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FEDERAL REGISTER

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PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Special Assistant to the Assistant Secretary for Safety and Consumer Affairs is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (9–13–72), subparagraph (30) of paragraph (a) is added to § 213.3394 as set out below.

§ 213.3394 **Department of Transportation.**

(a) *Office of the Secretary.* * * *

(30) One Special Assistant to the Assistant Secretary for Safety and Consumer Affairs.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-15642 Filed 9–11–72;12:16 pm]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices)

PART 51—FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

Subpart—U.S. Standards for Grades of Pecans in the Shell [1]

On page 13267 of the FEDERAL REGISTER of July 6, 1972, there was published a notice of proposed rule making to revise the U.S. Standards for Grades of Pecans in the Shell (7 CFR 51.1400–51.1418). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

Statement of considerations leading to the revision of these grade standards. Following publication of the proposal in the FEDERAL REGISTER copies were widely distributed to individuals and to groups and organizations of pecan growers and handlers.

Interested persons were given until July 30, 1972, to submit written data, views, or arguments regarding the proposal. No comments have been received.

The revised standards provide a new optional determinations section for moisture content of kernels and edible kernel content. These determinations are not requirements of the standards, but may be performed upon request in connection with one of the U.S. grades or separately.

In addition, a "Metric Conversion Table" is added to enable persons to translate into millimeters those grade requirements which are specified in terms of fractional parts of inches. Furthermore, the "Unclassified" section, seldom used and often misunderstood, is deleted.

It is believed that use of the optional determinations will provide pecan shellers with a better means of evaluating quality of pecans for shelling purposes. Also, it will encourage shellers to base their prices paid to growers on the percent of edible kernel content and upon moisture content.

The proposed revised standards are hereby adopted without change and are set forth below.

It is hereby found that good cause exists for not postponing the effective date of these revised standards 30 days beyond the publication hereof in the FEDERAL REGISTER, in that: (1) The 1972 harvest season for pecans will begin about October 1 and it is in the interest of the public and the pecan industry that this amendment be placed in effect before that date; and (2) no special preparation is required for compliance with this revision on the part of members of the pecan industry or of others.

Accordingly these standards shall become effective on September 15, 1972, and will thereupon supersede the U.S. Standards for Grades of Pecans in the Shell which have been in effect since November 1, 1967 (7 CFR, 51.140–51.1418).

Dated: September 7, 1972.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

GRADES

Sec.
51.1400 U.S. No. 1.
51.1401 U.S. Commercial.

SIZE CLASSIFICATION

51.1402 Size classification.

KERNEL COLOR CLASSIFICATION

51.1403 Kernel color classification.

TOLERANCES

51.1404 Tolerances.

APPLICATION OF STANDARDS

51.1405 Application of standards.

DEFINITIONS

51.1406 Fairly uniform in color.
51.1407 Loose extraneous or foreign material.
51.1408 Well developed.
51.1409 Fairly well developed.
51.1410 Poorly developed.
51.1411 Well cured.
51.1412 Damage.
51.1413 Serious damage.

OPTIONAL DETERMINATIONS

51.1414 Optional determinations.

METRIC CONVERSION TABLE

51.1415 Metric conversion table.

AUTHORITY: The provision of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.1400 U.S. No. 1.

"U.S. No. 1" consists of pecans in the shell which meet the following requirements:

(a) Free from loose extraneous or foreign material.

(b) Shells are:

(1) Fairly uniform in color; and,

(2) Free from damage by any cause.

(c) Kernels are:

(1) Free from damage by any cause.

(d) Comply with tolerances in § 51.1404.

§ 51.1401 U.S. Commercial.

The requirements for this grade are the same as for U.S. No. 1 except for:

(a) No requirement for uniformity of color of shells; and,

(b) Increased tolerances for defects (See § 51.1404).

SIZE CLASSIFICATION

§ 51.1402 Size classification.

Size of pecans may be specified in connection with the grade in accordance with one of the following classifications. To meet the requirements for any one of these classifications, the lot must conform to both the specified number of nuts per pound and the weight of the 10 smallest nuts per 100 nut sample:

Size classification	Number of nuts per pound	Minimum weight of the 10 smallest nuts in a 100-nut sample
Oversize	52 or less	In each classification, the 10 smallest nuts per 100 must weigh at least 7 percent of the total weight of the 100-nut sample.
Extra large	53 to 60	
Large	61 to 73	
Medium	74 to 90	

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

KERNEL COLOR CLASSIFICATION

§ 51.1403 Kernel color classification.

(a) The skin color of pecan kernels may be described in terms of the color classifications provided in this section. When the color of kernels in a lot generally conforms to the "light" or "light amber" classification, that color classification may be used to describe the lot in connection with the grade.

(1) "Light" means that the outer surface of the kernel is mostly golden color or lighter, with not more than 25 percent of the outer surface darker than golden, none of which is darker than light brown.

(2) "Light amber" means that more than 25 percent of the outer surface of the kernel is light brown, with not more than 25 percent of the outer surface darker than light brown, none of which is darker than medium brown.

(3) "Amber" means that more than 25 percent of the outer surface of the kernel is medium brown, with not more than 25 percent of the outer surface darker than medium brown, none of which is darker than dark brown (very dark-brown or blackish-brown discoloration).

(4) "Dark amber" means that more than 25 percent of the outer surface of the kernel is dark brown, with not more than 25 percent of the outer surface darker than dark brown (very dark-brown or blackish-brown discoloration).

(b) U.S. Department of Agriculture kernel color standards, Pec–MC–1, consisting of plastic models of pecan kernels, illustrate the color intensities implied by the terms "golden", "light brown", "medium brown" and "dark brown" referred to in paragraph (a) of this section. These color standards may be examined in the Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250; in any field office of the Fresh Fruit and Vegetable Inspection Service; or upon request of any authorized inspector of such Service. Duplicates of the color standards may be purchased from NASCO, Fort Atkinson, Wis. 53538.

TOLERANCES

§ 51.1404 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(a) *U.S. No. 1*—(1) *For shell defects, by count*—(i) 5 percent for pecans with damaged shells, including therein not more than 2 percent for shells which are seriously damaged.

(2) *For kernel defects, by count*—(i) 12 percent for pecans with kernels which fail to meet the requirements for the grade or for any specified color classification, including therein not more than 5 percent for kernels which are seriously damaged by any cause.

(ii) In addition, 8 percent for kernels which fail to meet the color requirements for the grade or for any specified color classification, but which are not seriously damaged by dark discoloration of the skin: *Provided*, That these kernels meet the requirement for the grade other than for skin color.

(3) *For loose extraneous or foreign material, by weight*—(i) 0.5 percent (one-half of 1 percent).

(b) *U.S. Commercial*—(1) *For shell defects, by count*—(i) 10 percent for pecans with damaged shells, including therein not more than 3 percent for shells which are seriously damaged.

(2) *For kernel defects, by count.*—(i) 30 percent for pecans with kernels which fail to meet the requirements of the U.S. No. 1 grade, including therein not more than 10 percent for pecans with kernels which are seriously damaged: *Provided*, That not more than six-tenths of this amount, or 6 percent, shall be allowed for kernels which are rancid, moldy, decayed or injured by insects.

(3) *For loose extraneous or foreign material, by weight*—(i) 0.5 percent (one-half of 1 percent).

APPLICATION OF STANDARDS

§ 51.1405 Application of standards.

The grade of a lot of pecans shall be determined on the basis of a composite sample drawn at random from containers in various locations in the lot. However, any identifiable containers in which the pecans are obviously of a quality or size materially different from that in the majority of containers, shall be considered as a separate lot, and shall be sampled and graded separately.

DEFINITIONS

§ 51.1406 Fairly uniform in color.

"Fairly uniform in color" means that the shells do not show sufficient variation in color to materially detract from the general appearance of the lot.

§ 51.1407 Loose extraneous or foreign material.

"Loose extraneous or foreign material" means loose hulls, empty broken shells, or any substance other than pecans in the shell or pecan kernels.

§ 51.1408 Well developed.

"Well developed" means that the kernel has a large amount of meat in proportion to its width and length. (See fig. 1.)

§ 51.1409 Fairly well developed.

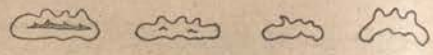
"Fairly well developed" means that the kernel has at least a moderate amount of meat in proportion to its width and length. Shriveling and hollowness shall be considered only to the extent that they have reduced the meatiness of the kernel. (See fig. 1.)

§ 51.1410 Poorly developed.

"Poorly developed" means that the kernel has a small amount of meat in proportion to its width and length. (See fig. 1.)

Figure 1

CROSS SECTION ILLUSTRATION

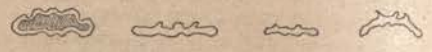


1. WELL DEVELOPED

Lower limit. Kernels having less meat content than these are not considered well developed.

2. FAIRLY WELL DEVELOPED

Lower limit for U. S. No. 1 grade. Kernels having less meat content than these are not considered fairly well developed and are classed as damaged.



3. POORLY DEVELOPED

Lower limit, damaged but not seriously damaged. Kernels having less meat content than these are considered undeveloped and are classed as seriously damaged.

§ 51.1411 Well cured.

"Well cured" means that the kernel separates freely from the shell, breaks cleanly when bent, without splintering, shattering, or loosening the skin; and the kernel appears to be in good shipping or storage condition as to moisture content.

§ 51.1412 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, or any other defect, or any combination of defects, which materially detracts from the appearance or the edible or marketing quality of the individual pecan or the general appearance of the pecans in the lot. The following defects shall be considered as damage:

(a) Adhering hull material or dark stains affecting an aggregate of more than 5 percent of the surface of the individual shell;

(b) Split or cracked shells when the shell is spread apart or will spread upon application of slight pressure;

(c) Broken shells when any portion of the shell is missing;

(d) Kernels which are not well cured;

(e) Poorly developed kernels;

(f) Kernels which are dark amber in color;

(g) Kernel spots when more than one dark spot is present on either half of the kernel, or when any such spot is more than one-eighth inch in greatest dimension;

(h) Adhering material from the inside of the shell when firmly attached to more than one-third of the outer surface of the kernel and contrasting in color with the skin of the kernel; and,

(i) Internal flesh discoloration of a medium shade of gray or brown extending more than one-fourth inch lengthwise beneath the center ridge, or an

equally objectionable amount in other portions of the kernel; or lesser areas of dark discoloration affecting the appearance to an equal or greater extent.

§ 51.1413 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, or any other defect, or any combination of defects, which seriously detracts from the appearance or the edible or marketing quality of the individual pecan. The following defects shall be considered as serious damage:

(a) Adhering hull material or dark stains affecting an aggregate of more than 20 percent of the surface of the individual shell;

(b) Broken shells when the missing portion of shell is greater in area than a circle one-fourth inch in diameter;

(c) Worm holes when penetrating the shell;

(d) Rancidity when the kernel is distinctly rancid to the taste. Staleness of flavor shall not be classed as rancidity;

(e) Mold, on the surface or inside the kernel, which is plainly visible without magnification;

(f) Decay affecting any portion of the kernel;

(g) Insect injury when the insect, web or frass is present inside the shell, or the kernel shows distinct evidence of insect feeding;

(h) Kernel spots when more than three dark spots are on either half of the kernel, or when any spot or the aggregate of two or more spots on one of the halves of the kernel affects more than 10 percent of the surface;

(i) Dark discoloration of the skin which is darker than dark amber over more than 25 percent of the outer surface of the kernel;

(j) Internal flesh discoloration of a dark shade extending more than one-third the length of the kernel beneath the ridge, or an equally objectionable amount of dark discoloration in other portions of the kernel; and,

(k) Undeveloped kernels having practically no food value, or which are blank (complete shell containing no kernel).

Optional Determinations

§ 51.1414 Optional determinations.

The determinations set forth herein are not requirements of these standards. They may be performed upon request in connection with the grade determination or as a separate determination. Samples of pecans for these determinations shall be taken at random from a composite sample drawn throughout the lot.

(a) *Edible kernel content.*—A minimum sample of at least 1 pound of in-shell pecans shall be used for the determination of edible kernel content. After the sample is weighed and shelled, edible appearing kernels and pieces of kernel shall be separated from shells, center wall, other nonkernel material, and obviously inedible kernels and pieces of kernel, and weighed to determine the percentage of edible kernel content for the lot.

(b) *Kernel moisture content.*—The sample of pecans for determination of kernel moisture content shall be shelled immediately before analysis and all shells, center wall and other nonkernel material removed. The air-oven or other methods or devices which give equivalent results shall be used for moisture content determination.

Metric Conversion Table

§ 51.1415 Metric conversion table.

Inches	(*MM*) *Millimeters*
⅛	3.2
¼	6.4

[FR Doc.72-15610 Filed 9-12-72;8:54 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

[Docket No. 72-546]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, paragraph (e) (5) relating to the State of Louisiana is deleted.

2. In § 76.2, a new paragraph (e) (11) relating to the State of Ohio is added to read:

(e) * * *

((1) *Ohio.* (i) That portion of Darke County bounded by a line beginning at the junction of U.S. Highway 127 and Horatio-Harris Creek Road; thence, following Horatio-Harris Creek Road in an easterly direction to Stahl Road; thence, following Stahl Road in a southerly direction to Requarth Road; thence following Requarth Road in a westerly direction to U.S. Highway 127; thence, following U.S. Highway 127 in a northeasterly direction to its junction with Horatio-Harris Creek Road.

(ii) That portion of Van Wert County bounded by a line beginning at the junction of the Ohio-Indiana State line and U.S. Highway 224; thence following U.S. Highway 224 in a northeasterly direction to Harrison-Wilshire Road; thence, following Harrison-Wilshire Road in a southerly direction to Sheets-Glenmore Road; thence, following Sheets-Glenmore Road in a westerly direction to State Highway 49; thence, following State Highway 49 in a northerly direction to Sheets-Glenmore Road; thence, following Sheets-Glenmore Road in a westerly direction to the Ohio-Indiana State line; thence, following the Ohio-Indiana State line in a northerly direction to its junction with U.S. Highway 224.

3. In § 76.2, paragraph (e) (7) relating to the State of Kentucky, subdivisions (iii) relating to Bullitt County; (iv) relating to Warren County; (v) relating to Barren and Monroe Counties; and (vi) relating to Hart, Barren, and Metcalfe Counties are added to read:

(e) * * *

(7) *Kentucky.* * * *

(iii) That portion of Bullitt County bounded by a line beginning at the junction of State Highway 44 and the north bank of Skinner Branch; thence, following State Highway 44 in a northeasterly direction to State Highway 1526; thence, following State Highway 1526 in a northeasterly direction to Interstate Highway 65; thence, following Interstate Highway 65 in a generally southerly direction to the north bank of the Salt River; thence, following the north bank of the Salt River in a northwesterly, then southwesterly direction to the north boundary of Fort Knox Military Reservation; thence, following the north boundary of Fort Knox Military Reservation in a northwesterly direction to the north bank of the Skinner Branch; thence, following the north bank of Skinner Branch in a northwesterly direction to its junction with State Highway 44.

(iv) That portion of Warren County bounded by a line beginning at the junction of Interstate Highway 65 and U.S. Highway 68, State Highway 80; thence, following Interstate Highway 65 in a northeasterly direction to the Warren-Edmonson County line; thence, following the Warren-Edmonson County line in a southeasterly direction to the junction of the Warren-Edmonson-Barren County lines; thence, following the Warren-Barren County line in a southwesterly direction to State Highway 1297; thence, following State Highway 1297 in a westerly direction to State Highway 807; thence, following State Highway 807 in a northerly direction to U.S. Highway 68, State Highway 80; thence, following U.S. Highway 68, State Highway 80 in a northwesterly direction to its junction with Interstate Highway 65.

(v) The adjacent portions of Barren and Monroe Counties bounded by a line beginning at the junction of State Highway 921 and State Highway 87 in Barren County; thence, following State Highway 87 in a generally southeasterly direction to the north bank of the Barren River in Monroe County; thence, following the north bank of the Barren River in a generally southeasterly direction to State Highway 100; thence, following

State Highway 100 in a northerly direction to Harmony Church Road; thence, following Harmony Church Road in a northerly direction to State Highway 1366; thence, following State Highway 1366 in a northwesterly direction to State Highway 870; thence, following State Highway 870 in a generally northeasterly direction to State Highway 63; thence, following State Highway 63 in a northwesterly direction to State Highway 820 in Barren County; thence, following State Highway 820 in a westerly, then northerly direction to Dry Fork Road; thence, following Dry Fork Road in a southwesterly direction to State Highway 921; thence, following State Highway 921 in a southwesterly direction to its junction with State Highway 87 in Barren County.

(vi) The adjacent portions of Hart, Barren, and Metcalfe Counties bounded by a line beginning at the junction of Rex Rowletts Road and U.S. Highway 31–W in Hart County; thence, following U.S. Highway 31–W in a southwesterly direction to State Highway 70 in Barren County; thence, following State Highway 70 in a southeasterly direction to U.S. Highway 31–E; thence, following U.S. Highway 31–E in a southwesterly direction to State Highway 314; thence, following State Highway 314 in a northeasterly direction to State Highway 70; thence, following State Highway 70 in a southeasterly, then northeasterly direction to State Highway 1243 in Metcalfe County; thence, following State Highway 1243 in a northwesterly direction to State Highway 314; thence, following State Highway 314 in a northeasterly direction to State Highway 677; thence, following State Highway 677 in a northwesterly direction to State Highway 218 in Hart County; thence, following State Highway 218 in a northwesterly direction to State Highway 570; thence, following State Highway 570 in a northwesterly direction to Rex Rowletts Road; thence, following Rex Rowletts Road in a northwesterly direction to its junction with U.S. Highway 31–W in Hart County.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine portions of Darke and Van Wert Counties in Ohio and portions of Bullitt, Warren, Hart, Barren, Monroe, and Metcalfe Counties in Kentucky because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas.

The amendments exclude portions of Lafayette and Vermilion Parishes in Louisiana from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded areas. No areas in Louisiana remain under quarantine.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as the amendments relieve restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, they should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this eighth day of September 1972.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.72–15611 Filed 9–12–72;8:52 am]

[Docket No. 72–547]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraph (e) (7) relating to the State of Kentucky a new subdivision (vii) is added to read:

(e) * * *

(7) *Kentucky.* * * *

(vii) The adjacent portions of Washington and Marion Counties bounded by a line beginning at the junction of the Washington-Mercer County line and State Highway 152; thence, following State Highway 152 in Washington County in a westerly, then southwesterly direction to the east bank of Pleasant Run Creek; thence, following the east bank of the Pleasant Run Creek in a generally southwesterly direction to U.S. Highway 150; thence, following U.S. Highway 150 in an easterly direction to State Highway 1195; thence, following State Highway 1195 in a southwesterly direction to State Highway 843 in Marion County; thence, following State Highway 843 in a southeasterly, then southerly direction to U.S. Highway 68, State Highway 52; thence, following U.S. Highway 68, State Highway 52 in a northeasterly direction to the Marion-Boyle County line; thence, following the Marion-Boyle County line in a northeasterly direction to the junction of the Marion-Washington-Boyle County lines; thence, following the Washington-Boyle County line in a northeasterly direction to the junction of the Washington-Boyle-Mercer County lines; thence, following the Washington-Mercer County line in a northeasterly direction to its junction with State Highway 152 in Washington County.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines portions of Washington and Marion Counties in Kentucky because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of September 1972.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.72–15612 Filed 9–12–72;8:52 am]

[Docket No. 72-548]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (g) the name of the State of Kentucky is deleted.

(Secs. 4–7, 28 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment removes the State of Kentucky from the list of hog cholera Free States appearing in 9 CFR 76.2(g), as amended, because of the secondary spread of the contagion of hog cholera within that State. This action is deemed necessary to prevent further spread of the disease. The special provisions pertaining to the interstate movement of swine and swine products from Eradication and Free States are no longer applicable to Kentucky. However, the general restrictions contained in 9 CFR Part 76, as amended, pertaining to the interstate movement of swine and swine products from nonquarantined areas apply to the State of Kentucky. This removal of the State of Kentucky from hog cholera Free status has the effect of reducing the Federal indemnities payable under other regulations (9 CFR Part 56) for swine slaughtered because of hog cholera in Kentucky.

The amednment imposes certain further restrictions necessary to prevent the spread of hog cholera, and must be made effective immediately to accomplish its prupose in the public interest. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of September 1972.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.72-15613 Filed 9-12-72;8:52 am]

[Docket No. 72-549]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, a new paragraph (e) (12) relating to the State of Tennessee is added to read:

(e) * * *

(12) *Tennessee.* The adjacent portions of Macon and Clay Counties bounded by a line beginning at the junction of the Kentucky-Tennessee State line and the Bug Tussel-Pumpkintown Road in Macon County; thence, following Bug Tussel-Pumpkintown Road in a southwesterly direction to the Pumpkintown-Red Boiling Springs Road; thence, following the Pumpkintown-Red Boiling Springs Road in a southeasterly direction to State Highway 52; thence, following State Highway 52 in a generally northeasterly direction to State Highway 1446 T in Clay County; thence, following State Highway 1446 T in a northeasterly direction to the Kentucky-Tennessee State line; thence, following the Kentucky-Tennessee State line in a westerly direction to its junction with the Bug Tussel-Pumpkintown Road in Macon County.

2. In § 76.2, paragraph (e) (7) relating to the State of Kentucky, subdivision (iii) relating to Bullitt County is deleted; a new subdivision (iii) relating to Bullitt County is added; and subdivision (v) relating to Barren and Monroe Counties is amended to read:

(e) * * *

(7) *Kentucky.* * * *

(iii) That portion of *Bullitt County* bounded by a line beginning at the junction of the south bank of the Salt River and Interstate Highway 65; thence, following Interstate Highway 65 in a southeasterly direction to State Highway 245; thence, following State Highway 245 in a generally southeasterly direction to the Bullitt-Nelson County line; thence, following the Bullitt-Nelson County line in a generally northeasterly direction to the junction of the Bullitt-Nelson-Spencer County lines; thence, following the Bullitt-Spencer County line in a northwesterly direction to the south bank of the Salt River; thence, following the south bank of the Salt River in a generally southwesterly direction to its junction with Interstate Highway 65.

(v) The adjacent portions of Barren and Monroe Counties bounded by a line beginning at the junction of State Highway 921 and State Highway 87 in Barren County; thence, following State Highway 87 in a generally southeasterly direction to the northbank of the Barren River in Monroe County; thence, following the north bank of the Barren River in a generally southeasterly direction to Walnut Grove Road; thence, following Walnut Grove Road in a generally southeasterly direction to State Highway 87; thence, following State Highway 871 in a southwesterly direction to the Kentucky-Tennessee State line; thence following the Kentucky-Tennessee State line in an easterly direction to State Highway 1446; thence, following State Highway 1446 in a generally northeasterly direction to State Highway 63, 100; thence, following State Highway 63, 100 in a southwesterly direction to State Highway 1366; thence, following State Highway 87 in a southwesterly direction to State Highway 870; thence, following State Highway 870 in State Highway 63 100 in a southwesterly following State Highway 1366 in a northa generally northeasterly direction to State Highway 63; thence, following State Highway 63 in a northwesterly direction to State Highway 820 in Barren County; thence, following State Highway 820 in a westerly then northerly direction to Dry Fork Road; thence, following Dry Fork Road in a southwesterly direction to State Highway 921; thence, following State Highway 921 in a southwesterly direction to its junction with State Highway 87 in Barren County.

