 RULES AND REGULATIONS

Issued In Jamaica, N.Y., on December 31, 1976.

DUIRE W. PFEER,
Director, Eastern Region.

1. Amend § 71181 of Part 71 of the Federal Aviation Regulations so as to amend the Winchester, Va. Transition Area by adding the following to the description of the transition area: "within 2.5 miles each side of a 133° bearing from a point 39°08'11" N., 78°08'16" W. extending from said point to 11 miles southeast of said point."

[FR Doc. 76-1282 Filed 1-15-76; 8:45 am]

[Airspace Docket No. 75-CE-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On Page 52951 of the Federal Register dated November 7, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Washington, Iowa.

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall be effective 0901 GMT, March 25, 1976.

(Sec. 701(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Kansas City, Missouri, on December 22, 1975.

GEORGE R. LACALLE,
Acting Director, Central Region.

In § 71181 (40 FR 441), the following transition area is added:

WASHINGTON, IOWA

That airspace extending upward from 700' above the surface within a 5-mile radius of the Washington Airport (latitude 41°16'00" N., longitude 91°41'00" W.); and that airspace 3 miles each side of the 141° bearing from Washington NDB (latitude 41°16'13" N., longitude 91°41'04" W.); and that airspace 3 miles each side of the 161° bearing from the airport, extending from the 5-mile radius to a point 8.5 miles southeast of the NDB.

[FR Doc. 76-1280 Filed 1-15-76; 8:45 am]

[Airspace Docket No. 75-SO-46]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On Page 52947 of the Federal Register for July 25, 1975, the Federal Aviation Administration published a proposed rule which would designate a Pineville, W. Va., Transition Area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 GMT, March 25, 1976.

(Sec. 701(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 49 U.S.C. 1348), and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on December 30, 1975.

L. J. CARDINALI,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71, Federal Aviation Regulations by adding the Pineville, W. Va. 700-foot floor Transition Area as follows:

PINEVILLE, W. VA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center of the town of Pineville, W. Va., (latitude 37°45'03" N., longitude 85°10'54" W.); and within an 8.5-mile radius of the center of the airport, extending clockwise from a 245° bearing from the airport, within an 8-mile radius of the center of the airport, extending clockwise from a 308° bearing from the airport, within an 8-mile radius of the center of the airport, extending clockwise from a 91° bearing from the airport; within a 14-mile radius of the center of the airport, extending clockwise from a 91° bearing from the airport, within a 14-mile radius of the center of the airport, extending clockwise from a 122° bearing from the airport; and within a 10-mile radius of the center of the airport, extending clockwise from a 122° bearing from the airport, extending from the radio beacon to 8.5 miles southwest of the radio beacon.

[FR Doc. 76-1281 Filed 1-15-76; 8:45 am]

[Airspace Docket No. 75-SO-137]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On October 28, 1975, a notice of proposed rulemaking was published in the Federal Register (49 FR 50999), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Sturgis, Ky., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. There were no comments received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, March 25, 1976, as hereinafter set forth.

SUSSO, KY.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Sturgis Municipal Airport (latitude 37°32'30" N., longitude 89°46'51" W.); and within an 8.5-mile radius of the center of the airport, extending clockwise from a 172° bearing to a 210° bearing from the airport; and within 3 miles each side of a 243° bearing from the Pineville, W. Va. radio beacon (latitude 37°45'11" N., longitude 85°10'33" W.), extending from the radio beacon to 8.5 miles southwest of the radio beacon.

[FR Doc. 76-1284 Filed 1-15-76; 8:45 am]

[Airspace Docket No. 75-CE-46]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On November 5, 1975, a notice of proposed rulemaking was published in the Federal Register (49 FR 51481), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Tuskegee, Ala., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. There were no comments received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, March 25, 1976, as hereinafter set forth.

TUSSKEE, ALA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Motom Field (33°27'36" N., longitude 85°10'54" W.); within 3 miles each side of the Tuskegee VORTAC 018° radial, extending from the 6.5-mile radius area to an altitude north of the VORTAC, excluding the portion within the Tallassee transition area.

(Sec. 701(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on January 6, 1976.

PHILIP M. SWATER,
Director, Southern Region.

