violated, making any property subject to forfeiture, shall seize such property if available.

While certain provisions of the Tariff Act of 1930, as amended, require seizure of merchandise for violations, other provisions authorize the forfeiture of either the merchandise or its value. For example, under the provisions of section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592), the entry, or attempted entry, of merchandise into the commerce of the United States by means of any false declaration subjects the merchandise or its value to forfeiture. Seizure of merchandise is not required; a claim for its value may be made.

Section 148.19 of the Customs Regulations (19 CFR 148.19) provides that a passenger who makes any false statement or engages in other conduct which causes a Customs officer to pass an article free of duty or at less than the proper amount of duty has violated section 592. Therefore, except as otherwise provided, the article involved must now be seized if it is available and seizure is practicable. If the article is not available for seizure or if seizure is impracticable, the domestic value of the article shall be demanded from the passenger.

Likewise, § 162.41(a) of the Customs Regulations (19 CFR 162.41(a)), provides that when merchandise or the value thereof is subject to forfeiture, the district director may elect to seize the merchandise or assess a claim for its domestic value. However, if the merchandise is in the possession of an innocent purchaser, it shall not be seized. In such cases, or when the merchandise is not available for seizure, the district director shall proceed to recover the domestic value of the merchandise.

The United States Customs Service is aware that seizure of property may be an unnecessarily harsh action. Seizure of merchandise may place an importer in the position of being unable to continue his business, or of breaching his contractual commitments with his customers causing him unwarranted financial losses.

Recognizing the possible consequences that seizure of property may have in circumstances where absolutely prohibited importations are not involved, it is the position of the United States Customs Service that unless required by law, property should only be seized when it is necessary to protect the revenue.

In order to clearly set forth Customs policy in this regard, it has been determined that § 162.21(a) of the Customs Regulations should be amended to provide for assessment of a monetary penalty unless it is determined that seizure is necessary to protect the revenue. The revised language will remove any possible inference that this regulation compels seizure in all cases where the property that is subject to forfeiture is available for seizure.

Section 148.19 of the Customs Regulations is also amended to establish that in cases where a passenger violates section 592 of the Tariff Act, the article which is the subject of the violation shall be seized only if certain conditions are met. As amended, § 148.19 will include a reference to subparagraph (3) of § 162.41(a), which is being added to the regulations to specify the appropriate circumstances for seizure.

The amendment to § 162.41(a) of the Customs Regulations provides that merchandise shall only be seized when the district director is satisfied that the violator appears to be insolvent or may soon become insolvent, the violator or his assets appear to be beyond the jurisdiction of the United States, or, for some other reason, a claim for the domestic value of the merchandise would not protect the revenue.

Because these amendments merely state general policy and impose no additional requirements on the public, notice and public procedure thereon is found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

DRAFTING INFORMATION

The principal author of these regulations was Marvin M. Amernick, Attorney, Regulations and Legal Publications Division of the Office of Regulations and Rulings, United States Customs Service, Washington, D.C. 20229. However, personnel from other offices of the Customs Service participated in their development, both on matters of substance and style.

AMENDMENTS TO THE REGULATIONS

Sections 148.19, 162.21, and 162.41 of the Customs Regulations (19 CFR 148.19, 162.21, 162.41) are amended in the following manner:

PART 148—PERSONAL DECLARATIONS AND EXEMPTIONS

1. The second and third sentences of § 148.19 are amended to read as follows:

§ 148.19 False or fraudulent statement.

* * * In any such case the article involved shall be seized only if one or more of the conditions set forth in § 162.41(a) (3) of this chapter are present, if it is available for seizure at the time the violation is detected, and if such seizure is otherwise practicable, unless the article is in the possession of an innocent holder for value who has full right to possession as against any party to the Customs violation. If seizure is not made, the domestic value of the article, determined in accordance with section 606, Tariff Act of 1930, as amended (19 U.S.C. 1606), shall be demanded from the passenger. * * *

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624).)

