A
Erigeron flagellaris	Do	Utah	Do	E		N/A
var. trilobatus						
Erigeron foliosus	Leafy-daisy, Blochman's	California; Mexico	Do	E		N/A
var. blochmanae						
Erigeron geiseri	Fleabane, (unnamed)	Texas	Entire	E		N/A
var. calcicola						
Erigeron kachinensis	Do	Utah	Do	E		N/A
Erigeron kuschei	Do	Arizona	Do	E		N/A
Erigeron latus	Do	Idaho	Do	E		N/A
Erigeron maguirei	Do	Utah	Do	E		N/A
Erigeron religiosus	Do	Do	Do	E		N/A
Erigeron rhizomatus	Do	New Mexico	Do	E		N/A
Erigeron sionis	Do	Utah	Do	E		N/A
Eriophyllum lanatum	Wooly sunflower, Ft. Tejon	California	Do	E		N/A
var. hallii						
Eriophyllum mohavense	Wooly sunflower, Barstow	Do	Do	E		N/A
*Eriophyllum nubigenum	Wooly sunflower, Yosemite	Do	Do	E		N/A
var. nubigenum						
Eupatorium resinosum	Thoroughwort, (unnamed)	Kentucky	Do	E		N/A
var. kentuckiense						
Gaillardia flava	Blanket flower, yellow	Utah	Do	E		N/A
Galinsoga semicalva	(n.c.n.)	Arizona	Do	E		N/A
var. percalva						
Gnaphalium obtusifolium	Catfoot, rock	Wisconsin	Do	E		N/A
var. saxicola						
Gnaphalium sandwicense	Enaena, whip	Hawaii	Do	E		N/A
var. flagellare						
Gnaphalium sandwicense	Enaena, Molokai	Do	Do	E		N/A
var. molokaiense						
*Greenella discoidea	(n.c.n.)	Arizona	Do	E		N/A
Grindelia oolepis	Gumweed, (unnamed)	Texas	Do	E		N/A
Haplopappus eastwoodiae	Goldenweed, Eastwood's	California	Do	E		N/A
Haplopappus fremontii	Goldenweed, (unnamed)	Colorado	Do	E		N/A
ssp. monocephalus						
Haplopappus radiatus	Do	Oregon, Idaho	Do	E		N/A
Haplopappus salicinus	Do	Arizona	Do	E		N/A
Helianthus niveus	Sunflower, desert	California; Mexico	Do	E		N/A
ssp. tephrodes						
*Helianthus nuttallii	Sunflower, (unnamed)	Do	Do	E		N/A
var. parishii						
Helianthus paradoxus	Sunflower, (unnamed)	Texas, New Mexico	Do	E		N/A
Hemizonia conjugens	Tarweed, Otay	California	Do	E		N/A
Hemizonia floribunda	Tarweed, Tecate	California; Mexico	Do	E		N/A

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Hemizonia minthornii	Tarweed, Santa Susana	California	Entire	E		N/A
*Hesperomannia arborescens ssp. arborescens	(n.c.n.)	Hawaii	Do	E		N/A
Hesperomannia arborescens ssp. bushiana	Do	Do	Do	E		N/A
Hesperomannia arborescens ssp. swezeyi	Do	Do	Do	E		N/A
*Hesperomannia arbuscula spp. arbuscula	Do	Do	Do	E		N/A
Hesperomannia arbuscula ssp. oahuensis	Do	Do	Do	E		N/A
Hesperomannia lydgatei	Do	Do	Do	E		N/A
Heterotheca ruthii	Telegraphplant, Ruth's	Tennessee	Do	E		N/A
Holocarpha macradenia	Tarweed, Santa Cruz	California	Do	E		N/A
*Hymenoxys texana	Bitterweed, Texas	Texas	Do	E		N/A
Jamesianthus alabamensis	(n.c.n.)	Alabama	Do	E		N/A
Lasthenia burkei	Baeria, Burke's	California	Do	E		N/A
Layia discoidea	Tidytips, rayless	Do	Do	E		N/A
Liatris ohlingerae	Blazing star, (unnamed)	Florida	Do	E		N/A
Liatris provincialis	Do	Florida, Alabama	Do	E		N/A
Lipochaeta alata var. alata	Nehe, (unnamed)	Hawaii	Do	E		N/A
*Lipochaeta bryanii	Nehe, Bryan's	Do	Do	E		N/A
Lipochaeta degeneri	Nehe, small-leaved	Do	Do	E		N/A
Lipochaeta exigua	Nehe, lesser	Do	Do	E		N/A
Lipochaeta faurei	Nehe, Faure's	Do	Do	E		N/A
*Lipochaeta flexuosa	Nehe, flexuous	Do	Do	E		N/A
Lipochaeta forbesii var. forbesii	Nehe, Forbes'	Do	Do	E		N/A
*Lipochaeta integrifolia var. gracilis	Nehe, (unnamed)	Do	Do	E		N/A
Lipochaeta integrifolia var. major	Nehe, (unnamed)	Hawaii	Entire	E		N/A
Lipochaeta integrifolia var. megacephala	Do	Do	Do	E		N/A
*Lipochaeta kahoolawensis	Do	Do	Do	E		N/A
*Lipochaeta lavarum var. salicifolia	Do	Do	Do	E		N/A
*Lipochaeta lavarum var. skottsbergii	Do	Do	Do	E		N/A
*Lipochaeta lobata var. albescens	Do	Do	Do	E		N/A
*Lipochaeta lobata var. aprevalliana	Do	Do	Do	E		N/A
Lipochaeta lobata var. hastulata	Do	Do	Do	E		N/A
Lipochaeta lobata var. leptophylla	Do	Do	Do	E		N/A
Lipochaeta lobata var. lobata	Nehe, lobed	Do	Do	E		N/A
Lipochaeta lobata var. maunaloensis	Nehe, Maunaloa lobed	Do	Do	E		N/A
*Lipochaeta perdita	Nehe, (unnamed)	Do	Do	E		N/A
*Lipochaeta profusa var. profusa	Nehe, many-flowered	Do	Do	E		N/A
Lipochaeta profusa var. robustior	Nehe, (unnamed)	Do	Do	E		N/A
Lipochaeta remyi	Nehe, Remy's	Do	Do	E		N/A
*Lipochaeta rockii var. dissecta	Nehe, (unnamed)	Do	Do	E		N/A
Lipochaeta rockii var. rockii	Nehe, Rock's	Do	Do	E		N/A
Lipochaeta rockii var. subovata	Nehe, (unnamed)	Do	Do	E		N/A
*Lipochaeta subcordata var. membranacea	Do	Do	Do	E		N/A
Lipochaeta subcordata var. populifolia	Do	Do	Do	E		N/A
Lipochaeta succulenta var. angustata	Do	Do	Do	E		N/A

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*Lipochaeta succulenta var. succulenta	Nehe, (unnamed)	Hawaii	Entire	E		N/A
Lipochaeta succulenta var. trifida	Do	Do	Do	E		N/A
Lipochaeta venosa	Do	Do	Do	E		N/A
Machaeranthera arizonica	(n.c.n.)	Arizona	Do	E		N/A
Machaeranthera aurea	Do	Texas	Do	E		N/A
Machaeranthera leucanthemifolia	Do	Nevada	Do	E		N/A
Marshallia mohrii	Barbara's buttons, (unnamed)	Alabama, Georgia	Do	E		N/A
Microseris nutans ssp. siskiyouensis	(n.c.n.)	Oregon, California	Do	E		N/A
Pectis rusbyi	Fetid-marigold, Rusby's	Arizona	Do	E		N/A
Pentachaeta lyonii	(n.c.n.)	California	Do	E		N/A
Perityle bisetosa var. bisetosa	Rock-daisy, (unnamed)	Texas	Do	E		N/A
Perityle bisetosa var. scalaris	Do	Do	Do	E		N/A
Perityle cinerea	Do	Do	Do	E		N/A
Perityle gilensis var. salensis	Do	Arizona	Do	E		N/A
Perityle lindheimeri var. halmifolia	Do	Texas	Do	E		N/A
*Perityle rotundata	Do	Do	Do	E		N/A
Perityle vitreomontana	Do	Do	Do	E		N/A
Plummera ambigens	(n.c.n.)	Arizona	Do	E		N/A
Pseudobahia peirsonii	Do	California	Do	E		N/A
*Remya kauaiensis var. kauaiensis	Do	Hawaii	Do	E		N/A
*Remya kauaiensis var. magnifica	(n.c.n.)	Hawaii	Entire	E		N/A
Remya mauiensis	Do	Do	Do	E		N/A
Senecio franciscanus	Groundsel, San Francisco Peaks	Arizona	Do	E		N/A
Senecio layneae	Butterweed, Layne's	California	Do	E		N/A
Senecio porteri	Groundsel, Porter's	Colorado, Oregon	Do	E		N/A
*Senecio sandwicensis	Groundsel, (unnamed)	Hawaii	Do	E		N/A
Silphium brachiatum	Rosinweed, (unnamed)	Tennessee	Do	E		N/A
Silphium integrifolium var. gattingeri	Do	Do	Do	E		N/A
Solidago albopilosa	Goldenrod, (unnamed)	Kentucky	Do	E		N/A
*Solidago porteri	Goldenrod, Porter's	Georgia, North Carolina	Do	E		N/A
Solidago shortii	Goldenrod, short's	Kentucky	Do	E		N/A
Stephanomeria malheurensis	Wire-lettuce, Malheur	Oregon	Do	E		N/A
Stephanomeria schottii	Wire-lettuce, Schott's	Arizona	Do	E		N/A
Tanacetum compactum	Tansy, (unnamed)	Nevada	Do	E		N/A
*Tetramolopium arbusculum	(n.c.n.)	Hawaii	Do	E		N/A
*Tetramolopium arenarium var. arenarium	Do	Do	Do	E		N/A
*Tetramolopium arenarium var. confertum	Do	Do	Do	E		N/A
*Tetramolopium arenarium var. dentatum	Do	Do	Do	E		N/A
*Tetramolopium capillare	Do	Do	Do	E		N/A
*Tetramolopium consanguineum var. consanguineum	Do	Do	Do	E		N/A
*Tetramolopium consanguineum var. leptophyllum	Do	Do	Do	E		N/A
*Tetramolopium conyzoides var. conyzoides	Do	Do	Do	E		N/A
*Tetramolopium conyzoides var. dentatum	Do	Do	Do	E		N/A
*Tetramolopium filiforme	Do	Do	Do	E		N/A
*Tetramolopium humile var. sublaeve	Do	Do	Do	E		N/A

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Tetramolopium lepidotum var. lepidotum	(n.c.n.)	Hawaii	Entire	E		N/A
Tetramolopium lepidotum var. luxurians	Do	Do	Do	E		N/A
Tetramolopium polyphyllum	Do	Do	Do	E		N/A
*Tetramolopium remyi	Do	Do	Do	E		N/A
*Tetramolopium rockii	Do	Do	Do	E		N/A
*Tetramolopium tenerrimum	Do	Do	Do	E		N/A
Townsendia aprica	Do	Utah	Do	E		N/A
Tracyina rostrata	Do	California	Do	E		N/A
Viguiera ludens	Golden-eye, field	Texas	Do	E		N/A
Wilkesia hobdyi	Iliau	Hawaii	Do	E		N/A
BERBERIDACEAE - Barberry Family:						
Berberis harrisoniana	Barberry, (unnamed)	Arizona	Do	E		N/A
Berberis nevinii	Barberry, Nevin's	California	Do	E		N/A
Berberis sonnei	Barberry, Truckee	Do	Do	E		N/A
BETULACEAE - Birch Family:						
Betula uber	Birch, Ashe's	Virginia	Do	E		N/A
BORAGINACEAE - Borage Family:						
Amsinckia grandiflora	Fiddleneck, large-flowered	California	Entire	E		N/A
*Cryptantha aperta	Catseye, (unnamed)	Colorado	Do	E		N/A
Cryptantha atwoodii	Catseye, Atwood's	Arizona	Do	E		N/A
Cryptantha breviflora	Catseye, (unnamed)	Utah	Do	E		N/A
*Cryptantha insolita	Do	Nevada	Do	E		N/A
Cryptantha ochroleuca	Do	Utah	Do	E		N/A
Cryptantha roosiorum	Catseye, bristle-cone	California	Do	E		N/A
Cryptantha shackletteana	Catseye, (unnamed)	Alaska	Do	E		N/A
Cryptantha weberi	Catseye, Weber's	Colorado	Do	E		N/A
Dasynotus daubenmirei	(n.c.n.)	Idaho	Do	E		N/A
Hackelia cronquistii	Stickseed, Cronquist's	Oregon	Do	E		N/A
Hackelia davisii	Stickseed, Davis'	Idaho	Do	E		N/A
Hackelia ophiobia	Stickseed, (unnamed)	Oregon	Do	E		N/A
Hackelia venusta	Stickseed, showy	Washington	Do	E		N/A
*Mertensia toiyabensis	Bluebells, (unnamed)	Nevada	Do	E		N/A
Plagiobothrys diffusus	Popcornflower, San Francisco	California	Do	E		N/A
Plagiobothrys hirtus ssp. hirtus	Popcornflower, (unnamed)	Oregon	Do	E		N/A
Plagiobothrys lamprocarpus	Do	Do	Do	E		N/A
BRASSICACEAE - Mustard Family:						
*Arabis fructicosa	Rockcress, (unnamed)	Wyoming	Do	E		N/A
Arabis mcdonaldiana	Rockcress, McDonald's	California	Do	E		N/A
Arabis oxylobula	Rockcress, (unnamed)	Colorado	Do	E		N/A
Arabis perstellata var. ampla	Rockcress, (unnamed)	Tennessee	Do	E		N/A
Arabis perstellata var. perstellata	Do	Kentucky	Do	E		N/A
Braya humilis ssp. ventosa	(n.c.n.)	Colorado	Do	E		N/A

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Cardamine contancei	Bittercress, Constance's	Idaho	Entire	E		N/A
Cardamine konaensis	Bittercress, Kona	Hawaii	Do	E		N/A
Cardamine pattersonii	Bittercress, Saddle Mountain	Oregon	Do	E		N/A
Draba aprica	(n.c.n.)	S. Carolina, Georgia, Arkansas, Missouri	Do	E		N/A
Draba arida	Do	Nevada	Do	E		N/A
Draba asprella var. asprella	Do	Arizona	Do	E		N/A
Draba asprella var. kaibabensis	Do	Do	Do	E		N/A
Draba incisa	Do	Tennessee	Do	E		N/A
Draba paucifructa	Do	Nevada	Do	E		N/A
Erysimum capitatum var. angustatum	Wallflower, Contra Costa	California	Do	E		N/A
Erysimum franciscanum var. franciscanum	Wallflower, San Francisco	Do	Do	E		N/A
Eutrema penlandii	(n.c.n.)	Colorado	Do	E		N/A
Glaucocarpum suffrutescens	Do	Utah	Do	E		N/A
Leavenworthia alabamica var. brachystyla	Glade cress, (unnamed)	Alabama	Do	E		N/A
Leavenworthia aurea	Glade cress, golden	Oklahoma, Texas	Do	E		N/A
Leavenworthia crassa var. crassa	Glade cress, (unnamed)	Alabama	Do	E		N/A
Leavenworthia crassa var. elongata	Do	Do	Do	E		N/A
Leavenworthia exigua var. laciniata	Glade cress, (Unnamed)	Kentucky	Entire	E		N/A
Leavenworthia exigua var. lutea	Do	Alabama, Tennessee	Do	E		N/A
*Lepidium arbusculum	Peppergrass, (unnamed)	Hawaii	Do	E		N/A
Lepidium barnebyanum	Peppergrass, Barneby's	Utah	Do	E		N/A
Lepidium davisii	Peppergrass, Davis'	Idaho	Do	E		N/A
Lepidium bidentatum var. o-waihiense	Anaunau, (unnamed)	Hawaii	Do	E		N/A
*Lepidium bidentatum var. remyi	Anaunau, Remy's	Do	Do	E		N/A
Lepidium serra	Anaunau, (unnamed)	Do	Do	E		N/A
Lesquerella aurea	Bladderpod, golden	New Mexico	Do	E		N/A
Lesquerella densipila	Bladderpod, Duck River	Tennessee, Alabama	Do	E		N/A
Lesquerella filiformis	Bladderpod, (unnamed)	Missouri	Do	E		N/A
Lesquerella fremontii	Bladderpod, Fremont's	Wyoming	Do	E		N/A
*Lesquerella lata	Bladderpod, (unnamed)	New Mexico	Do	E		N/A
Lesquerella lyrata	Bladderpod, lyrate	Alabama	Do	E		N/A
*Lesquerella macrocarpa	Bladderpod, (unnamed)	Wyoming	Do	E		N/A
Lesquerella perforata	Bladderpod, Spring Creek	Tennessee	Do	E		N/A
Lesquerella pruinosa	Bladderpod, (unnamed)	Colorado	Do	E		N/A
Lesquerella stonensis	Bladderpod, Stones River	Tennessee	Do	E		N/A
Lesquerella tumulosa	Bladderpod, (unnamed)	Utah	Do	E		N/A
Lesquerella valida	Do	Texas, New Mexico	Do	E		N/A
*Physaria grahamii	Twinpod, Graham's	Utah	Do	E		N/A
Selenia jonesii	(n.c.n.)	Texas	Do	E		N/A
Sisymbrium kearneyi	Do	Arizona	Do	E		N/A
Smelowskia borealis var. villosa	Do	Alaska	Do	E		N/A
*Smelowskia holmgrenii	Do	Nevada	Do	E		N/A
Smelowskia ovalis ssp. congesta	Do	California	Do	E		N/A
Streptanthus albidus ssp. albidus	Jewelflower, Metcalf Canyon	Do	Do	E		N/A
Streptanthus callistus	Jewelflower, royal	Do	Do	E		N/A
Streptanthus farnsworthianus	Jewelflower, Evalyn's	Do	Do	E		N/A
Streptanthus lemmonii	Jewelflower, Lemmon's	Arizona	Do	E		N/A
Streptanthus morrisonii ssp. hirtiflorus	Jewelflower, Austin Creek	California	Do	E		N/A
Streptanthus niger	Jewelflower, Tiburon	Do	Do	E		N/A