Amend § 71181 (41 FR 449), the following transition area is added:

TUSKEGEE, ALA.

That airspace extending upward from 700' above the surface within a 9.5-mile radius of the Motom Field (latitude 33°27'36" N., longitude 85°10'54" W.); and within 3 miles each side of the Tuskegee VORTAC 018° radial, extending from the 9.5-mile radius area to an altitude north of the VORTAC, excluding the portion within the Tallassee transition area.

(Sec. 701(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)), and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in East Point, Ga., on January 6, 1976.

PHILIP M. SWATER,
Director, Southern Region.

Title 15—Commerce and Foreign Trade

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 929—KEY LARGO CORAL REEF MARINE SANCTUARY

Interim Regulations

Issued on December 18, 1975, the Secretary of Commerce designated as a marine sanctuary an area of the Atlantic Ocean...
adjacent to but excluding the State of Florida's John Pennekamp Coral Reef State Park. This ocean area is directly east of the city of Key Largo, Florida. The marine sanctuary boundary begins at the outer boundaries of the state park and extends seaward to about the 200 foot isobath. Included within the marine sanctuary area is the Key Largo Coral Reef Reserve.

The Key Largo Coral Reef Marine Sanctuary was designated pursuant to the authority of section 302(a) of the Marine Protection, Research and SANCTUARYs Act of 1972 (86 Stat. 1052, Pub. L. 92-358, hereafter referred to as the Act).

Section 302(c) of the Act directs the Secretary of Commerce to promulgate regulations to control any activities permitted within a designated marine sanctuary. This section also provides that no permit, license, or other authorization issued pursuant to any other authority shall be valid unless the Secretary shall certify that the permit or authorization is consistent with the purposes of Title III of the Act ("Marine Sanctuaries"); and that it can be carried out within the regulations promulgated under section 302(c).

The authority of the Secretary to administer the provisions of the Act has been delegated to the Administrator, National Oceanic and Atmospheric Administration, U.S. Department of Commerce (hereafter the Administrator, 39 FR 10236, March 19, 1974). There are published hereon interim regulations relating to activities to be prohibited or permitted in the Sanctuary, and relating to the certification requirement described above. Comments upon these regulations are invited through February 20, 1976. Comments should be addressed to the Administrator, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20230. Following the close of this comment period, any comments received will be reviewed. At the discretion of the Administrator, these interim regulations will be amended so as to reflect any such comments. The Administrator shall then publish final regulations for public comment and on receipt of comments. As authorized by 5 U.S.C. 553(d)(3), these interim regulations are effective in order to protect the Sanctuary until final regulations become effective.

§ 929.1 Authority.

§ 929.2 Description of the Sanctuary.

§ 929.3 Marine Sanctuary Management System.

§ 929.4 Activities prohibited within the Sanctuary.

§ 929.5 Penalties for Commission of Prohibited Acts.

§ 929.6 Permits and activities.

§ 929.7 Permit procedures and criteria.

§ 929.8 Certification procedures.

§ 929.9 Administrative action.

AUTHORITY: Secs. 302(f), 302(g) and 303 of the Act.

§ 929.1 Authority.

The Sanctuary has been designated by the Secretary of Commerce pursuant to the authority of section 302(a) of the Act. The following regulations are issued pursuant to the authorities of sections 302(f), 302(g) and 303 of the Act.

§ 929.2 Description of the Sanctuary.

The Sanctuary consists of a portion of the water column in the Atlantic Ocean beginning at approximately three miles east of the city of Key Largo, Florida. For the coordinates for the marine sanctuary are: the point of beginning (POB) is geographic coordinates 25° (degrees), 19.45' (minutes) north latitude, 80° (degrees), 12.0' (minutes) west longitude, said point being the northeast boundary corner of John Pennekamp Coral Reef State Park. From said POB run thence southeasterly to geographic coordinates 25° (degrees), 16.2' (minutes) north latitude 80° (degrees), 8.7' (minutes) west longitude, said point also being on the 200 foot isobath, thence in a southeasterly direction to geographic coordinates 25° (degrees), 01.5' (minutes) north latitude 80° (degrees), 12.5' (minutes) west longitude, thence again run in a southeasterly direction to geographic coordinates 24° (degrees), 58.3' (minutes) north latitude 80° (degrees), 10.0' (minutes) west longitude, thence leaving said 200 foot isobath run northwesterly to geographic coordinates 25° (degrees), 2.2' (minutes) north latitude, 80° (degrees), 22.5' (minutes) west longitude, said point being the southeast boundary corner of John Pennekamp Coral Reef State Park, thence in a northwesterly direction to the northeasterly boundary of said state part to the POB.