PART 162—INSPECTION, SEARCH, AND SEIZURE

2. Section 162.21(a) is amended to read as follows:

§ 162.21 Responsibility and authority for seizures.

(a) *Seizures by Customs officers.* Except as provided for in § 162.41(a), any Customs officer having reasonable cause to believe that any law enforced by the Customs Service has been violated, making any property subject to forfeiture, shall seize such property if available.

3. Section 162.41(a) is amended to read as follows:

§ 162.41 Merchandise entered by false invoice, declaration, other document or statement, subject to forfeiture.

(a) *Election to proceed against merchandise or value when forfeiture incurred.* (1) When merchandise or the value thereof is subject to forfeiture under section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592), including any article seized under the provisions of section 499, Tariff Act of 1930, as amended (19 U.S.C. 1499), the district director may elect to proceed against the merchandise or its domestic value.

(2) If the merchandise is in the possession of an innocent purchaser, it shall not be seized. In such cases, or when the merchanise is not available for seizure, the district director shall proceed to recover the domestic value.

(3) Merchandise shall only be seized if the district director is satisfied that:

(i) The violator appears to be insolvent or may soon become insolvent;

(ii) The violator or his assets appear to be beyond the jurisdiction of the United States; or

(iii) For some other reason, a claim for the domestic value of the merchandise would not protect the revenue.

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624).)

VERNON D. ACREE,
Commissioner of Customs.

Approved: May 9, 1977.

BETTE B. ANDERSON,
Under Secretary.

[FR Doc.77-14072 Filed 5-16-77;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 75N-0120]

PART 169—FOOD DRESSINGS AND FLAVORINGS

Mayonnaise, French Dressing, and Salad Dressing Standards Revision; Confirmation of Effective Date

AGENCY: Food and Drug Administration (FDA).

ACTION: Rule.

SUMMARY: This document confirms the effective date of a final regulation published in the FEDERAL REGISTER of May 26, 1976 (41 FR 21444), revising the standards of identity for mayonnaise, french dressing, and salad dressing to provide for label declaration of ingredients, to allow the use of functional classes of safe and suitable ingredients that would not modify the fundamental characteristics of the foods, and to re-

vise and update the format of the standards.

EFFECTIVE DATE: January 1, 1978, for all products initially introduced into interstate commerce on or after this date. Voluntary compliance, including any labeling changes required: July 26, 1976.

FOR FURTHER INFORMATION CONTACT:

Eugene T. McGarrahan, Bureau of Foods (HFF-415), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204 (202-245-1155).

SUPPLEMENTARY INFORMATION: The May 26, 1976 final regulation provided that any person who would be adversely affected by the amendments to §§ 169.115, 169.140, and 169.150 (21 CFR 169.115, 169.140 and 169.150, formerly §§ 25.2, 25.1, and 25.3 respectively, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) could at any time, on or before June 25, 1976, file written objections and, if desired, request a hearing on the specific provisions objected to. Five objections were filed, one from a consumer and four from industry. None of the objections were accompanied by a request for a hearing.

1. *Use of food additives*. One objection was to the use of food additives and ingredients other than vegetable oils, acids, egg ingredients, salt, and spices in salad dressing. Furthermore, the objection questioned the safety and necessity of the use of other ingredients.

The Commissioner of Food and Drugs advises that the salad dressing defined by the standard of identity under § 169.150 is traditionally a thick, whitish-colored dressing similar in appearance to mayonnaise, but having an entirely different flavor. Lower fat content and a starch ingredient further differentiate salad dressing from mayonnaise. The specific objection was to the use of starch in salad dressing. The Commissioner points out that starch is a characterizing ingredient in salad dressing and that starch, along with the other ingredients provided for, is necessary to obtain the traditional product recognized by consumers. Furthermore, only "safe and suitable" ingredients, as defined in § 130.3 (d) (21 CFR 130.3(d), formerly § 10.1(d) prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), that perform appropriate functions may be used in salad dressing. The Commissioner therefore concludes that it is neither practical nor necessary to limit further the ingredients that may be used in salad dressing.