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Streptanthus sparsiflorus	Jewelflower, sparsely-flowered	Texas	Entire	E		N/A
Streptanthus squamiformis	Jewelflower, (unnamed)	Oklahoma, Arkansas	Do	E		N/A
Thelypodium repandum	Thelypody, wavy-leaf	Idaho	Do	E		N/A
*Thelypodium tenue	Thelypody, (unnamed)	Texas	Do	E		N/A
Thelypodium texanum	Do	Do	Do	E		N/A
Warea sessifolia	(n.c.n.)	Florida, Alabama	Do	E		N/A
BURMANNIACEAE - Burmannia Family:						
*Thismia americana	Do	Illinois	Do	E		N/A
CACTACEAE - Cactus Family:						
Ancistrocactus tobuschii	Do	Texas	Do	E		N/A
Cereus eriophorus var. fragrans	Do	Florida	Do	E		N/A
Cereus gracilis var. aboriginum	Prickly apple, original	Do	Do	E		N/A
Cereus gracilis simpsonii	Prickly apple, Simpson's	Do	Do	E		N/A
Cereus robinii	Tree cactus	Florida; Cuba	Do	E		N/A
Coryphantha minima	(n.c.n.)	Texas	Do	E		N/A
Coryphantha ramillosa	(n.c.n.)	Texas; Mexico	Entire	E		N/A
*Coryphantha scheeri var. uncinata	Do	Texas	Do	E		N/A
Coryphantha strobiliformis var. durispina	Do	Texas; Mexico	Do	E		N/A
Echinocactus horizonthalonius var. nicholii	Do	Arizona	Do	E		N/A
Echinocereus chloranthus var. neocapillus	Hedgehog cactus, (unnamed)	Texas	Do	E		N/A
Echinocereus engelmannii var. howei	Do	California	Do	E		N/A
Echinocereus engelmannii var. purpureus	Hedgehog cactus, Engelmann's purple	Utah	Do	E		N/A
*Echinocereus hempelii	Hedgehog cactus, Hempel's	New Mexico; Mexico	Do	E		N/A
Echinocereus lloydii	Hedgehog cactus, Lloyd's	Texas, New Mexico	Do	E		N/A
Echinocereus reichenbachii var. albertii	Hedgehog cactus, (unnamed)	Texas	Do	E		N/A
Echinocereus russanthus	Do	Do	Do	E		N/A
Echinocereus triglochidiatus var. arizonicus	Do	Arizona	Do	E		N/A
Echinocereus viridiflorus var. davisii	Pitaya, Davis' green	Texas	Do	E		N/A
Ferocactus viridescens	Barrel cactus, San Diego	California; Mexico	Do	E		N/A
Neolloydia gautii	(n.c.n.)	Texas	Do	E		N/A
Neolloydia mariposensis	Do	Texas; Mexico	Do	E		N/A
Opuntia basilaris var. treleasei	Beavertail cactus, Bakersfield	California, Arizona	Do	E		N/A
*Opuntia strigil var. flexospina	Prickly pear, (unnamed)	Texas	Do	E		N/A
Pediocactus bradyi	(n.c.n.)	Arizona	Do	E		N/A
Pediocactus knowltonii	Do	New Mexico, Colorado	Do	E		N/A
Pediocactus peeblesianus var. peeblesianus	Do	Arizona	Do	E		N/A
Pediocactus sileri	Do	Do	Do	E		N/A
Sclerocactus glaucus	Do	Utah, Colorado	Do	E		N/A
Sclerocactus mesae-verdae	Do	Colorado, New Mexico	Do	E		N/A
Sclerocactus wrightiae	Do	Utah	Do	E		N/A

SPECIES		RANGE				
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CAMPANULACEAE - Bellflower Family:						
Brighamia citrina var. citrina	(n.c.n.)	Hawaii	Entire	E		N/A
Brighamia citrina var. napaliensis	Do	Do	Do	E		N/A
Brighamia insignis	Do	Do	Do	E		N/A
*Brighamia remyi	Do	Do	Do	E		N/A
Brighamia rockii	Do	Do	Do	E		N/A
Campanula californica	Harebell, swamp	California	Do	E		N/A
*Campanula robinsiae	Bellflower, Robins'	Florida	Do	E		N/A
Clermontia drepanomorpha	(n.c.n.)	Hawaii	Do	E		N/A
*Clermontia haleakalensis	Do	Do	Do	E		N/A
Clermontia hawaiiensis var. hawaiiensis	Do	Do	Do	E		N/A
Clermontia lindseyana	Do	Do	Do	E		N/A
Clermontia loyana	Do	Do	Do	E		N/A
Clermontia munroi	Do	Do	Do	E		N/A
Clermontia peleana	Do	Do	Do	E		N/A
*Clermontia pyrularia	Do	Do	Do	E		N/A
*Cyanea arborea	Do	Do	Do	E		N/A
*Cyanea asplenifolia	Do	Do	Do	E		N/A
Cyanea baldwinii	Do	Do	Do	E		N/A
Cyanea bryanii	Do	Do	Do	E		N/A
*Cyanea carlsonii	Do	Do	Do	E		N/A
Cyanea chockii	Do	Do	Do	E		N/A
*Cyanea comata	Do	Do	Do	E		N/A
*Cyanea gibsonii	(n.c.n.)	Hawaii	Entire	E		N/A
*Cyanea giffardii	Do	Do	Do	E		N/A
Cyanea grimesiana var. grimesiana	Do	Do	Do	E		N/A
Cyanea grimesiana var. hirsutifolia	Do	Do	Do	E		N/A
*Cyanea grimesiana var. lydgatei	Do	Do	Do	E		N/A
Cyanea grimesiana var. munroi	Do	Do	Do	E		N/A
*Cyanea kunthiana	Do	Do	Do	E		N/A
Cyanea leptostegia var. leptostegia	Do	Do	Do	E		N/A
*Cyanea linearifolia	Do	Do	Do	E		N/A
Cyanea marksii	Do	Do	Do	E		N/A
Cyanea mceldowneyi	Do	Do	Do	E		N/A
*Cyanea pycnocarpa	Do	Do	Do	E		N/A
*Cyanea regina	Do	Do	Do	E		N/A
Cyanea scabra var. variabilis	Do	Do	Do	E		N/A
Cyanea shipmanii	Do	Do	Do	E		N/A
Cyanea solanacea	Popolo	Do	Do	E		N/A
Cyanea solenocalyx var. solenocalyx	Pua-kala	Do	Do	E		N/A
Cyanea superba var. superba	(n.c.n.)	Do	Do	E		N/A
Cyanea tritomantha var. lydgatei	Do	Do	Do	E		N/A
Cyanea tritomantha var. tritomantha	Do	Do	Do	E		N/A
*Delissea fallax	Do	Do	Do	E		N/A
*Delissea laciniata var. laciniata	Do	Do	Do	E		N/A
*Delissea laciniata var. parvifolia	Do	Do	Do	E		N/A
*Delissea niihauensis	Do	Do	Do	E		N/A
*Delissea parviflora	Do	Do	Do	E		N/A
Delissea rhytidosperma	Do	Do	Do	E		N/A
Delissea sinuata var. lanaiensis	Do	Do	Do	E		N/A

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Delissea sinuata var. sinuata	(n.c.n.)	Hawaii	Entire	E		N/A
Delissea subcordata var. obtusifolia	Do	Do	Do	E		N/A
*Delissea subcordata subcordata	Do	Do	Do	E		N/A
Delissea undulata var. argutidentata	Do	Do	Do	E		N/A
*Delissea undulata var. undulata	Do	Do	Do	E		N/A
*Githopsis filicaulis	Bluecup, Mission Canyon	California; Mexico	Do	E		N/A
*Githopsis latifolia	Bluecup, Lake Almanor	California	Do	E		N/A
Legenere limosa	(n.c.n.)	Do	Do	E		N/A
Lobelia dunbarii	Do	Hawaii	Do	E		N/A
Lobelia gaudichaudii var. koolauensis	Do	Do	Do	E		N/A
Lobelia hypoleuca var. rockii	Do	Do	Do	E		N/A
Lobelia niihauensis var. forbesii	Do	Do	Do	E		N/A
*Lobelia niihauensis var. meridiana	Do	Do	Do	E		N/A
Lobelia niihauensis var. niihauensis	Do	Do	Do	E		N/A
Lobelia oahuensis	Do	Do	Do	E		N/A
*Lobelia remyi	Do	Do	Do	E		N/A
Lobelia tortuosa	Do	Do	Do	E		N/A
Rollandia crispa var. crispa	Do	Do	Do	E		N/A
Rollandia humboldtiana	(n.c.n.)	Hawaii	Entire	E		N/A
*Rollandia parvifolia	Do	Do	Do	E		N/A
Rollandia pinnatifida	Do	Do	Do	E		N/A
Rollandia purpurellifolia	Do	Do	Do	E		N/A
Rollandia sessilifolia	Do	Do	Do	E		N/A
Rollandia st.-johnii	Do	Do	Do	E		N/A
CAPPARIDACEAE - Caper Family:						
Capparis sandwichiana var. sandwichiana	Caper, native	Do	Do	E		N/A
*Cleome sandwicensis	Spiderflower, wild	Do	Do	E		N/A
CAPRIFOLIACEAE - Honeysuckle Family:						
*Viburnum bracteatum	Arrowwood	Georgia, Alabama	Do	E		N/A
CARYOPHYLLACEAE - Pink Family:						
Alisinodendron obovatum	(n.c.n.)	Hawaii	Do	E		N/A
Alisinodendron trinerve	Do	Do	Do	E		N/A
Arenaria alabamensis	Sandwort, Alabama	Alabama	Do	E		N/A
*Arenaria livermorensis	Sandwort, Livermore	Texas	Do	E		N/A
Arenaria ursina	Sandwort, Bear Valley	California	Do	E		N/A
Cerastium arvense var. villosissimum	Mouse-ear chickweed, (unnamed)	Pennsylvania	Do	E		N/A
Cerastium clawsonii	Mouse-ear chickweed, Clawson's	Texas	Do	E		N/A
Geocarpon minimum	(n.c.n.)	Missouri, Arkansas	Do	E		N/A
Paronychia chartacea	Whitlow-wort, (unnamed)	Florida	Do	E		N/A
Paronychia congesta	Do	Texas	Do	E		N/A
Paronychia maccartii	Whitlow-wort, McCart's	Do	Do	E		N/A

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Paronychia rugelii var. interior	Whitlow-wort, (unnamed)	Florida, Georgia	Entire	E		N/A
Schiedea adamantis	Maolioli, (unnamed)	Hawaii	Do	E		N/A
*Schiedea amplexicaulis	Do	Do	Do	E		N/A
Schiedea globosa var. globosa	Do	Do	Do	E		N/A
Schiedea globosa var. graminifolia	Do	Do	Do	E		N/A
*Schiedea hawaiiensis	Do	Do	Do	E		N/A
*Schiedea hookeri var. hookeri	Do	Do	Do	E		N/A
Schiedea kaalae var. kaalae	Do	Do	Do	E		N/A
Schiedea kealiae	Do	Do	Do	E		N/A
Schiedea menziesii var. spergulacea	Do	Do	Do	E		N/A
Schiedea pubescens var. lanaiensis	Do	Do	Do	E		N/A
Schiedea salicaria	Do	Do	Do	E		N/A
Silene alexandri	(n.c.n.)	Do	Do	E		N/A
Silene douglasii var. oraria	Do	Oregon	Do	E		N/A
Silene lanceolata var. forbesii	Do	Hawaii	Do	E		N/A
Silene plankii	Do	Texas, New Mexico	Do	E		N/A
Silene polypetala	Do	Florida, Georgia	Do	E		N/A
Silene rectiramea	Do	Arizona	Do	E		N/A
Silene spaldingii	Do	Washington, Oregon, Idaho, Montana	Do	E		N/A
Stellaria irrigua	Chickweed, (unnamed)	Colorado	Entire	E		N/A
Forsellesia pungens var. glabra	(n.c.n.)	California	Entire	E		N/A
CERATOPHYLLACEAE - Hornwort Family:						
*Ceratophyllum floridanum	Hornwort, Florida	Florida	Do	E		N/A
CHENOPODIACEAE - Goosefoot Family:						
Atriplex griffithsii	Saltbush, Griffith's	Arizona	Do	E		N/A
Atriplex klebergorum	Saltbush, Kleberg's	Texas	Do	E		N/A
*Atriplex tularensis	Saltbush, Bakersfield	California	Do	E		N/A
Nitrophila mohavensis	(n.c.n.)	Do	Do	E		N/A
Suaeda duripes	Seepweed, hardtoe	Texas	Do	E		N/A
CISTACEAE - Rockrose Family:						
Hudsonia ericoides ssp. montana	Golden-heather	North Carolina	Do	E		N/A
Lechea maritima var. virginica	Pinweed, Virginian	Virginia	Do	E		N/A
Lechea mensalis	Pinweed, (unnamed)	Texas	Do	E		N/A
CONVOLVULACEAE - Morning-glory Family:						
Bonamia menziesii	(n.c.n.)	Hawaii	Do	E		N/A
Dichondra occidentalis	Do	California	Do	E		N/A

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Ipomea egregia	Morning-glory, (unnamed)	Arizona	Entire	E		N/A
Ipomea lemmonii	Morning-glory, Lemmon's	Do	Do	E		N/A
CRASSULACEAE - Stonecrop Family:						
Dudleya bettinae	Live-forever, San Luis serpentine	California	Do	E		N/A
Dudleya candelabrum	Live-forever, candle-holder	Do	Do	E		N/A
Dudleya cymosa ssp. marcescens	Live-forever, Santa Monica Mountains	Do	Do	E		N/A
Dudleya multicaulis	Live-forever, many-stemmed	Do	Do	E		N/A
Dudleya nesiotica	Live-forever, Santa Cruz Island	Do	Do	E		N/A
Dudleya stolonifera	Live-forever, Laguna Beach	Do	Do	E		N/A
Dudleya traskiae	Live-forever, Santa Brabara Island	Do	Do	E		N/A
Echeveria collomae	(n.c.n.)	Arizona	Do	E		N/A
Echeveria rusbyi	Do	Do	Do	E		N/A
Lenophyllum texanum	Stonecrop, (unnamed)	Texas	Do	E		N/A
Parvisedum leiocarpum	Stonecrop, Lake County	California	Do	E		N/A
Sedum moranii	Stonecrop, (unnamed)	Oregon	Do	E		N/A
Sedum nevii	Do	Alabama, Tennessee	Do	E		N/A
Sedum radiatum ssp. depauperatum	Do	Oregon	Do	E		N/A
CUPRESSACEAE - Cypress Family:						
Cupress goveniana var. abramsiana	Cypress, Santa Cruz	California	Do	E		N/A
CUSCUTACEAE - Dodder Family:						
Cuscuta howelliana	Dodder, Bogg's Lake	California	Entire	E		N/A
*Cuscuta warneri	Dodder, Warner's	Utah	Do	E		N/A
CYCADACEAE - Cycad Family:						
Zamia integrifolia	Coontie	Florida	Do	E		N/A
CYPERACEAE - Sedge Family:						
Carex aboriginum	Sedge, Indian Valley	Idaho	Do	E		N/A
Carex albida	Sedge, White	California	Do	E		N/A
Carex elachycarpa	Sedge, (unnamed)	Maine	Do	E		N/A
Carex jacobi-peteri	Do	Alaska	Do	E		N/A
Carex specuicola	Do	Arizona	Do	E		N/A
Carex tompkinsii	Sedge, Thompkins'	California	Do	E		N/A
Cyperus grayioides	Umbrella sedge, (unnamed)	Illinois	Do	E		N/A
Eleocharis cylindrica	Spikerush, cylinder	Texas; Mexico	Do	E		N/A
Fimbristylis perpusilla	(n.c.n.)	Georgia	Do	E		N/A
Gahnia lanaiensis	Do	Hawaii	Do	E		N/A
Rhynchospora californica	Beaked-rush, California	California	Do	E		N/A
Rhynchospora crinipes	Beaked-rush, (unnamed)	Alabama				
Rhynchospora knieskernii	Do	New Jersey, Delaware	Do	E		N/A
Scirpus ancistrochaetus	Bulrush, (unnamed)	Vermont, New York, Pennsylvania, Virginia	Do	E		N/A
DIAPENSIACEAE - Pixie Family:						
Shortia galacifolia var. brevistyla	Oconee bells, short-styled	South Carolina, North Carolina	Do	E		N/A
Shortia galacifolia var. galacifolia	Oconee bells, milky-leaved	South Carolina, North Carolina, Georgia	Do	E		N/A