§ 929.3 Marine Sanctuary Management System.

(a) The National Oceanic and Atmospheric Administration (hereinafter referred to as NOAA) has the primary responsibility for the management of the Marine Sanctuary pursuant to the Act. NOAA's responsibilities under the Act require that the Office of Coastal Zone Management (OCZM) review, consider and approve any activities that take place in the Sanctuary pursuant to these rules and regulations. (b) NOAA must be assisted in the administration of the marine sanctuary by the State of Florida's Department of Natural Resources, Division of Recreation and Parks pursuant to agreement between the State of Florida and NOAA. Pursuant to this agreement, the State of Florida will endeavor to serve as the on-site manager of the Sanctuary. The State of Florida will be assisted in its role as the on-site manager by an advisory board consisting of representatives from the Department of Interior's National Park Service; the U.S. Coast Guard; the U.S. Department of Justice; NOAA's National Marine Fisheries Service; and the State of Florida's Division of Marine Resources, Florida's Division of Marine Law Enforcement, Florida's Department of Environmental Regulation; local citizens, and Association of Dive Boat Captains.

§ 929.4 Activities Prohibited Within the Sanctuary.

Present and future uses of the Sanctuary include recreational boating and fishing, marketing and scuba diving, commercial transport, fisheries activities and scientific endeavors. These activities allowed within the marine sanctuary, however, will be subject to the following rules and regulations which are intended to provide for the maximum public use consistent with the primary purpose of the establishment of the Sanctuary. Except as may be permitted by the Administrator of NOAA, no person subject to the jurisdiction of the United States shall conduct, nor cause to be conducted, any of the following activities in the Sanctuary.

(a) Removal or destruction of natural features and marine life. (1) No person shall destroy, tamperily disturb or remove beach sand, gravel or minerals, corals, sea fans and sea fans, shells and shellfish (except lobster, crab, and oysters), or discard fish or other marine invertebrates, seaweed, grasses, or any soil, rock, artifact, stone or other material. Nor shall any person have possession of any marine organisms not permitted by the Administrator of NOAA, nor shall any person possess marine organisms not permitted within the boundaries of the Sanctuary regardless of their source of extraction. (2) No person shall cut, carve, injure, mutilate, move, or remove any bottom or cause it to break off any bottom formation of growth. (3) No rope, wire, anchor, or other object shall be attached to any coral, rock or other formation.

(b) Dredging, filling, excavating and building activities. (1) No dredging, excavating or filling operations of any kind shall be performed within the boundaries of the Sanctuary. No materials of any sort may be deposited or in or on the waters of the Sanctuary. (2) No structure of any kind, whether permanent or temporary, may be constructed or built.

(c) No public service facility may be constructed or extended into, upon or across the Sanctuary, with the exception of marking and mooring buoys or stations.

(d) Discharge of refuse and polluting substances. No person shall discharge or deposit any waste materials into the waters of the Sanctuary. Specifically prohibited are sewage, garbage, seepage, or other deleterious chemicals, bottles, broken glass, paper, boxes, dirt, rubbish, garbage, refuse, human waste or other foreign substances.

(e) Archaeological and historic substances. No person shall willfully destroy, molest, deface, remove, displace or tamper with any archaeological or historical resource or alter or destroy any submerged wrecks within the boundaries of the Sanctuary.

(f) Markers. No person shall willfully mark, deface or damage in any way, or displace, remove or tamper with any signs, notices or placards, whether temporary or permanent, or with any boundary markers installed by the sanctuary manager or markers placed for the purpose of lobster pot fishing.

(g) Fishing. (1) Sport and commercial fishing is allowed in the Sanctuary with hook and line for the purpose of taking surface, mid-water or bottom fish. Furthermore, the taking of crab, shrimp,
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lobster and stone crab with traps is allowed for commercial purposes. All traps shall be marked, color coded and numbered at all times.