2. *Cooked or partly cooked starchy paste*. Three objections pointed out that the Commissioner had not dealt fully with the comment on the proposal concerning "safe and suitable thickeners" in salad dressing (§ 169.150). These objections acknowledge the fact that the starchy paste is a characterizing ingredient, but request that the requirement that it be either cooked or partly cooked be dropped. These objections cite advances in starch technology and the development of pregelatinized starch that does not require cooking as reasons for eliminating this requirement.

The Commissioner acknowledges that in dealing with the main issue in the original comment, i.e., whether or not to allow the use of safe and suitable thickening agents in salad dressing, consideration should have been given to the request that the cooking requirement be eliminated from the standard. Upon reviewing these objections, the Commissioner agrees that the cooking requirement is unduly restrictive and has dropped it from the standard, as reflected below.

3. *Labeling of artificial colors*. One objection was to the Commissioner's contention that paprika and oleoresin of paprika, when used in french dressing (§ 169.115), need not be declared as "artificial coloring." The objection maintains that requiring β-apo-8'-carotenal to be declared as "artificial color" but not requiring paprika and oleoresin of paprika to be declared as "artificial color" when they clearly impart a color to french dressing that is not otherwise present, subjects products containing β-apo-8'-carotenal to an unfair competitive disadvantage.

The Commissioner acknowledges that his statement concerning the correct label declaration of paprika or oleoresin of paprika, added to french dressing for the sole purpose of imparting color, was erroneous. When either of these ingredients is added only to provide color to the food, its presence must be declared as "artificial color" or "artificial coloring" in accordance with § 101.22(a)(4) (21 CFR 101.22(a)(4), formerly § 1.12(a)(4) prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) and § 70.3(f) (21 CFR 70.3 (f), formerly § 8.1(f) prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)). Paprika and oleoresin of paprika may be added solely for flavoring purposes, but used in this way they still impart color to the food. In this instance, these ingredients must be declared on the label as either "spice and coloring" or by their common or usual names, "paprika" or "oleoresin of paprika", in accordance with § 101.22(a)(2).

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046 as amended, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 341, 371)) and under authority delegated to the Commissioner (21 CFR 5.1), notice is given that the objections filed to the final regulation revising the standards for dressings for foods under §§ 169.115, 169.140 and 169.150 are not accepted as valid, except that, in accordance with the foregoing: *It is ordered*, That § 169.150, as promulgated in the FEDERAL REGISTER of May 26, 1976 (41 FR 21444), be amended by revising paragraph (a) to read as follows:

§ 169.150 Salad dressing.

(a) *Description*. Salad dressing is the emulsified semisolid food prepared from vegetable oil(s), one or both of the acidifying ingredients specified in paragraph (b) of this section, one or more of the egg yolk-containing ingredients specified in paragraph (c) of this section, and a starchy paste prepared as specified in paragraph (d) of this section. One or more of the ingredients in paragraph (e) of this section may also be used. The vegetable oil(s) used may contain an optional crystalization inhibitor as specified in paragraph (e)(8) of this section. All the ingredients from which the food is fabricated shall be safe and suitable. Salad dressing contains not less than 30 precent by weight of vegetable oil and not less egg yolk-containing ingredient than is equivalent in egg yolk solids content to 4 percent by weight of liquid egg yolks. Salad dressing may be mixed and packed in an atmosphere in which air is replaced in whole or in part by carbon dioxide or nitrogen.

* * * * *

Effective date: Compliance with the final regulation, including any labeling changes required, may have begun on July 26, 1976, and all products initially introduced into interstate commerce on or after January 1, 1978, shall fully comply.