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ERICACEAE - Heath Family:						
Arctostaphylos andersonii var. pallida	Manzanita, pale heart leaf	California	Entire	E		N/A
Arctostaphylos auriculata	Manzanita, Mt. Diablo	Do	Do	E		N/A
Arctostaphylos densiflora	Manzanita, Vinehill	Do	Do	E		N/A
Arctostaphylos edmundsii var. parviflora	Manzanita, small-flowered Little Sur	Do	Do	E		N/A
Arctostaphylos glandulosa ssp. crassifolia	Manzanita, Eastwood	Do	Do	E		N/A
Arctostaphylos glutinosa	Manzanita, Schreiber's	Do	Do	E		N/A
*Arctostaphylos hookeri ssp. franciscana	Manzanita, San Francisco	Do	Do	E		N/A
Arctostaphylos imbricata	Manzanita, San Bruno Mountain	Do	Do	E		N/A
Arctostaphylos myrtifolia	Manzanita, Ione	Do	Do	E		N/A
Arctostaphylos pacifica	Manzanita, Pacific	Do	Do	E		N/A
Arctostaphylos pallida	Manzanita, Alameda	Do	Do	E		N/A
Arctostaphylos pumila	Manzanita, sandmat	Do	Do	E		N/A
Elliottia racemosa	Georgia Plume	Georgia	Do	E		N/A
Kalmia cuneata	White-wicky	North Carolina, South Carolina	Do	E		N/A
Monotropis reynoldsiae	Pinesap, sweet	Florida	Do	E		N/A
Rhododendron minus var. chapmanii	Rhododendron, (unnamed)	Do	Do	E		N/A
EPACRIDACEAE - Epacris Family:						
Styphelia tameiameiae var. hexamera	(n.c.n.)	Hawaii	Entire	E		N/A
ERIOCAULACEAE - Pipewort Family:						
Eriocaulon kornickianum	Pipewort, (unnamed)	Texas, Oklahoma Arkansas	Do	E		N/A
EUPHORBIACEAE - Spurge Family:						
Andrachne arida	(n.c.n.)	Texas	Do	E		N/A
Antidesma crenatum	Do	Hawaii	Do	E		N/A
Argythamnia aphoroides	Wild mercury, (unnamed)	Texas	Do	E		N/A
Argythamnia argyraea	Do	Do	Do	E		N/A
Chamaesyce (Euphorbia) deltoidea ssp. serpyllum	Spurge, (unnamed)	Florida	Do	E		N/A
Chamaesyce (Euphorbia) porteriana var. keyensis	Do	Do	Do	E		N/A
Chamaesyce (Euphorbia) porteriana var. scoparia	Do	Do	Do	E		N/A
Claoxylon sandwicense var. sandwicense	Poola	Hawaii	Do	E		N/A
Croton alabamensis	(n.c.n.)	Alabama, Tennessee	Do	E		N/A
Croton elliottii	Do	Florida, Georgia, Alabama	Do	E		N/A
Croton glandulosus var. simpsonii	Do	Florida	Do	E		N/A
Croton wigginsii	Do	California, Nevada	Do	E		N/A
Ditaxis diversiflora	Do	Nevada	Do	E		N/A
Drypetes phyllanthoides	Mehamehame	Hawaii	Do	E		N/A
Euphorbia arnottiana var. arnottiana	(n.c.n.)	Do	Do	E		N/A

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Euphorbia arnottiana var. integrifolia	(n.c.n.)	Hawaii	Entire	E		N/A
Euphorbia atrococca var. atrococca	Do	Do	Do	E		N/A
Euphorbia atrococca var. kilaueana	Do	Do	Do	E		N/A
Euphorbia atrococca var. kokeeana	Do	Do	Do	E		N/A
Euphorbia celastroides var. halawana	Do	Do	Do	E		N/A
Euphorbia celastroides var. haupuana	Do	Do	Do	E		N/A
*Euphorbia celastroides var. humbertii	Do	Do	Do	E		N/A
Euphorbia celastroides var. kaenana	Do	Do	Do	E		N/A
Euphorbia celastroides var. kealiana	Do	Do	Do	E		N/A
Euphorbia celastroides var. kohalana	Do	Do	Do	E		N/A
Euphorbia celastroides var. moomomiana	Do	Do	Do	E		N/A
Euphorbia celastroides var. nematopoda	Do	Do	Do	E		N/A
*Euphorbia celastroides var. niuensis	Do	Do	Do	E		N/A
Euphorbia celastroides var. saxicola	Do	Do	Do	E		N/A
Euphorbia celastroides var. stokesii	Do	Do	Do	E		N/A
Euphorbia celastroides var. waikoluensii	(n.c.n.)	Hawaii	Entire	E		N/A
Euphorbia degeneri var. molokaiensis	Do	Do	Do	E		N/A
*Euphorbia deppeana	Do	Do	Do	E		N/A
Euphorbia fendleri var. triligulata	Spurge, (unnamed)	Texas	Do	E		N/A
Euphorbia garberi	Do	Florida	Do	E		N/A
Euphorbia golondrina	Do	Texas	Do	E		N/A
Euphorbia haeleeleana	(n.c.n.)	Hawaii	Do	E		N/A
Euphorbia halemanui	Do	Do	Do	E		N/A
Euphorbia hillebrandii var. palikeana	Do	Do	Do	E		N/A
Euphorbia hillebrandii var. waimanoana	Do	Do	Do	E		N/A
*Euphorbia multiformis var. haleakalana	Do	Do	Do	E		N/A
*Euphorbia multiformis var. kaalana	Do	Do	Do	E		N/A
Euphorbia multiformis var. kapuleiensis	Do	Do	Do	E		N/A
*Euphorbia multiformis var. multiformis	Akoko	Do	Do	E		N/A
*Euphorbia multiformis var. perdita	(n.c.n.)	Do	Do	E		N/A
Euphorbia multiformis var. sparsiformis	Do	Do	Do	E		N/A
*Euphorbia multiformis var. tomentella	Do	Do	Do	E		N/A
Euphorbia olowaluana var. olowaluana	Do	Do	Do	E		N/A
*Euphorbia remyi var. hanaleiensis	Do	Do	Do	E		N/A
Euphorbia remyi var. kahiliana	Do	Do	Do	E		N/A
Euphorbia remyi var. kauaiensis	Do	Do	Do	E		N/A
Euphorbia remyi var. leptopoda	Do	Do	Do	E		N/A

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Euphorbia remyi var. lydgatei	(n.c.n.)	Hawaii	Entire	E		N/A
Euphorbia remyi var. molesta	Do	Do	Do	E		N/A
Euphorbia remyi var. olokelensis	Do	Do	Do	E		N/A
Euphorbia remyi var. pteropoda	Do	Do	Do	E		N/A
*Euphorbia remyi var. remyi	Do	Do	Do	E		N/A
Euphorbia remyi var. wahiawana	Do	Do	Do	E		N/A
Euphorbia remyi var. waimeana	Do	Do	Do	E		N/A
*Euphorbia remyi var. wilkesii	Do	Do	Do	E		N/A
Euphorbia skottsbergii var. audens	Do	Do	Do	E		N/A
*Euphorbia skottsbergii var. kalaeloana	Do	Do	Do	E		N/A
*Euphorbia skottsbergii var. skottsbergii	Do	Do	Do	E		N/A
Euphorbia skottsbergii var. vaccinioides	Do	Do	Do	E		N/A
Manihot walkerae	Do	Texas; Mexico	Do	E		N/A
Phyllanthus ericoides	Leaf-flower, (unnamed)	Do	Do	E		N/A
Phyllanthus sandwicensis var. degeneri	(n.c.n.)	Hawaii	Do	E		N/A
FABACEAE - Pea Family:						
Acacia emoryana	(n.c.n.)	Texas	Entire	E		N/A
Acacia koaia	Koa oha	Hawaii	Do	E		N/A
Apios priceana	Potato bean, Price's	Kentucky, Tennessee, Illinois, Mississippi	Do	E		N/A
Astragalus amnis-amissi	Milkvetch, (unnamed)	Idaho	Do	E		N/A
Astragalus atratus var. inseptus	Do	Do	Do	E		N/A
Astragalus beathii	Milkvetch, Beath's	Arizona	Do	E		N/A
Astragalus beatleyae	Milkvetch, Beatley's	Nevada	Do	E		N/A
Astragalus castetteri	Milkvetch, Castetter's	New Mexico	Do	E		N/A
Astragalus clarianus	Rattleweed, Clara Hunt's	California	Do	E		N/A
*Astragalus columbianus	Milkvetch, Columbia	Washington	Do	E		N/A
Astragalus cremnophylax	Milkvetch, (unnamed)	Arizona	Do	E		N/A
Astragalus cronquistii	Milkvetch, Cronquist's	Utah	Do	E		N/A
*Astragalus desperticus	Milkvetch, (unnamed)	Do	Do	E		N/A
Astragalus deterior	Do	Colorado	Do	E		N/A
Astragalus detritalis	Do	Utah, Colorado	Do	E		N/A
Astragalus hamiltonii	Milkvetch, Hamilton's	Utah	Do	E		N/A
Astragalus harrisonii	Milkvetch, Harrison's	Do	Do	E		N/A
*Astragalus humillimus	Milkvetch, (unnamed)	Colorado	Do	E		N/A
Astragalus iselyi	Do	Utah	Do	E		N/A
Astragalus jaegerianus	Locoweed, Coolgardie	California	Do	E		N/A
Astragalus johannis-howellii	Locoweed, John's	California	Do	E		N/A
Astragalus kentrophyta var. douglasii	Milkvetch, Douglas' thistle	Washington, Oregon	Do	E		N/A
Astragalus lentiginosus var. maricopae	Locoweed, (unnamed)	Arizona	Do	E		N/A
Astragalus lentiginosus var. sesquimetralis	Do	California, Nevada	Do	E		N/A
*Astragalus linifolius	Milkvetch, (unnamed)	Colorado	Do	E		N/A
Astragalus loanus	Do	Utah	Do	E		N/A
Astragalus microcymbus	Do	Colorado; Mexico	Do	E		N/A

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Astragalus misellus var. pauper	Milkvetch, pauper	Washington	Entire	E		N/A
Astragalus monoensis	Locoweed, Mono	California	Do	E		N/A
Astragalus naturitensis	Milkvetch, (unnamed)	Colorado	Do	E		N/A
Astragalus nyensis	Do	Nevada	Do	E		N/A
Astragalus osterhoutii	Milkvetch, Osterhout's	Colorado	Do	E		N/A
Astragalus perianus	Milkvetch, (unnamed)	Utah	Do	E		N/A
Astragalus phoenix	Do	Nevada	Do	E		N/A
Astragalus porrectus	Do	Do	Do	E		N/A
Astragalus proimanthus	Do	Wyoming	Do	E		N/A
Astragalus purshii var. ophiogenes	Do	Idaho, Oregon	Do	E		N/A
*Astragalus pycnostachyus var. lanosissimus	Locoweed, Ventura Marsh	California	Do	E		N/A
Astragalus ravenii	Locoweed, Raven's	Do	Do	E		N/A
Astragalus robbinsii var. alpiniformis	Milkvetch, (unnamed)	Oregon	Do	E		N/A
Astragalus robbinsii var. jesupi	Do	New Hampshire, Vermont	Do	E		N/A
Astragalus robbinsii var. occidentalis	Do	Nevada	Do	E		N/A
*Astragalus robbinsii var. robbinsii	Milkvetch, Robbin's	Vermont	Do	E		N/A
Astragalus saurinus	Milkvetch, (unnamed)	Utah	Do	E		N/A
Astragalus schmollae	Milkvetch, Schmoll's	Colorado	Do	E		N/A
Astragalus serenoi var. sordescens	Milkvetch, (unnamed)	Nevada	Do	E		N/A
Astragalus serpens	Do	Utah	Do	E		N/A
Astragalus siliceus	Do	New Mexico	Do	E		N/A
Astragalus sinuatus	Milkvetch, whited	Washington	Do	E		N/A
Astragalus sterilis	Milkvetch, (unnamed)	Oregon, Idaho	Entire	E		N/A
Astragalus striatiflorus	Do	Utah, Arizona	Do	E		N/A
Astragalus tener var. titi	Locoweed, coastal dunes	California	Do	E		N/A
Astragalus uncialis	Milkvetch, (unnamed)	Nevada	Do	E		N/A
Astragalus xiphoides	Do	Arizona	Do	E		N/A
Baptisia arachnifera	Wild indigo, hairy	Georgia	Do	E		N/A
Baptisia riparia	Wild indigo, (unnamed)	Florida	Do	E		N/A
Brongniartia minutifolia	(n.c.n.)	Texas; Mexico	Do	E		N/A
Calliandra biflora	Do	Do	Do	E		N/A
Canavalia centralis	Jackbean, (unnamed)	Hawaii	Do	E		N/A
Canavalia forbesii	Do	Do	Do	E		N/A
Canavalia haleakalaensis	Do	Do	Do	E		N/A
Canavalia iaoensis	Do	Do	Do	E		N/A
Canavalia kauaiensis	Do	Do	Do	E		N/A
Canavalia kauensis	Do	Do	Do	E		N/A
Canavalia lanaiensis	Jackbean, Lanai	Do	Do	E		N/A
Canavalia makahaensis	Jackbean, (unnamed)	Do	Do	E		N/A
Canavalia molokaiensis	Jackbean, Molokai	Do	Do	E		N/A
Canavalia munroi	Jackbean, (unnamed)	Do	Do	E		N/A
Canavalia napaliensis	Do	Do	Do	E		N/A
Canavalia nualoloensis	Do	Do	Do	E		N/A
Canavalia peninsularis	Do	Do	Do	E		N/A
Canavalia pubescens	Do	Do	Do	E		N/A
Canavalia rockii	Pua-kauhi	Do	Do	E		N/A
Canavalia sanguinea	Jackbean, (unnamed)	Do	Do	E		N/A
Canavalia stenophylla	Do	Do	Do	E		N/A
Cassia keyensis	Senna, Florida Keys	Florida	Do	E		N/A
Centrosema arenicola	Butterflypea, (unnamed)	Do	Do	E		N/A
Galactia pinetorum	Milkpea	Do	Do	E		N/A
Genistidium dumosum	(n.c.n.)	Texas; Mexico	Do	E		N/A
Hoffmannseggia tenella	Rush-pea, slender	Texas	Do	E		N/A
Lespedeza leptostachya	Bush-clover, Prairie	Illinois, Wisconsin, Iowa, Minnesota	Do	E		N/A
*Lotus argophyllus ssp. adsurgens	Silver hosackia, San Clemente Island	California	Do	E		N/A
Lotus scoparius ssp. traskiae	Broom, San Clemente	Do	Do	E		N/A

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Lupinus burkei ssp. caeruleomontanus	(n.c.n.)	Oregon	Entire	E		N/A
Lupinus guadalupensis	Lupine, Guadalupe Island	California; Mexico	Do	E		N/A
Lupinus ludovicianus	Lupine, San Luis	California	Do	E		N/A
Lupinus milo-bakeri	Lupine, Milo Baker	Do	Do	E		N/A
Lupinus tidestromii var. layneae	Lupine, Point Reyes	Do	Do	E		N/A
Lupinus tidestromii var. tidestromii	Lupine, Tidestrom	Do	Do	E		N/A
Lupinus tracyi	Lupine, Tracy's	Do	Do	E		N/A
Mezoneuron kauaiense	Uhiuhi	Hawaii	Do	E		N/A
Oxytropis kobukensis	Locoweed (unnamed)	Alaska	Do	E		N/A
Petalostemum foliosum	Prairie clover, (unnamed)	Illinois, Tennessee, Alabama	Do	E		N/A
Petalostemum reverchonii	Do	Texas	Do	E		N/A
Petalostemum sabinale	Prairie clover, Sabinal	Do	Do	E		N/A
Petalostemum scariosum	Prairie clover, (unnamed)	New Mexico	Do	E		N/A
Psoralea epipsila	Scurf pea, (unnamed)	Arizona, Utah	Do	E		N/A
*Psoralea macrophylla	Do	North Carolina	Do	E		N/A
*Psoralea stipulata	Do	Indiana	Do	E		N/A
Sesbania tomentosa var. molokaiensis	(n.c.n.)	Hawaii	Do	E		N/A
Sesbania tomentosa var. tomentosa	Do	Do	Do	E		N/A
Sophora chrysophylla var. circularis	Do	Do	Do	E		N/A
Sophora chrysophylla var. elliptica	Do	Do	Do	E		N/A
*Sophora chrysophylla var. glabrata	(n.c.n.)	Hawaii	Entire	E		N/A
Sophora chrysophylla var. grisea	Do	Do	Do	E		N/A
Sophora chrysophylla var. kanaioensis	Do	Do	Do	E		N/A
Sophora chrysophylla var. kauensis	Do	Do	Do	E		N/A
*Sophora chrysophylla var. lanaiensis	Do	Do	Do	E		N/A
Sophora chrysophylla var. makuaensis	Do	Do	Do	E		N/A
*Sophora chrysophylla var. unifoliata	Do	Do	Do	E		N/A
Sophora formosa	Do	Arizona	Do	E		N/A
Trifolium amoenum	Clover, showy Indian	California	Do	E		N/A
Trifolium andersonii ssp. beatleyae	Clover, Beatley's five leaf	Nevada	Do	E		N/A
Trifolium lemmonii	Clover, Lemmon's	California, Nevada	Do	E		N/A
Trifolium polyodon	Clover, Pacific grove	California	Do	E		N/A
Trifolium thompsonii	Clover, Thompson's	Washington	Do	E		N/A
Trifolium trichocalyx	Clover, Monterey	California	Do	E		N/A
*Vicia menziesii	Vetch, (unnamed)	Hawaii	Do	E		N/A
Vicia ocalensis	Vetch, Ocala	Florida	Do	E		N/A
*Vicia reverchonii	Vetch, Hairy pod	Oklahoma, Texas	Do	E		N/A
Vigna owahuensis	(n.c.n.)	Hawaii	Do	E		N/A
Vigna sandwicensis var. heterophylla	Do	Do	Do	E		N/A
Vigna sandwicensis var. sandwicensis	Do	Do	Do	E		N/A
FAGACEAE - Beech Family:						
Castanea ozarkensis	Chinquapin, Ozark	Missouri, Arkansas, Oklahoma	Do	E		N/A
Quercus graciliformis	Oak, Slender	Texas	Do	E		N/A