(2) Fishes normally resident in the coastal waters of the United States have been categorized as tropical fishes which are of minimal sport and food value, and are usually brightly colored and thus used for aquarium purposes. Fishes of such species, and which live in a direct interrelationship with the corals, may not be caught or collected, except inadvertently by hook and line.

(3) The use of explosive, electric charges and similar methods for the taking of fish is prohibited.

(4) Some portions of the Sanctuary may be designated by the sanctuary manager to be closed to fishing. No person shall possess any angling tackle or fish attractants in such areas at any time.

(5) Scuba diving and skin diving are prohibited in the Sanctuary. Observation and photography are allowed and encouraged in the Sanctuary as a compatible and desirable use.

(6) No corals shall be transported from handling coral formations, standing or otherwise disturbing the corals within the boundaries of the Sanctuary.

(7) Operation of watercraft. (1) All watercraft shall be operated in accordance with applicable Federal rules and regulations. The regulations shall be published at least annually and be available at no charge upon request to any member of the public.

(2) No watercraft shall be operated in such a manner as to disturb the natural features of the marine sanctuary.

(3) Except in case of emergency, no watercraft shall be operated in such a manner as to disturb any coral reef formations.

(4) No watercraft shall be operated at greater than 10 knots while within the vicinity of divers, scuba divers, boats or fishermen, with the exception of law enforcement officials while in the performance of their duties.

(5) All watercraft from which diving operations are being conducted may fly the red and white diving flag.

(6) No boat under power shall approach closer than 100 yards to a boat displaying the diving flag except at a minimum speed of 4 miles per hour. Divers shall stay within 100 yards of their diving flag.

(7) Boats anchored or proceeding at slow speeds shall be approached or passed at such slow speed that the wake of the approaching or passing boat does not disturb the bottom or destroy the observation of which is desired.

(8) Watercraft must use mooring buoys, stations or anchoring areas when such facilities and areas have been designated and are available.

§ 929.6 Permit procedures and criteria.

(a) Any person or entity who wishes to conduct in the Sanctuary an activity for which a permit is authorized by § 929.6 (hereafter a permitted activity) may apply in writing to the Administrator for a permit to conduct such activity, citing this section as the basis for the application. Such application shall be made to the Administrator, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20590. Upon receipt of the application, the Administrator shall notify the applicant that the application has been received and request such further information from the applicant as he deems appropriate to enable him to act upon the application.

(b) In considering whether to grant a permit for the conduct of a permitted activity, the Administrator may consider the potential impact of the activity on the resources of the Sanctuary, the purpose of the activity, and such other matters as the Administrator deems appropriate.

(c) The Administrator may, in his discretion, grant a permit to conduct any permitted activity which has been applied for pursuant to this section, in whole or in part, and subject to such condition(s) as he deems appropriate.

§ 929.5 Penalties for Commission of Prohibited Acts.

(a) Section 303 of the Act authorizes the assessment of a civil penalty of not more than $50,000 for each violation of any regulation issued pursuant to the Act, and further authorizes a proceeding in rem against any vessel used in violation of any such regulation. Details are set out in Subpart D of Part 929 (15 CFR Part 929). Subpart D (30 Part 929, 23254; 32357, June 27, 1974). Subpart D is applicable to any instance of a violation of these regulations.

(b) The failure of the vessel, or its owner or operator, to comply with the requirements of the Act or the regulations promulgated thereunder shall be enforced through the provisions of this section.

(1) The U.S. Coast Guard shall have the responsibility for enforcing the rules and regulations of the Sanctuary.

(2) Public notice of closures will be made by informing the local news media.

(3) All activities involving personal injury or death to persons in excess of $100 shall be reported to the Sanctuary Manager as soon as possible by the person or person involved.

§ 929.4 Permitted Activities.

Any person or entity may conduct in the Sanctuary an activity listed under § 929.4 if: (a) Such activity is either (1) for the purpose of research related to the resources of the Sanctuary, or (2) permitted to salvage or recovery operations; and (b) such person or entity is in possession of a valid permit issued by the Administrator of NOAA authorizing the conduct of such activity; except that no permit is required for the conduct of any activity immediately and urgently necessary for the preservation of life, property, or the environment.
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§ 929.8 Certification procedures.