(Sec. 401, 701, 52 Stat. 1046 as amended, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 341, 371))

Dated: May 11, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-13996 Filed 5-16-77;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Corrected S.O. No. 1249; Amdt. 2]

PART 1033—CAR SERVICE

Octoraro Railway, Inc., Authorized To Operate Over Portion of USRA Line No. 142, Former Octoraro Branch of Penn Central Transportation Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (Amendment No. 2 to Service Order No. 1249).

SUMMARY: This amendment extends for six months authority given the Octoraro Railway, Inc., to operate approximately 36.2 miles of railroad extending southwest from Wawa, Pennsylvania, to the Maryland-Pennsylvania state line in the vicinity of Sylmar. Service on this line was discontinued April 1, 1976, under authority of the Regional Railroad Reorganization Act of 1973 and the Railroad Revitalization and Railroad Reform Act of 1976. The line has since been purchased by an agency of the Common-

wealth of Pennsylvania. The Commonwealth has designated the Octoraro Railway, Inc., as its agent for the operation of this line. An application for permanent authority for the Octoraro Railway to operate this line has not been filed. Service Order No. 1249 enables the Octoraro Railway to provide rail service to shippers located adjacent to this line pending disposition by the Commission of its application for permanent authority.

DATES: Effective 11:59 p.m., May 15, 1977. Expires 11:59 p.m., November 10, 1977.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone 202-275-7840.

SUPPLEMENTARY INFORMATION: The order is reprinted in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 10th day of May 1977.

Upon further consideration of Corrected Service Order No. 1249 (41 FR 34607 and 50448), and good cause appearing therefor:

It is ordered, That, corrected Service Order No. 1249 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

§ 1033.1249 Octoraro Railway, Inc., authorized to operate over portion of USRA Line No. 142, former Octoraro Branch of Penn Central Transportation Co.

* * * * *

(g) *Expiration date*. The provisions of this order shall expire at 11:59 p.m., November 15, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., May 15, 1977.

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

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

By the Commission.[1]

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-14025 Filed 5-16-77;8:45 am]

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte 252 Sub-No. 2]

PART 1036—INCENTIVE PER DIEM CHARGES ON BOXCARS AND GONDOLA CARS

Incentive Per Diem

MAY 1977.

AGENCY: Interstate Commerce Commission.

ACTION: Correction.

SUMMARY: This document corrects a final rule that appeared at pages 23511 through 23513 in the FEDERAL REGISTER of Monday, May 9, 1977 (Vol. 40, No. 82).

EFFECTIVE DATE: May 17, 1977.

FOR FURTHER INFORMATION CONTACT:

Mrs. Janice Rosenak, Deputy Director, Section of Rates, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7693.

The following correction is made:

On pages 23512 and 23513, § 1036.4 is corrected to read as follows:

§ 1036.4 Use of funds on boxcars.