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Quercus hinckleyi	Oak, Hinckley's	Texas	Entire	E		N/A
Quercus tardifolia	Oak, Chizos Mountains	Do	Do	E		N/A
FLAGELLARIACEAE - Flagellaria Family:						
Joinvillea ascendens ssp. ascendens	Ohe	Hawaii	Do	E		N/A
FRANKENIACEAE - Alkali-heath Family:						
Frankenia johnstonii	(n.c.n.)	Texas	Do	E		N/A
FUMIARIACEAE - Fumitory Family:						
Corydalis aquae-gelidae	Do	Oregon	Do	E		N/A
Dicentra formosa ssp. oregana	Bleedingheart, Pacific	California, Oregon	Do	E		N/A
Dicentra ochroleuca	Bleedingheart, yellow	California	Do	E		N/A
GENTIANACEAE - Gentian Family:						
Bartonia texana	Screwstem, Texas	Texas	Do	E		N/A
Centaurium namophilum	(n.c.n.)	California, Nevada	Entire	E		N/A
Frasera gypsicola	Green gentian, (unnamed)	Nevada	Do	E		N/A
Frasera pahutensis	Do	Do	Do	E		N/A
Gentiana bisetaea	Gentian, (unnamed)	Oregon	Do	E		N/A
Gentiana deloachii	Do	Georgia	Do	E		N/A
Gentiana pennelliana	Do	Florida	Do	E		N/A
GERANIACEAE - Geranium Family:						
Geranium arboreum	Native geranium, Red-flowered	Hawaii	Do	E		N/A
Geranium cuneatum var. hololeucum	(n.c.n.)	Do	Do	E		N/A
*Geranium multiflorum var. multiflorum	(n.c.n.)	Do	Do	E		N/A
Geranium multiflorum var. ovatifolium	Hina hina	Do	Do	E		N/A
Geranium multiflorum var. superbum	(n.c.n.)	Do	Do	E		N/A
Geranium toquimense	Do	Nevada	Do	E		N/A
GESNERIACEAE - Gesneria Family:						
Cyrtandra alata	Do	Hawaii	Do	E		N/A
Cyrtandra basipartita	Do	Do	Do	E		N/A
*Cyrtandra begonifolia	Do	Do	Do	E		N/A
Cyrtandra brevicornuta	Do	Do	Do	E		N/A
Cyrtandra bryanii	Do	Do	Do	E		N/A
Cyrtandra campaniformis	Do	Do	Do	E		N/A
*Cyrtandra carinata	Do	Do	Do	E		N/A
Cyrtandra caudatisepala	Do	Do	Do	E		N/A
Cyrtandra chartacea	Do	Do	Do	E		N/A
*Cyrtandra collarifera	Do	Do	Do	E		N/A
Cyrtandra conradtii	Do	Do	Do	E		N/A
*Cyrtandra cordifolia var. brevipilita	Do	Do	Do	E		N/A

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Cyrtandra crassior	(n.c.n.)	Hawaii	Entire	E		N/A
Cyrtandra crenata	Do	Do	Do	E		N/A
Cyrtandra cupuliformis	Do	Do	Do	E		N/A
Cyrtandra dentata	Do	Do	Do	E		N/A
Cyrtandra ellipticifolia	Do	Do	Do	E		N/A
Cyrtandra elliptisepala	Do	Do	Do	E		N/A
Cyrtandra ferricolorata	Do	Do	Do	E		N/A
*Cyrtandra ferruginosa	Do	Do	Do	E		N/A
Cyrtandra forbesii	Do	Do	Do	E		N/A
Cyrtandra fosbergii	Do	Do	Do	E		N/A
Cyrtandra frederickii	Do	Do	Do	E		N/A
Cyrtandra fusiformis	Do	Do	Do	E		N/A
*Cyrtandra garberi	Do	Do	Do	E		N/A
Cyrtandra glauca	Do	Do	Do	E		N/A
*Cyrtandra gracilis	Do	Do	Do	E		N/A
*Cyrtandra grossecrenata	Do	Do	Do	E		N/A
Cyrtandra hawaiensis	Do	Do	Do	E		N/A
Cyrtandra hirsutula	Do	Do	Do	E		N/A
Cyrtandra hobdyi	Do	Do	Do	E		N/A
*Cyrtandra honolulensis	Do	Do	Do	E		N/A
Cyrtandra infrapallida	Do	Do	Do	E		N/A
Cyrtandra intonsa	Do	Do	Do	E		N/A
Cyrtandra intrapilosa	Do	Do	Do	E		N/A
Cyrtandra kaalae	Do	Do	Do	E		N/A
Cyrtandra kahanensis	Do	Do	Do	E		N/A
Cyrtandra kahukuensis	Do	Do	Do	E		N/A
Cyrtandra kaluanuiensis	Do	Do	Do	E		N/A
Cyrtandra kaneoheensis	Do	Do	Do	E		N/A
*Cyrtandra kauaiensis	Ulunahele	Do	Do	E		N/A
Cyrtandra koolauensis	(n.c.n.)	Do	Do	E		N/A
Cyrtandra laevis	(n.c.n.)	Hawaii	Entire	E		N/A
*Cyrtandra laxiflora	Do	Do	Do	E		N/A
*Cyrtandra lessoniana var. angustifolia	Do	Do	Do	E		N/A
Cyrtandra lessoniana var. intrapubens	Do	Do	Do	E		N/A
*Cyrtandra linearis	Do	Do	Do	E		N/A
Cyrtandra longicalyx	Do	Do	Do	E		N/A
Cyrtandra longifolia var. longifolia	Do	Do	Do	E		N/A
Cyrtandra longifolia var. parallela	Do	Do	Do	E		N/A
Cyrtandra longiloba	Do	Do	Do	E		N/A
Cyrtandra lysiosepala var. lysiosepala	Do	Do	Do	E		N/A
Cyrtandra macrantha	Do	Do	Do	E		N/A
*Cyrtandra mannii	Do	Do	Do	E		N/A
Cyrtandra menziesii	Haiwale	Do	Do	E		N/A
Cyrtandra metastigmata	(n.c.n.)	Do	Do	E		N/A
Cyrtandra niuensis	Do	Do	Do	E		N/A
Cyrtandra nubincolens	Do	Do	Do	E		N/A
Cyrtandra oenobarba var. oenobarba	Do	Do	Do	E		N/A
Cyrtandra olivacea	Do	Do	Do	E		N/A
Cyrtandra paloloensis	Do	Do	Do	E		N/A
*Cyrtandra partita	Do	Do	Do	E		N/A
Cyrtandra pearsallii	Do	Do	Do	E		N/A
Cyrtandra perstaminodica	Do	Do	Do	E		N/A
*Cyrtandra pickeringii var. pickeringii	Do	Do	Do	E		N/A
Cyrtandra pickeringii var. waihae	Do	Do	Do	E		N/A
*Cyrtandra piligyna	Do	Do	Do	E		N/A
Cyrtandra plurifolia	Do	Do	Do	E		N/A
Cyrtandra polyantha	Do	Do	Do	E		N/A
Cyrtandra pruinosa	Do	Do	Do	E		N/A
Cyrtandra pubens	Do	Do	Do	E		N/A
Cyrtandra rockii	Do	Do	Do	E		N/A
Cyrtandra sandwicensis	Do	Do	Do	E		N/A

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*Cyrtandra scabrella	(n.c.n.)	Hawaii	Entire	E		N/A
*Cyrtandra skottsbergii	Do	Do	Do	E		N/A
Cyrtandra subcordata	Do	Do	Do	E		N/A
*Cyrtandra subintegra	Do	Do	Do	E		N/A
Cyrtandra subrecta	Do	Do	Do	E		N/A
Cyrtandra subumbellata var. intonsa	Do	Do	Do	E		N/A
Cyrtandra ternata	Do	Do	Do	E		N/A
*Cyrtandra triflora	Do	Do	Do	E		N/A
Cyrtandra turbiniformis	Do	Do	Do	E		N/A
Cyrtandra vanioti						
Cyrtandra villicalyx var. pubentigyna	Do	Do	Do	E		N/A
Cyrtandra villosa	Do	Do	Do	E		N/A
Cyrtandra villosiflora	Do	Do	Do	E		N/A
*Cyrtandra waianuensis	Do	Do	Do	E		N/A
*Cyrtandra waiolani var. capitata	Do	Do	Do	E		N/A
Cyrtandra waiolani var. waiolani	Do	Do	Do	E		N/A
Cyrtandra waiomaoensis	Do	Do	Do	E		N/A
GOODENIACEAE - Goodenia Family:						
Scaevola coriacea	False jade tree	Do	Do	E		N/A
Scaevola gaudichaudii	Napuka, Mountain	Do	Do	E		N/A
Scaevola kilaueae var. kilaueae	Napuka, Kilauea	Do	Do	E		N/A
HALORAGACEAE - Water-milfoil Family:						
Gunnera kaalensis	(n.c.n.)	Hawaii	Entire	E		N/A
Gunnera makahaensis	Do	Do	Do	E		N/A
HYDROCHARITACEAE - Elodea Family:						
*Elodea brandegeae	Waterweed, Truckee	California	Do	E		N/A
*Elodea linearis	Waterweed, Nashville	Tennessee	Do	E		N/A
*Elodea nevadensis	Waterweed, Nevada	Nevada	Do	E		N/A
*Elodea schweinitzii	Waterweed, Schweinitz's	Pennsylvania	Do	E		N/A
HYDROPHYLLACEAE - Waterleaf Family:						
Eriodictyon altissimum	Mountain balm, Indian Knob	California	Do	E		N/A
Eriodictyon capitatum	Lompoc Yerba Santa	Do	Do	E		N/A
Hydrophyllum capitatum var. thompsonii	Waterleaf, Thompson's ballhead	Oregon, Washington	Do	E		N/A
Phacelia argillacea	Scorpionweed, (unnamed)	Utah	Do	E		N/A
Phacelia beatleyae	Do	Nevada	Do	E		N/A
Phacelia capitata	Do	Oregon	Do	E		N/A
*Phacelia cinerea	Scorpionweed, ashy	California	Do	E		N/A
Phacelia cookei	Scorpionweed, (unnamed)	Do	Do	E		N/A
Phacelia filiformis	Do	Arizona	Do	E		N/A
Phacelia formosula	Do	Colorado	Do	E		N/A
Phacelia indecora	Do	Utah	Do	E		N/A
*Phacelia lenta	Do	Washington	Do	E		N/A
Phacelia mammillarensis	Do	Utah	Do	E		N/A
Phacelia pallida	Do	Texas	Do	E		N/A
Phacelia welshii	Do	Arizona	Do	E		N/A
HYMENOPHYLLACEAE - Filmy Fern Family:						

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Trichomanes draytonianum	(n.c.n.)	Hawaii	Entire	E		N/A
HYPERICACEAE - St. John's-Wort Family:						
Hypericum cumulicola	St. John's-wort, (unnamed)	Florida	Do	E		N/A
IRIDACEAE - Iris Family:						
Iris tenax ssp. klamathensis	Iris, (unnamed)	California	Do	E		N/A
Iris tenuis	Iris, Clackamas	Oregon	Do	E		N/A
ISOETACEAE - Quillwort Family:						
Isoetes lithophylla	Quillwort, rock	Texas	Do	E		N/A
*Isoetes louisianensis	Quillwort, Louisiana	Louisiana	Do	E		N/A
JUGLANDACEAE - Walnut Family:						
Juglans hindsii	Black walnut, Northern California	California	Do	E		N/A
*Juncus pervetus	Bog rush, (unnamed)	Massachusetts	Entire	E		N/A
Luzula hawaiiensis var. oahuensis	(n.c.n.)	Hawaii	Do	E		N/A
LAMIACEAE - Mint Family:						
Acanthomintha ilicifolia	Thornmint, San Diego	California; Mexico	Do	E		N/A
Acanthomintha obovata ssp. duttonii	Thornmint, San Mateo	California	Do	E		N/A
Brazoria pulcherrima	(n.c.n.)	Texas	Do	E		N/A
Conradina brevifolia	Do	Florida	Do	E		N/A
Conradina glabra	Do	Do	Do	E		N/A
Conradina verticillata	Do	Kentucky, Tennessee	Do	E		N/A
Dicerandra frutescens	Do	Florida	Do	E		N/A
Dicerandra immaculata	Do	Do	Do	E		N/A
*Haplostachys bryanii var. bryanii	Do	Hawaii	Do	E		N/A
*Haplostachys bryanii var. microdonta	Do	Do	Do	E		N/A
*Haplostachys bryanii var. robusta	Do	Do	Do	E		N/A
*Haplostachys haplostachya var. angustifolia	Do	Do	Do	E		N/A
*Haplostachys haplostachya var. haplostachya	Do	Do	Do	E		N/A
*Haplostachys haplostachya var. leptostachya	Do	Do	Do	E		N/A
*Haplostachys linearifolia var. linearifolia	Do	Do	Do	E		N/A
*Haplostachys linearifolia var. rosmarinifolia	Do	Do	Do	E		N/A
*Haplostachys munroi	Do	Do	Do	E		N/A
*Haplostachys truncata	Do	Do	Do	E		N/A

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Hedeoma graveolens	Mock pennyroyal, (unnamed)	Florida	Entire	E		N/A
*Hedeoma pilosum	Pennyroyal, old blue	Texas	Do	E		N/A
Macbridea alba	(n.c.n.)	Florida	Do	E		N/A
*Monardella leucocephala	Do	California	Do	E		N/A
Monardella linoides ssp. viminea	Do	Do	Do	E		N/A
Monardella macrantha var. halli	Do	Do	Do	E		N/A
Monardella pringlei	Do	Do	Do	E		N/A
Monardella undulata var. frutescens	Do	Do	Do	E		N/A
*Phyllostegia brevidens var. ambigua	Do	Hawaii	Do	E		N/A
*Phyllostegia brevidens var. hirsutula	Do	Do	Do	E		N/A
*Phyllostegia brevidens var. longipes	Do	Do	Do	E		N/A
*Phyllostegia brevidens var. pubescens	Do	Do	Do	E		N/A
Phyllostegia floribunda var. forbesii	Do	Do	Do	E		N/A
*Phyllostegia glabra var. lanaiensis	Do	Do	Do	E		N/A
Phyllostegia helleri var. imminuta	Do	Do	Do	E		N/A
Phyllostegia knudsenii	Do	Do	Do	E		N/A
Phyllostegia mollis	Do	Do	Do	E		N/A
Phyllostegia mollis var. fagerlindii	Do	Do	Do	E		N/A
Phyllostegia mollis var. hochreutineri	Do	Do	Do	E		N/A
*Phyllostegia mollis var. lydgatei	(n.c.n.)	Hawaii	Entire	E		N/A
Phyllostegia mollis var. micrantha	Do	Do	Do	E		N/A
*Phyllostegia parviflora var. canescens	Do	Do	Do	E		N/A
*Phyllostegia parviflora var. glabriuscula	Do	Do	Do	E		N/A
*Phyllostegia parviflora var. honolulensis	Do	Do	Do	E		N/A
Phyllostegia variabilis	Do	Do	Do	E		N/A
Physostegia correllii	False dragon-head, Corell's	Texas	Do	E		N/A
Pogogyne abramsii	(n.c.n.)	California	Do	E		N/A
Pogogyne douglasii ssp. parviflora	Do	Do	Do	E		N/A
Pycnanthemum curvipes	Mountain-mints, (unnamed)	Georgia, Alabama, North Carolina, Tennessee	Do	E		N/A
Salvia blodgettii	Sage, Blodgett's	Florida	Do	E		N/A
Salvia columbariae var. ziegleri	Chia, Ziegler's	California	Do	E		N/A
Scutellaria ocmulgee	Skullcap, (unnamed)	Georgia	Do	E		N/A
Stenogyne affinis var. affinis	(n.c.n.)	Hawaii	Do	E		N/A
Stenogyne affinis var. degeneri	Do	Do	Do	E		N/A
*Stenogyne angustifolia var. angustifolia	Do	Do	Do	E		N/A
*Stenogyne angustifolia var. mauiensis	Do	Do	Do	E		N/A
Stenogyne angustifolia var. meeboldii	Do	Do	Do	E		N/A
*Stenogyne angustifolia var. spathulata	Do	Do	Do	E		N/A
*Stenogyne cinerea	Do	Do	Do	E		N/A
Stenogyne crenata var. crenata	Do	Do	Do	E		N/A
Stenogyne crenata var. muricata	Do	Do	Do	E		N/A
*Stenogyne diffusa var. diffusa	Do	Do	Do	E		N/A