3. In § 76.2, paragraph (e) (3) relating to the State of North Carolina, a new subdivision (iii) relating to Harnett, Cumberland, and Sampson Counties is added to read:

(e) * * *

(3) *North Carolina.* * * *

(iii) The adjacent portions of Harnett, Cumberland, and Sampson Counties bounded by a line beginning at the junction of U.S. Highway 421, State Highway 55, and the Seaboard Coast Line Railroad in Harnett County; thence, following the Seaboard Coast Line Railroad in a southwesterly direction to Secondary Road 1803 in Cumberland County; thence, following Secondary Road 1803 in a southeasterly direction to U.S. Highway 301; thence, following U.S. Highway 301 in a northeasterly direction to Secondary Road 1806; thence, following Secondary Road 1806 in a southerly direction to Secondary Road 1810; thence, following Secondary Road 1810 in a southeasterly direction to Secondary Road 1005; thence, following Secondary Road 1005 in a northeasterly direction to Secondary Road 1602 in Sampson County; thence, following Secondary Road 1602 in an easterly direction to Secondary Road 1605; thence, following Secondary Road 1605 in a southeasterly direction to Secondary Road 1606;

thence, following Secondary Road 1606 in a northeasterly direction to Secondary Road 1608; thence, following Secondary Road 1608 in a generally northerly direction to Secondary Road 1476; thence, following Secondary Road 1476 in a westerly direction to Secondary Road 1616; thence, following Secondary Road 1616 in a northeasterly direction to U.S. Highway 421; thence, following U.S. Highway 421 in a northwesterly direction to Secondary Road 1626; thence, following Secondary Road 1626 in a generally northeasterly direction to Secondary Road 1620; thence, following Secondary Road 1620 in a northwesterly direction to State Highway 55; thence, following State Highway 55 in a generally northwesterly direction to U.S. Highway 421, State Highway 55 in Harnett County; thence, following U.S. Highway 421, State Highway 55 in a northwesterly direction to its junction with the Seaboard Coast Line Railroad in Harnett County.

4. In § 76.2, paragraph (e)(11) relating to the State of Ohio, a new subdivision (iii) relating to Darke County is added to read:

(e) * * *

(11) *Ohio.* * * *

(iii) That portion of Darke County bounded by a line beginning at the junction of the Wayne-Adams Township line and the New Harrison Road; thence, following the Wayne-Adams Township line in an easterly direction to the Darke-Miami County line; thence, following the Darke-Miami County line in a southerly direction to the Children's Home-Bradford Road; thence, following the Children's Home-Bradford Road in a westerly direction to the New Harrison Road; thence, following New Harrison Road in a northerly direction to its junction with the Wayne-Adams Township line.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine portions of Macon and Clay Counties in Tennessee; portions of Monroe and Bullitt Counties in Kentucky; a portion of Darke County, Ohio; and portions of Sampson, Harnett, and Cumberland Counties in North Carolina because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas.

The amendments exclude a portion of Bullitt County in Kentucky from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded area.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as the amendments relieve restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, they should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of September 1972.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.72-15614 Filed 9-12-72;8:52 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 1—STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

Issuance of Rules by Director of Regulation

Section 1.12 of the Atomic Energy Commission's regulation 10 CFR Part 1, Statement of Organization and General Information, currently provides that the Commission's Director of Regulation may issue amendments of regulations if the amendments are corrective or are of a minor or nonpolicy nature which do not substantially modify existing regulations affecting the public health and safety, the common defense and security or substantive or procedural rights.

The amendment of § 1.12 set forth below is intended to clarify the authority of the Director of Regulation to issue in final form amendments of regulations of a substantive or policy nature if, after expiration of the comment period on the proposed rule, no significant adverse comments or significant questions have been received and no substantial changes in the text of the rule are indicated.

Because the amendment relates to agency management, notice of proposed rule making and public procedure thereon are not required by section 553 of title 5 of the United States Code.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 1, is published as a document subject to codification, to be effective upon publication in the FEDERAL REGISTER (9–13–72).

Section 1.12 of 10 CFR Part 1 is revised to read as follows:

§ 1.12 Director of Regulation.

The Director of Regulation discharges the licensing and other regulatory functions of the AEC, except where final decision rests with a hearing examiner, an atomic safety and licensing board, or the Commission after hearing. He may issue amendments of regulations if the amendments are corrective or are of a minor or nonpolicy nature which do not substantially modify existing regulations affecting the public health and safety, the common defense and security, or substantive or procedural rights. He also may issue amendments of regulations in final form if, after expiration of the comment period on the notice of proposed rule making, no significant adverse comments or significant questions have been received and no substantial changes in the text of the rule are indicated. The Deputy Director of Regulation is authorized to act in the stead of the Director of Regulation during his absence.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 23d day of August 1972.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.72-15502 Filed 9-12-72;8:46 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y]

PART 225—BANK HOLDING COMPANIES

Nonbanking Activities of Bank Holding Companies

Part 225 of title 12 is amended by adding the following new section:

§ 225.128 Insurance agency activities.

(a) Effective September 1, 1971, the Board of Governors amended § 225.4(a) of Regulation Y to add specified insurance agency activities to the list of activities the Board has determined to be so closely related to banking or managing or controlling banks as to be a proper incident thereto. In the course of administering this regulation, a number

of questions have arisen concerning the scope and terms of the Board's regulation. The Board's views on some of these questions are set forth below.

(b) *Section 225.4(a)(9)(i): Insurance "for the holding company and its subsidiaries".* The Board regards the sale of group insurance for the protection of employees of the holding company as insurance for the holding company and its subsidiaries.

(c) *Section 225.4(a)(9)(ii)(a): Insurance "directly related to an extension of credit by a bank or a bank-related firm".* (1) This provision is designed to permit the sale, by a bank holding company system, of insurance that supports the lending transactions of a bank or bank-related firm in the holding company system. The Board regards the sale of insurance as directly related to an extension of credit by a bank or bank-related firm where (i) the insurance assures repayment of an extension of credit by the holding company system in the event of death or disability of the borrower (for example, credit life and credit accident and health insurance); or (ii) the insurance protects collateral in which the bank or bank-related firm has a security interest as a result of its extension of credit; or (iii) the insurance is other insurance which is sold to individual borrowers in conjunction with or as part of an insurance package (as a matter of general practice) with insurance protecting the collateral in which a bank or bank-related firm has a security interest as a result of its extension of credit. Examples that fall within subdivision (iii) of this subparagraph are: (*a*) Liability insurance sold in conjunction with insurance relating to physical damage of an automobile when the purchase of such automobile is financed by a bank or bank-related firm; and (*b*) a homeowner's insurance policy with respect to a residence mortgaged to a bank or bank-related firm.

(2) Other types of insurance may be directly related to an extension of credit. A bank holding company applying to engage in the sale of such other types should furnish information showing that such insurance is so directly related.

(3) A renewal of insurance, after the credit extension has been repaid, is regarded as closely related to banking only to the extent that such renewal is permissible under § 225.4(a)(9)(ii)(c) of Regulation Y.

(4) The Board generally regards insurance protecting collateral where the security interest of a bank or bank-related firm was obtained by purchase rather than by a direct extension of credit by the holding company system as not being directly related to an extension of credit by a bank or bank-related firm. However, if such security interests are purchased on a continuing basis from a firm or an individual and the interval between the creation of the security interest and its subsequent purchase is minimal, the Board may regard such purchase as an extension of credit. Full details of the transactions should be provided to support a holding company's contention that such insurance sales are directly related to an extension of credit.

(d) *Section 225.4(a)(9)(ii)(b): Insurance "directly related to the provision of other financial services by a bank or * * * bank-related firm".* This provision is designed to permit the sale by a bank holding company system of insurance in connection with bank-related services (rendered by a member of the holding company system) other than an extension of credit. Among the types of insurance the Board regards as directly related to such services are: (1) Insurance against loss of securities held for safekeeping; (2) insurance for valuables in a safe deposit box; (3) life insurance equal to the difference between the maturity value of a deposit plan for periodic deposits over a specified term and the balance in the account at the time of the depositor's death; (4) in connection with mortgage loan servicing that is provided by a bank or bank-related firm, insurance on the mortgaged property and/or insurance on the mortgagor to the extent of the outstanding balance of the credit extension, *Provided,* That the mortgagee is a beneficiary under such types of insurance policies; and (5) insurance directly related to the provision of trust services if the sale of such insurance is permitted by the trust instruments and under State law.

(e) *Section 225.4(a)(9)(ii)(c): Insurance that "is otherwise sold as a matter of convenience to the purchaser, so long as the premium income from sales within * * * subdivision (ii)(c) does not constitute a significant portion of the aggregate insurance premium income of the holding company from insurance sold pursuant to * * * subdivision (ii)".* (1) This provision is designed to permit the sale of insurance as a matter of convenience to the purchaser. It is not designed to permit entry into the general insurance agency business.

(2) The term "premium income" means gross commission income.

(3) The Board generally will regard premium income attributable to "convenience" sales as not constituting a "significant portion" if the income attributable to "convenience" sales is less than 5 percent of the aggregate insurance premium income of the holding company system from insurance sold pursuant to § 225.4(a)(9)(ii).

(Interprets and applies 12 U.S.C. 1843(c)(8))

By order of the Board of Governors August 31, 1971.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-15503 Filed 9-12-72;8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 72-WE-17-AD; Amdt. 39-1519]

PART 39—AIRWORTHINESS DIRECTIVES

North American Rockwell NA-265, All Models

Pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), an airworthiness directive was adopted on August 25, 1972, and made effective immediately as to all known U.S. operators of North American Rockwell NA-265 airplanes. The directive requires compliance with the inspection and trigger replacement provisions of North American Rockwell Sabreliner Service Bulletin No. 72-14, dated August 25, 1972.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as too all known U.S. operators of North American Rockwell NA-265 airplanes by individual telegrams dated August 25, 1972. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

NORTH AMERICAN ROCKWELL. Applies to all Models NA-265, NA-265-20, and NA-265-30 airplanes, plus NA-265-40, serial Nos. 282-1 through 282-98; NA-265-50, serial No. 287-1; and NA-265-60, serial Nos. 306-1 through 306-37.

Within the next 25 hours' time in service after receipt of this telegram, but not later than October 1, 1972, whichever occurs first, unless already accomplished, comply with the inspection and parts replacement provisions of North American Rockwell Sabreliner Service Bulletin 72-14 dated August 25, 1972, or later FAA approved revision, or equivalent FAA approved inspection and replacement.

This amendment is effective September 15, 1972, and was effective upon receipt for all recipients of the telegram dated August 25, 1972, which contained this amendment.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on September 1, 1972.

ARVIN O. BASNIGHT,
Director,
FAA Western Region.

[FR Doc.72-15514 Filed 9-12-72;8:47 am]

[Docket No. 11423, Amdt. 39-1521]

PART 39—AIRWORTHINESS DIRECTIVES

Nickel-Cadmium Batteries

Amendment 39-1302 (36 F.R. 19075), AD 71-21-5, as amended by Amendment 39-1333 (36 F.R. 21581), applies to each turbine engine powered aircraft having a primary electrical system that includes a nickel-cadmium battery, containing any polystyrene cell cases, that is capable of being used to start the aircraft's engine or APU, except those aircraft that have the charging rate of such a battery automatically controlled as a function of battery temperature and except Learjet Models 23, 24, and 25 airplanes. The AD requires modifications to either replace all polystyrene cell case material; or to accomplish an FAA-approved installation of either a battery containing all nylon cell cases, a battery overtemperature warning system with provisions for disconnecting the battery from its charging source, or a system that automatically controls battery charging rate as a function of battery temperature. The compliance time for accomplishment of the required modification varies with the rated capacity of the battery. The AD requires aircraft with batteries rated at 50 amp-hours or more to be modified by December 31, 1972, and those with smaller batteries to be modified by April 15, 1972. Pending modification, repetitive visual inspections of the batteries for heat damage are required; the frequency of inspection depends upon the use of the batteries in attempting to start engines or APU's.

Based on further study of nickel-cadmium batteries in light of service experience, since the issuance of Amendment 39-1333, the FAA has concluded that the problem is much broader in scope than originally believed. The alternative means of compliance provided in AD 71-21-5 that permit replacement of polystyrene cell cases with nylon cell cases, either individually or by battery substitution, does not prevent battery overheating that can lead to fire. Moreover, it has been determined that battery failure modes are independent of aircraft type, that in-flight battery failures generally go undetected until descent to final approach, that it is difficult to determine the condition of a battery during preflight or engine starting, and that undetected battery failures that can result in a fire may occur in reciprocating engine powered aircraft.

In view of the foregoing, the FAA has determined that all nickel-cadmium batteries that do not have either the battery charging current controlled as a function of battery temperature, or a suitable battery overtemperature sensing and warning system must be inspected periodically if they are used to start an engine or APU, until modified. However, the FAA recognizes that operators who may have complied with AD 71-21-5 through the replacement of polystyrene cell cases with nylon cell cases, and other operators who may be planning compliance by that method, may not be able to develop an alternative means of compliance prior to the December 31, 1972, deadline. Further, the FAA believes that the expansion of the requirement for battery modification through the inclusion of battery temperature-responsive systems to such operators, as well as to the newly covered operators of both reciprocating engine powered aircraft and aircraft equipped with all nylon cell batteries not having such systems, requires further investigation with regard to acceptable systems and appropriate compliance times.

Therefore, concurrent actions are being taken to supersede AD 71-21-5 with a new AD dealing with inspection and polystyrene replacement requirements and to issue a notice of proposed rule making dealing with subsequent modification requirements.

The new AD that supersedes AD 71-21-5 applies to all aircraft to which that AD applied except those that have installed one of the battery temperature-responsive systems provided for in paragraph (e) thereof. In addition, the new AD applies to all other aircraft having a primary electrical system that includes a nickel-cadmium battery that is capable of being used to start the aircraft's engine or APU except those that are equipped with approriate battery temperature-responsive systems. In addition, as was the case with AD 71-21-5, Learjet Models 23, 24, and 25, which are required to comply with AD 71-16-4, are not included in the new AD. The new AD requires that batteries be inspected at least once each week that they are used for an engine or APU start or attempted start, and that initial inspection be accomplished within 10 hours' time in service after the effective date of the AD. However, the FAA has determined that the inspection frequency may be more flexible for those operators who can substantiate the continued use of a battery maintenance program, under the maintenance provisions of Parts 121 and 127, that has provided satisfactory battery service free of heat associated problems for a period of 1 year. Accordingly, the new AD provides for adjustment of the inspection interval by the assigned FAA maintenance inspector in cases where such substantiation is submitted and approved. Further, the FAA has determined that heat damage discovered during inspections required by the AD must be reported, and the AD requires such reports.

Under AD 71-21-5 operators were required, before further flight, to replace batteries found by inspection to have heat damage. This provision of AD 71-21-5 is unnecessarily restrictive, and the new AD does not require replacement in such circumstances if suitable precautions are taken.

The considerations which resulted in the significantly shorter compliance times in AD 71-21-5 for batteries rated at less than 50 amp-hours are still applicable and any polystyrene cell cases remaining in such batteries, on turbine engine powered aircraft to which the new AD is applicable, must be replaced with nylon cell cases within 10 hours' time in service after the effective date of the AD.

Since a situation exists that requires immediate adoption of this regulation, notice and public procedure hereon are impracticable, and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

NICKEL-CADMIUM BATTERY. Applies to all aircraft having a primary electrical system that includes a nickel-cadmium battery that is capable of being used to start the aircraft's engine or APU, except those aircraft that have the charging rate of such a battery automatically controlled as a function of battery temperature, or that have a battery temperature sensing and overtemperature warning system with means and operating procedures for disconnecting the battery from its charging source in the event of battery overtemperature warning, and except Learjet Models 23, 24, and 25 airplanes.

Compliance is required as indicated.

To prevent a possible battery fire that may result from overheating caused by an undetected battery failure, accomplish the following:

(a) For any battery rated at less than 50 amp-hours, containing any polystyrene cell cases, that is installed on a turbine engine powered aircraft, within the next 10 hours' time in service after the effective date of this AD, either—

(1) Replace each cell having a polystyrene cell case with an equivalent cell having a nylon cell case; or

(2) Replace any battery containing any polystyrene cell cases with a battery containing all nylon cell cases that is approved by the Chief, Engineering and Manufacturing Branch of an FAA Region (or in the case of the Western Region, the Chief, Aircraft Engineering Division).

(b) For all batteries, within the next 10 hours' time in service after the effective date of this AD, unless already accomplished within the last 50 hours' time in service, and thereafter at least once each week that the battery is used for an engine or APU start or attempted start, visually inspect the battery, including the cell links and cell tops, for evidence of heat damage.

(c) If a battery is found to have evidence of heat damage during an inspection required by paragraph (b), before further flight either—

(1) Replace the battery with an equivalent serviceable battery; or

(2) On aircraft approved for operation without the affected battery being operational, mechanically disconnect the battery at the battery terminal.

(d) Upon request of the operator, an FAA maintenance inspector may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data that show that—

(1) The aircraft is being maintained and inspected in accordance with a continuous airworthiness maintenance program, as provided for in Subpart L of Part 121 or Subpart I of Part 127 of the Federal Aviation Regulations, that includes a battery maintenance program that has been in effect for at least 1 year; and

(2) Battery service on the aircraft has been free of heat associated problems during that time.

(e) Report evidence of battery heat damage found during inspections required by this AD, in writing, within 10 days of the inspection, to the Chief, Engineering and Manufacturing Division, Attention: AFS-130, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Each report must include the aircraft model, serial, and registration numbers, the battery make and model numbers, battery hours' time in service, and a description of the heat damage. (Reporting approved by the Bureau of the Budget under BOB No. 04-R0174.)

NOTE: A preaddressed Malfunction or Defect Report, FAA Form 8330-2 (available at any General Aviation District Office) may be used for a report required by this AD, if reference to the AD is made on the form.

This amendment supersedes Amendment 39-1302 (36 F.R. 19075), AD 71-21-5, as amended by Amendment 39-1333 (36 F.R. 21581).

This amendment becomes effective September 20, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on September 7, 1972.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[FR Doc.72-15511 Filed 9-12-72;8:47 am]

[Docket No. 12219, Amdt. 829]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Form 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAP's are available for examination at the rules docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's effective October 26, 1972:

Akron, Ohio—Akron-Canton Airport; VOR/DME Runway 23, Amdt. 3; Revised.
Burley, Idaho—Burley Municipal Airport; VOR-A, Original; Established.
Burley, Idaho—Burley Municipal Airport; VOR Runway 10, Amdt. 12; Canceled.
Burley, Idaho—Burley Municipal Airport; VOR/DME-A, Original; Established.
Burley, Idaho—Burley Municipal Airport; VOR/DME Runway 28, Amdt. 2; Canceled.
Olive Branch, Miss.—Olive Branch Airport; VOR-A, Original; Established.
Oxnard, Calif.—Ventura County Airport; VOR Runway 7, Amdt. 5; Revised.
Youngstown, Ohio—Youngstown Municipal Airport; VORTAC Runway 18, Amdt. 10; Revised.

2. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's effective September 6, 1972:

Holland, Mich.—Tulip City Airport; VOR-A, Amdt. 2; Revised.

3. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's effective August 31, 1972:

Green Bay, Wis.—Austin-Straubel Field; VOR Runway 12, Amdt. 11; Revised.
Green Bay, Wis.—Austin-Straubel Field; VOR/DME Runway 36, Amdt. 3; Revised.

4. Section 97.25 is amended by establishing, revising, or canceling the following SDF-LOC-LDA SIAP's effective October 26, 1972:

Akron, Ohio—Akron-Canton Airport; LOC (BC) Runway 19, Amdt. 3; Revised.
Colorado Springs, Colo.—Peterson Field; LOC (BC) Runway 17, Amdt. 9; Revised.
Eau Claire, Wis.—Eau Claire Municipal Airport; LOC/DME (BC) Runway 4, Original; Established.

5. Section 97.25 is amended by establishing, revising, or canceling the following SDF-LOC-LDA SIAP's effective August 31, 1972:

Green Bay, Wis.—Austin-Straubel Field; LOC (BC) Runway 24L, Amdt. 8; Revised.

6. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's effective October 26, 1972:

Akron, Ohio—Akron-Canton Airport; NDB Runway 1, Amdt. 20; Revised.
Circleville, Ohio—Pickaway County Memorial Airport, NDB Runway 18; Original; Established.
Colorado Springs, Colo.—Peterson Field; NDB Runway 35, Amdt. 18; Revised.
Denver, Colo.—Stapleton International Airport; NDB Runway 26R, Original; Established.
Eau Claire, Wis.—Eau Claire Municipal Airport; NDB Runway 22, Original; Established.
Olive Branch, Miss.—Olive Branch Airport; NDB Runway 18, Original; Established.
Olive Branch, Miss.—Olive Branch Airport; NDB Runway 36, Original; Established.

7. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's effective October 12, 1972:

Clemson, S.C.—Clemson-Oconee County Airport; NDB-A, Original; Established.

8. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's effective September 21, 1972:

Chicago, Ill.—Chicago O'Hare International Airport; NDB Runway 9R, Amdt. 3; Revised.

9. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's effective August 31, 1972:

Green Bay, Wis.—Austin-Straubel Field; NDB Runway 6R, Amdt. 9; Revised.

10. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's effective October 26, 1972.

Akron, Ohio—Akron-Canton Airport; ILS Runway 1, Amdt. 24; Revised.
Chicago, Ill.—Chicago-O'Hare International Airport; ILS Runway 27L, Amdt. 1; Revised.
Chicago, Ill.—Chicago-O'Hare International Airport; Parallel ILS Runway 27L, Amdt. 1; Revised.
Colorado Springs, Colo.—Peterson Field; ILS Runway 35, Amdt. 25; Revised.
Eau Claire, Wis.—Eau Claire Municipal Airport; ILS Runway 22; Original; Established.

11. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's effective September 21, 1972:

Chicago, Ill.—Chicago O'Hare International Airport; ILS Runway 9R, Amdt. 1; Revised.

12. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's effective August 31, 1972:

Green Bay, Wis.—Austin-Straubel Field; ILS Runway 6R, Amdt. 10; Revised.

13. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's effective October 26, 1972:

Akron, Ohio—Akron-Canton Airport; Radar-1, Amdt. 8; Revised.
Colorado Springs, Colo.—Peterson Field; Radar-1, Amdt. 10; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on September 7, 1972.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610), approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.72-15510 Filed 9-12-72;8:46 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER A—GENERAL RULES

[Docket No. R-399; Order No. 417-A]

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; ETHICAL STANDARDS

SUBCHAPTER G—APPROVED FORMS, NATURAL GAS ACT

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Extension of Requirement To File Reports of Gas Stored Underground

SEPTEMBER 6, 1972.

By Order No. 417 issued December 8, 1970, in Docket No. R-399, 44 FPC 1550, the Commission promulgated § 260.11 of Part 260—Statements and Reports (Schedules), Subchapter G—Approved Forms, Natural Gas Act, Chapter I of Title 18 of the Code of Federal Regulations to prescribe FPC Form No. 8, Report of Gas Stored Underground, for the 2-year period commencing November 1, 1970. Form No. 8 was prescribed because it had become apparent to the Commission that many jurisdictional natural gas companies would have to rely with increased need on natural gas storage to supply the requirements of their customers during the 1970-71 and future winter seasons. Pipeline companies had indicated to the Commission that they would have to place restrictions on their load growth and would have to curtail interruptible deliveries to a greater extent than in the past. There were further indications that some pipelines might have further difficulties in meeting their then-contracted obligations.

Since the prescription of Form No. 8 the serious nature of the gas supply problem has become even more evident to the Commission through the curtailment plans filed pursuant to § 2.70 of the Commission's General Policy and Interpretations, 18 CFR 2.70, and through the applications for certificates and reports of sales made pursuant to §§ 157.22 and 157.29 of the regulations under the Natural Gas Act, 18 CFR 157.22 and 157.29, and §§ 2.68 and 2.70 of the Commission's General Policy and Interpretations, 18 CFR 2.68 and 2.70. The ramifications of the problem were recently detailed by the Commission in Order No. 455 issued August 3, 1972, in Docket No. R-441, 48 FPC ——.

In order that the Commission may continue to monitor storage injections, withdrawals, and balances, with reasonable frequency so as to be able to take such remedial steps as may be necessary to assure the continuity of service, § 260.11 is being revised to provide for the filing of Form No. 8 indefinitely. Paragraph (a) is revised to prescribe Form No. 8 without limit as to time. Paragraph (b) is revised to require the filing on November 5, or the nearest date thereto that information is available, rather than November 15 of the report of gas stored underground on November 1 of each year. The latter change will make the schedule for filing November 1 information consistent with the 5-day requirements for other Form No. 8 reports and will make more current information available to the Commission. Paragraph (b) is also revised by deleting the no longer applicable exception regarding filing dates for certain 1970 and 1971 reports. Section 3.170 of the general rules is amended to include Form No. 8. A footnote is being added to Form No. 8 to make clear that the volumes reported as cushion gas should include native gas. There are no substantive changes in the form.

Copies of revised Form No. 8 will be available from the Commission; however, reporting companies may reproduce their own copies and submit reports thereon.

The Commission finds:

(1) It is probable that natural gas pipeline companies will have to place increasing reliance upon underground storage for an indefinite period in order to supply the requirements of their customers.

(2) Inasmuch as the revision of section 260.11 of Approved Forms, Natural Gas Act, adopted herein extends without change in substance, except as to a single filing date, the use of a form presently required by the Commission, compliance with the notice and public procedure provisions of 5 U.S.C. 553 is unnecessary.

(3) Inasmuch as the amendment of § 3.170 of the general rules adopted herein concerns a matter of agency practice and procedure, compliance with the notice and public procedure provisions of 5 U.S.C. 553 is unnecessary.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly section 16 thereof (52 Stat. 830, 15 U.S.C. 717o), and in accordance with 5 U.S.C. 552, orders:

A. Section 260.11 of Part 260, Subchapter G, Chapter I, Title 18 of the Code of Federal Regulations, is revised to read as follows:

§ 260.11 Form No. 8, report of gas stored underground.

(a) The form of Report of Gas Stored Underground, designated herein as FPC Form No. 8, is prescribed for natural gas companies commencing November 1, 1970.

(b) Each natural gas company as defined by the Natural Gas Act, as amended, 52 Stat. 821, except an independent producer as defined by § 154.91 (a) of the regulations under the Natural Gas Act, 18 CFR 154.91(a), which owns, leases, or operates, an underground natural gas storage field or which has natural gas stored for it by others in an underground natural gas storage field, shall prepare and file with the Commission an original and two copies of Report of Gas Stored Underground, FPC Form No. 8, on or before November 5, or the nearest date thereto that information is available, of each reporting year, November 1 through October 31, showing volumes of gas in underground storage on November 1 and within 5 days after, or the nearest date thereto that information is available, the first and 15th days of December through March and the first days of April through November, showing estimated accumulated gas storage withdrawals and injections and balances of stored volumes remaining.

B. The revised schedule, FPC Form No. 8, Report of Gas Stored Underground, is adopted in the form set forth in Attachment A hereto.[1]

C. Section 3.170 of Part 3, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations, is amended to read as follows:

§ 3.170 Approved forms, etc.

(a) The following is a list of approved forms, statements, and reports, under the Natural Gas Act, descriptions of which have been published in Subchapter G, Parts 250 and 260 of this chapter.

* * * * *

(20) Form No. 8, Report of Gas Stored Underground (§ 260.11 of this chapter).

(b) The approved forms listed in paragraph (a) (1) through (11) and (18 of this section are published in the regulations, copies of which regulations may be obtained from the Secretary or OPI upon written request. Copies of statements and reports listed in paragraph (a) (12) to (20), inclusive, of this section may be obtained from the OPI of the Commission.

D. The revised § 260.11 of Approved Forms, Natural Gas Act, adopted herein shall be effective November 1, 1972.

E. The amendment of § 3.170 of the general rules adopted herein shall be effective upon issuance of this order.

F. The Secretary shall cause prompt publication of the instant revision and amendment to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-15517 Filed 9-12-72;8:47 am]

[1] Attachment A filed as part of the original document.

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. 10, further amended]

PART 410—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, TITLE IV—BLACK LUNG BENEFITS (1969—)

Subpart F—Determinations of Disability, Other Determinations, Administrative Review, Finality of Decisions, and Representation of Parties

REPRESENTATION OF PARTIES

Correction

In F.R. Doc. 72–14862 appearing at page 17706 of the issue for Thursday, August 31, 1972, the word "manner" in the third line of § 410.686c(a)(4), should read "matter".

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Tetrahydrocannabinols; Investigational-Use Conditions for Hallucinogenic Drugs

In the FEDERAL REGISTER of December 13, 1969 (34 F.R. 19660), the Commissioner of Food and Drugs proposed that § 3.47 *Investigational-use conditions for certain hallucinogenic drugs* (21 CFR 3.47), be amended to add certain tetrahydrocannabinols to the listing of drugs in § 3.47(a). The notice provided for filing of comments within 30 days after its publication, and this was extended to February 11, 1970 by a notice published February 3, 1970 (35 F.R. 2411).

Comments were received from the Squibb Institute for Medical Research, New Brunswick, N.J., Eli Lilly & Co., Indianapolis, Ind., and Hoffman-LaRoche Inc., Nutley, N.J. In addition to other comments, the respondents were unanimous in the conclusion that the then current Bureau of Drug Abuse Control regulations provided sufficient control and that the imposition of additional controls would be detrimental to legitimate research.

Since receipt of the comments by the respondents the Comprehensive Drug Abuse Prevention and Control Act of 1970 (P.L. 91–513), October 27, 1970, was enacted. Under the new law the drugs included in § 3.47 (21 CFR 3.47) are in schedule I, subject to registration and very strict control under section 303 and to the reporting requirements of section 307 of that act. Research with any of these drugs is therefore very tightly controlled. Human research with any of these drugs is also subject to the requirements for investigational new drugs under section 505(i) of the Federal Food, Drug, and Cosmetic Act.

The comments and other relevant information having been considered, the Commissioner concludes that the proposed policy statement should not be adopted and that in light of existing controls which are imposed under the Comprehensive Drug Abuse Prevention and Control Act of 1970 § 3.47 (21 CFR 3.47) should be revoked.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505 (a) and (i), 701(a), 52 Stat. 1052, 1055 as amended, 21 U.S.C. 355 (a) and (i), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), § 3.47 (21 CFR 3.47) is revoked.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (9–13–72).

(Secs. 505 (a) and (i), 701(a), 52 Stat. 1052, 1055, as amended; 21 U.S.C. 355(a) and (i), 371(a))

Dated: September 6, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–15557 Filed 9–12–72;8:53 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 16—MACARONI AND NOODLE PRODUCTS

Enriched Macaroni Products With Fortified Protein

A notice of proposed rule making setting out a proposed definition and standard of identity for enriched macaroni products with improved protein quality was published in the FEDERAL REGISTER of March 3, 1971 (36 F.R. 4060). This notice invited interested persons to file written comments on the proposed regulation. The time for filing comments was twice extended, April 9, 1971, and April 29, 1971 (36 F.R. 6835, 36 F.R. 8050).

More than 800 persons filed comments in response to the proposal. These persons included Members of Congress, Federal and State officials, individual consumers, representatives of consumer groups, manufacturers of macaroni products, representatives of associations including ones representing the wheat industry and the macaroni producers trade association, and others.

Almost all of the comments from consumers (approximately 700) favored adoption of a standard for enriched macaroni products with improved protein quality, as proposed. Nearly all of the remaining comments, including those from three representatives of designated consumer groups, expressed opposition to the proposed standard. A number of the opposing comments expressed a fear that establishing a new standard for the protein-improved product would result in financial loss to the wheat growers, especially those who raise durum wheat, and to the macaroni producers who favor continued production of only those macaroni products that are covered by the present standards. The statutory purpose for establishing reasonable food standards is to promote honesty and fair dealing in the interest of consumers. Standards are neither adopted nor rejected for the purpose of promoting the financial interests of particular food industries or of those who supply them with their ingredients.

The points of opposition expressed in the adverse comments can be classified as follows:

1. The proposal should be rejected and no standard should be promulgated for a protein-improved macaroni product.

2. Any standard that is promulgated should require the use of wheat ingredients.

3. No corn ingredient should be permitted.

4. The standard should require the product to be made in a form (shape and size) unlike any form that has been used for traditional macaroni products.

5. Changes should be made in the provisions concerning enriching ingredients.

6. The name prescribed for the protein-improved product should be one that will avoid any confusion of this product with traditional macaroni products.

It has been concluded that some of the points in opposition should be rejected and that others warrant modification of the proposed standard as is set out in the more detailed consideration of the comments which follows:

The National Macaroni Manufacturers Association, representing most macaroni producers, urged withdrawal of the proposal. They asserted that within the compositional requirements of the current standards their industry could produce macaroni products, e.g., wheat and soy macaroni products, to meet the protein requirements proposed. The Commissioner of Food and Drugs has concluded that no convincing explanation was advanced for limiting the flour-like supplement to soy flour and for not providing permission to add other sources of protein such as the protein concentrates made from soybeans or other oilseeds or dairy protein sources such as nonfat dry milk. Among the present standards, §§ 16.13 and 16.14 require between 12 and 25 percent of milk solids-not-fat, but they do not permit the use of any soy flour or other flour-like ingredients from nonwheat sources.

There were comments, similarly worded, that said establishing the standard proposed would undermine all standards of identity for foods. Grounds for this assertion were not clearly set forth. Adopting the additional standard will neither repeal nor amend any existing standard for macaroni and noodle products (21 CFR 16.1 through 16.14).

Several comments noted that during the long period macaroni products have been produced they have always been made with milled wheat ingredients like semolina, farina, durum flour, and flour.

There has been a standard for wheat and soy macaroni products for approximately 30 years. This shows that wheat has not been the exclusive source of the flour-like ingredients for macaroni products.

The proposal as published referred to using "one or more suitable farinaceous ingredients" but it did not make the use of any proportion of wheat ingredient mandatory. Many commented that the food should be exclusively or predominantly a wheat product, and the levels of wheat ingredient proposed varied considerably. It is the opinion of the Commissioner that it is reasonable to require only that a wheat ingredient be the predominant ingredient of the food, and the final order so provides.

Some of the comments objected to the use of the word "farinaceous" on the ground that it does not mean flour-like ingredients from nonwheat sources. In view of the disagreement as to whether the term "farinaceous" properly includes flour-like ingredients from sources other than wheat these ingredients are designated in the final order as "food grade flours or meals made from nonwheat cereals or from oilseeds."

In comments from representatives of the macaroni industry, corn was singled out for opposition. The proposal permitted corn flour to be used and permitted omitting wheat ingredients entirely. It was noted that corn is cheaper than wheat and it was asserted that products made with a corn ingredient would be inferior. The final order has been changed to require the use of more wheat ingredient than any other ingredient. The comments do not demonstrate that permitting the use of corn ingredients, within this limitation, will result in an inferior product or otherwise be contrary to the interests of consumers.

Comments from some industry representatives objected to having the standard permit the subject food to be made in the forms (shape and size) that have been used for the macaroni products presently standardized. Alternative forms were not suggested. It was only conjectured that consumers would ignore the label name and mistake the new article for the macaroni products that comply with the old standards. The philosophy of the 14 sections in the macaroni and noodle products regulations is that consumers will distinguish among products by their names.

One comment suggested that the protein-improved macaroni product should contain, in addition to those vitamins and minerals that have been specified in all the other standards for enriched cereal foods, six other micronutrients. To provide by this regulation for listing 10 micronutrients as mandatory ingredients will single this food out from all other standardized foods as being superimproved. The merit of this food is that it is an enriched macaroni product with improved protein quality. Listing all of the vitamins and minerals suggested is apt to lead to consumer confusion. It is concluded that no adequate basis was established to support this suggestion.

One comment said it would be more desirable for the regulation to establish minimum and maximum range levels for the enrichment nutrients rather than the single levels proposed, because such range levels would be easier to meet. The use of single-level requirements, rather than ranges, for the nutrients is desired in order to provide greater uniformity and to reduce the potential for extravagant claims by manufacturers. This is not the first food standard to use single levels in place of ranges. The standard for nonfat dry milk fortified with vitamins A and D sets single levels and includes the same recital permitting reasonable overages being prescribed in this case. Experience with that standard does not warrant a conclusion that in this case the enrichment nutrient levels should be changed from the single values as proposed to the ranges suggested in the comment.

A number of the comments were concerned with the name of the food. Fears were expressed that consumers would mistake the new food for "traditional macaroni products." A number of the comments objecting to the proposed standard recommended that labels for the product should not be permitted to bear the word "macaroni." The basic standard for macaroni products is the one set out in § 16.1 of the regulations. Eight other sections apply to different kinds of macaroni products. In all of these sections the paragraphs prescribing the names for the differing foods provide for including the word "macaroni" when the form of the units is appropriate. There was no showing that permitting use of the word "macaroni" on products like wheat and soy macaroni has caused consumers to confuse wheat and soy macaroni with other macaroni products. No evidence has been presented to show that the word "macaroni" on labels of this product will cause consumers to confuse it with other macaroni products. It was suggested by some that a way to avoid confusion would be to require the protein-improved product to be labeled "imitation." Others proposed that it be designated "Pro-Cornteana," "Proteina 71" or the like. The Commissioner has concluded that labeling the product "imitation" or designating it by the fanciful names suggested would result in misleading labeling and greater consumer confusion.

The name set out in the proposal was "enriched macaroni product with improved protein quality, _____" with the blank filled in to show the farinaceous ingredients used and the other ingredients contributing significantly to the protein quality. The existing standards for wheat and soy macaroni products, vegetable macaroni products, and enriched vegetable macaroni products suggest that there would be less chance for consumer confusion if the regulation should prescribe that the word "wheat," followed by the name of the source of any other flours or meals used, shall intervene in the name imediately after the word "enriched." The final order therefore provides for this form of labeling, which will make it consistent with the labeling for other macaroni products.

The phrase "improved protein quality" has come into question as being subject to a variety of interpretations. There may also be limited consumer understanding of the concept of protein quality. For these reasons, it is concluded that the name can be made more explicit, and hence more meaningful to the consumer, by replacing the phrase "improved protein quality" with the words "fortified protein."

Where any other protein source ingredient, e.g., nonfat milk, is added to furnish 10 percent or more of the total quantity of protein in the food the name prescribed will include the statement "Made with _____" and the blank will be filled in to name each such protein source ingredient.

The Commissioner considers that since there are no mandatory ingredients in the subject food (any of a variety of milled wheat ingredients can be used) the final order, in accordance with the provisions set forth in 21 CFR 3.88(b), as published in the FEDERAL REGISTER of March 10, 1972 (37 F.R. 5120), requires that the common name of each of the ingredients used be declared on the label with the exception of optional spices and flavorings, which may continue to be designated as such without specific ingredient statements.

In the proposal the requirement for not less than 20 percent protein was based on the weight of the finished food. It has been concluded that this requirement can be made more definite by expressing it on the basis of the product calculated to a 13 percent moisture basis.

It is recognized, and many of the comments pointed out, that macaroni products and enriched marcaroni products are good and economical foods. The macaroni products that have been produced in greatest amounts have depended chiefly on the wheat ingredient for their protein content. These products have contained about 13 percent protein but the biological value of wheat protein is not high because of certain amino acid deficiencies. It is feasible to add other protein source ingredients to produce products with 20 percent or more protein, and at the same time achieve a significant overall improvement in protein quality. It is concluded that since none of the current standards carry specific minimum protein requirements, setting a standard for protein requirements to cover such foods will serve the interests of consumers.

On the basis of the information given in the proposal, the comments received, and other relevant information, the Commissioner concludes that promulgation of the following definition and standard of identity for enriched macaroni products with fortified protein will promote honesty and fair dealing in the interest of consumers.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 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 2.120): *It is ordered*, That Part 16 be amended by adding the following new section:

§ 16.15 Enriched macaroni products with fortified protein; identity; label statement of ingredients.

(a) (1) Each of the foods for which a standard of identity is prescribed by this section is produced by drying formed units of dough made with one or more of the milled wheat ingredients designated in §§ 16.1(a) and 16.3(a), and other ingredients to enable the finished food to meet the protein requirements set out in subparagraph (2)(i) of this paragraph. Edible protein sources, including food grade flours or meals made from nonwheat cereals or from oilseeds, may be used. Vitamin and mineral enrichment nutrients are added to bring the food into conformity with the requirements of paragraph (b) of this section. Safe and suitable ingredients, as provided for in paragraph (c) of this section, may be added. The proportion of the milled wheat ingredient is larger than the proportion of any other ingredient used.

(2) Each such finished food, when tested by the methods described in the cited sections of the book "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th edition, 1970, meets the following specifications:

(i) The protein content (N×6.25) is not less than 20 percent by weight (on a 13 percent moisture basis) as determined by the method in section 14.134. The protein quality is not less than 95 percent that of casein as determined on the cooked food by the method in sections 39.166 through 39.170 of the official methods.

(ii) The total solids content is not less than 87 percent by weight as determined by the method in section 14.125 of the official methods.

(b) (1) Each food covered by this section contains in each pound 5 milligrams of thiamin, 2.2 milligrams of riboflavin, 34 milligrams of niacin or niacinamide, and 16.5 milligrams of iron.

(2) Each pound of such food may also contain 625 milligrams of calcium.

(3) Iron and calcium may be added only in forms which are harmless and assimilable. The enrichment nutrients may be added in a harmless carrier used only in a quantity necessary to effect a uniform distribution of the nutrients in the finished food. The requirements of subparagraphs (1) and (2) of this paragraph shall be deemed to have been met if reasonable overages, within the limits of good manufacturing practice, are present to assure that the prescribed levels of the vitamins and mineral(s) are maintained throughout the expected shelf life of the food under customary conditions of distribution.

(c) The safe and suitable ingredients referred to in paragraph (a) of this section are ingredients that serve a useful purpose, e.g., to fortify the protein or facilitate production of the food, but they do not include color additives, artificial flavorings, artificial sweeteners, chemical preservatives, or starches. Ingredients deemed suitable for use by this paragraph are added in amounts that are not in excess of those reasonably required to achieve their intended purposes. Ingredients are deemed to be safe if they are not food additives within the meaning of section 201(s) of the Federal Food, Drug, and Cosmetic Act, or in case they are food additives, if they are used in conformity with regulations established pursuant to section 409 of the Act.

(d) (1) The name of any food covered by this section is "Enriched Wheat _____ Macaroni Product—with Fortified Protein," the blank being filled in with appropriate word(s) such as "Soy" to show the source of any flours or meals used that were made from nonwheat cereals or from oilseeds. In lieu of the words "Macaroni Product" the word "Macaroni," "Spaghetti," or "Vermicelli," as appropriate, may be used if the units conform in shape and size to the requirements of § 16.1 (b), (c), or (d).

(2) When any ingredient, not designated in the part of the name prescribed in subparagraph (1) of this paragraph, is added in such proportion as to contribute 10 percent or more of the quantity of protein contained in the finished food, the name shall include the statement "Made with _____," the blank being filled in with the name of each such ingredient, e.g., "Made with nonfat milk."

(3) When, in conformity with subparagraph (1) or (2) of this paragraph, two or more ingredients are listed in the name, their designations shall be arranged in descending order of predominance by weight.

(4) In the case of a food made to comply with another section of this part, but which also meets the compositional requirements of this section, it may alternatively bear the name set out in that other section.

(e) The common name of each of the ingredients used shall be declared on the label as required by the applicable section of Part 1 of this chapter. Further, the declaration of ingredients as set forth in this paragraph, shall appear in letters not less than one-half the size of that required by § 1.8b of this chapter for the declaration of net quantity of contents, and in no case less than one-sixteenth of a inch in height.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and such objections must be supported by grounds leagally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective 60 days after its date of publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

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

Dated: August 29, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-15467 Filed 9-12-72;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 51—CANNED VEGETABLES

Canned Dry Peas; Order Establishing Separate Standards of Identity, Quality, and Fill of Container

In the matter of amending the standard of identity for canned peas (21 CFR 51.1) by deleting all references to dried peas; and of establishing new standards of identity, quality, and fill of container for canned dry peas:

A notice of proposed rule making in the above-identified matter, based on a petition by the Washington and Idaho Dry Pea and Lentil Commissions, Post Office Box 463, Moscow, ID 83843, was published in the FEDERAL REGISTER of November 27, 1971 (36 F.R. 22685).

Eight comments were received in response to the proposal, six of which favored its adoption. An adverse comment was received from a pea canner. In addition, an association of canners and freezers reported on a poll of its members that three out of 24 members who responded were in favor of the proposal, 18 in opposition, and three neither for nor against it.

Issues raised by opponents of the proposal were that consumer confusion will result because of the name "cooked dry peas" or "soaked dry peas" on labels would not sufficiently distinguish the product from canned succulent peas; that the image of canned succulent peas will suffer if canned dry peas are marketed without being labeled "substandard in quality"; and that overmature succulent peas would henceforth be canned and labeled as "cooked dry peas" or "soaked dry peas" rather than as substandard succulent peas.