Any Federal agency which, as of the effective date of these regulations, already has permitted, licensed or otherwise authorized any prohibited activity in this section shall notify the Administrator of its intent to do so. The notice shall include a reasonably detailed description of such activity, the person(s) involved, the beginning and ending dates of the period of time the regulation as a whole, and a description of the total area affected. The Administrator then shall decide whether the continuation of the permitted activity, in whole or in part, subject to such condition(s) as he may deem appropriate, is consistent with the purposes of this section. He shall inform the Federal agency of its decision in these respects, and the reason(s) therefor, in writing. The decision of the Secretary made pursuant to this section shall be final action for the purposes of the Administrative Procedure Act.

§ 929.9 Appeals of Administrative Action.

(a) In any instance in which the Administrator, as a result of a permit issued by or on file, may appeal the Administrator's action to the Secretary of Commerce, in order to be decided by the Secretary, such appeal shall be in writing, shall state the action(s) appealed and the reason(s) therefor, and shall be submitted within 30 days of the action(s) by the Administrator. The Secretary may request a hearing on the appeal.

(b) Upon receipt of an appeal authorized by this section, the Secretary may request, and if he does, the Secretary shall provide such additional information and in such form as the Secretary may request in order to enable him to act upon the appeal. If the Secretary has not requested a hearing, the Secretary shall decide the appeal upon the basis of the criteria set out in § 929.7(b) or § 929.7(c), as appropriate, and such other information as the Secretary deems appropriate. He shall notify the Appellant of his decision, and the record thereof, in writing, within 30 days of the date of his receipt of the appeal.

(c) If the Appellant has requested a hearing, the Secretary shall grant an informal hearing before a Hearing Officer designated for that purpose by the Secretary in an individual hearing conducted by an independent third party. The Secretary shall notify the Appellant of the appointment of the Hearing Officer, and he shall be given the opportunity to participate in the proceedings. The Hearing Officer shall not be a party to the proceeding and shall not be bound by the existing law, but shall be impartial and have full authority to conduct the proceedings. The record of the hearing shall be made available to the Appellant and the Secretary, and shall include all testimony and evidence presented at the hearing.

(d) The Secretary may adopt the hearing Officer's recommendation, in whole or in part, or modify it. Any party may withdraw or abandon his position in any event. The decision of the Secretary made pursuant to this section shall be final action for the purposes of the Administrative Procedure Act.

PART I—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

(Docket No. 8931-1)

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Warner-Lambert Co.


In the Matter of Warner-Lambert Company, a Corporation

Order requiring a Warneza Plaia, N.J., manufacturer and distributor of "Listerine" mouthwash preparation, among other things to cease misrepresenting the medicinal, therapeutic, healthful, other, effective, and psychological nature of its product. Respondent is further required to include a corrective advertising element in its advertising in its future advertising. The order discharges the complaint alleging the effects of "Listerine" on children who gargle with it twice a day.

The final order, including further order requiring report of compliance therewith, as follows:

T. P. GLITZER
Assistant Administrator
[FR Doc. 78-1279 Filed 1-15-78; 8:45 am]

Title 16—Commercial Practices

PART I—FEDERAL TRADE COMMISSION

(Docket No. 8931-1)

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

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The final order, including further order requiring report of compliance therewith, as follows:

T. P. GLITZER
Assistant Administrator

[FR Doc. 78-1279 Filed 1-15-78; 8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

(Docket No. 8931-1)

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

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Order requiring a Warneza Plaia, N.J., manufacturer and distributor of "Listerine" mouthwash preparation, among other things to cease misrepresenting the medicinal, therapeutic, healthful, other, effective, and psychological nature of its product. Respondent is further required to include a corrective advertising element in its advertising in its future advertising. The order discharges the complaint alleging the effects of "Listerine" on children who gargle with it twice a day.

The final order, including further order requiring report of compliance therewith, as follows:

T. P. GLITZER
Assistant Administrator

[FR Doc. 78-1279 Filed 1-15-78; 8:45 am]