The net credit balances resulting from incentive per diem settlements on boxcars, which are earmarked in accordance with § 1036.3, may be drawn down in whole or in part at any time by the carrier to build, lease equivalent of purchase, or purchase, in whole or in part, new unequipped boxcars for general service described in § 1036.1, *Provided*, The carrier has in the same calendar year built, leased, or purchased its 1964-68 average acquisitions of such boxcars and made up an [sic] arrearage in having failed to maintain such average each year this order is in effect. Earmarked funds may also be used in whole or in part to lease any number of new unequipped boxcars for general use described in § 1036.1 in which the carrier is not acquiring an equity interest, *Provided*, The carrier has in the same calendar year leased its 1964-68 average number of such boxcars and made up any arrearage in having failed to maintain such average each year the order is in effect. Nonequity leases must be at least 10 years in duration, and, in connection with such leases, earmarked funds must not be used for the cost of maintenance. Earmarked funds may be used in whole or in part to rebuild any number or portion of general service, unequipped boxcars described in § 1036.1, *Provided*, The carrier has in the same calendar year rebuilt its 1964-68 average number of such boxcars and made up any arrearage in having failed to maintain such average each year the order is in effect. Net balances on Canadian-owned cars may be drawn without regard to prior acquisitions, but where the designee is a class I United States carrier such drawdowns shall not affect that carrier's accumulation of arrearages. However, upon application, including a showing that all parties to the proceeding herein have been notified by the carrier of such application and a showing of good cause why any carrier is unable to draw down in whole or in part the net credit balance resulting from incentive per diem settlements because it cannot comply with the above test period average requirement of having in the same calendar year built, rebuilt, leased, or purchased its 1964-68 average number of such boxcars and made up any arrearage in having failed to maintain such average each year this order is in effect, the Commission may, in its discretion, after consideration of all views regarding the application, modify the test period average to the extent consistent with the public interest and the national transportation policy. Such modification, as a minimum, shall require that a carrier match the earmarked funds it will use with an equal amount of its own funds. Similarly, a carrier using earmarked funds, in whole or in part, to build, rebuild, lease, or purchase general service, unequipped boxcars of the XF designation, shall only be required, as a minimum, to match the earmarked funds it will use to purchase XF boxcars with an equal amount of its own funds. Earmarked funds must be put to use within 18 months after the end of the calendar year in which the funds are collected and result in a net credit balance for the building, rebuilding, leasing, or purchasing of general service, unequipped boxcars described in § 1036.1 for addition to such carrier's or designee's fleet in accordance with this part. Upon a showing of good cause an application, including a showing that the parties to the proceeding herein have been notified by the carrier of such application, may be made to the Commission for waiver of the said 18-month period, which may, in the Commission's discretion, be granted after consideration of all views regarding the application. If the earmarked funds are not used within the 18-month period, they may be voluntarily surrendered to Rail Box whose establishment and operation was approved in *American Rail Box Car Co.—Pooling*, 347 I.C.C. 862. If the carrier fails within the stated period to put to use collected earmarked funds which result in a net credit balance, has not obtained relief

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[1] Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John R. Michael. Member Joel E. Burns not participating.

from that requirement, and has not surrendered such funds to Rail Box, the Commission will investigate the matter to determine what, if any, corrective action is warranted. Appropriate corrective action would include section 16(12) remedies among others. Carriers may make temporary investments of unexpended funds in Government bonds or other liquid securities. Such securities must be readily convertible to cash so that funds remain available for boxcar purchases. Interest earned must become part of the earmarked fund. As used in this section and § 1036.5, "build," "rebuild," "lease," or "purchase" refer to the commitment to build, rebuild, lease, or purchase which results in the acquisition of a car on line ready for use within 10 months from the date of commitment, except that in extraordinary cases beyond the control of the carrier or the car supplier, a car that is delivered after 10 months from the date of commitment may qualify if approved by the Bureau of Accounts of this Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-14076 Filed 5-16-77;8:45 am]

SUBCHAPTER 13—PRACTICE AND PROCEDURE

PART 1121—ABANDONMENT OF RAILROAD LINES

Modification of Regulations for the Abandonment of Railroad Lines and Discontinuance of Service

AGENCY: Interstate Commerce Commission.

ACTION: Reconsideration of Rulemaking.

SUMMARY: Upon consideration of all the evidence of record, including the petitions for reconsideration and arguments of the various parties, it was apparent that certain modifications to the adopted regulations were warranted, primarily to clarify the definition of a line "potentially subject to abandonment, the republication of category 3 lines pending before the Commission, the computation of revenues attributable and avoidable costs for the base year, and the procedue for the filing of the carrier's notice of intent to abandon a line of railroad.

EFFECTIVE DATE: May 3, 1977.

FOR FURTHER INFORMATION CONTACT:

Philip Israel, Deputy Director, Section of Finance, Interstate Commerce Commission, Washington, D.C. 20423 (202-275-7245).