The petitioner stated and the Commissioner of Food and Drugs concurs that canned dry peas and canned succulent peas, though similar in appearance, are markedly different in flavor, texture, and composition. The proposed canned dry pea identity standard specifies use of dry peas, and the substitution of overmature succulent peas would

be a detectable violation of that standard. Agriculture Handbook No. 8 figures indicate that canned dry peas, relative to canned succulent peas, have more than twice as much protein and more than three times as much potassium, but less than one-tenth as much vitamin A and less than one-fourth as much vitamin C. Reliable assay methods for these four nutrients are available, and could be used to determine whether overmature succulent peas have been substituted for dry peas in violation of the canned dry pea identity standard. The petitioner's data from an independent commercial analytical laboratory agree within reasonable limits with the values in Agriculture Handbook No. 8.

The view of the minority of the members of the Association of Canners and Freezers is that canned dry peas is a different product from canned succulent peas and that there is a market for canned dry peas which would not affect the market for canned succulent peas. The minority is also in agreement with the proposed labeling. Finally, this group points out that canned lima beans are prepared from succulent and from dry lima beans, that the latter are labeled as packed from dry beans and consumers do not appear to have been confused thereby. In order to assure that consumers will not confuse canned dry peas with canned succulent peas, the Commissioner concludes that all words in the name "cooked dry peas" or "soaked dry peas" should appear on labels in type of uniform size, style, and color.

On the basis of information submitted in the petition, the comments received, and other relevant information, the Commissioner concludes that adoption of the proposal, as set forth below, will promote honesty and fair dealing in the interest of consumers.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sections 401, 701, 52 Stat. 1046, 1055–1056, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered,* That Part 51 be amended, as follows:

1. In § 51.1 by deleting paragraphs (a) (3) and (4) and revising paragraphs (b) (12) and (d) (1), as follows:

§ 51.1 Canned peas; identity; label statement of optional ingredients.

(a) Canned peas is the food prepared from one of the optional pea ingredients, specified in this paragraph, and water. The food may contain one or more of the optional ingredients specified in paragraph (b) of this section and one or more of the optional seasonings specified in paragraph (c) of this section. The food is sealed in a container and so processed by heat as to prevent spoilage. The optional pea ingredients are:

(1) Shelled, succulent peas (*Pisum sativum*) of Alaska or other smooth skin varieties.

(2) Shelled, succulent peas (*Pisum sativum*) of sweet, wrinkled varieties.

(b) * * *

(12) Sodium carbonate, sodium bicarbonate, sodium hydroxide, calcium hydroxide, magnesium hydroxide, magnesium oxide, magnesium carbonate, or any mixture or combination of these in such quantity that the pH of the finished canned peas is not more than 8, as determined by the glass electrode method for the hydrogen ion concentration.

(c) * * *

(d) (1) The label shall name the optional pea ingredient present by use of the word or words "early" or "June" or "early June", or "sweet" or "sweet wrinkled" or "sugar." If one or more of the optional seasoning ingredients specified in paragraph (c) of this section are used, the word "seasoned" may immediately precede the name of the optional pea ingredient.

* * * * *

2. By adding three new sections as follows:

§ 51.4 Canned dry peas; identity; label statement of optional ingredients.

Canned dry peas conforms to the definition and standard of identity, and is subject to requirements for label statement of optional ingredients prescribed for canned peas by § 51.1, except that:

(a) The optional pea ingredients are:

(1) Shelled, dry peas (*Pisum sativum*) of Alaska or other smooth skin varieties.

(2) Shelled, dry peas (*Pisum sativum*) of sweet, wrinkled varieties.

(b) The optional ingredients specified in § 51.1(b) (12) shall not be used.

(c) The name of the food required on the label is "cooked dry peas" or "soaked dry peas." The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color. The optional pea ingredient names specified by § 51.1(d) (1) shall not be used on labels, but when one or more of the optional seasoning ingredients specified in § 51.1(c) are used, the word "seasoned" may immediately precede the name of the food.

§ 51.5 Canned dry peas; quality; label statement of substandard quality.

(a) The standard of quality for canned dry peas is that specified for canned peas by § 51.2 (a) and (b), except that:

(1) The alcohol insoluble solids maximums specified in § 51.2(a) (7) do not apply.

(2) The alcohol insoluble solids method specified in § 51.2(b) (5) is not used.

(b) If the quality of canned dry peas falls below the standard of quality prescribed by paragraph (a) of this section the label shall bear the statement of substandard quality in the manner and form specified in § 51.2(c) for canned peas, except that words "Excessively Mealy" shall not be used.

§ 51.6 Canned dry peas; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned dry peas is that prescribed for canned peas by § 51.3(a).

(b) If canned dry peas fall below the standard of fill of container prescribed by paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form therein specified.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective 60 days after its date of publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

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

Dated: September 5, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-15542 Filed 9-12-72;8:52 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH AQUEOUS AND FATTY FOODS

The Commissioner of Food and Drugs, having evaluated the data in a petition (1B2577) filed by Velsicol Chemical Corp., 341 East Ohio Street, Chicago, Ill. 60611, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of styrene-isobutylene copolymers as components of paper and paperboard in contact with aqueous and fatty foods.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2526(b)(2) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2526 **Components of paper and paperboard in contact with aqueous and fatty foods.**

* * * * *

(b) * * *

(2) * * *

List of substances	*Limitations*
* * *	* * *
Styrene - isobutylene copolymers (weight average molecular weight not less than 6,300).	For use only in coatings for paper and paperboard intended for use in contact under conditions of use D and G described in Table 2 of paragraph (c) of this section, with food of types I, II, IV–B, VI–B, VII–B, and VIII described in Table 1 of paragraph (c) of this section; and limited to use at a level not to exceed 40 percent by weight of the coating solids.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (9–13–72).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: September 6, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–15559 Filed 9–12–72;8:53 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIFOGGING AGENT IN FOOD-PACKAGING MATERIALS

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 1B2582) filed by M & T Chemicals, Inc., Rahway, N.J. 07065, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of glycerol ester mixtures of ricinoleic acid as an antifogging agent for permitted plasticized vinyl chloride homo- and/or copolymers in food-contact articles.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2527(b) is amended by alphabetically adding to the list of substances a new item as follows:

§ 121.2527 **Antistatic and/or antifogging agents in food-packaging materials.**

* * * * *

(b) List of substances:

	Limitations
* * *	* * *
Glycerol ester mixtures of ricinoleic acid, containing not more than 50 percent monoricinoleate, 45 percent diricinoleate, 10 percent triricinoleate, and 3.3 percent free glycerine.	As an antifogging agent at levels not exceeding 1.5 percent by weight of permitted plasticized vinyl chloride homo-and/or copolymers.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (9–13–72).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: September 5, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–15543 Filed 9–12–72;8:53 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containters or Equipment and Food Additives Otherwise Affecting Food

SYNTHETIC PETROLEUM WAX

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 2B2754) filed by Petrolite Corp., Bareco Division, Post Office Drawer K, Tulsa, Okla. 74115, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to extend the presently authorized uses of synthetic petroleum wax under this Subpart F to all applications where natural petroleum wax is permitted for use as a component of articles intended to contact food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1), and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2618 is revised to read as follows:

§ 121.2618 **Petroleum wax, synthetic.**

Synthetic petroleum wax may be safely used in applications and under the same conditions where naturally derived petroleum wax is permitted in this Subpart F as a component of articles intended to contact food, provided that the synthetic petroleum wax meets the definition and specifications prescribed in § 121.1239 of this chapter.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (9–13–72).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: September 5, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–15558 Filed 9–12–72;8:53 am]

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Orgotein for Injection

The Commissioner of Food and Drugs has evaluated a new animal drug application (45–863V) filed by Diagnostic

Data, Inc., 518 Logue Avenue, Mountain View, CA 94040, proposing the safe and effective use of orgotein in the treatment of soft tissue inflammation associated with the musculoskeletal system of horses. The application is approved.

To facilitate referencing, Diagnostic Data, Inc., is being assigned a code number and placed in the list of sponsors in § 135.501 (21 CFR 135.501).

Therefore, pursuant to provisions of 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 2.120), Parts 135 and 135b are amended as follows:

1. Section 135.501 is amended in paragraph (c) by adding a new code number 084 as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *

Code No.	*Firm name and address*
* * *	* * *
084 ----------	Diagnostic Data, Inc., 518 Logue Avenue, Mountain View, Calif. 94040.

2. Part 135b is amended by adding a new section as follows:

§ 135b.67 Orgotein for injection, veterinary.

(a) *Specifications.* Orgotein for injection, veterinary, is packaged in a vial containing 5 milligrams of orgotein and 10 milligrams of sucrose as lyophilized sterile nonpyrogenic powder with directions for dissolving the contents of the vial in 2 milliliters of diluent which is sodium chloride injection, U.S.P.

(b) *Sponsor.* See code No. 084 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) It is used in horses in the treatment of soft tissue inflammation associated with the musculoskeletal system.

(2) It is administered by deep intramuscular injection at a dosage level of 5 milligrams every other day for 2 weeks and twice weekly for 2 to 3 more weeks. In severe cases, both acute and chronic may benefit more from daily therapy initially. Dosage may be continued beyond 5 weeks if satisfactory improvement has not yet been achieved.

(3) Not for use in horses intended for food.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (9–13–72).

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

Dated: September 5, 1972.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.72–15561 Filed 9–12–72;8:53 am]

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Butonate Liquid, Veterinary

The Commissioner of Food and Drugs has evaluated a new animal drug application (41–587V) filed by Thuron Industries, Inc., 12200 Denton Drive, Dallas, Tex. 75234, proposing the safe and effective use of butonate liquid, veterinary as an anthelmintic for horses. The application is approved.

To facilitate referencing, the firm is being assigned a code number and placed in the list of sponsors in § 135.501 (21 CFR 135.501).

Therefore, pursuant to provisions of 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 2.120), Parts 135 and 135c are amended as follows:

1. Section 135.501 is amended in paragraph (c) by adding a new code number 085 as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *

Code No.	*Firm name and address*
* * *	* * *
085-----	Thuron Industries, Inc., 12200 Denton Drive, Dallas, Tex. 75234.

2. Part 135c is amended by adding a new section as follows:

§ 135c.78 Butonate liquid, veterinary.

(a) *Chemical name.* Dimethyl (2,2,2-trichloro-1-hydroxyethyl) phosphonate ester of butyric acid.

(b) *Specifications.* Butonate liquid veterinary contains 13 percent butonate by weight in a suitable base.

(c) *Sponsor.* See code No. 085 in § 135.501(c) of this chapter.

(d) *Conditions of use.* (1) It is used in horses other than foals (sucklings and young weanlings) for the removal and control of bots (*Gastrophilus intestinalis, G. nasalis*) and ascarids (*Parascaris equorum*).

(2) It is administered by a stomach tube at a dosage level of 1 fluid ounce per 200 pounds of body weight. The dose is emulsified in a convenient amount of water (½ to 2 pints) at the time of treatment before administration.

(3) The drug should not be given to horses which are severely debilitated, suffering from diarrhea or severe constipation, infectious disease, toxemia or colic until such conditions are corrected with proper therapy.

(4) This drug is a cholinesterase inhibitor. Do not use this drug in animals simultaneously or within a few days before or after treatment with or exposure to cholinesterase-inhibiting drugs, pesticides or chemicals.

(5) Not for use in horses intended for food.

(6) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (9–13–72).

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

Dated: September 6, 1972.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.72–15562 Filed 9–12–72;8:53 am]

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Prednisolone Acetate, Sodium Sulfacetamide and Neomycin Ointment

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (10–471V) filed by Schering Corp., 86 Orange Street, Bloomfield, NJ 07003, proposing revised labeling for the safe and effective use of prednisolone acetate, sodium sulfacetamide and neomycin in an ointment for the treatment of dogs and cats. The supplemental application is approved.

Therefore, pursuant to provisions of 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 2.120), Part 135a is amended by adding the following new section:

§ 135a.27 Prednisolone acetate, sodium sulfacetamide, neomycin ointment, veterinary.

(a) *Specifications.* Each gram of ointment contains 5 milligrams of prednisolone acetate, 100 milligrams of sodium sulfacetamide, and 2.5 milligrams of neomycin sulfate (equivalent to 1.75 milligrams of neomycin base) in a white petrolatum and mineral oil base.

(b) *Sponsor.* See code No. 032 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is indicated for treating external eye and ear infections caused by bacteria sensitive to neomycin or sodium sulfacetamide and the inflammation, edema, and allergy which often accompany these conditions in dogs and cats.

(2) Application of the drug for eye and ear purposes should be made frequently, a thin film should be applied three or four times daily. In chronic conditions, withdrawal of treatment should be carried out by gradually decreasing the frequency of application.

(3) All topical ophthalmic preparations containing corticosteroids, with or without an antimicrobial agent, are contraindicated in the initial treatment of corneal ulcers. They should not be used until the infection is under control and regeneration is well underway.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (9–13–72).

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

Dated: September 6, 1972.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.72–15560 Filed 9–12–72;8:53 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

Phenothiazine, Hexachlorophene; Revocation

Based upon a notice of withdrawal of approval of new animal drug application with respect to Bisophene, a new animal drug containing phenothiazine and hexachlorophene (Docket No. FDC–D–467) appearing elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs concludes that the new animal drug regulations should be amended to revoke provisions for the use of phenothiazine and hexachlorophene in combination.

Therefore, pursuant to provisions of 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 2.120), Parts 135c and 135g are amended as follows:

Section 135c.11 *Phenothiazine and hexachlorophene in combination* is revoked.

Sections 135g.50 *Hexachlorophene* and 135g.51 *Phenothiazine* are revoked.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (9–13–72).

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

Dated: September 6, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72–15555 Filed 9–12–72;8:53 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

PART 149a—DICLOXACILLIN

Sodium Dicloxacillin Monohydrate Capsules, Veterinary

The Commissioner of Food and Drugs has evaluated a new animal drug application (55–032V) filed by Bristol Laboratories, Division of Bristol-Myers Co., Post Office Box 657, Syracuse, N.Y. 13201 proposing the safe and effective use of sodium dicloxacillin monohydrate capsules for the treatment of dogs. The application is approved.

Because said drug is subject to batch certification under provisions of section 512(n) of the Federal Food, Drug, and Cosmetic Act, this order provides for appropriate amendments to the antibiotic drug certification regulations.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512 (i) and (n), 82 Stat. 347; 350–51; 21 U.S.C. 360b (i) and (n)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135c and 149a are amended as follows:

1. Part 135c is amended by adding the following new section:

§ 135c.73 Sodium dicloxacillin monohydrate capsules, veterinary.

(a) *Specifications.* The drug is in capsule form and conforms to the certification requirements of § 149a.14 of this chapter.

(b) *Sponsor.* See code No. 044 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) It is used in dogs in the treatment of pyoderma (pyogenic dermatitis) known to be due to penicillinase-producing staphylococci which have been shown to be sensitive to the drug.

(2) It is administered to dogs at the rate of 5 milligrams to 10 milligrams per pound of body weight, three times daily. In severe cases the dose may be increased to 25 milligrams per pound of body weight three times daily. Treatment should be continued for 24 to 48 hours after the animal has become afebrile or asymptomatic. The drug should be administered 1 to 2 hours before feeding to insure maximum absorption.

(3) For use in the treatment of dogs only. Not for use in animals which are raised for food production.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

2. Part 149a is amended by adding the following new section:

§ 149a.14 Sodium dicloxacillin monohydrate capsules, veterinary.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sodium dicloxacillin monohydrate capsules, veterinary, are composed of sodium dicloxacillin monohydrate and one or more suitable diluents and lubricants. Each capsule contains sodium dicloxacillin monohydrate equivalent to 50, 100, 200, or 500 milligrams of dicloxacillin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of dicloxacillin that it is represented to contain. The moisture content is not more than 5 percent. The sodium dicloxacillin monohydrate conforms to the requirements of § 149a.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter, except that in lieu of the requirements of § 148.3(a)(1), it shall be labeled in accordance with the requirements prescribed by § 1.106(c) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The sodium dicloxacillin monohydrate used in making the batch for potency, safety, moisture, pH, organic chlorine content, free chloride content, crystallinity, and identity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The sodium dicloxacillin monohydrate used in making the batch: 10 containers, each containing not less than 500 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay—*(1) *Potency—*(i) *Sample preparation.* Place a representative number of capsules into a high-speed glass blender jar containing sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 1 to the reference concentration of 5 micrograms of dicloxacillin per milliliter (estimated) for the microbiological agar diffusion assay and to the prescribed concentration for the iodometric assay.

(ii) *Assay procedure.* Assay for potency by either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter.

(*b*) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter.

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (9–13–72).

(Sec. 512 (i) and (n), 82 Stat. 347; 350–51; 21 U.S.C. 360b (i) and (n))

Dated: September 6, 1972.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.72–15565 Filed 9–12–72;8:54 am]

[DESI 8539]

CERTAIN ANTIBIOTIC-CONTAINING ANTIDIARRHEAL PREPARATIONS

Revocations of Certification or Release

In the FEDERAL REGISTER of July 2, 1970 (35 F.R. 10792), the Commissioner of Food and Drugs announced (DESI 8539) the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following antiinfective drugs for oral use:

1. Streptomagma Tablets; dihydrostreptomycin base (as sulfate) 150 milligrams, attapulgite 350 milligrams, pectin

45 milligrams, and aluminum hydroxide 70 milligrams; Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, Pa. 19101 (NDA 60–119).

2. Polymagma Oral Suspension; each 30 cc. containing dihydrostreptomycin base (as sulfate) 300 milligrams, polymyxin B sulfate 120,000 units, attapulgite 3 grams, and pectin 270 milligrams; Wyeth Laboratories, Inc. (NDA 60–120).

3. Polymagma Tablets; dihydrostreptomycin sulfate equivalent to dihydrostreptomycin base 75 milligrams, polymyxin B sulfate 25,000 units per tablet, activated attapulgite 350 milligrams, pectin 45 milligrams, and aluminum hydroxide 70 milligrams; Wyeth Laboratories, Inc. (NDA 60–121).

4. Streptomagma Liquid; each fluid ounce containing dihydrostreptomycin base (as sulfate) 300 milligrams, kaolin 2.92 grams, and pectin 259 milligrams; Wyeth Laboratories, Inc. (NDA 60–122).

5. Kectil Suspension; each 5 milliliters containing dihydrostreptomycin sulfate equivalent to 50 milligrams dihydrostreptomycin base, sulfaguanidine 250 milligrams, sulfadiazine 250 milligrams, aminopentamide sulfate 0.033 milligram, bismuth subcarbonate 250 milligrams, pectin 25 milligrams, and kaolin 500 milligrams; Bristol Laboratories, Division of Bristol Myers Co., Thompson Road, Post Office Box 657, Syracuse, N.Y. 13201 (NDA 60–067).

6. Strycin Syrup; each 5 cc. containing streptomycin 250 milligrams (as the sulfate); E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903 (NDA 60–124).

7. Donnagel with Neomycin Liquid, each 30 cc. containing neomycin base (as neomycin sulfate) 210 milligrams, kaolin 6 grams, pectin 142.8 milligrams, hyoscyamine sulfate 0.1037 milligram, atropine sulfate 0.0194 milligram, and scopolamine hydrobromide 0.0065 milligram; A. H. Robins Co., 1407 Cummings Drive, Richmond, Va. 23220 (NDA 10–807).

8. Sorboquel with Neomycin Tablets; neomycin 150 milligrams (as the sulfate), polycarbophil 0.4 gram, and thihexinol methylbromide 15 milligrams; White Laboratories, Inc., Galloping Hill Road, Kenilworth, N.J. 07033 (NDA 12–625).

9. Cremomycin; each 30 cc. contains neomycin sulfate 300 milligrams (equivalent to 210 milligrams neomycin base), succinylsulfathiazole 3 grams, colloidal kaolin 3 grams, and pectin 0.27 gram; Merck & Co., Inc., Rahway, N.J. 07065 (NDA 9–444).

10. Bacimycin Tablets; neomycin 25 milligrams (as the sulfate) and bacitracin 2,500 units; Merrell-National Laboratories, Division of Richardson-Merrell, Inc., 110 East Amity Road, Cincinnati, Ohio 45215 (NDA 60–054).

11. Kaomycin Suspension; each fluid ounce containing neomycin sulfate 300 milligrams (equivalent to 210 milligrams neomycin base), kaolin 5.832 grams and pectin 0.130 gram; The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49001 (NDA 8–539).

12. Neomycin Sulfate—Kaolin—Pectin Oral Suspension; each fluid ounce containing neomycin sulfate 300 milligrams (equivalent to 210 milligrams neomycin base), kaolin 6 grams, and pectin 0.13 gram; E. W. Heun Co., 2303 Schuetz Road, St. Louis, Mo. 63141 (NDA 60–318).

13. Quintess-N Solution; each 30 cc. containing neomycin sulfate 320 milligrams (equivalent to 225 milligrams neomycin base), activated attapulgite 3 grams, and activated colloidal attapulgite 0.9 gram; Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 50–232).

14. Neomycin Sulfate—Kaolin—Pectin Suspension; each fluid ounce containing neomycin sulfate 300 milligrams (equivalent to 210 milligrams neomycin base), kaolin 6 grams, and pectin 130 milligrams; Vitamix Pharmaceuticals, Inc., Division of Wynn Pharmaceuticals, Inc., 2900 North 17th Street, Philadelphia, Pa. 19132 (NDA 60–352).

The Commissioner considered the Academy's reports, as well as other available information, and concluded there is a lack of substantial evidence, as defined in the Federal Food, Drug, and Cosmetic Act, that these drugs are effective for the uses prescribed, recommended, or suggested in their labeling; and in the case of those drugs which are combinations, there is also a lack of substantial evidence that each component of the combinations contributes to the total effects claimed for such combination drugs.

The ratio of benefit-to-risk with such drugs is regarded as unfavorable in that, for example, even the so-called nonabsorbable drugs such as neomycin and the streptomycins may be absorbed from an inflamed or diseased gastrointestinal tract and result in eighth cranial nerve toxicity; there is a possibility of development of hypersensitivity and blood dyscrasias with sulfonamides; the presence of an antibiotic in a mixture that is likely to be used to treat conditions of undetermined etiology may result in development of resistant strains of organisms; and flexibility of dosage required to safely achieve desired effects from individual components is lacking in the fixed-combinations.

The Commissioner announced his intention to initiate proceedings to amend the antibiotic drug regulations to delete provisions for certification or release of the above-listed drugs and any similar drugs for oral administration in man. Interested persons who might be adversely affected by removal of these drugs from the market were invited to submit, within 30 days after FEDERAL REGISTER publication of the announcement, any pertinent data bearing on the proposal to so amend the antibiotic drug regulations.