SPECIES		RANGE				
Scientific Name	Common Name	Known Range	Portion of Range Where Threatened or Endangered	Status	When Listed	Special Rules
Stenogyne diffusa var. glabra	(n.c.n.)	Hawaii	Entire	E		N/A
*Stenogyne glabra	Do	Do	Do	E		N/A
Stenogyne haliakalae	Do	Do	Do	E		N/A
*Stenogyne macrantha var. grayi	Do	Do	Do	E		N/A
*Stenogyne macrantha var. latifolia	Do	Do	Do	E		N/A
Stenogyne macrantha var. macrantha	Do	Do	Do	E		N/A
*Stenogyne microphylla	Do	Do	Do	E		N/A
Stenogyne rotundifolia var. oblonga	Do	Do	Do	E		N/A
*Stenogyne scandens	Do	Do	Do	E		N/A
*Stenogyne scrophularioides var. biflora	Do	Do	Do	E		N/A
*Stenogyne scrophularioides var. nelsonii	Do	Do	Do	E		N/A
*Stenogyne scrophularioides var. remyi	Do	Do	Do	E		N/A
*Stenogyne scrophularioides var. scrophularioides	Do	Do	Do	E		N/A
Stenogyne scrophularioides var. skottsbergii	Do	Do	Do	E		N/A
Stenogyne sessilis var. hexantha	Do	Do	Do	E		N/A
Stenogyne sessilis var. laniensis	Do	Do	Do	E		N/A
*Stenogyne sessilis var. wilkesii	Do	Do	Do	E		N/A
Stenogyne sherffii	Do	Do	Do	E		N/A
*Stenogyne sororia	(n.c.n.)	Hawaii	Entire	E		N/A
*Stenogyne vagans	Do	Do	Do	E		N/A
*Stenogyne viridis	Do	Do	Do	E		N/A
Trichostema austromontanum ssp. compactum	Bluecurls, Hidden Lake	California	Do	E		N/A
LAURACEAE - Laurel Family:						
Cryptocarya oahuensis	(n.c.n.)	Hawaii	Do	E		N/A
LENNOACEAE - Lennoa Family:						
Ammobroma sonorae	Sandfood	California	Do	E		N/A
LENTIBULARIACEAE - Bladderwort Family:						
Pinguicula ionantha	Butterwort, (unnamed)	Florida	Do	E		N/A
LILIACEAE - Lily Family:						
Agave arizonica	(n.c.n.)	Arizona	Do	E		N/A
Agave mckelveyana	Do	Do	Do	E		N/A
Agave schottii var. treleasei	Do	Do	Do	E		N/A
Allium aaseae	Onion, Aase	Idaho	Do	E		N/A
Allium dictuon	Onion, Blue Mountain	Washington	Do	E		N/A
Allium hickmanii	Onion, Hickman's	California	Do	E		N/A
Allium passeyi	Onion, Passey's	Utah	Do	E		N/A
Astelia veratroides ssp. macrosperma	(n.c.n.)	Hawaii	Do	E		N/A
Astelia veratroides var. veratroides	Painiu	Do	Do	E		N/A

SPECIES		RANGE				
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Brodiaea coronaria var. rosea	(n.c.n.)	California	Entire	E		N/A
Brodiaea filifolia	Do	Do	Do	E		N/A
Brodiaea orcuttii	Do	Do	Do	E		N/A
Brodiaea pallida	Do	Do	Do	E		N/A
Calochortus clavatus ssp. recurvifolius	Mariposa, Cruz	Do	Do	E		N/A
Calochortus coeruleus var. westonii	Mariposa, Shirley Meadows	Do	Do	E		N/A
*Calochortus monanthus	Mariposa, Shasta River	Do	Do	E		N/A
Calochortus tiburonensis	Mariposa, Tiburon	California	Do	E		N/A
Chlorogalum grandiflorum	Soaproot, Red Hills	Do	Do	E		N/A
Chlorogalum purpureum var. purpureum	Amole, purple	Do	Do	E		N/A
Chlorogalum purpureum var. reductum	Amole, Cammatta Canyon	Do	Do	E		N/A
Dracena aurea	Halapepe, (unnamed)	Hawaii	Do	E		N/A
Dracena hawaiiensis	Do	Do	Do	E		N/A
*Fritillaria adamantina	Fritillary, Diamond Lake	Oregon	Do	E		N/A
Fritillaria phaeanthera	Fritillary, Butte	California	Do	E		N/A
Fritillaria roderickii	Fritillary, Roderick's	Do	Do	E		N/A
Harperocallis flava	Harper's Beauty	Florida	Do	E		N/A
Hymenocallis coronaria	Spider lily, (unnamed)	Alabama, Georgia, South Carolina, Florida	Do	E		N/A
Hypoxis longii	Stargrass, (unnamed)	Virginia	Do	E		N/A
Lilium iridollae	Lily, (unnamed)	Alabama, Florida	Do	E		N/A
Lilium occidentale	Lily, western	Oregon, California	Do	E		N/A
Lilium pitkinense	Lily, Pitkin marsh	California	Do	E		N/A
Nolina atopocarpa	Beargrass, (unnamed)	Florida	Entire	E		N/A
Nolina brittoniana	Do	Do	Do	E		N/A
Nolina interrata	Beargrass, Dehesa	California	Do	E		N/A
Pleomele forbesii	Halapepe, (unnamed)	Hawaii	Do	E		N/A
Polianthes runyonii	(n.c.n.)	Texas	Do	E		N/A
Schoenolirion texanum	Sunnybell, (unnamed)	Alabama, Arkansas, Texas	Do	E		N/A
Smilax melastomifolia var. melastomifolia	(n.c.n.)	Hawaii	Do	E		N/A
Tofieldia glutinosa ssp. absona	Do	Idaho	Do	E		N/A
Trillium persistens	Wake robin, (unnamed)	Georgia, South Carolina	Do	E		N/A
Trillium pusillum var. virginianum	Do	Maryland, Virginia	Do	E		N/A
LIMNANTHACEAE - Meadow Foam Family:						
Limnanthes bakeri	Meadowfoam, Baker's	California	Do	E		N/A
Limnanthes gracilis var. parishii	Meadowfoam, Parish's slender	Do	Do	E		N/A
Limnanthes vinculans	Meadowfoam, (unnamed)	Do	Do	E		N/A
LINACEAE - Flax Family:						
Hesperolinon congestum	Dwarf flax, Marin	Do	Do	E		N/A
Hesperolinon didymocarpum	Dwarf flax, Lake County	Do	Do	E		N/A
Linum arenicola	Flax, sand	Florida	Do	E		N/A
Linum carteri var. carteri	Flax, (unnamed)	Do	Do	E		N/A
Linum carteri var. smallii	Do	Do	Do	E		N/A
*Linum macrocarpum	Do	Alabama	Do	E		N/A
Linum westii	Flax, West's	Florida	Do	E		N/A
LOASACEAE - Loasa Family:						

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Mentzelia leucophylla	Stickleaf, (unnamed)	Nevada, California	Entire	E		N/A
Mentzelia nitens var. leptocaulis	Do	Arizona	Do	E		N/A
LOGANIACEAE - Logania Family:						
*Labordia baillonii	(n.c.n.)	Hawaii	Do	E		N/A
*Labordia decurrens var. decurrens	Do	Do	Do	E		N/A
Labordia fagraeoidea var. fagraeoidea	Do	Do	Do	E		N/A
Labordia fagraeoidea var. longisepala	Do	Do	Do	E		N/A
Labordia fagraeoidea var. waianaeana	Do	Do	Do	E		N/A
*Labordia glabra var. glabra	Do	Do	Do	E		N/A
Labordia glabra var. latisepala	Do	Do	Do	E		N/A
Labordia glabra var. orientalis	Do	Do	Do	E		N/A
Labordia hedyosmifolia var. kilaueana	Do	Do	Do	E		N/A
Labordia hedyosmifolia var. magnifolia	Do	Do	Do	E		N/A
Labordia hedyosmifolia var. robusta	Do	Do	Do	E		N/A
Labordia hedyosmifolia var. rockii	Do	Do	Do	E		N/A
Labordia hedyosmifolia var. skottsbergii	(n.c.n.)	Hawaii	Entire	E		N/A
Labordia hirtella var. imbricata	Do	Do	Do	E		N/A
Labordia hirtella var. laevis	Do	Do	Do	E		N/A
Labordia hirtella var. laevisepala	Do	Do	Do	E		N/A
*Labordia hirtella var. microcalyx	Do	Do	Do	E		N/A
*Labordia hirtella var. microphylla	Do	Do	Do	E		N/A
Labordia kaalae var. brachypoda	Do	Do	Do	E		N/A
Labordia kaalae var. fosbergii	Do	Do	Do	E		N/A
Labordia kaalae var. kauaiensis	Do	Do	Do	E		N/A
Labordia kaalae var. mendax	Do	Do	Do	E		N/A
Labordia membranacea var. exigua	Do	Do	Do	E		N/A
Labordia membranacea var. membranacea	Do	Do	Do	E		N/A
Labordia molokaiana var. molokaiana	Do	Do	Do	E		N/A
Labordia molokaiana var. munroi	Do	Do	Do	E		N/A
Labordia molokaiana var. setosa	Do	Do	Do	E		N/A
Labordia olympiana	Do	Do	Do	E		N/A
Labordia pallida var. hispidula	Do	Do	Do	E		N/A
Labordia pallida var. pallida	Do	Do	Do	E		N/A
*Labordia pedunculata	Do	Do	Do	E		N/A
Labordia tinifolia var. forbesii	Do	Do	Do	E		N/A
*Labordia tinifolia var. honoluluensis	Do	Do	Do	E		N/A

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Labordia tinifolia var. microgyna	(n.c.n.)	Hawaii	Entire	E		N/A
*Labordia tinifolia var. parvifolia	Do	Do	Do	E		N/A
Labordia tinifolia var. tenuifolia	Do	Do	Do	E		N/A
*Labordia triflora	Do	Do	Do	E		N/A
Spigelia gentianoides	Pinkroot, (unnamed)	Florida	Do	E		N/A
Spigelia loganioides	Do	Do	Do	E		N/A
LYCOPODIACEAE - Clubmoss Family:						
*Lycopodium mannii	Clubmoss, (unnamed)	Hawaii	Do	E		N/A
LYTHRACEAE - Lythrum Family:						
Cuphea aspera	(n.c.n.)	Florida	Do	E		N/A
MALVACEAE - Mallow Family:						
*Abutilon eremitopetalum	Do	Hawaii	Do	E		N/A
*Abutilon menziesii	Koolcaula	Do	Do	E		N/A
Abutilon sandwicense var. sandwicense	(n.c.n.)	Do	Do	E		N/A
Callirhoe scabriuscula	Poppy-mallow, Texas	Texas	Entire	E		N/A
Gaya violacea	(n.c.n.)	Texas; Mexico	Do	E		N/A
Gossypium tomentosum	Cotton, native	Hawaii	Do	E		N/A
*Hibiscadelphus bombycinus	(n.c.n.)	Do	Do	E		N/A
Hibiscadelphus distans	Do	Do	Do	E		N/A
Hisiscadelphus giffardianus	Do	Do	Do	E		N/A
Hibiscadelphus hualalaiensis	Do	Do	Do	E		N/A
*Hibiscadelphus wilderianus	Do	Do	Do	E		N/A
Hibiscus brackenridgei var. brackenridgei	Hibiscus, native yellow	Do	Do	E		N/A
Hibiscus brackenridgei var. mokuleiana	Hibiscus, (unnamed)	Do	Do	E		N/A
*Hibiscus brackenridgei var. molokaianus	Do	Do	Do	E		N/A
Hibiscus brackenridgei var. (from Hawaii)	Do	Do	Do	E		N/A
Hibiscus californicus	Hibiscus, California	California	Do	E		N/A
Hibiscus clayi	Hibiscus, Clay's	Hawaii	Do	E		N/A
Hibiscus dasycalyx	Rose-mallow, Neches River	Texas	Do	E		N/A
Hibiscus immaculatus	Hibiscus, white Molokai	Hawaii	Do	E		N/A
Hibiscus kahilii	Hibiscus, red	Do	Do	E		N/A
Hibiscus kokio var. kokio	Hibiscus, native red	Do	Do	E		N/A
Hibiscus kokio var. pukoonis	Hibiscus, (unnamed)	Do	Do	E		N/A
Hibiscus newhousei	Do	Do	Do	E		N/A
Hibiscus roeatae	Do	Do	Do	E		N/A
Hibiscus saint-johnianus	Do	Do	Do	E		N/A
Hibiscus waimeae	Do	Do	Do	E		N/A
Iliamna remota	(n.c.n.)	Illinois, Indiana, Virginia	Do	E		N/A
*Kokia cookei	Kokio, Cooke's	Hawaii	Do	E		N/A
Kokia drynarioides	Hau-heleula	Do	Do	E		N/A
Kokia kauaiensis	Kokio, (unnamed)	Do	Do	E		N/A
*Kokia lanceolata	Do	Do	Do	E		N/A
Lavatera assurgentiflora	Malva rosa	California	Do	E		N/A
*Malacothamnus abbottii	Bush-mallow, Abbott's	Do	Do	E		N/A
Malacothamnus clementinus	Bush-mallow, San Clemente Island	Do	Do	E		N/A
*Malacothamnus mendocinensis	Bush-mallow, Mendocino	Do	Do	E		N/A

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Malacothamnus palmeri var. involucratus	Bush-mallow, Carmel Valley	California	Entire	E		N/A
Sidalcea campestris	Checker-mallow, Meadow	Oregon	Do	E		N/A
Sidalcea covillei	Checker-mallow, Owens Valley	California	Do	E		N/A
Sidalcea nelsoniana	Checker-mallow, Nelson's	Oregon	Do	E		N/A
Sphaeralcea fendleri var. albescens	Globe-mallow, (unnamed)	Arizona	Do	E		N/A
MARSILEACEAE - Marsilea Family:						
Marsilea villosa	(n.c.n.)	Hawaii	Do	E		N/A
MELASTOMATACEAE - Meadowbeauty Family:						
Rhexia parviflora	Meadowbeauty, (unnamed)	Florida, Georgia	Do	E		N/A
MYRSINACEAE - Myrsine Family:						
Myrsine fernseei	(n.c.n.)	Hawaii	Do	E		N/A
Myrsine lanaiensis var. oahuensis	Do	Do	Do	E		N/A
Myrsine linearifolia var. linearifolia	Do	Do	Do	E		N/A
Myrsine mezii	(n.c.n.)	Hawaii	Entire	E		N/A
Myrsine st.-johnii	Do	Do	Do	E		N/A
MYRTACEAE - Myrtle Family:						
*Eugenia molokaiana	Nioi	Do	Do	E		N/A
Metrosideros collina var. newellii	(n.c.n.)	Do	Do	E		N/A
NAJADACEAE - Naiad Family:						
Najas flexilis ssp. caespitosa	Do	Utah	Do	E		N/A
NYCTAGINACEAE - Four-o'clock Family:						
Abronia alpina	Sand-verbena, Alpine	California	Do	E		N/A
Allionia cristata	(n.c.n.)	Arizona	Do	E		N/A
Hermidium alipes var. pallidum	Do	Utah	Do	E		N/A
Mirabilis macfarlanei	Four-o'clock, MacFarlane's	Oregon, Idaho	Do	E		N/A
OLEACEAE - Olive Family:						
Forestiera segregata var. pinetorum	Do	Florida	Do	E		N/A
Fraxinus gooddingii	Ash, Goodding's	Arizona; Mexico	Do	E		N/A
ONAGRACEAE - Evening-primrose Family:						

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Camissonia megalantha	(n.c.n.)	Nevada, Utah	Entire	E		N/A
Camissonia nevadensis	Do	Nevada	Do	E		N/A
Camissonia specuicola ssp. specuicola	Do	Arizona	Do	E		N/A
Clarkia franciscana	Do	California	Do	E		N/A
Clarkia imbricata	Do	Do	Do	E		N/A
Epilobium nivium	Willowherb, Snow Mountain	Do	Do	E		N/A
Gaura neomexicana ssp. coloradensis	(n.c.n.)	Wyoming, Colorado	Do	E		N/A
Oenothera avita ssp. eurekensis	Evening-primrose, Eureka Valley	California	Do	E		N/A
Oenothera deltoides ssp. howellii	Evening-primrose, Antioch Dunes	Do	Do	E		N/A
Oenothera psammophila	Evening-primrose, (unnamed)	Idaho	Do	E		N/A
OPHIOGLOSSACEAE - Adder's-tongue Family:						
*Botrychium subbifoliatum	Grapefern, (unnamed)	Hawaii	Do	E		N/A
Ophioglossum concinnum	Adder's tongue, (unnamed)	Do	Do	E		N/A
ORCHIDACEAE - Orchid Family:						
Isotria medeoloides	Pogonia, small whorled	Rhode Island, Vermont, Massachusetts, New York, Connecticut, Pennsylvania, Virginia, Illinois, New Jersey, North Carolina, Michigan, Maine, New Hampshire	Do	E		N/A
Platanthera unalascensis ssp. maritima	Rein-orchid, Alaska (unnamed)	California, Oregon, Washington; Canada	Entire	E		N/A
Spiranthes lanceolata var. paludicola	Ladies'-tresses, (unnamed)	Florida	Do	E		N/A
Spiranthes parksii	Ladies'-tresses, Navasot	Texas	Do	E		N/A
Triphora craigheadii	Nodding-caps, (unnamed)	Florida	Do	E		N/A
Triphora latifolia	Do	Do	Do	E		N/A
OROBANCHACEAE - Broomrape Family:						
*Orobanche valida	Broomrape, Rock Creek	California	Do	E		N/A
PAPAVERACEAE - Poppy Family:						
Arctomecon humilis	Desert-poppy, (unnamed)	Arizona, Utah	Do	E		N/A
Argemone glauca var. inermis	(n.c.n.)	Hawaii	Do	E		N/A
Argemone pleiacantha ssp. pinnatisecta	Prickly-poppy (unnamed)	New Mexico	Do	E		N/A
PIPERACEAE - Pepper Family:						
Peperomia cornifolia	Kupalii, (unnamed)	Hawaii	Do	E		N/A
Peperomia degeneri	Do	Do	Do	E		N/A
Peperomia fauriei	Do	Do	Do	E		N/A
Peperomia forbesii	Do	Do	Do	E		N/A
Peperomia kulensis	Do	Do	Do	E		N/A
Peperomia maunakeana	Do	Do	Do	E		N/A
Peperomia oahuensis var. st.-johnii	Do	Do	Do	E		N/A
Peperomia treleasei	Do	Do	Do	E		N/A
PITTOSPORACEAE - Pittosporum Family:						