SUPPLEMENTARY INFORMATION:

BACKGROUND

Pursuant to the enactment of the Railroad Revitalization and Regulatory Reform Act of 1976, (4RA) Public Law 94-210, the Interstate Commerce Commission and its Rail Services Planning Office jointly instituted a rulemaking proceeding entitled Ex Parte 274 (Sub-No. 2) for the purpose of developing and promulgating new regulations governing the abandonment of railroad lines and the discontinuance of service.

In the report and order served on November 10, 1976, in Ex Parte 274 (Sub-No. 2), published at 41 FR, November 4, 1976, page 48520, the abandonment regulations in Part 1121 of Chapter X of Title 49 of the Code of Federal Regulations were replaced in full by new regulations designed to implement rigid time limits on the processing of abandonment applications imposed by 4RA, to expand the type of notice required by a railroad proposing to abandon a line or discontinue service, and to provide an opportunity for parties wishing to preserve a line, with respect to which the Commission has found that the public convenience and necessity permit abandonment or discontinuance, to offer financial assistance to the railroad.

Several petitions for reconsideration of the report, order, and regulations were filed by carriers, shippers and other interested parties.

The proposed modifications for clarification were considered and accepted by the Commission in its report and order served May 3, 1977. Accordingly, the adopted regulations in Ex Parte 274 (Sub-No. 2) are modified to read:

§ 1121.20 System diagram map.

* * * * *

(b) * * *

(2) All lines or portions of lines potentially subject to abandonment are those which the carrier has under study and believes may be the subject of a future abandonment application because of either anticipated operating losses or excessive rehabilitation costs, as compared to potential revenues.

* * * * *

§ 1121.22 Filing and publication.

* * * * *

(c) Republication of category 3 lines, which prior to November 1, 1976, were already set for oral hearing, modified procedure, or for which an order has been issued finding public convenience and necessity not to require future continued operation of the line, is not required for compliance with the section.

* * * * *

§ 1121.30 Notice of intent to abandon line or discontinuance service.

(a)(1) The applicant shall give notice of its intent to file an abandonment or discontinuance application by (i) serving notice on the Commission by certified letter at least concurrently with service upon those shippers who are significant users (as defined in § 1121.11 (m)) of the line proposed to be abandoned or discontinued, or at the time the notice is first published, whichever first occurs, on the Governor (by certified mail), on the Public Service Commission (or equivalent agency), and on the designated State agency of each State in which all or part of the line of railroad sought to be abandoned or over which service is proposed to be discontinued is situated, or at the time the notice is first published whichever occurs first (ii) * * *

* * * * *

§ 1121.32 Contents of application.

(d) * * *

(1) Computation of the revenues attributable, avoidable costs, and reasonable return on value for the line to be abandoned for the base year (as defined by § 1121.11(c) and to the extent such branch level data is available), in accordance with the methodology prescribed in § 1121.45, as Exhibit 1.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-14047 Filed 5-16-77;8:45 am]

Title 32A—National Defense, Appendix

CHAPTER VI—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 634—COPPER AND COPPER-BASE ALLOYS (DMS ORDER 4)

Revision of Schedule A—Set-Aside Percentages

AGENCY: Domestic and International Business Administration, Department of Commerce.

ACTION: Final rule.

SUMMARY: The Commerce Department revises the schedule establishing the amount of copper controlled materials that the copper industry must set-aside for use for programs authorized by the Director of the Federal Preparedness Agency of G.S.A. Although the need for copper controlled materials under these programs has not changed much since this schedule was last revised, the percentage set-asides for three copper products is reduced to reflect the greater production of these copper products in 1976 over 1975.

EFFECTIVE DATE: This revised schedule becomes effective July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Gilbert J. Breer, Mobilization Operations & Plans Division, Office of Industrial Mobilization, Bureau of Domestic Commerce, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-3634.