Three responses were received to the notice. (1) Wyeth Laboratories submitted material consisting of a discussion by Wyeth of the opinions of the NAS/NRC panels and also a summary of the studies in progress and planned. (2) William L. Hewitt, M.D., chairman of an NAS/NRC panel, states that grounds for imputing ineffectiveness or a hazard are lacking and that further studies are needed; however, the Commissioner concludes that no new data on which a different decision could be based have been presented. (3) The Upjohn Co. submitted proposed revised labeling for its product and has been informed that the revised labeling is not acceptable.

In addition to the products listed above (for which the conditions of certification are described in §§ 141b.133, 141b.136, 146b.104, 146b.108, 146b.128, 146b.131, 146e.410, 148i.6, and 148i.11), §§ 141a.20, 141b.123, 146a.38, 146b.118, 146e.403, and 146e.412 describe the conditions for certification of other antibiotic-containing antidiarrheal preparations. Editorial amendments to §§ 146a.62, 146a.111, 146b.124, 146c.228, 146c.237, 146c.244, 146c.246, 146d.312, 146e.411, 146e.422, and 146e.430 are necessary because of the revocation of § 146e.410, herein.

Accordingly, the Commissioner concludes: (1) That the antibiotic drug regulations should be amended to revoke provision for certification or release of such antibiotic drugs for human use and (2) that all outstanding certificates and releases heretofore issued for such drugs should be revoked.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 141a, 141b, 146a, 146b, 146c, 146d, 146e, and 148i are amended as follows:

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TEST AND METHODS OF ASSAY

§ 141a.20 [Revoked]

1. Part 141a is amended by revoking § 141a.20 *Capsules buffered penicillin with pectin hydrolysate.*

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

§§ 141b.123, 141b.133, and 141b.136 [Revoked]

2. Part 141b is amended by revoking § 141b.123 *Streptomycin-penicillin—sulfonamide with kaolin and pectin; dihydrostreptomycin-penicillin—sulfonamide with kaolin and pectin;* § 141b.133 *Streptomycin—polymyxin in gel; dihydrostreptomycin-polymyxin in gel;* § 141b.136 *Streptomycin—polymyxin tablets; dihydrostreptomycin-polymyxin tablets.*

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

§ 146.38 [Revoked]

3. Part 146a is amended by revoking § 146a.38 *Capsules buffered penicillin*

with pectin hydrolysate (capsules buffered potassium penicillin with pectin hydrolysate).

§ 146a.62 [Amended]

4. Section 146a.62 *Procaine penicillin G-neomycin in oil, veterinary* is amended by revising the second sentence in paragraph (a) to read as follows: "The neomycin used conforms to the standards prescribed by § 148i.1(a)(1)(i), (v), and (vi) of this chapter."

§ 146a.111 [Amended]

5. Section 146a.111 *Procaine penicillin-neomycin-polymyxin in oil, veterinary; procaine penicillin-neomycin-polymyxin ointment, veterinary* is amended by revising the seventh sentence in paragraph (a) to read as follows: "The neomycin used conforms to the standards prescribed by § 148i.1(a)(1)(i), (v), and (vi) of this chapter."

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

6. Section 146b.104 is amended by revising the section heading and paragraphs (a) and (c) to read as follows:

§ 146b.104 Streptomycin tablets, veterinary; dihydrostreptomycin tablets, veterinary.

(a) *Standards of identity, strength, quality, and purity.* Streptomycin tablets, veterinary, and dihydrostreptomycin tablets, veterinary, are streptomycin or dihydrostreptomycin tableted with or without glucuronolactone, kaolin, or other suitable and harmless absorbent ingredients, pectin, and dried aluminum hydroxide gel, with or without bismuth glycolylarsanilate and one or more suitable sulfonamides, and with or without the addition of one or more suitable and harmless diluents, binders, lubricants, colorings, and flavorings. It may contain chlorhexidine dihydrochloride or vitamin A and/or bismuth subcarbonate. The potency of each tablet is not less than 37.5 milligrams. If it contains chlorhexidine dihydrochloride, each tablet contains 375 milligrams of chlorhexidine dihydrochloride and 37.5 milligrams of dihydrostreptomycin. Its moisture content is not more than 10 percent. Tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour. The streptomycin or dihydrostreptomycin used conforms either to the standards prescribed by § 146b.101(a) or § 146b.103, except the standards for sterility, pyrogens, and histamine content, or to the standards prescribed by § 146b.114(a). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

* * * * *

(c) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(c) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on the outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(1) The statement "Expiration date _____," the blank being filled in with the date that is 24 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 36 months or 48 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of test and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed in paragraph (a) of this section.

(2) If it contains, in addition to streptomycin or dihydrostreptomycin one or more of the other active ingredients specified in paragraph (a) of this section, after the name "streptomycin tablets" or "dihydrostreptomycin tablets," wherever it appears, the words "with _____," the blank being filled in with the established name of each such other ingredient and the words being in juxtaposition with such name.

(3) In lieu of the statement "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian", each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity. If it contains bismuth subcarbonate, its label and labeling shall include reference to its use only in cats and dogs.

(4) If it is intended for use in animals raised for food production, it shall be used in accordance with § 135c.15 or § 135c.44 of this chapter.

* * * * *

7. Section 146b.108 is amended by revising the section heading and paragraphs (a) and (c) to read as follows:

§ 146b.108 Streptomycin syrup, veterinary; streptomycin in gel (streptomycin oral suspension), veterinary; dihydrostreptomycin syrup, veterinary; dihydrostreptomycin in gel (dihydrostreptomycin oral suspension), veterinary.

(a) *Standards of identity, strength, quality, and purity.* Streptomycin syrup, veterinary, and dihydrostreptomycin syrup, veterinary, are streptomycin or dihydrostreptomycin dissolved in a suitable and harmless diluent that contains one or more suitable and harmless preservatives. Streptomycin in gel, veterinary, and dihydrostreptomycin in gel, veterinary, are streptomycin and dihydrostreptomycin dissolved or suspended in a suitable and harmless gel base that contains a suitable and harmless adsorbent and one or more suitable and harmless preservatives. Each such drug may contain one or more suitable and harmless suspending or dispersing agents, flavorings, pectin, chlorhexidine dihydrochloride, bismuth glycolylarsanilate, bismuth magma, or bismuth subcarbonate, suitable mineral salts, procaine hydrochloride, a suitable antispasmodic agent, and one or more suitable sulfonamides. Its potency is not less than 10 milligrams per milliliter; however, if it contains chlorhexidine dihydrochloride, each milliliter contains 12.5 milligrams of chlorhexidine dihydrochloride and 1.25 milligrams of dihydrostreptomycin. The streptomycin used conforms to the standards prescribed therefor by § 146b.101(a), except subparagraphs (2), (4), (5), and (6) of that paragraph. The dihydrostreptomycin used conforms to the standards prescribed therefor by § 146b.103, except the standards for sterility, pyrogens, moisture, and histamine content. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

* * * * *

(c) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(c) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on the outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(1) The statement "Expiration date _____," the blank being filled in with the date that is 18 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 24 months or 36 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section.

(2) If it contains, in addition to streptomycin or dihydrostreptomycin, one or more of the other active ingredients specified in paragraph (a) of this section, after the name "streptomycin sirup," "streptomycin in gel," "dihydrostreptomycin sirup," or "dihydrostreptomycin in gel," wherever such name appears, the words "with _____ (the blank being filled in with the established name of each such other ingredient)," in juxtaposition with such name.

(3) In lieu of the statement, "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity.

(4) If it is intended for use in animals raised for food production, it shall be used in accordance with § 135c.15 of this chapter.

* * * * *

§ 146b.124 [Amended]

8. Section 146b.124 *Streptomycin-polymyxin-neomycin ointment; dihydrostreptomycin-polymyxin-neomycin ointment* is amended by revising the seventh sentence in paragraph (a) to read as follows:

"The neomycin used conforms to the standards prescribed by § 148i(a)(1)(i), (v), and (vi) of this chapter."

§§ 146b.118, 146b.128, 146b.131 [Revoked]

9. Part 146b is amended by revoking § 146b.118 *Streptomycin - penicillin - sulfonamide with kaolin and pectin; dihydrostreptomycin-penicillin-sulfonamide with kaolin and pectin;* § 146b.128 *Streptomycin-polymyxin in gel; dihydrostreptomycin-polymyxin in gel;* and § 146b.131 *Streptomycin - polymyxin tablets; dihydrostreptomycin-polymyxin tablets.*

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

§§ 146c.228, 146c.237, 146c.244, 146c.246 [Amended]

10. Section 146c.228 *Chlortetracycline hydrochloride-neomycin tablets veterinary; tetrocycline hydrochloride-neomycin tablets veterinary* is amended by revising the second sentence of paragraph (a) to read as follows: "The neomycin used conforms to the standards prescribed by § 148i.1(a)(1)(i), (iv), (v), and (vi) of this chapter."

11. Section 146c.237 *Chlortetracycline-neomycin-streptomycin ointment; chlortetracycline - neomycin - dihydro - streptomycin ointment; tetracycline hydrochloride - neomycin - streptomycin ointment; tetracycline hydrochloride-neomycin - dihydrostreptomycin ointment* is amended by revising the second sentence in paragraph (a)(2) to read as follows:

"The neomycin used conforms to the standards prescribed by § 148i.1(a)(1)(i), (v), and (vi) of this chapter."

12. Section 146c.244 *Tetracycline hydrochloride-neomycin spray ointment topical* is amended by revising the sixth sentence in paragraph (a) to read as follows:

"The neomycin used conforms to the standards prescribed by § 148i.1(a)(1)(i), (v), and (vi) of this chapter."

13. Section 146c.246 *Tetracycline hydrochloride-neomycin in oil suspension* is amended by revising the second sentence in paragraph (a)(1) to read as follows:

"The neomycin used conforms to the standards prescribed by § 148i.1(a)(1)(i), (v), and (vi) of this chapter."

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL - CONTAINING DRUGS

§ 146d.312 [Amended]

14. Section 146d.312 *Chloramphenicol-neomycin ointment* is amended by revising the second sentence of paragraph (a) to read as follows: "The neomycin used conforms to the standards prescribed by § 148i.1(a)(1)(i), (v), and (vi) of this chapter."

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

§§ 146e.403, 146e.411, 146e.122, and 146e.430 [Amended]

15. Section 146e.403 *Bacitracin tablets; zinc bacitracin tables; bacitracin methylene disalicylate tablets; bacitracin suppositories; zinc bacitracin suppositories (if they are represented for vaginal use); bacitracin implantation pellets; zinc bacitracin implantation pellets (if they are represented for use by implanting under the skin of animals)* is amended by deleting the words "with or without kaolin and pectin and" from the first sentence in paragraph (a).

16. Section 146e.411 *Bacitracin-neomycin topical ointment; zinc bacitracin-neomycin topical ointment* is amended by revising the second sentence of paragraph (a)(1) to read as follows:

"The neomycin used conforms to the standards prescribed by § 148i.1(a)(1)(i), (v), and (vi) of this chapter."

17. Section 146e.422 *Bacitracin-polymyxin-neomycin ointment* is amended by revising the second sentence of paragraph (a)(1) to read as follows:

"The neomycin used conforms to the standards prescribed by § 148i.1(a)(1)(i), (v), and (vi) of this chapter."

18. Section 146e.430 *Bacitracin-neomycin-polymyxin powder topical; zinc bacitracin-neomycin-polymyxin powder topical* is amended by revising the seventh sentence of paragraph (a) to read as follows:

"The neomycin used conforms to the standards prescribed by § 148i.1(a)(1)(i), (iv), (v), and (vi) of this chapter."

§ 146e.410 [Revoked]

19. Part 146e is amended by revoking § 146e.410 *Bacitracin-neomycin tablets; zinc bacitracin-neomycin tablets; bacitracin methylene disalicylate-neomycin tablets.*

PART 148i—NEOMYCIN SULFATE

§§ 148i.6 and 148i.11 [Revoked]

20. Part 148i is amended by revoking § 148i.6 *Neomycin sulfate-kaolin-pectin oral suspension; neomycin sulfate-akolin-pectin-_____ oral suspension (the blank being filled in with the established name(s) of the other active ingredient(s) present in accordance with paragraph (a)(1) of this section).*

21. Part 148i is amended by revoking § 148i.11 *Neomycin sulfate-thihexinol methylbromide-polycarbophil tablets.*

Any person who will be adversely affected by the removal of any such drug from the market may file objections to this order and request a hearing, showing reasonable grounds therefor. The statement of reasonable grounds and request for a hearing shall be submitted in writing within 30 days after publication hereof in the FEDERAL REGISTER, shall state the reasons why the antibiotic drug regulations should not be so amended, and shall include a well-organized and full factual analysis of the clinical and other investigational data the objector is prepared to prove in support of his objections.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data incorporated into or referred to by the objections and from the factual analysis in the request for a hearing that no genuine issue of fact precludes the action taken by this order, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the objections, the issues will be defined and a hearing examiner named. The provisions of Subpart F of 21 CFR Part 2 shall apply to such hearing, except as modified by 21 CFR 146.1(f), and to judicial review in accord with section 701 (f) and (g) (21 U.S.C. 371 (f) and (g)) of the Federal Food, Drug, and Cosmetic Act (35 F.R. 7250, May 8, 1970).

Objections and requests for a hearing should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852. Received objections and requests for a hearing may be seen in the above office during regular business hours, Monday through Friday.

Effective date. This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER. If objections are filed, the effective date will be extended as necessary to rule thereon. In so ruling, the Commissioner will specify another effective date and how the outstanding stocks of the affected drugs are to be handled.

(Secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended, 21 U.S.C. 352, 357)

Dated: September 5, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-15544 Filed 9-12-72;8:53 am]

[DESI 50417]

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TEST AND METHODS OF ASSAY

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

PART 148i—NEOMYCIN SULFATE

Confirmation of Order Revoking Provisions for Certification of Certain Ophthalmic Combination Drugs

An order was published in the FEDERAL REGISTER of July 6, 1972 (37 F.R. 13253), amending the antibiotic drug regulations to repeal provisions for certification of bacitracin-neomycin sulfate ophthalmic ointment and neomycin sulfate-gramicidin ophthalmic ointment. Part

141e was amended in § 141e.411, Part 146e was amended in § 146e.411 and Part 148i was amended in § 148i.26.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the above-identified order. Accordingly the amendment promulgated thereby became effective August 15, 1972.

Firms affected by the order will be allowed 30 days after publication hereof in the FEDERAL REGISTER to recall outstanding stocks of affected drugs. Certification of new stocks has been discontinued.

Dated: September 6, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-15564 Filed 9-12-72;8:54 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 7203]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Investment Credit

Correction

In F.R. Doc. 72-14437 appearing at page 17123 of the issue for Friday, August 25, 1972, in the table for § 1.46, column 3, page 17123, the first and second figures in the right hand column, reading "66⅔" and "33⅓", respectively, should be reversed, to read "33⅓" and "66⅔", respectively; and in § 1.48, column 1, page 17129, the eighth line of paragraph (d) (1), the reference to "section 88 property", should read "section 38 property".

Title 39—POSTAL SERVICE

Chapter I—U.S. Postal Service

PART 114—COMPLAINTS

Regulations codified under Part 114 of Title 39, Code of Federal Regulations, are amended to state the jurisdiction of the Consumer Advocate of the Postal Service in matters of complaint against the Service; and to revise the listing of locations where information and complaints regarding postal law violations should be sent. Accordingly, Part 114 is amended to read as follows:

Sec.
114.1 Postal service.
114.2 Postal law violations.

AUTHORITY: The provisions of this Part 114 issued under 39 U.S.C. 401.

§ 114.1 Postal service.

Complaints by individual customers about any aspect of products, services, or information may be made at any post office or regional office. Although the foregoing is recommended as an initial step, any customer may choose to direct a complaint to the Consumer Advocate, U.S. Postal Service, Washington, D.C. 20260. When the complaint concerns apparent mishandling of mail, furnish the related envelope or wrapper, if possible.

§ 114.2 Postal law violations.

Send information and complaints of postal law violations to the nearest Postal Inspector in Charge at the address listed below:

Atlanta, GA 30302.
Boston, MA 02107.
Brooklyn, NY 11201.
Chattanooga, TN 37401.
Chicago, IL 60607.
Cincinnati, OH 45201.
Denver, CO 80201.
Detroit, MI 48232.
Fort Worth, TX 76101.
Kansas City, MO 64142.
Los Angeles, CA 90052.
Memphis, TN 38103.
Newark, NJ 07101.
New York, NY 10001.
Philadelphia, PA 19101.
Pittsburgh, PA 15222.
Saint Louis, MO 63199.
Saint Paul, MN 55165.
San Francisco, CA 94101.
Seattle, WA 98111.
Washington, DC 20013.

ROGER P. CRAIG,
Deputy General Counsel.

SEPTEMBER 8, 1972.

[FR Doc.72-15572 Filed 9-12-72;8:56 am]

PART 156—RURAL SERVICE
PART 166—SPECIAL DELIVERY

Collection and Delivery

Regulations of the Postal Service are amended as hereinafter stated.

Section 156.5(b) is amended in order to give rural mail box owners the option of inscribing their names on the box.

Accordingly, in § 156.5 *Rural boxes*, amend paragraph (b) to read as follows:

§ 156.5 Rural boxes.

* * * * *

(b) *Painting and identification.* The Postal Service prefers that rural boxes and posts or supports be painted white, but they may be painted other colors if desired. Where box numbers are used, the box number must be inscribed in contrasting color in neat letters and numerals not less than 1 inch high on the side of the box that is visible to the carrier as he regularly approaches, or on the door if boxes are grouped. Where street names and house numbers have been assigned by local authorities, and the postmaster has authorized use of a street name and house numbers as a postal address, the house number will be shown on the box. If the box is located on a different street than the customer's residence, the street name and house number will be inscribed on the box. The placing of the owner's name on the box is optional. Advertising on boxes or supports is prohibited.

* * * * *

Section 166.4(c) is amended in order to discontinue the practice of leaving Form 3955, Special Delivery Notice, on doorknobs or handles.

Accordingly, in § 166.4 *Delivery procedures*, amend paragraph (c) to read as follows:

§ 166.4 Delivery procedures.

* * * * *

(c) *Notice of attempted delivery.* When mail cannot be delivered as described in paragraph (b) of this section, Form 3955, left under the door, between the door and the doorjamb, or in the receptacle, will state where the special delivery mail is being held.

* * * * *

(39 U.S.C. 401)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.72-15573 Filed 9-12-72;8:56 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

U.S. Government National Credit Card

This amendment (1) deletes the requirement for notifying GSA of the assignment of billing codes and billing addresses prior to the initial ordering of Standard Form 149, U.S. Government National Credit Card; (2) provides guidelines for the administrative control of credit cards; and (3) illustrates the October 1, 1971, edition of Standard Form 149.

The table of contents for Part 101-26 is amended to read as follows:

Sec.
101-26.406-6 [Reserved]

Subpart 101-26.4—Purchase of Items From Federal Supply Schedule Contracts

1. Section 101-26.406-4b is revised to read as follows:

§ 101-26.406-4 Administrative control of credit cards.

* * * * *

(b) Agencies should establish procedures to provide for the:

(1) Prompt notification to oil companies of lost or stolen credit cards;

(2) Issuance of a replacement in the event a credit card is lost, stolen, or damaged;

(3) Destruction of damaged credit cards which have been replaced, and of lost or stolen credit cards which have been recovered (if already reported and replaced); and

(4) Destruction of credit cards bearing an expiration date that has passed

or bearing an invalid license tag number; e.g. when the tag has expired or is destroyed.

2. Section 101–26.406–6 is deleted and the caption is revised to read as follows:

§ 101–26.406–6 [Reserved]

Subpart 101–26.49—Illustration of Forms

Section 101–26.4901–149 is revised to illustrate the October 1, 1971, edition of Standard Form 149, U.S. Government National Credit Card.

§ 101–26.4901–149 Standard Form 149, U.S. Government National Credit Card.

NOTE: The form illustrated in § 101–26.4901–149 is filed as part of the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (9–13–72).

Dated: September 1, 1972.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

[FR Doc.72–15519 Filed 9–12–72;8:47 am]

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

PART 101–38—MOTOR EQUIPMENT MANAGEMENT

Revision of Definitions of Terms and Instructions for Reporting Motor Vehicle Data

This amendment outlines the revised reporting requirement and procedures for Standard Form 82, Agency Report of Motor Vehicle Data, and provides additional definitions of terms necessary for the completion of SF 82.

The table of contents for Part 101–38 is amended to provide new and revised entries, as follows:

101–38.001–7	Using agency.
101–38.001–8	Term rental.
101–38.001–9	Trip rental.
101–38.001–10	Reportable vehicles.
101–38.001–11	Large fleet.
101–38.001–12	Small fleet.
101–38.001–13	Domestic fleet.
101–38.001–14	Foreign fleet.
101–38.001–15	Tag.
101–38.100–1	Standard Form 82, Agency Report of Motor Vehicle Data.
101–38.100–2	Federal Motor Vehicle Fleet Report.
101–38.101	Records.
101–38.102	Preparation of Standard Form 82, Agency Report of Motor Vehicle Data.
101–38.102–1	Reporting period and submission.
101–38.102–2	Reporting domestic and foreign vehicles.
101–38.102–3	Reporting Department of Defense vehicles.
101–38.102–4	Reporting vehicles operated by another agency.
101–38.102–5	Reporting transferred vehicles.
101–38.4901	Standard Form 82, Agency Report of Motor Vehicle Data.

AUTHORITY: The provisions of this Part 101–38 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 101–38.0—Definition of Terms

1. Sections 101–38.001–6 through 101–38.001–8 are revised to read as follows:

§ 101–38.001–6 Holding agency.

"Holding agency" means a Federal agency having accountability for Government-owned motor vehicles. This term applies when a Federal agency has authority to take possession of, assign, or reassign the vehicles regardless of which agency is using the vehicle.

§ 101–38.001–7 Using agency.

"Using agency" means a Federal agency using vehicles for which it does not have accountability. This term applies when a Federal agency rents vehicles from interagency motor pools or commercial rental firms (term or trip rentals) or borrows from other Federal agencies.

§ 101–38.001–8 Term rental.

"Term rental" means rental of a vehicle by a Federal agency, on contract or by other arrangement, from an interagency motor pool or commercial firm, and used continuously for a period of 3 months or more.

2. Sections 101–38.001–9 through 101–38.001–15 are added, as follows:

§ 101–38.001–9 Trip rental.

"Trip rental" means rental of a vehicle by an employee of a Federal agency from an interagency motor pool or a commercial firm for the duration of a single trip; i.e., an hour, day, week, or month.

§ 101–38.001–10 Reportable vehicles.

"Reportable vehicles" means all automobiles, station wagons, ambulances, buses, carryalls, trucks, and truck tractors. Excluded are "military design motor vehicles" (described in § 101–38.001–3), trailers, fire trucks, and other equipment detailed in the instructions on Standard Form 82.