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Pittosporum acuminatum var. leptopodum	(n.c.n.)	Hawaii	Entire	E		N/A
Pittosporum acuminatum var. magnifolium	Do	Do	Do	E		N/A
Pittosporum acuminatum var. waimeanum	Do	Do	Do	E		N/A
Pittosporum argentifolium var. sessile	Do	Do	Do	E		N/A
*Pittosporum cauliflorum var. cauliflorum	Do	Do	Do	E		N/A
Pittosporum cauliflorum var. cladanthoides	Do	Do	Do	E		N/A
Pittosporum cauliflorum var. pedicellatum	Do	Do	Do	E		N/A
*Pittosporum glabrum var. glomeratum	Do	Do	Do	E		N/A
Pittosporum glabrum var. intermedium	Do	Do	Do	E		N/A
Pittosporum helleri	Do	Do	Do	E		N/A
Pittosporum hosmeri var. hosmeri	Do	Do	Do	E		N/A
*Pittosporum hosmeri var. st.-johnii	Do	Do	Do	E		N/A
Pittosporum insigne var. micranthum	Do	Do	Do	E		N/A
*Pittosporum kauaiense var. repens	Do	Do	Do	E		N/A
Pittosporum terminalioides var. lanaiense	Do	Do	Do	E		N/A
Pittosporum terminalioides var. mauiense	(n.c.n.)	Hawaii	Entire	E		N/A
PLANTAGINACEAE - Plantain Family:						
Plantago cordata	Plaintan, heart-leaf	Georgia, Illinois, Missouri, New York, North Carolina, Ohio	Do	E		N/A
Plantago princeps var. elata	(n.c.n.)	Hawaii	Do	E		N/A
Plantago princeps var. laxifolia	Do	Do	Do	E		N/A
Plantago princeps var. princeps	Do	Do	Do	E		N/A
PLUMBAGINACEAE - Leadwort Family:						
Limonium carolinianum var. angustifolium	Sea-lavender, (unnamed)	Florida	Do	E		N/A
POACEAE - Grass Family:						
Agrostis blasdalei var. marinensis	Bent grass, Marin	California	Do	E		N/A
Andropogon arctatus	Beard grass, (unnamed)	Florida, Alabama	Do	E		N/A
Aristida floridana	Triple-awned grass, (unnamed)	Florida	Do	E		N/A
Calamagrostis inexpansa var. novae-angliae	Reed bent grass, (unnamed)	Maine, Vermont, New Hampshire	Do	E		N/A
Calamagrostis insperata	Do	Ohio, Missouri	Do	E		N/A
Calamagrostis perplexa	Do	New York	Do	E		N/A
Calamovilfa arcuata	Sand grass, (unnamed)	Tennessee, Oklahoma	Do	E		N/A
Calamovilfa curtissii	Do	Florida	Do	E		N/A

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Cenchrus agrimonioides var. agrimonioides	Sandbur, agrimony	Hawaii	Entire	E		N/A
Cenchrus agrimonioides var. laysanensis	Sandbur, Laysan agrimony	Do	Do	E		N/A
Cenchrus pedunculatus	Sandbur, wooly Waianae	Do	Do	E		N/A
Digitaria pauciflora	Finger grass, (unnamed)	Florida	Do	E		N/A
*Dissanthelium californicum	(n.c.n.)	California; Mexico	Do	E		N/A
Dissochondrus biflorus	Do	Hawaii	Do	E		N/A
Eragrostis fosbergii	Lovegrass, Fosberg's	Do	Do	E		N/A
Eragrostis mauiensis	Lovegrass, Maui	Do	Do	E		N/A
*Eragrostis paupera	Lovegrass, (unnamed)	Do	Do	E		N/A
Festuca dasyclada	Fescue, (unnamed)	Utah, Colorado	Do	E		N/A
Glyceria nubigena	Manna grass, Smoky Mts.	North Carolina, Tennessee	Do	E		N/A
Ischaemum bryone	(n.c.n.)	Hawaii	Do	E		N/A
Muhlenbergia villosa	Muhly, (unnamed)	Texas	Do	E		N/A
Neostapfia colusana	Grass, Colusa	California	Do	E		N/A
Orcuttia californica var. californica	(n.c.n.)	California; Mexico	Do	E		N/A
Orcuttia californica var. inaequalis	Do	California	Do	E		N/A
Orcuttia californica var. viscida	Do	Do	Do	E		N/A
Orcuttia mucronata	Do	Do	Do	E		N/A
Orcuttia pilosa	Do	Do	Do	E		N/A
Orcuttia tenuis	Do	Do	Do	E		N/A
Panicum alakaiense	Panic grass, (unnamed)	Hawaii	Do	E		N/A
*Panicum carteri	Do	Do	Do	E		N/A
Panicum fauriei	Panic grass, Faurie's	Do	Do	E		N/A
Panicum hirstii	Panic grass, (unnamed)	Georgia, New Jersey	Entire	E		N/A
Panicum lamiatile	Do	Hawaii	Do	E		N/A
Panicum lustriale	Do	Do	Do	E		N/A
Panicum mundum	Do	Virginia, North Carolina	Do	E		N/A
*Panicum shastense	Panic grass, Shasta	California	Do	E		N/A
Pleuropogon hooverianus	Semaphore grass, Hoover's	Do	Do	E		N/A
*Pleuropogon oregonus	Semaphore grass, Oregon	Oregon	Do	E		N/A
Poa atropurpurea	Blue grass, San Bernadino	California	Do	E		N/A
Poa fibrata	Blue grass, Lassen County	Do	Do	E		N/A
Poa involuta	Blue grass, Big Bend	Texas	Do	E		N/A
Poa napensis	Blue grass, Napa	California	Do	E		N/A
Poa pachypholis	Blue grass, Sea Cliff	Washington	Do	E		N/A
Poa sandvicensis	Blue grass, Hawaiian	Hawaii	Do	E		N/A
Schizachyrium rhizomatum	(n.c.n.)	Florida	Do	E		N/A
Sporobolus patens	Dropseed, (unnamed)	Arizona	Do	E		N/A
Stipa lemmonii var. pubescens	Spear grass, Crampton	California	Do	E		N/A
Swallenia alexandrae	Grass, Eureka dune	Do	Do	E		N/A
Tripsacum floridanum	Gamma grass, (unnamed)	Florida	Do	E		N/A
*Trisetum orthochaetum	(n.c.n.)	Montana	Do	E		N/A
Zizania texana	Wild rice, Texas	Texas	Do	E		N/A
POLEMONIACEAE - Phlox Family:						
Collomia macrocalyx	(n.c.n.)	Oregon	Do	E		N/A
Gilia caespitosa	Do	Utah	Do	E		N/A
Leptodactylon hazelae	Do	Oregon	Do	E		N/A
Navarretia pauciflora	Do	California	Do	E		N/A
Navarretia plieantha	Do	Do	Do	E		N/A
Navarretia setiloba	Do	Do	Do	E		N/A
Phlox idahonis	Phlox, Clearwater	Idaho	Do	E		N/A
Phlox missoulensis	Phlox, (unnamed)	Montana	Do	E		N/A
Phlox nivalis ssp. texensis	Do	Texas	Do	E		N/A

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Phlox pulchra	Phlox, (unnamed)	Alabama	Entire	E		N/A
Polemonium occidentale var. lacustre	Jacob's ladder, (unnamed)	Minnesota	Do	E		N/A
Polemonium pauciflorum ssp. hinckleyi	Do	Texas	Do	E		N/A
POLYGALACEAE - Milkwort Family:						
Polygala lewtonii	(n.c.n.)	Florida	Do	E		N/A
Polygala maravillasensis	Do	Texas	Do	E		N/A
Polygala rimulicola	Do	Texas, New Mexico	Do	E		N/A
POLYGONACEAE - Buckwheat Family:						
Chorizanthe leptoceras	Spineflower, Slender-horned	California	Do	E		N/A
Chorizanthe orcuttiana	Spineflower, Orcutt's	Do	Do	E		N/A
Chorizanthe spinosa	Spineflower, Mojave	Do	Do	E		N/A
*Chorizanthe valida	Spineflower, Sonoma	Do	Do	E		N/A
Eriogonum alpinum	Wild buckwheat, Trinity	Do	Do	E		N/A
Eriogonum ammophilum	Wild buckwheat, (unnamed)	Utah	Do	E		N/A
Eriogonum anemophilum	Do	Nevada	Do	E		N/A
Eriogonum apricum var. apricum	Wild buckwheat, Ione	California	Do	E		N/A
Eriogonum apricum var. prostratum	Wild buckwheat, Irish Hill	Do	Do	E		N/A
Eriogonum aretioides	Wild buckwheat, (unnamed)	Utah	Entire	E		N/A
Eriogonum argophyllum	Do	Nevada	Do	E		N/A
Eriogonum breedlovei	Wild buckwheat, Piute	California	Do	E		N/A
Eriogonum butterworthianum	Wild buckwheat, Butterworth's	Do	Do	E		N/A
Eriogonum capillare	Wild buckwheat, (unnamed)	Arizona	Do	E		N/A
Eriogonum chrysops	Wild buckwheat, golden	Oregon	Do	E		N/A
Eriogonum corymbosum var. davidsei	Wild buckwheat, Corymbed	Utah	Do	E		N/A
Eriogonum crocatum	Wild buckwheat, (unnamed)	California	Do	E		N/A
Eriogonum cronquistii	Do	Utah	Do	E		N/A
Eriogonum darrovii	Do	Arizona, Nevada	Do	E		N/A
Eriogonum ephedroides	Do	Utah, Colorado	Do	E		N/A
Eriogonum ericifolium var. ericifolium	Do	Arizona	Do	E		N/A
Eriogonum ericifolium var. thornei	Wild buckwheat, Thorne's	California	Do	E		N/A
Eriogonum flavum var. aquilinum	Wild buckwheat, (unnamed)	Alaska	Do	E		N/A
Eriogonum giganteum var. compactum	Giant buckwheat, Santa Barbara Island	California	Do	E		N/A
Eriogonum gilmanii	Wild buckwheat, Gilman's	Do	Do	E		N/A
Eriogonum grande var. timorum	Wild buckwheat, San Nicolas Island	Do	Do	E		N/A
Eriogonum gypsophilum	Wild buckwheat, (unnamed)	New Mexico	Do	E		N/A
Eriogonum hirtellum	Wild buckwheat, Klamath Mountain	California	Do	E		N/A
Eriogonum humivagans	Wild buckwheat, (unnamed)	Utah	Do	E		N/A
Eriogonum hylophilum	Do	Do	Do	E		N/A
Eriogonum intermontanum	Do	Do	Do	E		N/A
Eriogonum intrafractum	Wild buckwheat, jointed	California	Do	E		N/A
Eriogonum kennedyi var. pinicola	Wild buckwheat, Kern	Do	Do	E		N/A
Eriogonum lancifolium	Wild buckwheat, (unnamed)	Utah	Do	E		N/A
Eriogonum lemmonii	Do	Nevada	Do	E		N/A
Eriogonum loganum	Do	Utah	Do	E		N/A
Eriogonum longifolium var. harperi	Do	Alabama, Tennessee	Do	E		N/A
Eriogonum microthecum var. johnstonii	Buckwheat brush, Johnston's	California	Do	E		N/A

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Eriogonum mortonianum	Wild buckwheat, (unnamed)	Arizona	Entire	E		N/A
Eriogonum nealleyi	Do	Texas	Do	E		N/A
Eriogonum nudum var. murinum	Wild buckwheat, Mouse	California	Do	E		N/A
Eriogonum parvifolium var. lucidum	Wild buckwheat, Point Lobos	Do	Do	E		N/A
Eriogonum pelinophilum	Wild buckwheat, (unnamed)	Colorado	Do	E		N/A
Eriogonum suffruticosum	Do	Texas	Do	E		N/A
Eriogonum thompsonae var. atwoodii	Do	Arizona	Do	E		N/A
Eriogonum umbellatum var. minus	Wild buckwheat, alpine sulfur-flowered	California	Do	E		N/A
Eriogonum umbellatum var. torreyanum	Wild buckwheat, Torrey's sulfur-flowered	Do	Do	E		N/A
Eriogonum viscidulum	Wild buckwheat, (unnamed)	Nevada	Do	E		N/A
Eriogonum wrightii var. olanchense	Wild buckwheat, Olanche Peak	California	Do	E		N/A
Eriogonum zionis var. coccineum	Wild buckwheat, (unnamed)	Arizona	Do	E		N/A
Eriogonum zionis var. zionis	Do	Utah	Do	E		N/A
Polygonella ciliata var. basiramia	Jointweed, (unnamed)	Florida	Do	E		N/A
Polygonella myriophylla	Do	Do	Do	E		N/A
Polygonella parksii	Do	Texas	Do	E		N/A
*Polygonum montereyense	Knotweed, Monterey	California	Do	E		N/A
Polygonum pensylvanicum var. eglandulosum	Pinkweed, (unnamed)	Ohio	Do	E		N/A
Polygonum texense	Knotweed, (unnamed)	Texas	Do	E		N/A
Rumex orthoneurus	Dock, (unnamed)	Arizona	Entire	E		N/A
POLYPODIACEAE - Fern Family:						
Adenophorus periens	(n.c.n.)	Hawaii	Do	E		N/A
Asplenium fragile var. insularis	Do	Do	Do	E		N/A
*Asplenium leucostegioides	Do	Do	Do	E		N/A
*Ctenitis squamigera	Do	Do	Do	E		N/A
Diellia erecta	Do	Do	Do	E		N/A
Diella falcata	Do	Do	Do	E		N/A
*Diellia mannii	Do	Do	Do	E		N/A
Diplazium molokaiense	Do	Do	Do	E		N/A
Grammitis nimbata	Do	North Carolina	Do	E		N/A
Phyllitis scolopendrium var. americana	Hart's tongue fern, American	Michigan, New York, Tennessee; Canada	Do	E		N/A
Polystichum aleuticum	Shield-fern, (unnamed)	Alaska	Do	E		N/A
Pteris lydgatei	(n.c.n.)	Hawaii	Do	E		N/A
PORTULACACEAE - Portulaca Family:						
Lewisia maquirei	Do	Nevada	Do	E		N/A
Portulaca hawaiiensis	Do	Hawaii	Do	E		N/A
Portulaca sclerocarpa	Ihi-makole	Do	Do	E		N/A
Talinum appalachianum	(n.c.n.)	Alabama	Do	E		N/A
POTAMOGETONACEAE - Pondweed Family:						
Potamogeton clystocarpus	Pondweed, (unnamed)	Texas	Do	E		N/A