SUPPLEMENTARY INFORMATION: The revision changes Schedule A of August 23, 1976, to DMS Order 4 by changing the base period from calendar year 1975 to calendar year 1976, and by changing the set-aside percentages from 7 to 4 percent on unalloyed rod, bar, shapes and wire; from 10 to 6 percent on alloyed seamless tube and pipe; from 3 to 2 percent on copper foundry products. The purpose of the proposed changes is to more adequately reflect the current structure of the copper controlled materials industry and current authorized program requirements for copper controlled materials.

This amendment of Schedule A to DMS Order 4 is found necessary and appro-

priate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended (50 U.S.C. App. 2154). In the formulation of this order, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

This amendment applies to authorized controlled material orders calling for delivery after June 30, 1977.

AUTHORITY: (Defense Production Act of 1950, as amended (64 Stat. 816; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949-1953 Com., p. 962; Executive Order 11725, 38 FR 17175; DMO 3, 32A CFR 15; Department of Commerce Organization Orders 10-3, 40 FR 59764, as amended, 41 FR 28334, and 40-1, 40 FR 8978; Department of Commerce, Domestic and International Business Administration Organization and Function Orders 41-1, as amended 39 FR 2780, 39 FR 18490; 45-1, 40 FR 10217, 45-2, 40 FR 10218.)

SCHEDULE A TO DMS ORDER 4

SET-ASIDE PERCENTAGES

(See Sec. 6(f) of DMS Order 4)

Based Period—January-December 1976

(See Sec. 2(o) of DMS Order 4)

Product	*Percentage of orders calling for delivery after June 30, 1977*
Brass mill products:	
Unalloyed:	
Plate, sheet, strip and rolls	2
Rod, bar, shapes, and wire	4
Seamless tube and pipe	2
Brass mill products—Continued	
Alloyed:	
Plate, sheet, strip and rolls	2
Rod, bar, shapes and wire	2
Seamless tube and pipe	6
Military ammunition cups and discs	[1]
Copper wire mill products:	
Copper wire and cable:	
Bare and tinned	2
Weatherproof	2
Magnet wire	2
Paper and lead power cable	2
Paper and lead telephone cable	2
Asbestos cable	2
Portable and flexible cord	2
Communications wire and cable	2
Shipboard cable	2
Automotive and aircraft wire cable	2
Insulated power cable	2
Signal and control cable	2
Coaxial cable	2
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use	2
Copper foundry products	2
Unalloyed copper powder mill products	[1]
Copper-base alloy powder mill products	[1]

[1] No reserve space required. Producers of these products are nevertheless required to accept authorized controlled material orders for such products in accordance with the provisions of DMS Regulation No. 1 and this order. However, Section 6(f) of DMS Order 4 does not apply to such authorized controlled material orders.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, BUREAU OF DOMESTIC COMMERCE,

JOHN P. KEARNEY,
Acting Deputy Assistant Secretary for Domestic Commerce.

[FR Doc.77-14233 Filed 5-16-77;10:20 am]

proposed rules

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

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Parts 1421, 1446]

1977 CROP OF PEANUTS

Loan and Purchase Program

AGENCY: Commodity Credit Corporation, Department of Agriculture.

ACTION: Proposed rule.

SUMMARY: The purpose of this notice is to advise that the Secretary of Agriculture proposes to make determinations and issue regulations concerning a loan and purchase program for the 1977 crop of peanuts and to schedule a public meeting to receive oral comments. The Loan and Purchase Program is authorized by the Agricultural Act of 1949, as amended, and the Commodity Credit Corporation Charter Act, as amended. The program is intended to stabilize market prices and to protect producers, handlers, processors and consumers.

DATES: Comments must be received on or before June 24, 1977, to be sure of receiving consideration. The date of the public meeting will be June 9, 1977.

ADDRESS: Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, P.O. Box 2415, U.S. Department of Agriculture, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Dallas R. Smith (ASCS) (202) 447-7405.