§ 101–38.001–11 Large fleet.

"Large fleet" means a fleet of 2,000 or more reportable vehicles, worldwide, for which accountability is held by a department or independent establishment or a bureau or comparable organizational unit of such department or independent establishment.

§ 101–38.001–12 Small fleet.

"Small fleet" means a fleet of less than 2,000 reportable vehicles, worldwide.

§ 101–38.001–13 Domestic fleet.

"Domestic fleet" means all reportable motor vehicles held by an agency in the United States, its territories and possessions, the Canal Zone, and Puerto Rico.

§ 101–38.001–14 Foreign fleet.

"Foreign fleet" means all reportable motor vehicles held by an agency in foreign countries.

§ 101–38.001–15 Tag.

"Tag" means the official U.S. Government motor vehicle identification plate, District of Columbia license plate, or license plate of any State, territory, or possession of the United States.

Subpart 101–38.1—Reporting Motor Vehicle Data

Subpart 101–38.1 is revised to read as follows:

§ 101–38.100 Scope of subpart.

This subpart sets forth (a) the responsibility of holding agencies for maintaining inventory, cost, and operating data and (b) policies and procedures for the reporting of Government-owned and rented vehicle data by Federal agencies to the General Services Administration.

§ 101–38.100–1 Standard Form 82, Agency Report of Motor Vehicle Data.

"Agency Report of Motor Vehicle Data" is the new title of Standard Form 82 (revised May 1972), replacing the former title "Annual Motor Vehicle Report." In addition to its use by the preparing agencies, SF 82 is used by GSA to compile a printed booklet, also formerly titled "Annual Motor Vehicle Report."

§ 101–38.100–2 Federal Motor Vehicle Fleet Report.

"Federal Motor Vehicle Fleet Report" is the new title (effective with the fiscal year 1972 report) of the printed booklet formerly called the "Annual Motor Vehicle Report." This booklet is distributed by GSA to Federal activities, private organizations, and individuals.

§ 101–38.101 Records.

It is the responsibility of each holding agency to develop adequate accounting and reporting procedures to insure accurate reporting of inventory, cost, and operating data needed for the management and control of motor vehicles and to fulfill the requirements of Subpart 101–38.1.

§ 101–38.102 Preparation of Standard Form 82, Agency Report of Motor Vehicle Data.

Standard Form 82 has two sections. Section I requires reporting of certain data on agency-held and -rented vehicles formerly reported on Standard Form 80 to the Office of Management and Budget. Federal agencies shall report in section I, Part A, as holding agencies and in section I, Part B, as using agencies. Many agencies will report in both parts. Section II requires reporting of essentially the same data that was formerly reported on SF 82 to the General Services Administration. Detailed instructions for preparation of the form are provided on the reverse side of the form. (For illustration of the form, see § 101–38.4901.)

§ 101–38.102–1 Reporting period and submission.

Each Federal agency, as holding agency, using agency, or both, shall submit Standard Form 82 in duplicate to

GSA by September 15 for the previous fiscal year. The reports shall be addressed to the General Services Administration (FZM), Washington, D.C. 20406. The Motor Equipment Management Division (FZM), Federal Supply Service, GSA, will begin compilation of the Federal Motor Vehicle Fleet Report after a grace period of 1 month (ending October 15). After that date, no late reports or error corrections will be accepted.

§ 101-38.102-2 Reporting domestic and foreign vehicles.

Agencies shall report data for domestic fleets and foreign fleets on separate Standard Forms 82.

§ 101-38.102-3 Reporting Department of Defense vehicles.

The Department of Defense shall report Government-owned and -rented commercial design motor vehicles of the Department of Defense.

§ 101-38.102-4 Reporting vehicles operated by another agency.

If any vehicles are loaned to another agency during the reporting period, the holding agency shall report all data pertinent to the loaned vehicles.

§ 101-38.102-5 Reporting transferred vehicles.

If accountability for a vehicle is transferred from one holding agency to another during the reporting period, each agency shall report that data appropriate to the period of accountability.

Subpart 101-38.49—Forms and Reports

Section 101-38.4901 is amended to illustrate the May 1972 edition of Standard Form 82.

§ 101-38.4901 Standard Form 82, Agency Report of Motor Vehicle Data.

NOTE: Standard Form 82, as illustrated in § 101-38.4901, is filed as part of the original document.

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (9-13-72).

Dated: September 1, 1972.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

[FR Doc.72-15520 Filed 9-12-72;8:47 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

[CGD 72-104CR]

MISCELLANEOUS AMENDMENTS TO CHAPTER; CORRECTION

In F.R. Doc. CGD 72-104R, published in the July 18, 1972 issue of the FEDERAL REGISTER (37 F.R. 14232), the section designations appearing in document subparagraphs 2(e), 2(f), and 3(f) and paragraph 5 at page 14232 are in error. These sections are corrected as follows: "Section 185.30" to read "§ 185.30-1"; "Section 196.40" to read "§ 196.40-5"; "Section 74.01-5" to read "§ 74.01-1"; "Section 78.57-1" to read "§ 78.75-1".

(R.S. 4405, as amended, R.S. 4462, as amended sec. 633, 63 Stat. 545; sec. 6(b)(1), 80 Stat. 937; 46 CFR 375, 416, 14 U.S.C. 633, 49 CFR 1655(b)(1); 49 CFR 1.46(b))

Dated: September 5, 1972.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc.72-15545 Filed 9-12-72;8:49 am]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 78—REGULATIONS FOR THE ADMINISTRATION AND ENFORCEMENT OF THE RADIATION CONTROL FOR HEALTH AND SAFETY ACT OF 1968

Subpart C—Performance Standards for Electronic Products

DIAGNOSTIC X-RAY SYSTEMS AND THEIR MAJOR COMPONENTS

Correction

In F.R. Doc. 72-12311 appearing at page 16461 of the issue for Tuesday, August 15, 1972, the following changes should be made:

1. In § 78.213-1(b)(8), the formula and key should read as follows:

$$C=\frac{s}{\overline{X}}=\frac{1}{\overline{X}}\left[\sum_{i=1}^{n}\frac{(X_i-\overline{X}^2)}{n-1}\right]^{\frac{1}{2}}$$

where
s=Estimated standard deviation of the popuation.
$\overline{X}$=Mean value of observations in sample.
Xi=ith observation in sample.
n=Number of observations in sample.

2. In § 78.213-1(b)(23), the formula and key should read as follows:

Percent line-voltage regulation
$$=100(V_n-V_l)/V_l$$

where
V_n=No-load line potential and
V_l=Load line potential.

3. In § 78.213-2(e), the first word in paragraph heading reading "Filed", should read "Field".

4. In § 78.213-3(d)(3), in the second line, the reference to "paragraph (d)(3)", should read "paragraph (d)".

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order No. 5249]

[Wyoming 34999]

WYOMING

Partial Revocation of Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the Act of December 29, 1916, as amended, 43 U.S.C. sec. 300 (1970), it is ordered as follows:

1. The departmental orders of June 20, 1918, June 6, 1925, and August 12, 1939, creating and enlarging Stock Driveway Withdrawal No. 23 (Wyoming No. 6), are hereby revoked so far as they affect the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 17 N., R. 82 W.,
Secs. 7 and 8;
Sec. 9, SW¼;
Sec. 14, W½;
Sec. 15, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 17;
Sec. 18, lots 1, 2, E½W½, E½;
Sec. 23, S½NE¼, SE¼NW¼.
T. 20 N., R. 82 W.,
Secs. 4, 8, 18.
T. 21 N., R. 82 W.,
Sec. 34.
T. 17 N., R. 83 W.,
Sec. 3, lots 3, 4, S½NW¼, SW¼;
Sec. 7, lots 1, 2, 3, 4, E½W½;
Sec. 8, N½, SW¼;
Sec. 9, N½;
Sec. 10, N½;
Sec. 11, N½;
Sec. 12;
Sec. 13, N½.
T. 18 N., R. 83 W.,
Secs. 4, 8, 20, 28;
Sec. 34, W½.
T. 19 N., R. 83 W.,
Secs. 6, 8, 18, 20;
Sec. 28, W½W½;
Sec. 32.
T. 20 N., R. 83 W.,
Sec. 20;
Sec. 22, W½NW¼, SW¼, S½SE¼;
Secs. 24, 30, 32.
T. 17 N., R. 84 W.,
Sec. 22;
Sec. 23, W½NW¼, SE¼NW¼, SW¼;
Sec. 27, NW¼, W½SW¼;
Sec. 28;
Sec. 29, S½NE¼, SE¼, E½SW¼;
Sec. 31;
Sec. 32, N½N½.
T. 18 N., R. 84 W.,
Secs. 2, 12.
T. 19 N., R. 84 W.,
Secs. 4, 10, 22, 26, 34.
T. 20 N., R. 84 W.,
Secs. 2, 4, 10, 14, 22, 24, 28, 34.
T. 21 N., R. 84 W.,
Sec. 26, N½SW¼, SE¼SW¼, S½SE¼;
Sec. 34.
T. 19 N., R. 95 W.,
Sec. 6.
T. 19 N., R. 96 W.,
Sec. 2.

The areas described aggregate approximately 32,786.95 acres in Carbon and Sweetwater Counties, of which 805.03 acres described as follows are privately owned lands:

T. 17 N., R. 82 W.,
Sec. 7, lot 1 and NE¼NW¼;
Sec. 18, SE¼SW¼.
T. 17 N., R. 83 W.,
Sec. 7, lots 1 to 4, incl., E½W½.
T. 20 N., R. 83 W.,
Sec. 22, W½NW¼, SW¼, S½SE¼.
T. 17 N., R. 84 W.,
Sec. 22, NW¼NW¼.

2. The revocation made by paragraph 1 of this order, so far as it affects the public lands described as sec. 6, T. 19 N., R. 95 W., and sec. 2, T. 19 N., R. 96 W., is in furtherance of an exchange under section 8 of the Act of June 28, 1934, as amended, 43 U.S.C. sec. 315g (1970), by which the offered lands will benefit a Federal land program. Accordingly, these lands are hereby classified, pursuant to section 7 of the Act of June 28, 1934, as amended, 43 U.S.C. sec. 315f (1970), as suitable for such exchange. These lands, therefore, will not be subject to other use or disposition under the public land laws in the absence of a modification or revocation of such classification (43 CFR 2440.4).

3. At 10 a.m. on October 13, 1972, the remaining unappropriated and unclassified public lands described in paragraph 1, shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 13, 1972, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. These lands have been and continue to be open to location and entry under the United States mining laws, and to the filing of applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Cheyenne, Wyo. 82001.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 7, 1972.

[FR Doc.72-15508 Filed 9-12-72;8:46 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Dockets Nos. 19161, 19317; FCC 72-776]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations, Table of Assignments for Certain Cities

Fourth report and order (Docket No. 19161); *Second report and order* (Docket No. 19317).

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations. (West Allis, Berlin, Hartford, Neenah-Menasha, Shawano, Watertown, and Waupun, Wis., and Escanaba, Mich.; Coal City, Dwight, or Marseilles, Ill.; St. Charles and St. Louis, Mo.; Muncie, Ind.; and Celina, Fostoria, and Lima, Ohio; Anamosa and Iowa City, Iowa; Terrell and Corsicana, Tex.; Sullivan, Bedford, and Paoli, Ind.; Orangeburg, S.C.; Danville, Ind.; Decatur or Paris, Ill.; Manning and Kingstree, S.C.). Docket No. 19161; RM-1476, RM-1489, RM-1523, RM-1524, RM-1528, RM-1540, RM-1552, RM-1554, RM-1559, RM-1561, RM-1563, RM-1566, RM-1571, RM-1626, and RM-1660.

Amendment of § 73.202, Table of Assignments, FM Broadcast Stations. (Decatur and Rantoul, Ill.; Santa Rosa, Calif.; Duluth and Cloquet, Minn.; Ladysmith, Wis.; Enfield, Conn., Greenfield and Northampton, Mass.; Willimantic, Conn.). Docket No. 19317; RM-1686, RM-1693, RM-1696, RM-1697, and RM-1866.

1. The Commission has under further consideration its notices of proposed rule making in Dockets Nos. 19161 and 19317 inviting comments on a number of proposals for changing the FM Table of Assignments in response to requests of petitioners.[1] This decision concerns only the proposals respecting the above-entitled RM-1566 (Decatur or Paris, Ill.) in Docket No. 19161; RM-1686 (Decatur and Rantoul, Ill.) and RM-1696 (Enfield, Conn., Greenfield and Northampton, Mass.), in Docket No. 19317; and the proposal in RM-1866 (Willimantic, Conn.), accepted for consideration as a counter-proposal to the Enfield proposal in Docket No. 19317. In prior decisions, we have disposed of the other proposals in Dockets Nos. 19161[2] and 19317,[3] with only those affected by the noted petitions for reconsideration requiring further consideration. We first deal with the related Illinois FM assignment proposals.

2. Decatur-Paris, Ill. (RM-1566, Docket No. 19161; RM-1686, Docket No. 19317.) In Docket No. 19161, the notice invited comments on alternative proposals to assign Class B channel 253 in place of Channel 252A at Paris or to Decatur or another community in the general area. The Paris Channel 253 proposal was advanced in RM-1566 by Paris Broadcasting Corp., the Paris Channel 252A (WPRS-FM) licensee, which is also licensee of a daytime AM station (WPRS) at Paris. These are the only radio stations at Paris (1970 population, 9,971) and in Edgar County (1970 population, 21,591), of which Paris is the seat and largest city. The Paris 252A assignment is the only FM assignment in Edgar County.

3. Paris Broadcasting seeks a Class B assignment in place of the Paris Class A assignment, and modification of its WPRS-FM license accordingly, so that it can better meet the need for local nighttime radio service in the area and provide an improved and expanded FM service to a significantly greater area. Its showing also reveals that, in the increase area, an area of some 20 square miles containing 655 persons would receive a first FM signal of 1 mv/m strength and an area of some 207 square miles containing 7,555 persons would receive a second such FM signal. However, the preclusion study submitted indicated that the proposed Paris Channel 253 assignment would preclude use of Channel 253 or Channel 254 for a second FM assignment at Decatur, a city with a population of over 90,000, or for assignment in other places of substantial size in this general area of Illinois. Because of this, we proposed—as an alternative—the assignment of Channel 253 to Decatur or other communities in the general area that commenting parties might suggest.

4. In Docket No. 19317, instituted subsequent to Docket No. 19161, the notice invited comments also on a proposal of Prairieland Broadcasters (Prairieland), the licensee of a daytime-only AM station (WDZ) at Decatur, in RM-1686 to assign Class B Channel 236 at Decatur as a possible alternative to the Channel 253 assignment proposed for Decatur in Docket No. 19161. As part of this proposal, we also proposed to substitute Channel 224A for Channel 237A at Rantoul, Ill., now occupied by Station WRTL-FM, which has been on the air since March 1, 1972. While Prairieland initially proposed that Channel 265A be substituted for the then unoccupied Rantoul Channel 237A assignment in order to permit Channel 236 use at a transmitter site as close as 3 miles from the center of Decatur, at the suggestion of a former applicant for the Rantoul assignment, and with the approval of Prairieland, Channel 224A was instead proposed as the Rantoul replacement to accomplish this objective.[4]

5. As the notice pointed out, the preclusion study indicated that the proposed Channel 236 assignment at Decatur would preclude the use of Channels 236 and 237A only in a limited area of Illinois

[1] See notice of proposed rule making, released March 1, 1971 (36 F.R. 4064) in Docket No. 19161. Also see notice of proposed rule making, released September 13, 1971 (36 F.R. 18665) in Docket No. 19317.

[2] In Docket No. 19161, see First Report and Order, released November 1, 1971 (32 FCC 2d 191); Second Report and Order, released January 7, 1972 (32 FCC 2d 839); and Third Report and Order, released May 12, 1972 (34 FCC 2d 858). Petitions for reconsideration of the Second Report and Order in re RM-1525 (Muncie, Ind., and Celina, Fostoria, and Lima, Ohio) and of the Third Report and Order in re RM-1540 (Anamosa and Iowa City, Iowa) await disposition.

[3] In Docket No. 19317, see First Report and Order, released May 19, 1972 (34 FCC 2d 942).

[4] William R. Brown and Donald R. Williams, doing business as Regional Radio Service (Regional Radio), the successful applicant for the Rantoul Channel 237A assignment (BPH-7243, granted May 10, 1971, Docket No. 19112, issued May 31, 1971) did not file pleadings or comments in regard to the Decatur-Rantoul proposals prior to our institution of rule making in the matter.

where the largest communities are Taylorville (1970 population, 10,644), which already has a Class A assignment and station, and Virden (1970 population, 3,504) which is without an FM assignment or an aural broadcast outlet. It also appeared that the proposed Rantoul Channel 224A assignment would not affect other assignments.

6. Prairieland seeks a Class B assignment at Decatur in order to make a second such assignment available there for which it can apply and provide the Decatur area with a choice of local FM service, as well as an additional aural nighttime service from a different source. At present, only Class B Channel 275, occupied by Station WSOY–FM, is assigned at Decatur (1970 population, 90,397) and in Macon County (1970 population, 123,010), of which Decatur is the seat. Station WSOY–FM's licensee, Illinois Broadcasting Co., is also licensee of Station WSOY, the only unlimited-time AM station at Decatur and in Macon County.

7. In Docket No. 19161, comments supporting the proposal to substitute Channel 253 for Channel 252A at Paris were filed by its proponent, Paris Broadcasting Corp. Opposing comments were filed by Prairieland which requested Channel 253 for a Decatur assignment. In Docket No. 19317 Prairieland also filed comments in support of its Decatur Channel 236 proposal and the corollary Rantoul Channel 224A proposal. Comments opposing the Decatur Channel 236 and Rantoul 224A replacement proposals were filed by the Rantoul Channel 237A permittee, Regional Radio. It urged, instead, that Decatur should be preferred to Paris for a Class B assignment and that the alternative Decatur Channel 253 proposal in Docket No. 19161, which would not disturb the assignment status quo at Rantoul and which would permit a first FM assignment (Channel 237A) at Virden, Ill., merited adoption. It also proposed Channel 237A for a first FM assignment at Virden.

8. We have further considered these Channel 253 (Paris-Decatur) and Channel 236 (Decatur) assignment proposals in light of the comments submitted in these proceedings. It is our view that a Class B FM assignment is warranted at both Decatur and Paris and should be provided by assigning Channel 253 at Paris and Channel 236 at Decatur without disturbing the now occupied Rantoul Channel 237A assignment, as originally proposed.

9. In the case of Decatur, it is of a size to qualify for a second Class B assignment under our FM assignment policies, and we believe that the Decatur petitioner has satisfactorily shown that a second Class B assignment at Decatur would serve a need for an additional local FM service and for another source for local nighttime aural programing. While we do not normally assign wide-coverage Class B channels to a city the size of Paris, we also think that a Class B assignment at Paris would have public interest value over the occupied Class A assignment there since it would enable the only local FM station at Paris and in Edgar County, and the only outlet in the county for local nighttime radio service, to provide an improved and expanded local service in this area and which would, in addition, serve areas southwest of Paris which are now without a first or second full-time FM service. We therefore desire, if possible to provide Paris, as well as Decatur, with a Class B assignment. The Decatur Channel 236 proposal and the Paris Channel 253 proposal are, in our view, technically and otherwise feasible for accomplishing this objective without disturbing any other assignment or station or precluding future availability of either channel to any community of fair size not having an FM assignment.

10. While either proposed Channel 253 or Channel 236 could be assigned at Decatur, only Channel 253 could be assigned at Paris. We therefore believe that the Decatur Channel 236 proposal is to be preferred since it will enable us to provide Paris with a Class B assignment also. The fact that the Decatur Channel 253 proposal would also permit a first FM assignment (Channel 237A) at Virden, is not, we feel, an overriding reason for adopting that proposal and depriving Paris of a Class B assignment since there appears no evidence of any interest in establishing an FM outlet in that small community or of any likelihood that an FM assignment at Virden would ever be used. We also consider a Decatur Channel 236 assignment feasible even though, in order to meet separation requirements, a Decatur Channel 236 station would be required to operate from a site 16 miles from the Decatur reference point to meet the required 65-mile separation from the site for Regional Radio's new Channel 237A station at Rantoul, which is but 49 miles from the city reference point for Decatur. Considering the relatively flat terrain in the Decatur area and that Channel 236 is a Class B channel, intended for wide-area coverage, no difficulty should be encountered in finding a suitable site at the distance required to meet spacing requirements for a Channel 236 operation to serve Decatur satisfactorily. We therefore, have also decided, in light of the objection raised by the Rantoul 237A permittee to any change in the Rantoul 237A assignment, that there is not sufficient justification for changing it, as was proposed at Prairieland's request, in assigning Channel 236 to Decatur.

11. Enfield-Willimantic, Conn. (RM–1696, Docket No. 19317; RM–1866). These requests involve conflicting proposals for the assignment of Channel 252A for a first FM assignment at either Enfield or Willimantic, Conn., communities located approximately 25 miles from each other. The Enfield proposal, upon which we invited comments in Docket No. 19317, in response to a request of KND Corp. (KND), licensee of Station WKND(AM) at Windsor, Conn., in RM–1696, would also require changing the FM assignment occupied by Station WHAI–FM at Greenfield, Mass., from Channel 252A to Channel 257A and the FM assignment occupied by Station WHMP–FM at Northampton, Mass., from Channel 257A to Channel 265A. The Willimantic proposal was advanced by The Willie Broadcasting Co. (Willie Broadcasting), licensee of Station WILI(AM) at Willimantic, in a petition for rule making (RM–1866), filed August 18, 1971, and supplemented on October 19, 1971, with an additional showing, containing a request that its Channel 252A proposal be accepted and considered as a counterproposal to the Enfield Channel 252A proposal in Docket No. 19317.[5]

12. In comments directed to the Enfield proposal, the Greenfield Channel 252A licensee, Haigis Broadcasting Corp., advised that it has no objection to the proposed change in its Channel 252A authorization if it is reimbursed for the reasonable cost of the changeover by the prospective user of Channel 252A at Enfield. The Northampton Channel 257A licensee, Pioneer Valley Broadcasting, in comments directed to the Enfield proposal in the original KND petition, also previously advised that it would have no objection to the proposed change in its Channel 257A authorization on the same condition. KND also filed comments supporting its Enfield proposal.

13. Enfield, with a 1970 population of 46,189, is located in Hartford County (1970 population, 816,737) in the north-central part of Connecticut abutting the Massachusetts State boundary, about 6 or 7 miles south of Springfield, Mass., and 15 miles north of Hartford. Enfield is part of the Hartford SMSA (1970 population, 663,891). While Enfield is without an FM assignment or local AM outlet, there are six occupied FM assignments in Hartford County—five at Hartford and one at New Britain. Nine AM stations are also located in Hartford County. Enfield is served by the five Hartford Class B FM stations, and also by the three Class B FM stations at Springfield.