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PRIMULACEAE - Primrose Family:						
Lysimachia hillebrandii var. hillebrandii	Pua-hekii	Hawaii	Entire	E		N/A
Lysimachia kalalauensis	(n.c.n.)	Do	Do	E		N/A
Lysimachia sp. (from Waihoi Valley, Maui)	Do	Do	Do	E		N/A
Primula capillaris	Primrose, (unnamed)	Nevada	Do	E		N/A
Primula cusickiana	Primrose, Wallowa	Idaho, Oregon	Do	E		N/A
Primula nevadensis	Primrose, (unnamed)	Nevada	Do	E		N/A
Steironema laevigatum	Loosestrife, fringed	Oregon	Do	E		N/A
RANUNCULACEAE - Buttercup Family:						
Aconitum noveboracense	Monkshood, northern wild	Iowa, New York Wisconsin	Do	E		N/A
Aquilegia canadensis var. australis	Wild columbine, (unnamed)	Florida	Do	E		N/A
Aquilegia chaplinei	Do	Texas, New Mexico	Do	E		N/A
Aquilegia hinckleyana	Wild columbine, Hinckky's	Texas	Do	E		N/A
Aquilegia micrantha var. mancosana	Wild columbine, (unnamed)	Colorado	Do	E		N/A
Clematis addisonii	Virgin's bower, (unnamed)	Tennessee, Virginia	Do	E		N/A
Clematis gattingeri	Do	Tennessee	Do	E		N/A
Clematis micrantha	Old-man's beard	Florida	Do	E		N/A
Clematis viticaulis	Virgin's bower, (unnamed)	Virginia	Do	E		N/A
Delphinium bakeri	Larkspur, Baker's	California	Do	E		N/A
Delphinium kinkiense	Larkspur, San Clemente Island	Do	Do	E		N/A
Delphinium luteum	Larkspur, yellow	California	Entire	E		N/A
*Ranunculus acriformis var. aestivalis	Buttercup, Sharp	Utah	Do	E		N/A
Ranunculus fascicularis var. cuneiformis	Crowfoot, Kerr	Texas	Do	E		N/A
Ranunculus inamoenus var. subaffinis	Buttercup, (unnamed)	Arizona	Do	E		N/A
Thalictrum cooleyi	Meadowrue, Cooley's	North Carolina	Do	E		N/A
Trollius laxus	Globeflower, spreading	Connecticut, New York, Pennsylvania, Delaware, Ohio, New Hampshire, Maine, New Jersey	Do	E		N/A
RHAMNACEAE - Coffeeberry Family:						
Alphitonia ponderosa	Kauilatree, Hawaiian	Hawaii	Do	E		N/A
Ceanothus ferrisae	California-lilac, Coyote	California	Do	E		N/A
Ceanothus hearstiorum	California-lilac, Hearst's	Do	Do	E		N/A
Ceanothus maritimus	California-lilac, Maritime	Do	Do	E		N/A
Ceanothus masonii	California-lilac, Mason's	Do	Do	E		N/A
Colubrina oppositifolia	Kauila	Hawaii	Do	E		N/A
Colubrina stricta	Snakewood, Comal	Texas	Do	E		N/A
Condalia hookeri var. edwardsiana	Brasil, Edwards'	Do	Do	E		N/A
*Gouania bishopii	(n.c.n.)	Hawaii	Do	E		N/A
*Gouania cucullata	Do	Do	Do	E		N/A
Gouania fauriei	Do	Do	Do	E		N/A
Gouania gagnei	Do	Do	Do	E		N/A
*Gouania hawaiiensis	Do	Do	Do	E		N/A
Gouania hillebrandi	Do	Do	Do	E		N/A
*Gouania lydgatei	Do	Do	Do	E		N/A
*Gouania mannii	Do	Do	Do	E		N/A
*Gouania meyenii	Do	Do	Do	E		N/A
*Gouania oliveri	Do	Do	Do	E		N/A
*Gouania pilata	Do	Do	Do	E		N/A
*Gouania remyi	Do	Do	Do	E		N/A
*Gouania sandwichiana	Do	Do	Do	E		N/A

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*Gouania thinophila	(n.c.n.)	Hawaii	Entire	E		N/A
*Gouania vitifolia	Do	Do	Do	E		N/A
ROSACEAE - Rose Family:						
Acaena exigua var. glaberrima	Do	Do	Do	E		N/A
Cercocarpus traskiae	Mountain mahogany, Catalina	California	Do	E		N/A
Cowania subintegra	Cliff-rose, (unnamed)	Arizona	Do	E		N/A
Crataegus harbinsonii	Haw, (unnamed)	Alabama, Georgia, Tennessee	Do	E		N/A
Geum geniculatum	Avens, bent	North Carolina, Tennessee	Do	E		N/A
Geum peckii	Avens, mountain	New Hampshire; Canada	Do	E		N/A
Geum radiatum	Avens, spreading	North Carolina, Tennessee	Do	E		N/A
Horkelia wilderae	(n.c.n.)	California	Do	E		N/A
Ivesia callida	Do	Do	Do	E		N/A
Ivesia cryptocaulis	Do	Nevada	Do	E		N/A
Ivesia eremica	Do	Do	Do	E		N/A
Petrophytum cinerascens	Rockmat, Chelan	Washington	Do	E		N/A
Potentilla hickmanii	Cinquefoil, Hickman's	California	Do	E		N/A
*Potentilla multijuga	Cinquefoil, Ballona	Do	Do	E		N/A
Potentilla robbinsiana	Cinquefoil Robbins'	New Hampshire	Do	E		N/A
Prunus geniculata	Plum, Scrub	Florida	Do	E		N/A
Prunus gravesii	Plum, Graves' beach	Connecticut	Do	E		N/A
Rubus duplaris	Dewberry, (unnamed)	Texas	Do	E		N/A
RUBIACEAE - Madder Family:						
Bobea sandwicensis	Ahakea	Hawaii	Entire	E		N/A
Bobea timonioides	(n.c.n.)	Do	Do	E		N/A
Coprosma faurei var. lanaiensis	Do	Do	Do	E		N/A
Coprosma montana var. orbicularis	Do	Do	Do	E		N/A
Coprosma ochracea var. kaalae	Do	Do	Do	E		N/A
Coprosma pubens var. sessiliflora	Do	Do	Do	E		N/A
Coprosma serrata	Do	Do	Do	E		N/A
Galium angustifolium ssp. borregoense	Bedstraw, (unnamed)	California	Do	E		N/A
Galium californicum ssp. luciense	Do	Do	Do	E		N/A
Galium californicum spp. primum	Do	Do	Do	E		N/A
Galium californicum ssp. sierrae	Bedstraw, El Dorado	Do	Do	E		N/A
Galium catalinense ssp acrispum	Bedstraw, San Clemente Island	Do	Do	E		N/A
Galium collomae	Bedstraw, (unnamed)	Arizona	Do	E		N/A
Galium glabrescens spp. modocense	Bedstraw, Modoc	California	Do	E		N/A
Galium grande	Bedstraw, (unnamed)	Do	Do	E		N/A
Galium hardhamae	Bedstraw, Hardham's	Do	Do	E		N?A
Galium hilendiae ssp. kingstonense	Bedstraw, Kingston	Do	Do	E		N/A
Galium serpenticum ssp. scotticum	Bedstraw, (unnamed)	Do	Do	E		N/A
Gardenia brighamii	Nanu	Hawaii	Do	E		N/A
Gouldia terminalis var. bobeoides	(n.c.n.)	Do	Do	E		N?A
Gouldia terminalis var. congesta	Do	Do	Do	E		N/A
Gouldia terminalis var. crassicaulis	Do	Do	Do	E		N/A

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Gouldia terminalis var. degeneri	(n.c.n.)	Hawaii	Entire	E		N/A
Gouldia terminalis var. lanai	Do	Do	Do	E		N/A
Gouldia terminalis var. pseudodichotoma	Do	Do	Do	E		N/A
Gouldia terminalis var. pubescens	Do	Do	Do	E		N/A
Gouldia terminalis var. quadrangularis	Do	Do	Do	E		N/A
Gouldia terminalis var. rotundifolia	Do	Do	Do	E		N/A
Gouldia terminalis var. subcordata	Do	Do	Do	E		N/A
*Hedyotis angusta var. angusta	Do	Do	Do	E		N/A
Hedyotis angusta var. umbrosa	Do	Do	Do	E		N/A
*Hedyotis cookiana	Do	Do	Do	E		N/A
*Hedyotis coriacea	Kioele	Do	Do	E		N/A
Hedyotis degeneri var. coprosmifolia	(n.c.n.)	Do	Do	E		N/A
Hedyotis degeneri var. degeneri	Do	Do	Do	E		N/A
Hedyotis elatior var. herbacea	Do	Do	Do	E		N/A
*Hedyotis foliosa	Do	Do	Do	E		N/A
Hedyotis littoralis	Do	Do	Do	E		N/A
*Hedyotis mannii var. scaposa	Do	Do	Do	E		N/A
Hedyotis parvula	(n.c.n.)	Hawaii	Entire	E		N/A
*Hedyotis schlechtendahliana var. nuttalli	Do	Do	Do	E		N/A
Hedyotis schlechtendahliana var. plana	Do	Do	Do	E		N/A
Hedyotis schlechtendahliana var. reticulata	Do	Do	Do	E		N/A
Hedyotis st.-johnii	Do	Do	Do	E		N/A
*Hedyotis thyrsoidea var. hillebrandii	Do	Do	Do	E		N/A
Hedyotis thyrsoidea var. thyrsoidea	Do	Do	Do	E		N/A
Houstonia nigricans var. pulvinata	Diamondflowers, (unnamed)	Florida	Do	E		N/A
Morinda sandwicensis	(n.c.n.)	Hawaii	Do	E		N/A
Psychotria grandiflora	Do	Do	Do	E		N/A
*Psychotria insularum var. paradisii	Do	Do	Do	E		N/A
RUTACEAE - Citrus Family:						
Pelea anisata var. haupuana	Do	Do	Do	E		N/A
Pelea balloui	Do	Do	Do	E		N/A
Pelea christophersenii	Do	Do	Do	E		N/A
Pelea cinerea var. cinerea	Do	Do	Do	E		N/A
*Pelea cinerea var. mauiana	Do	Do	Do	E		N/A
Pelea cinerea var. skottsbergii	Do	Do	Do	E		N/A
Pelea cinereops	Do	Do	Do	E		N/A
Pelea clusiifolia var. pickeringii	Do	Do	Do	E		N/A
Pelea degeneri	Do	Do	Do	E		N/A
Pelea descendens	Do	Do	Do	E		N/A
*Pelea elliptica var. mauiensis	Do	Do	Do	E		N/A

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Pelea glabra	(n.c.n.)	Hawaii	Entire	E		N/A
Pelea grandifolia var. lianoides	Do	Do	Do	E		N/A
Pelea grandifolia var. montana	Do	Do	Do	E		N/A
Pelea grandifolia var. terminalis	Do	Do	Do	E		N/A
Pelea haupuensis	Do	Do	Do	E		N/A
Pelea hawaiensis	Do	Do	Do	E		N/A
Pelea hawaiensis var. brighamii	Do	Do	Do	E		N/A
Pelea hawaiensis var. hawaiensis	Do	Do	Do	E		N/A
*Pelea hawaiensis var. molokaiana	Do	Do	Do	E		N/A
*Pelea hawaiensis var. pilosa	Do	Do	Do	E		N/A
*Pelea hawaiensis var. racemiflora	Do	Do	Do	E		N/A
*Pelea hawaiensis var. remyana	Do	Do	Do	E		N/A
Pelea hawaiensis var. rubra	Do	Do	Do	E		N/A
Pelea hawaiensis var. sulfurea	Do	Do	Do	E		N/A
Pelea hiiakae	Do	Do	Do	E		N/A
Pelea hosakae	Do	Do	Do	E		N/A
Pelea kauaensis	Do	Do	Do	E		N/A
Pelea kavaiensis	Do	Do	Do	E		N/A
*Pelea knudsenii	Do	Do	Do	E		N/A
Pelea lakae	Do	Do	Do	E		N/A
Pelea lanceolata	(n.c.n.)	Hawaii	Entire	E		N/A
Pelea leveillei	Do	Do	Do	E		N/A
Pelea lydgatei	Do	Do	Do	E		N/A
*Pelea macropus	Do	Do	Do	E		N/A
Pelea makahae	Do	Do	Do	E		N/A
*Pelea mucronulata	Do	Do	Do	E		N/A
Pelea multiflora	Do	Do	Do	E		N/A
*Pelea munroi	Do	Do	Do	E		N/A
Pelea nealae	Do	Do	Do	E		N/A
Pelea oblongifolia var. manukaensis	Do	Do	Do	E		N/A
Pelea oblongifolia var. oblongifolia	Do	Do	Do	E		N/A
*Pelea obovata	Do	Do	Do	E		N/A
Pelea olowaluensis	Do	Do	Do	E		N/A
Pelea orbicularis var. orbicularis	Do	Do	Do	E		N/A
Pelea orbicularis var. tonsa	Do	Do	Do	E		N/A
Pelea ovalis	Do	Do	Do	E		N/A
Pelea ovata	Do	Do	Do	E		N/A
Pelea pallida	Do	Do	Do	E		N/A
Pelea paniculata	Do	Do	Do	E		N/A
Pelea parvifolia var. apoda	Do	Do	Do	E		N/A
Pelea parvifolia var. sessilis	Do	Do	Do	E		N/A
Pelea peduncularis var. cordata	Do	Do	Do	E		N/A
Pelea peduncularis var. niuensis	Do	Do	Do	E		N/A
Pelea peduncularis var. nummularia	Do	Do	Do	E		N/A
Pelea pluvialis	Do	Do	Do	E		N/A
Pelea quadrangularis	Do	Do	Do	E		N/A
Pelea recurvata	Do	Do	Do	E		N/A
Pelea reflexa	Do	Do	Do	E		N/A
Pelea saint-johnii var. elongata	Do	Do	Do	E		N/A

SPECIES		RANGE				
Scientific Name	Common Name	Known Range	Portion of Range Where Threatened or Endangered	Status	When Listed	Special Rules
Pelea saint-johnii var. saint-johnii	(n.c.n.)	Hawaii	Entire	E		N/A
*Pelea sandwicensis	Do	Do	Do	E		N/A
*Pelea storeyana	Do	Do	Do	E		N/A
*Pelea tomentosa	Do	Do	Do	E		N/A
Pelea volcanica var. kohalae	Do	Do	Do	E		N/A
Pelea wahiawaensis	Do	Do	Do	E		N/A
*Pelea waimeaensis	Do	Do	Do	E		N/A
Pelea zahlbruckneri	Do	Do	Do	E		N/A
Platydesma remyi	Pilokea	Do	Do	E		N/A
Zanthoxylum dipetalum var. geminicarpum	(n.c.n.)	Do	Do	E		N/A
Zanthoxylum hawaiiense var. citriodorum	Do	Do	Do	E		N/A
Zanthoxylum parvum	Tickle-tongue, Shinners'	Texas	Do	E		N/A
Zanthoxylum semiarticulatum var. sessile	(n.c.n.)	Hawaii	Do	E		N/A
SALICACEAE - Willow Family:						
Populus hinckleyana	Cottonwood, Goat Mt.	Texas	Do	E		N/A
Salix floridana	Willow, Florida	Florida, Georgia	Do	E		N/A
SANTALACEAE - Sandalwood Family:						
Exocarpus gaudichaudii	(n.c.n.)	Hawaii	Entire	E		N/A
Exocarpus luteolus	Do	Do	Do	E		N/A
Santalum ellipticum var. littorale	Do	Do	Do	E		N/A
Santalum lanaiense	Do	Do	Do	E		N/A
Santalum salicifolium	Do	Do	Do	E		N/A
SAPINDACEAE - Soapberry Family:						
Alectryon macrococcum	Mahoe, (unnamed)	Do	Do	E		N/A
Alectryon mahoe	Do	Do	Do	E		N/A
Dodonaea eriocarpa var. confertior	(n.c.n.)	Do	Do	E		N/A
Dodonaea eriocarpa var. forbesii	Do	Do	Do	E		N/A
Dodonaea eriocarpa var. lanaiensis	Do	Do	Do	E		N/A
Dodonaea eriocarpa var. molokaiensis	Do	Do	Do	E		N/A
Dodonaea eriocarpa var. oblonga	Do	Do	Do	E		N/A
Dodonaea eriocarpa var. pallida	Do	Do	Do	E		N/A
Dodonaea eriocarpa var. skottsbergii	Do	Do	Do	E		N/A
Dodonaea sandwicensis var. simulans	Do	Do	Do	E		N/A
Dodonaea stenoptera var. fauriei	Do	Do	Do	E		N/A
Dodonaea stenoptera var. stenoptera	Do	Do	Do	E		N/A
SAPOTACEAE - Sapote Family:						
Bumelia thornei	Buckthorn, (unnamed)	Georgia	Do	E		N/A

SPECIES		RANGE				
Scientific Name	Common Name	Known Range	Portion of Range Where Threatened or Endangered	Status	When Listed	Special Rules
Pouteria auahiensis	(n.c.n.)	Hawaii	Entire	E		N/A
Pouteria rhynchosperma	Do	Do	Do	E		N/A
SARRACENIACEAE - Pitcherplant Family:						
Sarracenia alabamensis	Pitcherplant, Alabama canebreak	Alabama	Do	E		N/A
Sarracenia oreophila	Pitcherplant, green	Alabama, Georgia, Tennessee	Do	E		N/A
SAXIFRAGACEAE - Saxifrage Family:						
Heuchera missouriensis	Alum root, (unnamed)	Missouri	Do	E		N/A
*Lithophragma maximum	Woodland star, San Clemente Island	California	Do	E		N/A
Parnassia kotzebuei var. pumila	Grass-of-Parnassus, Kotzebue's	Washington	Do	E		N/A
Ribes echinellum	Gooseberry, Florida	Florida, South Carolina	Do	E		N/A
SCHIZAEACEAE - Climbing Fern Family:						
Schizaea germanii	Curly grass fern, (unnamed)	Florida; Cuba; Guadeloupe, French Antilles	Do	E		N/A
SCROPHULARIACEAE - Snapdragon Family:						
*Agalinis (Gerardia) stenophylla	False foxglove, (unnamed)	Florida	Entire	E		N/A
Amphianthus pusillus	(n.c.n.)	Georgia, South Carolina	Do	E		N/A
*Bacopa simulans	Water-hyssop, (unnamed)	Virginia	Do	E		N/A
Bacopa stragula	Do	Do	Do	E		N/A
Castilleja aquariensis	Indian paintbrush, (unnamed)	Utah	Do	E		N/A
Castilleja chlorotica	Indian paintbrush, green-tinged	Oregon	Do	E		N/A
Castilleja christii	Indian paintbrush, (unnamed)	Idaho	Do	E		N/A
Castilleja ciliata	Do	Texas	Do	E		N/A
Castilleja cruenta	Do	Arizona	Do	E		N/A
Castilleja grisea	Indian paintbrush, San Clemente Island	California	Do	E		N/A
*Castilleja leschkeana	Indian paintbrush, (unnamed)	Do	Do	E		N/A
*Castilleja ludoviciana	Do	Louisiana	Do	E		N/A
Castilleja ownbeyana	Indian paintbrush, common Wallowa	Oregon	Do	E		N/A
Castilleja revealii	Indian paintbrush, (unnamed)	Utah	Do	E		N/A
Castilleja salsuginosa	Do	Nevada	Do	E		N/A
Castilleja uliginosa	Indian paintbrush, Pitkin Marsh	California	Do	E		N/A
Cordylanthus eremicus ssp. bernardinus	Bird's-beak, San Bernadino	Do	Do	E		N/A
Cordylanthus brunneus var. capillaris	Bird's-beak, Pennell	Do	Do	E		N/A
Cordylanthus rigidus ssp. littoralis	Bird's-beak, Seaside	Do	Do	E		N/A
Cordylanthus maritimus ssp. maritimus	Bird's-beak, Salt Marsh	California, Oregon	Do	E		N/A
*Cordylanthus mollis ssp. mollis	Bird's-beak, (unnamed)	California	Do	E		N/A
*Cordylanthus palmatus	Bird's-beak, palmate-bracted	Do	Do	E		N/A