SUPPLEMENTARY INFORMATION: The present regulations, to which these changes are proposed for the 1977 crop, were published in the FEDERAL REGISTER on July 15, 1974 (39 FR 25959) and are entitled "General Regulations Governing 1974 and Subsequent Crop Peanut Warehouse Storage Loans". The new regulations to be issued will be a 1977 crop supplement to the general regulations. These regulations will include (1) loan and purchase rates by type of peanuts, (2) premiums and discounts, and (3) other operating provisions necessary to carry out the program.

Section 101 of the Agricultural Act of 1949, as amended, directs the Secretary to make support available on peanuts to cooperators, if producers have not disapproved marketing quotas at a level between 75 and 90 percent of the parity price with the minimum permissible level of support within such range to be determined by the supply percentage. Marketing quotas were approved for the 1975 through 1977 crops by 97 percent of the growers voting in a December 1974 referendum.

Section 401 of that Act requires that in determining the level of support in excess of the minimum level provided by law, consideration be given to the supply of the commodity in relation to the demand therefor, the levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired through a support operation, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand.

Section 403 of the Act provides that appropriate adjustments may be made in the support level for differences in grade, type, quality, location and other factors. The average of any such adjustments shall, so far as practicable, be equal to the level of support for peanuts for the applicable crop year determined in accordance with the Agricultural Act of 1949, as amended.

Current program provisions regarding peanut warehouse storage loans may be found in regulations in Title 7, Part 1446 of the Code of Federal Regulations. Current program provisions regarding peanut farm storage loans may be found in regulations governing loans, purchases and other operations for grain and similarly handled commodities which appear in Title 7, Part 1421 of the Code of Federal Regulations.

Prior to making any determination, the Department will give consideration to comments, data, views and recommendations submitted in writing within the comment period to the Director, Tobacco and Peanut Division. All written submissions made pursuant to this notice will be made available for inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, in Room 5746 South Building, 14th and Independence Avenue SW., Washington, D.C. (7 CFR 1.27(b)).

In addition to considering written comments, the Department will hold a public meeting in Washington, D.C., on June 9, 1977, at 9:00 a.m. in the Jefferson Auditorium, South Building, USDA. The meeting will be open to the public. The purpose of the meeting is to give members of the industry and other interested persons the opportunity to furnish oral comments and suggestions with respect to the proposed rule for the 1977 crop.

Signed at Washington, D.C. on May 12, 1977.

VICTOR A. SENECHAL,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.77-14141 Filed 5-13-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

ALASKA NORTH SLOPE CRUDE OIL PRICING AND ENTITLEMENTS TREATMENT

Change of Hearing Locations

AGENCY: Federal Energy Administration.

ACTION: Change of hearing locations.

SUMMARY: This notice changes the location for hearings in San Francisco and Anchorage in connection with the Federal Energy Administration's notice of proposed rulemaking respecting Alaska North Slope Crude Oil pricing and entitlements treatment issued April 30 (42 FR 22889, May 5, 1977).

The site of the hearing in San Francisco on May 26, 1977, remains the same except that Court Room No. 14 will be used instead of Court Room No. 15.

The location of the hearing in Anchorage on May 27, 1977, has been changed to: Z. J. Loussac Library, 427 F Street, Anchorage, Alaska.

Issued in Washington, D.C., May 11, 1977.

ERIC J. FYGI,
Acting General Counsel, Federal Energy Administration.

[FR Doc.77-14078 Filed 5-13-77;8:56 am]

[10 CFR Part 430]

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Test Procedures for Automatic and Semi-Automatic Clothes Washers and Determination That Test Procedures Cannot Be Developed for any Other Class of Clothes Washers

AGENCY: Federal Energy Administration.

ACTION: Proposed rule.

SUMMARY: The Federal Energy Administration (FEA) hereby proposes to amend its regulations in order to prescribe test procedures for automatic and semi-automatic clothes washers under the Energy Policy and Conservation Act. Automatic and semi-automatic clothes washers are classes included within the broader type of appliances, clothes wash-