14. Willimantic, with a 1970 population of 14,402, is the largest city and seat of Windham County (1970 population 84,515) which is located east of Hartford County in the northeastern corner of the State. No local FM service is available at Willimantic or in Windham County, and no FM channels are assigned in the county. The nearest FM stations are at Hartford, about 25 miles west of Willimantic. Local AM service in the county is supplied by two stations, the Willimantic petitioner's fulltime AM station at Willimantic (WILI) and a daytime-only AM station at Putnam. If an FM assignment is provided at Willimantic, Willie Broadcasting states that it will make immediate application for its use for a first local FM service at Willimantic and in Windham County.

15. Unlike the Enfield Channel 252A proposal, the Willimantic Channel 252A proposal would not require any change in existing assignments or require any

[5] See Public Notices, Report No. 787, released October 22, 1971, and RM–1866 assigned, Report No. 788, released October 29, 1971.

existing FM station to change the channel upon which it operates. Channel 252A would meet all mileage separation requirements for assignment and use at Willimantic if used at a transmitter site at least 1 mile south of the community to meet the required 65-mile spacing from the Greenfield, Mass. Channel 252A station (WHAI–FM). The preclusion study for the Willimantic proposal also shows that a Willimantic Channel 252A assignment would not foreclose future assignments on any of the seven channels involved.

16. We are of the opinion that, as between these Channel 252A assignment proposals for Enfield and Willimantic, the Willimantic proposal has the greater public interest value and is more worthy of adoption since it is technically feasible and will provide opportunity for a first local FM service not only in Willimantic but in Windham County, where no FM channels have been assigned and only one full-time AM station at Willimantic is operating, as well. While Enfield is without a local FM or AM service, it is in a county which has been provided with six FM assignments, all occupied, and with nine AM stations. Enfield itself receives eight FM services and numerous AM services from stations at Hartford and from nearby Springfield, Mass. We therefore believe the public interest is best served by assigning Channel 252A for a first FM assignment at Willimantic.

17. In view of the foregoing, and pursuant to the authority contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, *It is ordered*, That effective October 17, 1972, the FM Table of Assignments, § 73.202(b) of the rules, is amended to read as follows for the cities listed below:

City	Channel No.
Decatur, Ill	236, 275
Paris, Ill	253
Willimantic, Conn	252A

18. *It is further ordered*, That the petition of KND Corp. for assignment of channel 252A at Enfield, Conn., is denied.

19. *It is further ordered*, That, effective October 17, 1972, and pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by Paris Broadcasting Corp. for Station WPRS–FM, Paris, Ill., is modified to specify operation on Channel 253 in lieu of Channel 252A, subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than October 17, 1972, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by November 7, 1972, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station WPRS–FM on Channel 253 at Paris, Ill.

(c) The licensee may continue to operate on Channel 252A under its outstanding authorization until it submits an application for an FM broadcast station license with proof of performance measurement data to demonstrate compliance with technical performance requirements of the rules. The licensee shall not operate on Channel 253 without prior authorization from the Commission.

20. *It is further ordered*, That the proceeding in Docket No. 19161 is terminated insofar as RM–1566 is concerned and that, having disposed herein of RM–1686, RM–1696, and RM–1866 in Docket No. 19317, the proceeding in Docket No. 19317 is terminated.

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

Adopted: August 29, 1972.

Released: September 7, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[6]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72–15548 Filed 9–12–72;8:55 am]

[FCC 72–777]

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

TV and FM Translator Stations; Order Regarding Unattended Operation

1. Sections 74.734(a)(4) and 74.1234 (a)(4) of the rules, respectively, pertaining to unattended operation of a television broadcast translator station and an FM radio broadcast translator station, both provide that the Commission must be supplied with the name, address, and telephone number of a person or persons who may be contacted to secure prompt suspension of the operation of the station if such action should be deemed necessary by the Commission. Nowhere in the rules is guidance provided as to the meaning of "prompt." Customarily, however, this term has been construed by the Commission's staff to mean no more than 30 minutes. The failure of the rules to give licensees reasonable guidance as to what is meant by "prompt" has led to some difficulties and has resulted in delay in acting on otherwise grantable applications. In order to eliminate such delays, therefore, we are amending these rules to specify the time as 30 minutes instead of "promptly."

2. These amendments to the rules are adopted pursuant to the authority contained in sections 4 (i) and (j) and 303(r) of the Communications Act of 1934, as amended. Since the changes are interpretative, the notice and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) do not apply.

3. Accordingly, *It is ordered*, That, effective September 15, 1972, §§ 74.734 (a)(4) and 74.1234(a)(4) of the Commission's rules and regulations are amended as set forth below.

[6] Commissioner Johnson concurring in the result; Commissioners H. Rex Lee and Reid absent; Commissioner Hooks not participating.

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

Adopted: August 29, 1972.

Released: September 1, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

Part 74 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 74.734, paragraph (a), subparagraph (4) is amended to read as follows:

§ 74.734 Unattended operation.

(a) * * *

(4) The Commission shall be supplied with the name, address, and telephone number of a person or persons who may be contacted to secure suspension of operation of the translator within thirty (30) minutes should such action be deemed necessary by the Commission. Such information shall be kept current by the licensee.

* * * * *

2. In § 74.1234, paragraph (a), subparagraph (4) is amended to read as follows:

§ 74.1234 Unattended operation.

(a) * * *

(4) The Commission shall be supplied with the name, address, and telephone number of a person or persons who may be contacted to secure suspension of operation of the translator within thirty (30) minutes should such action be deemed necessary by the Commission. Such information shall be kept current by the licensee.

* * * * *

[FR Doc.72–15549 Filed 9–12–72;8:55 am]

[FCC 72–757; Docket No. 18803]

PART 97—AMATEUR RADIO SERVICE

Licensing and Operation of Repeater Stations

In the matter of amendment of Part 97 of the Commission's rules concerning the licensing and operation of repeater stations in the amateur radio service; Docket No. 18803; RM–388, RM–1087, RM–1209, RM–1542, RM–1725.

1. The Commission adopted a notice of proposed rule making in the above entitled matter on February 26, 1970, which was published in the FEDERAL REGISTER on March 5, 1970 (35 F.R. 4138). Interested parties were invited to file comments on or before May 15, 1970, and reply comments on or before June 1, 1970. The time for filing comments and reply comments was subsequently extended to June 15, 1970, and July 7, 1970, respectively.

2. The notice proposed to specifically provide rules for the operation of amateur stations which receive and automatically repeat the radio signals of other

[1] Comimssioners H. Rex Lee and Reid absent; Commissioner Hooks not participating.

amateur stations. Although the rules have not specifically referred to amateur repeater stations, per se, the Commission has licensed hundreds of repeater stations to operate under the rules applicable to amateur radio stations in general. We are of the opinion that this activity is in keeping with the fundamental purpose of the amateur radio service expressed in the principles set forth in § 97.1 of the rules, particularly with respect to § 97.1(b) and (c):

"(b) Continuation and extension of the amateur's proven ability to contribute to the advancement of the radio art.

"(c) Encouragement and improvement of the amateur radio service through rules which provide for advancing skills in both the communication and technical phases of the art."

The high quality of the technical content of the comments received is evidence that the basis and purposes of this Service are being served by this amateur repeater activity.

3. Both formal and informal comments were received from numerous individuals and amateur radio organizations. Since the comments received were so numerous, it is not practicable to discuss each herein. However, every comment has been given careful consideration by the Commission. Many include statements describing the value of repeater stations to the service and predict further technological developments and increasing benefits if their usage is permitted to continue unhampered by the imposition of unnecessary restrictions. Generally, they heavily favor the adoption of specific rules governing the licensing and operation of repeater stations, but not necessarily in the manner proposed in the notice.

4. The Commission finds that amateur terrestrial repeater stations are useful for increasing the reliable range of VHF and UHF[1] vehicular and hand-held mobile stations in conducting intracommunity amateur radiocommunication, and for effecting emergency radiocommunication which possibly could not otherwise be conducted on the amateur bands. Again, this is in keeping with § 97.1(a) of the rules:

"(a) Recognition and enhancement of the value of amateur service to the public as a voluntary noncommercial communication service, particularly with respect to providing emergency communications."

Accordingly, we believe that rules to provide for the operation of repeater stations are desirable. It is apparent that repeater stations have become a significant part of the service. There is no reason to expect their growing popularity to quickly diminish, nor is there reason to anticipate the innovative skills that amateur operators have demonstrated in designing and planning repeater systems to suddenly dissipate. We would prefer to have this activity continue in an orderly fashion, in a spirit of cooperation among amateur operators. Just as it was not possible to foresee the interest in repeater stations, it is similarly impossible to fully predict the eventual products of the amateurs' imaginative application of the electronic and radio arts. For this reason, the rules adopted herein are intended to introduce provisions into the rules which permit the flexibility needed in the service, and to provide the licensing framework for accommodating future technical and operational advancements in amateur radiocommunication. Despite our efforts to forecast future needs and provide appropriate rules, we recognize that in all probability further advancements in remote control and automatic control technology will necessitate additional amendments. We urge interested parties having information and suggestions in these areas to submit them to the Commission for consideration.

5. Beginning July 1, 1973, a separate station license will be required for every amateur repeater station regardless of when it was first licensed. Applications for new, modified or renewed repeater station licenses must meet the new requirements upon the effective date of the new rules. These stations will be identified by a call sign having the distinctive prefix WR. In order to qualify for a repeater station license, the applicant must be at least a technician class licensee and must submit certain data regarding the technical and operational provisions included in his proposed station. The requirements for this showing are intended to verify that the applicant has given careful consideration to the planning and design of his repeater station, addressing particular attention to the geographical area to be covered. We desire that the applicant for a repeater station license predict by analysis the approximate coverage area needed for intracommunity amateur radio communication, using the desired mode of emission. After the repeater is licensed and in operation, the licensee should verify his assumptions of community radiocommunication requirements and his prediction of the station coverage through testing and operating experience, and make appropriate adjustments based thereon. The foregoing approach should be accomplished giving due consideration to minimizing harmful interference to other amateur radio operators in the same or nearby communities desiring to use the same frequency, or frequency bands.

6. Upon reviewing the comments, and in consideration of the increasing complexity of systems described in applications received by the Commission for remotely controlled repeater stations, we recognize the need emerging in the service for a licensing structure that facilitates combining several amateur radio stations into a radiocommunication system. It has not been uncommon to receive an application for a proposed "station" having fifty or more remote control points and a half-dozen remote receiving sites which involve a multiplicity of transmitters and frequencies. This is clearly a complex system comprised of special purpose stations, each performing one or more functions in a network. A thorough review of this matter has been undertaken, and the resulting Commission determination is reflected in the amended rules. The review indicated the difficulty in providing operating and licensing rules for the service without taking into account the functions performed by various types of specialized amateur radio stations. Accordingly, we are adopting a structure of definitions and station privileges related to the major functions performed by such specialized stations. Under this concept, and with the one exception of repeater stations, a single station may be licensed for one or more special purpose privileges according to the functions to be performed by that station. This permits a licensee to combine several stations into a system. We feel this "building block" approach is consistent with the increasing complexity of amateur system networks, will provide the necessary flexibility, and at the same time, retain the means for the Commission to exercise its requisite obligations.

7. Every amateur radio operator is affected by the adoption of this licensing structure to some degree. For example, an amateur's license which now specifies the location of his station and indicates his operator privileges, i.e., technician, general, etc., will also include the privileges authorized for his station. As a minimum, the station privilege would be "primary station." Every operator must have a primary station. This is necessary so that every amateur will have a call sign with which he may identify his radiocommunication, if required. Normally, the primary station license will be issued for the amateur's home address. However, those amateurs not having a permanent address within the United States, its territories and possessions should furnish the address of a relative or friend who will receive and forward mail to the licensee. Every licensee will be accountable for mail sent to the address of record given for a station license. Therefore, every amateur must have a license for a primary station, and this license will also authorize his operating privileges. The license may also contain additional station privileges for the same station. Licensees other than those desiring remote control or repeater station privileges will have their licenses updated upon renewal.

8. The various kinds of additional station privileges, some of which may be combined with a primary station license, are: repeater station, control station, auxiliary link station, and secondary station. Repeater station privileges may not be combined with another station license because of their distinctive call sign assignment. A control station privilege authorizes the station to exercise control over a remotely controlled station. An auxiliary link station authorizes a station to relay a radio signal point-to-point within the same system network. Either or both may be combined with

[1] Article 2, Section III of the ITU radio regulations defines VHF as Band 8, 30–300 MHz (metric waves) and UHF as Band 9, 300–3000 MHz (decimetric waves).

a primary station for the same location. A secondary station license is for a station at a different location, such as a vacation home, and is obviously a license issued in addition to the primary license. These various privileges may be added to an existing license by modification, or at renewal, upon submittal of the appropriate information.

9. The rules for remote control proposed in the notice have been relaxed in three major areas. First, the control operator may be any qualified amateur designated by the licensee. Second, provisions are adopted for any repeater station authorized to be operated by radio remote control to also be so operated from a portable or mobile station, provided all of the required monitoring and control functions can be satisfactorily performed, from either the authorized control point or from the mobile or portable control station. This will enable a licensee to make use of his own repeater station while he is operating mobile or portable. Third, since the comments frequently and persuasively mention terrain and other considerations which make necessary "multiple-hop" control links, we are deleting the proposed limit to a direct (single-hop) control link and providing for auxiliary link stations, which may be authorized for this and also for other point-to-point intermediate relay applications, such as a relay between a remote receiving site and a repeater station.

10. We have considered the advisability of adopting rules for control links based upon current amateur control link techniques, versus rules which would allow greater latitude. We find the latter approach to be more flexible and appropriate to the amateur service, but it requires a showing of the design and operational features of an applicant's proposed control system network. The applicant must submit a diagram showing the interrelationship of all of the stations and control points in the system network configuration. The station license will list the control points and the control stations authorized to operate the remotely controlled station.

11. In the past, we have permitted a very broad interpretation of the term "wire" remote control as applied to Part 97 of the rules, including the use of commercial telephone lines and command signal techniques. This has exempted stations employing relatively sophisticated and sometimes questionable approaches in the design and operation of wire remote control links, from submitting information on their proposed station with their applications. Upon the effective date of this report and order, only stations having the most elementary form of interconnection comprised of electrical conductors directly between the transmitter and the control devices, and having all of the elements of the station located on the same premises, will be considered as not constituting remote control. Applicants proposing to use any other form of remote control must submit the information required by § 97.41. Stations other than repeater stations now authorized to be operated by wire remote control and not in compliance with the licensing requirements of the amended rules may continue to operate under their present authorization until the expiration date of their current station license.

12. Restriction of repeater operation to specific portions of the amateur bands above 50 MHz has not been adopted as proposed in the notice. Approximately one-half of the amateur VHF bands and 8 MHz of the 420 MHz band is being authorized for repeater usage. The Commission is persuaded by the comments and by observation that regional and national frequency planning and coordination by amateur radio operator themselves can result in the best spectrum utilization appropriate to the service. However, we are prepared to reverse this decision should plans and their implementation not occur within a reasonable period. To solve the problem presented by technician class privileges in only one-half of the 146–148 MHz subband authorized for repeater operation, the rules are amended to permit technician class licensees to also operate in the entire 145 to 148 MHz segment.

13. We are of the opinion that terrestrial repeater stations should be utilized only for intracommunity radiocommunication and should not be used, directly or indirectly, as a means to circumvent the rules regarding authorized amateur operator privileges for the different classes. Repeating a lower class operator's radio signal from one frequency band into another band having higher operator privilege requirements is unfair to those operators who have properly qualified for the higher requirements. For these reasons, we are persuaded to adopt the provisions of the notice prohibiting multiband, crossband, and linked repeater operation even where operator privileges would permit it. Similarly it is not in the interest of spectrum conservation to utilize crossband and multiband operation. Many comments argued against the proposed rule to prohibit linking repeaters. In weighing these arguments against the desire to conserve spectrum and to encourage the use of amateur terrestrial repeaters for intracommunity coverage, we find that a majority of situations can be accommodated with a maximum of two linked repeaters. Therefore, two repeaters may be linked together, and under certain circumstances as provided for in § 97.89(c), more than two.

14. As pointed out by a large number of respondents the changes proposed by the notice for defining the maximum authorized transmitter power for an amateur station would affect a much broader segment of the service than those pursuing an interest in repeaters. For that reason, action on this topic is postponed with the intention of making it the subject of a future rule-making proceeding as recommended in the comments submitted by the American Radio Relay League and others.

15. The proposed 600-watt input power limit on repeater transmitters is not being adopted herein as a means of regulating a reasonably balanced receive-to-transmit repeater coverage. A decision is made to incorporate into § 97.67 the provisions of section 324 of the Communications Act of 1934, as amended, to emphasize its particular applicability to amateur terrestrial repeater stations. We conclude that a repeater station which transmits a signal at many times the range over which it is capable of receiving would be in violation of the Act. In reviewing several frequency plans proposed for the VHF bands, we observe that a typical plan would allocate about 1 to 2 dozen frequency channel pairs per megahertz. With limited channels available, the possibility of interference between repeater stations in adjacent communities desiring to use the same frequencies must be considered. For this reason, limits are established for effective radiated power from a repeater station antenna, based upon the power normally required for reception by a typical vehicular mobile station over a nominal community coverage area. A major consideration in establishing these limits is the encouragement of the practice of achieving the desired coverage through the use of a low power transmitter in conjunction with an antenna located at an optimum height above average terrain. The operation of a control station or an auxiliary link station which does not use directional antennas in conjunction with low transmitter power to minimize the possibility of harmful interference is not considered good amateur practice, and will be carefully evaluated by the Commission if proposed.

16. As stated in the notice, section 310(b) of the Communications Act requires, in effect, that the licensee of a repeater station maintain supervision and control of both the technical and operational performance of his station. Although several of the comments addressed this topic, as do RM–1542 and RM–1725 filed by Mr. Ken W. Sessions, the Commission is not ready to make a determination of rules for automatically controlled stations in the service. We do not consider access to a repeater station controlled by the users via coded signals alone on the receiving frequency to be active supervisory control by the control operator. Such coded signals are permissible for secondary control but are not required.

17. Comments were received in response to the additions to § 97.87 proposed in the notice, correctly noting that the implications extend beyond that of properly identifying a repeater station. All stations would be affected. However, the proposal reflected the policy position then held by the Commission, and the comments prompt a review of the matter. The amended section is a means to accomplish two partially conflicting purposes: Rapid identification of a station causing interference to another service, and identification of the operator in order to determine his class of license for verification of his privilege to operate within a restricted subband. Under the amended rules, a visiting operator must

use the call sign of the station he is operating. Should his class of operator privilege exceed that of the station licensee, and should he desire to operate the section within the subbands available to him but not to the station licensee, he must identify with both the station call sign and his own. Provision for automatic identification of a repeater station by telephony as well as telegraphy is adopted. The requirement for repeater identification is designed to provide assurance that a short single transmission or a short exchange of transmissions will include at least one repeater station call sign transmission.

18. Received comments highly favor simplified logging. The section has been restructured and requires only a minimum of information to be recorded in written form. The proposed requirement for recording all installation, service, or maintenance work in the station log is deleted. Although the use of such a routine is encouraged, we find that since the station licensee is responsible for the technical performance of the station, the procedure to be employed to meet this obligation is a matter of personal choice.

19. A new requirement is added for the identification of the antenna and/or transmission line associated with a remotely controlled transmitter in order to facilitate contacting the station licensee should the need arise—a process which has been time consuming in some instances where the radiating antenna of a station in violation has been identified by radio location techniques. To minimize the prospect of interference to radio communication already in progress on a given frequency, the rules to require continuous monitoring of a remotely controlled transmitter are expanded to require continuous monitoring of the frequencies while in operation, which is good operating practice. Frequencies above 225 MHz used for remotely controlling a transmitter are exempted from the continuous monitoring requirement since the interference potential with UHF is much less than with VHF.

20. Section 97.89 has been reorganized editorially and the invitation to incorporate into the text a reference to Appendix 2 is taken. Numerous comments were concerned with the omission in the notice of provisions for various test, control, and experimental transmissions. The amended rule includes these provisions.

21. The section containing definitions, § 97.3, has been expanded to include those terms frequently used in the amendments. They are defined in order to minimize possible ambiguities in the statement of the rules.

22. The rules adopted herein do not proscribe amateur radio stations, including repeaters, from being automatically interconnected to a telephone exchange system. Amateur licensees should be aware that rules governing that type of facility will be considered for other of the Commission's radio services in a separate proceeding. It has been brought to the Commission's attention that numerous violations of Subpart E of Part 97 of the rules have taken place through the use of such interconnection, which facilitates communication from moving vehicles. Therefore, it may be necessary at some future date to examine in detail the current usage of "autopatch" facilities; and possibly restrict the use of such devices in the amateur radio service. Pending the adoption of any such regulations, amateurs are warned that usage of such interconnecting devices must be limited to amateur radio communication and may not be used for any type of business communication.

23. These amendments shall become effective upon the date stated in paragraph 25. Existing remotely controlled stations may continue to operate under their current authorizations until midnight local time June 30, 1973, or until the expiration date of their license, whichever occurs first. All new and renewed stations must comply with the rules as amended. Applications for all stations will continue to be filed on Forms 610 and 610–B, as appropriate. Parties desiring instructions for completing applications requiring additional showing may obtain same upon written request addressed to Chief, Amateur and Citizens Division, Federal Communications Commission, Washington, D.C. 20554.

24. We find the attached amendments to the rules are necessary and desirable for the execution of the Commission's duties. Authority for adoption of these amendments is contained in sections 4(i) and 303 of the Communications Act of 1934 as amended.

25. *Accordingly, it is ordered,* That effective October 17, 1972, part 97 of the Commission's rules is amended as set forth below appendix. *It is further ordered,* That in addition to RM–388, RM–1087, and RM–1209, the pending petitions of Mr. Ken W. Sessions, Jr., RM–1542, filed December 8, 1969, and RM–1725, filed December 7, 1970, have been fully considered and, to the extent that they are at variance with the rule changes adopted herein, they are denied.

26. *It is further ordered,* That this proceeding is terminated.

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

Adopted: August 29, 1972.

Released: September 8, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE,
Secretary.

Part 97 of the Commission's rules is amended as follows:

1. Section 97.3 is revised to read as follows:

§ 97.3 Definitions.

The following definitions are used in this part:

(a) *Amateur radio service.* A radio communication service of self-training, intercommunication, and technical investigation carried on by amateur radio operators.

(b) *Amateur radio communication.* Noncommercial radio communication by or among amateur radio stations solely with a personal aim and without pecuniary or business interest.

(c) *Amateur radio operator.* A person interested in radio technique solely with a personal aim and without pecuniary interest, holding a valid Federal Communications Commission license to operate amateur radio stations.