SPECIES		RANGE				
Scientific Name	Common Name	Known Range	Portion of Range Where Threatened or Endangered	Status	When Listed	Special Rules
Cordylanthus nidularius	Birds-on-nest	California	Entire	E		N/A
Cordylanthus tenuis ssp. pallescens	Bird's-beak, pallid	Do	Do	E		N/A
Gratiola heterosepala	Hedge-hyssop, Boggs Lake	Do	Do	E		N/A
Limosella pubiflora	Mudwort, (unnamed)	Arizona	Do	E		N/A
Lindernia saxicola	False pimpernel, (unnamed)	Georgia	Do	E		N/A
*Mimulus brandegei	Monkeyflower, Santa Cruz Island	California	Do	E		N/A
Mimulus guttatus ssp. arenicola	Monkeyflower, (unnamed)	Do	Do	E		N/A
Mimulus pygmaeus	Monkeyflower, pygmy	Do	Do	E		N/A
Mimulus ringens var. colpophilus	Monkeyflower, (unnamed)	Maine; Canada	Do	E		N/A
*Mimulus traskiae	Monkeyflower, Santa Catalina	California	Do	E		N/A
Mimulus whipplei	Monkeyflower, Whipple's	Do	Do	E		N/A
Orthocarpus castillejoides var. humboldtiensis	Owlclover, Humboldt	Do	Do	E		N/A
*Orthocarpus pachystachyus	Owlclover, Shasta	Do	Do	E		N/A
Orthocarpus succulentis	Owlclover, succulent	Do	Do	E		N/A
Pedicularis dudleyi	Lousewort, Dudley's	Do	Do	E		N/A
*Pedicularis furbishiae	Lousewort, Furbish's	Maine; Canada	Do	E		N/A
Penstemon clutei	Beardtongue, (unnamed)	Arizona	Do	E		N/A
Penstemon concinnus	Do	Utah	Do	E		N/A
Penstemon decurvus	Do	Nevada	Do	E		N/A
Penstemon discolor	Do	Arizona	Do	E		N/A
Penstemon glaucinus	Do	Oregon	Do	E		N/A
*Penstemon garrettii	Beardtongue, Garrett's	Utah	Do	E		N/A
Penstemon grahamii	Beardtongue, (unnamed)	Do	Do	E		N/A
Penstemon keckii	Do	Nevada	Do	E		N/A
Penstemon nyeensis	Beardtongue, (unnamed)	Nevada	Entire	E		N/A
Penstemon pahutensis	Do	Do	Do	E		N/A
Penstemon personatus	Beardtongue, closed-lip	California	Do	E		N/A
Penstemon rubicundus	Beardtongue, (unnamed)	Nevada	Do	E		N/A
Penstemon spatulatus	Beardtongue, Wallowa	Oregon	Do	E		N/A
Scrophularia coccineas	Figwort, (unnamed)	New Mexico	Do	E		N/A
*Seymeria harvardii	(n.c.n.)	Texas	Do	E		N/A
*Synthyris missurica ssp. hirsuta	Mountain kittentails, (unnamed)	Oregon	Do	E		N/A
Synthyris ranunculina	Kittentails, (unnamed)	Nevada	Do	E		N/A
SOLANACEAE - Nightshade Family:						
*Lycium hassei	Desert-thorn, Santa Catalina	California	Do	E		N/A
*Lycium verrucosum	Desert-thorn, San Nicolas	California; Mexico	Do	E		N/A
Nothocestrum breviflorum var. breviflorum	Aiea, (unnamed)	Hawaii	Do	E		N/A
*Nothocestrum breviflorum var. longipes	Do	Do	Do	E		N/A
Nothocestrum latifolium	Do	Do	Do	E		N/A
Nothocestrum longifolium var. rufipilosum	Do	Do	Do	E		N/A
Nothocestrum peltatum	Do	Do	Do	E		N/A
*Nothocestrum subcordatum	Do	Do	Do	E		N/A
*Solanum bahamense var. rugelii	Nightshade, (unnamed)	Florida	Do	E		N/A
*Solanum carolinense var. hirsutum	Horsenettle, (unnamed)	Georgia	Do	E		N/A
*Solanum haleakalaense	(n.c.n.)	Hawaii	Do	E		N/A
*Solanum hillebrandii	Do	Do	Do	E		N/A
Solanum incompletum var. glabratum	Do	Do	Do	E		N/A
Solanum incompletum var. incompletum	Popolo, thorny	Do	Do	E		N/A
Solanum incompletum var. mauiensis	(n.c.n.)	Do	Do	E		N/A

SPECIES		RANGE				
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Solanum nelsoni var. nelsoni	(n.c.n.)	Hawaii	Entire	E		N/A
Solanum nelsoni var. thomasiaefolium	Do	Do	Do	E		N/A
Solanum sandwicense	Do	Do	Do	E		N/A
STERCULIACEAE - Chocolate Family:						
Fremontodendron decumbens	Flannelbush, Pine Hill	California	Do	E		N/A
*Nephropetalum pringlei	(n.c.n.)	Texas; Mexico	Do	E		N/A
*Waltheria pyrolaefolia	Do	Hawaii	Do	E		N/A
STYRACACEAE - Styrax Family:						
Styrax platanifolia var. stellata	Silverbells, (unnamed)	Texas	Do	E		N/A
Styrax texana	Snowbells, Texas	Do	Do	E		N/A
TAXACEAE - Yew Family:						
Taxus floridana	Yew, Florida	Florida	Do	E		N/A
Torreya taxifolia	Stinking-cedar	Florida, Georgia	Do	E		N/A
THEACEAE - Tea Family:						
Eurya sandwicensis var. grandifolia	(n.c.n.)	Hawaii	Entire	E		N/A
*Franklinia alatamaha	Franklin-tree	Georgia	Do	E		N/A
THYMELAEACEAE - Mezereum Family:						
Wikstroemia basicorda	(n.c.n.)	Hawaii	Do	E		N/A
Wikstroemia leptantha	Do	Do	Do	E		N/A
Wikstroemia monticola var. occidentalis	Do	Do	Do	E		N/A
Wikstroemia skottsbergiana	Do	Do	Do	E		N/A
Wikstroemia villosa	Do	Do	Do	E		N/A
URTICACEAE - Nettle Family:						
Hesperocnide sandwicensis	Do	Do	Do	E		N/A
Neraudia angulata var. angulata	Do	Do	Do	E		N/A
Neraudia angulata var. dentata	Do	Do	Do	E		N/A
*Neraudia kahoolawensis	Do	Do	Do	E		N/A
*Neraudia kauaiensis var. helleri	Do	Do	Do	E		N/A
Neraudia kauaiensis var. kauaiensis	Do	Do	Do	E		N/A
Neraudia melastomifolia var. gaudichaudii	Maoloa	Do	Do	E		N/A
Neraudia melastomifolia var. melastomifolia	(n.c.n.)	Do	Do	E		N/A
Neraudia melastomifolia var. pallida	Do	Do	Do	E		N/A
Neraudia melastomifolia var. parvifolia	Do	Do	Do	E		N/A
Neraudia melastomifolia var. pubescens						

SPECIES		RANGE				
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Neraudia melastomifolia var. uncinata	(n.c.n.)	Hawaii	Entire	E		N/A
Neraudia ovata	Do	Do	Do	E		N/A
Neraudia sericea	Do	Do	Do	E		N/A
Urera kaalae	Opuhe	Do	Do	E		N/A
Urtica chamaedryoides var. runyonii	Ortiguilla, (unnamed)	Texas	Do	E		N/A
VALERIANACEAE - Valerian Family:						
Valerianella texana	Cornsalad, Edward's Plateau	Do	Do	E		N/A
VERBENACEAE - Verbena Family:						
Verbena tampensis	Vervain, (unnamed)	Florida	Do	E		N/A
VIOLACEAE - Violet Family:						
Isodendrion forbesii	Aupaka, (unnamed)	Hawaii	Do	E		N/A
*Isodendrion hawaiiense	Wahine-noho-kula	Do	Do	E		N/A
*Isodendrion hillebrandii	Aupaka, (unnamed)	Do	Do	E		N/A
*Isodendrion hosakae	Do	Do	Do	E		N/A
*Isodendrion lanaiense	Do	Do	Do	E		N/A
Isodendrion laurifolium	Do	Do	Do	E		N/A
Isodendrion longifolium	Aupaka, (unnamed)	Hawaii	Entire	E		N/A
*Isodendrion lydgatei	Do	Do	Do	E		N/A
Isodendrion maculatum	Do	Do	Do	E		N/A
*Isodendrion molokaiense	Do	Do	Do	E		N/A
*Isodendrion pyrifolium	Do	Do	Do	E		N/A
*Isodendrion remyi	Do	Do	Do	E		N/A
Isodendrion subsessilifolium	Do	Do	Do	E		N/A
*Isodendrion waianaeense	Do	Do	Do	E		N/A
Viola chamissoniana	Olupu	Do	Do	E		N/A
Viola helena var. helena	(n.c.n.)	Do	Do	E		N/A
Viola helena var. lanaiensis	Do	Do	Do	E		N/A
Viola kauaensis var. wahiawaensis	Do	Do	Do	E		N/A
Viola oahuensis	Do	Do	Do	E		N/A
Viola robusta	Do	Do	Do	E		N/A

ADDENDUM

SPECIES		RANGE				
Scientific Name	Common Name	Known Range	Portion of Range Where Threatened or Endangered	Status	When Listed	Special Rules
APIACEAE - Parsley Family:						
Angelica callii	(n.c.n.)	California	Entire	E		N/A
*Lilaepsis masonii	Do	Do	Do	E		N/A
Sanicula tracyi	Sanicle, Tracy's	California, Oregon	Do	E		N/A
ASTERACEAE - Aster Family:						
Aster chilensis var. lentus	Aster, Suisun	California	Do	E		N/A
Cirsium fontanale ssp. obispoense	Bog Thistle, Chorro Creek	Do	Do	E		N/A
Haplopappus contractus	Goldenweed, (unnamed)	Wyoming	Do	E		N/A
Helianthus exilis	Sunflower, Serpentine	California	Do	E		N/A
Heterotheca jonesii	Telegraphplant, Jones'	Utah	Do	E		N/A
Lipochaeta lavarum var. longifolia	Nehe, (unnamed)	Hawaii	Do	E		N/A
Lygodesmia grandiflora var. stricta	(n.c.n.)	Utah	Do	E		N/A
Microseris decipens	Do	California	Do	E		N/A
Palafoxia arida var. gigantea	Spanishneedle, Giant	Do	Do	E		N/A
Parthenium ligulatum	Feverfew, (unnamed)	Colorado, Utah, Wyoming	Do	E		N/A
BRASSICACEAE - Mustard Family:						
Arabis breweri var. pecuniaria	Rockcress, (unnamed)	California	Entire	E		N/A
*Arabis gunnisoniana	Do	Colorado	Do	E		N/A
*Cardamine micranthera	Bittercress, (unnamed)	North Carolina	Do	E		N/A
BROMELIACEAE - Pineapple Family:						
*Hechtia texensis	(n.c.n.)	Texas	Do	E		N/A
CACTACEAE - Cactus Family:						
Coryphantha sneedii var. leei	(n.c.n.)	New Mexico	Do	E		N/A
Coryphantha sneedii var. sneedii	Do	New Mexico, Texas	Do	E		N/A
Echinocereus triglochidiatus var inermis	Hedgehog Cactus, spineless	Colorado	Do	E		N/A
CARYOPHYLLACEAE - Pink Family:						
Schiedea verticillata	(n.c.n.)	Hawaii	Do	E		N/A
Silene marmorensis	(n.c.n.)	California	Do	E		N/A
CHENOPODIACEAE - Goosefoot Family:						
Atriplex pleiantha	Saltbush, (unnamed)	Colorado	Do	E		N/A
CONVOLVULACEAE - Morning-glory Family:						
Calystegia stebbinsii	Morning-glory, Stebbins'	California	Do	E		N/A
CUCURBITACEAE - Gourd Family:						
Sicyos nihoaensis	(n.c.n.)	Hawaii	Do	E		N/A

SPECIES		RANGE				
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CYPERACEAE - Sedge Family:						
Carex biltmoreana	Sedge, Biltmore	Georgia, Virginia North Carolina	Entire	E		N/A
DIAPENSIACEAE - Pixie Family:						
Pyxidanthera brevifolia	Pixie Moss, Well's	North Carolina, South Carolina	Do	E		N/A
ERICACEAE - Heath Family:						
Arctostaphylos bakeri	Manzanita, Baker's	California	Do	E		N/A
Arctostaphylos hookeri ssp. hearstiorum	Manzanita, Hearst's	Do	Do	E		N/A
Arctostaphylos hookeri ssp. ravenii	Manzanita, Raven's	Do	Do	E		N/A
FABACEAE - Pea Family:						
*Astragalus lentiginosus var. ursinus	Milkvetch, (unnamed)	Utah	Do	E		N/A
Lathyrus hitchcockianus	Pea, (unnamed)	California, Nevada	Entire	E		N/A
Lathyrus jepsonii spp. jepsonii	Tule pea, Delta	California	Do	E		N/A
HYDROPHYLLACEAE - Waterleaf Family:						
Phacelia submutica	Scorpionweed, (unnamed)	Colorado	Do	E		N/A
IRIDACEAE - Iris Family:						
Iris tenax var. gormanii	Iris, (unnamed)	Oregon	Do	E		N/A
LAMIACEAE - Mint Family:						
Pogogyne clareana	(n.c.n.)	California	Do	E		N/A
Stenogyne kanchoana	Do	Hawaii	Do	E		N/A
LILIACEAE - Lily Family:						
Agave toumeyana var. bella	Do	Arizona	Do	E		N/A
Bloomeria humilis	Golden Star, Dwarf	California	Do	E		N/A
Calochortus indecorus	Mariposa, (unnamed)	Oregon	Do	E		N/A
Erythronium grandiflorum ssp. pusaterii	Fawn Lily, (unnamed)	California	Do	E		N/A
Zigadenus vaginatus	Deathcamus, (unnamed)	Utah	Do	E		N/A
ONAGRACEAE - Evening-primrose Family:						
Clarkia borealis ssp. arida	(n.c.n.)	California	Do	E		N/A

SPECIES		RANGE				
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Clarkia mosquinii ssp. mosquinii	(n.c.n.)	California	Entire	E		N/A
*Clarkia mosquinii ssp. xerophila	Do	Do	Do	E		N/A
Clarkia speciosa ssp. immaculata	Do	Do	Do	E		N/A
Oenothera sessilis	Evening-primrose, (unnamed)	Arkansas	Do	E		N/A
PAPAVERACEAE - Poppy Family:						
Arctomecon merriamii	Poppy, Desert	California, Nevada	Do	E		N/A
POACEAE - Grass Family:						
Orcuttia greenei	(n.c.n.)	California	Do	E		N/A
Panicum thermale	Panic Grass, Hot Spring	Do	Do	E		N/A
POLEMONIACEAE - Phlox Family:						
Phlox hirsuta	Phlox, (unnamed)	Do	Do	E		N/A
POLYGONACEAE - Buckwheat Family:						
Dedeckera eurekensis	(n.c.n.)	California	Entire	E		N/A
Eriogonum corymbasum var. revealianum	Wild Buckwheat, (unnamed)	Utah	Do	E		N/A
Eriogonum caninum	Wild Buckwheat, Tiburon	California	Do	E		N/A
Eriogonum kennedyi ssp. austromontanum	Wild Buckwheat, Southern Mountain	Do	Do	E		N/A
Eriogonum ovalifolium var. vineum	Wild Buckwheat, (unnamed)	Do	Do	E		N/A
Eriogonum smithii	Do	Utah	Do	E		N/A
PORTULACACEAE - Portulaca Family:						
Calyptridium pulchellum	Pussy Paws	California	Do	E		N/A
Portulaca smallii	(n.c.n.)	North Carolina, Georgia	Do	E		N/A
SAXIFRAGACEAE - Saxifrage Family:						
Bensoniella oregana	Do	California, Oregon	Do	E		N/A
SCROPHULARIACEAE - Snapdragon Family:						
*Agalinis caddoensis	Do	Louisiana	Do	E		N/A
Penstemon retrorsus	Beardtongue, (unnamed)	Colorado	Do	E		N/A

* - Plant taxon for which information on living specimens is especially desired.

1 - No common name has been located.

2 - The common name given applies to the genus or species; the lower taxon is, to our knowledge, unnamed.

[FR Doc.76-17214 Filed 6-15-76;8:45 am]

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