(d) *Amateur radio license.* The instrument of authorization issued by the Federal Communications Commission comprised of a station license, and in the case of the primary station, also incorporating an operator license.

Operator license. The instrument of operator authorization including the class of operator privileges.

Station license. The instrument of authorization for a radio station in the amateur radio service.

(e) *Amateur radio station.* A station licensed in the amateur radio service embracing necessary apparatus at a particular location used for amateur radio communication.

(f) *Primary station.* The principal amateur radio station at a specific land location shown on the station license.

(g) *Military recreation station.* An amateur radio station licensed to the person in charge of a station at a land location provided for the recreational use of amateur radio operators, under military auspices of the Armed Forces of the United States.

(h) *Club station.* A separate amateur radio station for use by the members of a bona fide amateur radio society and licensed to an amateur radio operator acting as the station trustee for the society.

(i) *Additional station.* Any amateur radio station licensed to an amateur radio operator normally for a specific land location other than the primary station, may be one or more of the following:

Secondary station. Station licensed for a land location other than the primary station location, i.e., for use at a subordinate location such as an office, vacation home, etc.

Control station. Station licensed to conduct remote control of another amateur radio station.

Auxiliary link station. Station, other than a repeater station, at a specific land location licensed only for the purpose of automatically relaying radio signals from that location to another specific land location.

Repeater station. Station licensed to automatically retransmit the radio signals of other amateur radio stations for the purpose of extending their intracommunity radio communication range.

(j) *Space radio station.* An amateur radio station located on an object which is beyond, is intended to go beyond, or has been beyond the major portion of the earth's atmosphere. (Regulations governing this type of station have not yet been

[3] Commissioner Johnson concurring; Commissioner Hooks not participating; Commissioners Lee and Reid absent.

adopted and all applications will be considered on an individual basis.)

(k) *Terrestrial location.* Any point within the major portion of the earth's atmosphere, including aeronautical, land, and maritime locations.

(l) *Space location.* [Reserved]

(m) *Amateur radio operation.* Amateur radio communication conducted by an amateur radio operator from an amateur radio station. May include one or more of the following:

Fixed operation. Radio communication conducted from the specific geographical land location shown on the station license.

Portable operation. Radio communication conducted from a specific geographical location other than that shown on the station license.

Mobile operation. Radio communication conducted while in motion or during halts at unspecified locations.

(n) *Remote control.* Control of transmitting apparatus of an amateur radio station from a position other than one at which the transmitter is located and immediately accessible, except that direct mechanical control, or direct electrical control by wired connections, of an amateur radio transmitter from a point located on board any aircraft, vessel, vehicle, or on the same premises on which the transmitter is located, shall not be considered remote control within the meaning of this definition.

(o) *Control link.* Apparatus for effecting remote control between a control point and a remotely controlled station.

(p) *Control operator.* An amateur radio operator designated by the licensee of an amateur radio station to also be responsible for the emissions from that station.

(q) *Control point.* The operating position of an amateur radio station where the control operator function is performed.

(r) *Antenna structures.* Antenna structures include the radiating system, its supporting structures, and any appurtenances mounted thereon.

(s) *Antenna height above average terrain.* The height of the center of radiation of an antenna above an averaged value of the elevation above sea level for the surrounding terrain.

(t) *Transmitter.* Apparatus for converting electrical energy received from a source into radio-frequency electromagnetic energy capable of being radiated.

(u) *Effective radiated power.* The product of the radio-frequency power, expressed in watts, delivered to an antenna, and the relative gain of the antenna over that of a half-wave dipole antenna.

(v) *System network diagram.* A diagram showing each station and its relationship to the other stations in a network of stations, and to the control point(s).

2. In § 97.7, paragraph (c) is amended to read as set forth below and the note at the end of the section is deleted:

§ 97.7 Privileges of operator licenses.

* * * * *

(c) *Technician class.* All authorized amateur privileges on the frequencies 50.1–54.0 MHz and 145–148 MHz and in the amateur frequency bands above 220 MHz.

* * * * *

3. Section 97.37 is revised to read as follows:

§ 97.37 General eligibility for station license.

An amateur radio station license will be issued only to a licensed amateur radio operator, except that a military recreation station license may also be issued to an individual not licensed as an amateur radio operator (other than an alien or a representative of an alien or of a foreign government), who is in charge of a proposed military recreation station not operated by the U.S. Government but which is to be located in approved public quarters.

4. Section 97.40 is added to read as follows:

§ 97.40 Station license required.

(a) No transmitting station shall be operated in the amateur radio service without being licensed by the Federal Communications Commission.

(b) Every amateur radio operator must have a primary amateur radio station license.

(c) An amateur radio operator may be issued one or more additional station licenses, each for a different land location, except that repeater station, control station, and auxiliary link station licenses may also be issued to an amateur radio operator for land locations where another station license has been issued to the applicant.

(d) Any transmitter to be operated as part of a control link shall be licensed as a control station or as an auxiliary link station and may be combined with a primary, secondary, or club station license at the same location.

(e) A transmitter may only be operated as a repeater station under the authority of a repeater station license.

5. Section 97.41 is amended by modifying paragraph (a), adding new paragraphs (b), (c), (d), (e), and (f), then redesignating former paragraphs (b) and (c) as (g) and (h).

§ 97.41 Application for station license.

(a) Each application for a club or military recreation station license in the amateur radio service shall be made on the FCC Form 610–B. Each application for any other amateur radio station license shall be made on the FCC Form 610.

(b) Each application shall state whether the proposed station is a primary or additional station. If the latter, the application shall also state whether the proposed station is a secondary, control, auxiliary link, or repeater station.

(c) When an application(s) is made for a station having one or more associated stations, i.e., control station and/or auxiliary link station, a system network diagram shall also be submitted.

(d) Each application to license a remotely controlled amateur radio station, whether by wire or by radio control, shall be accompanied by a statement giving the address for each control point. The application shall include a functional block diagram and a technical explanation sufficient to describe the operation of the control link. Additionally, the following shall be provided:

(1) Description of the measures proposed for protection against access to the remote station by unauthorized persons.

(2) Description of the measures proposed for protection against unauthorized station operation, either through activation of the control link or otherwise.

(3) Description of the provisions for shutting down the station in case of control link malfunction.

(4) Description of the means to be provided for monitoring the transmitting frequencies.

(5) Photocopies of control station license(s) and auxiliary link station license(s), or the application(s) for same if such stations are proposed for the system network.

(e) Each application to license a control station or an auxiliary link station in the amateur radio service must be accompanied by the following information:

(1) The station transmitting band(s).

(2) Description of the means to be provided for monitoring the transmitting frequencies.

(3) The transmitter power input and justification that such power is in compliance with § 97.67(b).

(4) If remote control of an auxiliary link station is proposed, all of the information required by paragraph (d) of this section shall also be provided.

(f) Each application to license a repeater station in the amateur radio service must include the following information for each frequency band proposed for operation.

(1) Location of the station transmitting antenna, drawn upon a topographic map having the scale of 1:250,000 and a contour interval of 50 feet.[1]

(2) The transmitting antenna height above average terrain.[2]

(3) The effective radiated power in the horizontal plane for the main lobe of the antenna pattern, calculated for maximum transmitter output power.

(4) The transmitter power output with an explanation of the basis for the measurement or computation.

(5) The loss in the transmission line between the transmitter and the antenna expressed in decibles, and method of determination of the loss.

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[1] Indexes and ordering information are available from U.S. Geological Survey, Washington, D.C. 20242, or Federal Center, Denver, Colo. 80225.

[2] See Appendix 5.

(6) The horizontal and vertical radiation patterns of the transmitting antenna as installed, with reference to true north (for horizontal pattern only), expressed as relative field strength (voltage) or in decibels, drawn upon polar coordinate graph paper, and method of determination of the patterns.

(7) The relative gain of the transmitting antenna in the horizontal plane and method of determination of the gain.

(8) If remote control of the repeater station is proposed, all of the information required by paragraph (d) of this section also shall be provided.

(9) If auxiliary link station(s) are also proposed, include photocopies of the auxiliary link station license(s), or the application(s) for such licenses.

* * * * *

6. Section 97.43 is revised to read as follows:

§ 97.43 Location of station.

Every amateur station must have one land location, the address of which is designated on the station license. Every amateur radio station must have at least one control point. If the control point location is not the same as the station location, authority to operate the station by remote control is required.

7. In § 97.47, the note following paragraph (c) is deleted and paragraphs (d) and (e) are added to read as follows:

§ 97.47 Renewal and/or modification of amateur station license.

* * * * *

(d) When an addition to the control point(s) authorized for a remotely controlled station is desired, an application for modification of the remotely controlled station license shall be submitted. Authorized control points may be deleted by letter notification to the Commission.

(e) Should the licensee desire to effect changes to his station which would significantly change the system network diagram or other technical and operational information on file with the Commission, revised showings for the proposed alterations shall be submitted for approval. An application for modification of the station license is not required.

8. In § 97.61, the introductory text of paragraph (a) is amended, and new paragraph (c) is added to read as follows:

§ 97.61 Authorized frequencies and emissions.

(a) Following are the frequency bands and associated emissions available to amateur radio stations, other than repeater stations, subject to the limitations stated in paragraph (b) of this section, §§ 97.65, 97.109, and 97.110.

* * * * *

(c) The following transmitting frequency bands and the associated emission authorized in paragraph (a) of this section are available for repeater stations, including both input (receiving) and output (transmitting):

Frequency Band (MHz)
52.0–54.0
146.0–148.0
222.0–225.0
442.0–450.0
any amateur frequency above 1215 MHz.

The frequency band 29.5–29.7 MHz may be authorized upon a special showing of need for repeater station operation in this band for intracommunity amateur radio communications.

9. Section 97.67 is revised by designating the existing text as paragraph (a) and by adding new paragraphs (b) and (c) to read as follows:

§ 97.67 Maximum authorized power.

* * * * *

(b) Notwithstanding the provisions of paragraph (a) of this section, amateur stations shall use the minimum amount of transmitter power necessary to carry out the desired communications.

(c) Within the limitations of paragraphs (a) and (b) of this section, the effective radiated power of a repeater station shall not exceed that specified for the antenna height above average terrain in the following table:

Antenna height above average terrain	Maximum effective radiated power for frequency bands above:			
	52 MHz	146 MHz	442 MHz	1215 MHz
Below 50 feet	100 watts	800 watts	Paragraphs (a) and (b).	
50 to 99 feet	100 watts	400 watts	do	
100 to 499 feet	50 watts	400 watts	800 watts	Paragraphs (a) and (b).
500 to 999 feet	25 watts	200 watts	800 watts	Do.
Above 1,000 feet	25 watts	100 watts	400 watts	Do.

10. In § 97.79, the headnote and text are revised to read as follows:

§ 97.79 Control operator requirements.

(a) The licensee of an amateur station shall be responsible for its proper operation.

(b) Every station when in operation shall have a control operator at an authorized control point. The control operator may be the station licensee or another amateur radio operator designated by the licensee. Each control operator shall also be responsible for the proper operation of the station.

(c) An amateur station may only be operated in the manner and to the extent permitted by the operator privileges authorized for the class of license held by the control operator, but may exceed those of the station licensee provided proper station identification procedures are performed.

(d) The licensee of an amateur station may permit any person to participate in amateur radiocommunication from his station, provided that a control operator is present and continuously monitors the radiocommunication to ensure compliance with the rules.

11. In § 97.87, paragraph (d) is amended and redesignated as (h) and new paragraphs (d), (e), (f), and (g) are added as follows:

§ 97.87 Station identification.

* * * * *

(d) Under conditions when the control operator is other than the station licensee, the station identification shall be the assigned call sign for that station. However, when a station is operated within the privileges of the operator's class of license but which exceeds those of the station licensee, station identification shall be made by following the station call sign with the operator's primary station call sign (i.e. WN4XYZ/W4XX).

(e) A repeater station shall be identified by radiotelephony or by radiotelegraphy when in service at intervals not to exceed 5 minutes at a level of modulation sufficient to be intelligible through the repeated transmission.

(f) A control station must be identified by its assigned station call sign unless its emissions contain the call sign identification of the remotely controlled station.

(g) An auxiliary link station must be identified by its assigned station call sign unless its emissions contain the call sign of its associated station.

(h) The identification required by paragraphs (a), (b), (c), (d), (e), (f), and (g) of this section shall be given on each frequency being utilized for transmission and shall be transmitted either by telegraphy using the international Morse code, or by telephony, using the English language. If by an automatic device only used for identification by telegraphy, the code speed shall not exceed 20 words per minute. The use of a national or internationally recognized standard phonetic alphabet as an aid for correct telephone identification is encouraged.

12. Section 97.89 is amended to read as follows:

§ 97.89 Points of communications.

(a) Amateur stations may communicate with:

(1) Other amateur stations, excepting those prohibited by Appendix 2.

(2) Stations in other services licensed by the Commission and with U.S. Government stations for civil defense purposes in accordance with Subpart F of this part, in emergencies and, on a temporary basis, for test purposes.

(3) Any station which is authorized by the Commission to communicate with amateur stations.

(b) Amateur stations may be used for transmitting signals, or communications, or energy, to receiving apparatus for the measurement of emissions, temporary observation of transmission phenomena, radio control of remote objects, and similar experimental purposes and for the purposes set forth in § 97.91.

(c) Notwithstanding the provisions of paragraph (a), no more than two repeater stations may operate in tandem, i.e., one repeating the transmissions of the other, excepting emergency operations provided for in § 97.107 or brief periods to conduct emergency preparedness tests.

(d) Control stations and auxiliary link stations may not be used to communicate with any other station than those shown in the system network diagram.

13. Section 97.95 paragraph (a)(1) is amended as follows:

§ 97.95 Operation away from the authorized permanent station location.

(a) * * *

(1) When there is no change in the authorized land station location, an amateur radio station other than a military recreation or an auxiliary link station may be operated under its station license anywhere in the United States, its territories or possessions as a portable or mobile operation, subject to § 97.61.

* * * * *

14. Section 97.97 is revised to read as follows:

§ 97.97 Notice of operation away from authorized location.

Whenever an amateur station is, or is likely to be, in portable operation at a single location for a period exceeding 15 days, the licensee shall give advanced written notice of such operation to the Commission's office specified in § 97.95. A new notice is required whenever there is any change in the particulars of a previous notice or whenever operation away from the authorized station continues for a period in excess of 1 year. The notice required by this section shall contain the following information:

(a) Name of licensee.

(b) Station call sign.

(c) Authorized station location shown on station license.

(d) Specific geographical location of station when in portable operation.

(e) Dates of the beginning and end of the portable operation.

(f) Address at which, or through which, the licensee can be readily reached.

15. Section 97.103 is revised to read as follows:

§ 97.103 Station log requirements.

An accurate legible account of station operation shall be entered in a log for each amateur radio station. The log shall bear the call sign of the station and the signature of the licensee. The following information shall be recorded as a minimum:

(a) Written entries for all stations which are required only once, or when there is a change thereto.

(1) The signature of the control operator on duty and the call sign of his primary station, if he is other than the station licensee.

(2) The location of the station. Stations in mobile operation may enter the word "local" for amateur radiocommunication conducted within 100 statute miles of the address shown on the station license, otherwise the location of the first and last radiocommunication of each day. Stations in mobile or portable operation shall make an entry showing compliance with § 97.97, if required.

(3) The input power to the transmitter final amplifying stage.

(4) The type of emission used.

(5) The frequency or frequency subband used for transmitting.

(b) Other entries for all stations which may be recorded in a form other than written but which can readily be transcribed by the licensee into written form:

(1) The dates of operation.

(2) Except for repeater stations, names of persons other than the control operator using the station, either directly or indirectly, for amateur radiocommunication.

(3) A notation of third party messages sent or received, including names of all participants and a brief description of the message content.

(4) The call sign of each station actually contacted, or other purpose of the transmission, i.e., those set forth in § 97.89. Stations in mobile operation and repeater stations may omit this entry. Control stations shall enter the call sign(s) of each station in the control link. An auxiliary link station shall enter the call sign of its associated station(s).

(5) All stations shall enter the times the station is put into, or taken out of, service. Stations other than those in mobile operation, control stations, auxiliary link stations, and repeater stations shall enter the times of commencing and terminating each exchange of radiocommunication.

16. Section 97.105 is revised as follows:

§ 97.105 Retention of logs.

The station log shall be preserved for a period of at least 1 year following the last date of entry and retained in the possession of the licensee. Copies of the log, including the sections required to be transcribed by § 97.103, shall be available to the Commission for inspection.

17. Section 97.111 is redesignated as § 97.112 and a new undesignated center heading and new §§ 97.108 through 97.111 are added to read as follows:

OPERATION OF ADDITIONAL STATIONS

§ 97.108 Operation of a remotely controlled station.

(a) An amateur radio station may be operated by remote control only from an authorized control point, and only where there is compliance with the following:

(1) The license for the remotely controlled station must list the authorized remote control point(s). A photocopy of the remotely controlled station license must be posted in a conspicuous place at the authorized control point(s), and at the remotely controlled transmitter location. A copy of the system network diagram on file with the Commission must be retained at each control point. The transmitting antenna, transmission line, or mast, as appropriate, associated with the remotely controlled transmitter must bear a durable tag marked with the station call sign, the name of the station licensee and other information so that the control operator can readily be contacted by Commission personnel.

(2) The control link equipment and the remotely controlled station must be accessible only to persons authorized by the licensee. Protection against both inadvertent and unauthorized deliberate emissions must be provided. In the event unauthorized emissions occur, the station operation must be suspended until such time as adequate protection is incorporated, or there is reasonable assurance that unauthorized emissions will not recur.

(3) A control operator designated by the licensee must be on duty at an authorized control point while the station is being remotely controlled. Immediately prior to, and during the periods the remotely controlled station is in operation, the frequencies used for emission by the remotely controlled transmitter must be continuously monitored by the control operator. The control operator must terminate transmission upon any deviation from the rules.

(4) Provisions must be incorporated to automatically limit transmission to a period of no more than 3 minutes in the event of malfunction in the control link.

(5) A remotely controlled station may not be operated at any location other than that specified on the license without prior approval of the Commission except in emergencies involving the immediate safety of life or protection of property.

(6) A repeater station may be operated by radio remote control only where the control link utilizes frequencies other than the repeater station receiving frequencies.

§ 97.109 Operation of a control station.

(a) Amateur frequency bands above 220 MHz, excepting 435 to 438 MHz, may be used for emissions by a control station. Frequencies below 225 MHz used for control links must be monitored by the control operator immediately prior to, and during, periods of operation.

(b) Where a remotely controlled station has been authorized to be operated from one or more remote control stations, those remote control stations may be operated either mobile or portable.

§ 97.110 Operation of an auxiliary link station.

(a) An auxiliary link station may use amateur frequency bands above 220 MHz excepting 435 to 438 MHz for emissions. Frequencies below 225 MHz used by an auxiliary link station shall be monitored by the control operator immediately prior to, and during, periods of operation.

(b) An auxiliary link station may only be used for fixed operation from the location specified on the station license, and only when its associated station(s) is operated from its authorized land location.

§ 97.111 Operation of a repeater station.

(a) Emissions from a repeater station shall be discontinued within 5 seconds after cessation of radiocommunication by the user station. Provisions to automatically limit the access to a repeater station may be incorporated, but are not mandatory.

(b) The transmitting and receiving frequencies utilized by the repeater station shall be continuously monitored by the control operator immediately prior to, and during, periods of operation.

(c) A repeater station may be concurrently operated on more than one frequency band, provided the necessary showings have been approved by the Commission for each frequency band of operation. Crossband operation of repeater stations is prohibited, i.e. both input (receiving) and output (transmitting) frequencies for a particular repeated transmission must be within the same frequency band. Operation on more than one output frequency on a single frequency band is prohibited except when specifically approved by the Commission. Repeater stations authorized to operate in conjunction with one or more auxiliary link stations may utilize an input frequency in a different frequency band provided the input frequency of the auxiliary link station(s) is in the same frequency band as the output frequency of the repeater station.

(d) A repeater station shall be operated in a manner so as to assure that the station is not used for one-way radiocommunication other than provided for in § 97.91.

(e) A station licensed as a repeater station many only be operated as a repeater station, excepting for short periods for testing or for emergencies.

18. In § 97.193, the introductory text of paragraph (a) is amended, and a new paragraph (e) is added to read as follows:

§ 97.193 Frequencies available.

(a) Except as provided in paragraph (e) of this section, the following frequency and frequency bands and associated emissions are available on a nonexclusive basis to the individual class of stations or units of such stations in the Radio Amateur Civil Emergency Service.

* * * * *

(e) A repeater station in the Radio Amateur Civil Emergency Service may operate on any frequency, and with any associated emission, above 50 MHz listed in paragraph (a) of this section, except for 220 MHz to 222 MHz.

19. Appendix 2 is amended by adding a footnote to section 1 as follows:

Section 1. Radio communications between amateur stations of different countries[1] shall be forbidden if the administration of one of the countries concerned has notified that it objects to such radio communications.

* * * * *

20. Appendix 5 is added, reading as follows:

[1] As may appear in public notices issued by the Commission.

APPENDIX 5

DETERMINATION OF ANTENNA HEIGHT ABOVE AVERAGE TERRAIN

The effective height of the transmitting antenna shall be the height of the antenna's center of radiation above "average terrain." For this purpose "effective height" shall be established as follows:

(a) On a U.S. Geological Survey Map having a scale of 1:250,000, lay out eight evenly spaced radials, extending from the transmitter site to a distance of 10 miles and beginning at 0° T. (0°, 45°, 90°, 135°, 180°, 225°, 270°, 315° T.) If preferred, maps of greater scale may be used.

(b) By reference to the map contour lines, established the ground elevation above mean sea level (AMSL) at 2, 4, 6, 8, and 10 miles from the antenna structure along each radial. If no elevation figure or contour line exists for any particular point, the nearest contour line elevation shall be employed.

(c) Calculate the arithmetic average of these 40 points of elevation (5 points of each of 8 radials).

(d) The height above average terrain of the antenna is thus the height AMSL of the antenna's center of radiation, minus the height of average terrain as calculated above.

NOTE 1: Where the transmitter is located near a large body of water, certain points of established elevation may fall over water. Where it is expected that service would be provided to land areas beyond the body of water, the points at water level in that direction should be included in the calculation of average elevation. Where it is expected that service would not be provided to land areas beyond the body of water, the points at water level should not be included in the average.

NOTE 2: In instances in which this procedure might provide unreasonable figures due to the unusual nature of the local terrain, applicant may provide additional data at his own discretion, and such data may be considered if deemed significant.

[FR Doc.72-15461 Filed 9-12-72;8:45 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds; Corrections

There was published in the FEDERAL REGISTER of Friday, September 1, 1972 (37 F.R. 17838), certain amendments to Subpart K of this Part 10 which established open hunting seasons, bag limits, shooting hours, and certain closed seasons for migratory game birds for the 1972–73 hunting seasons.

It is necessary to make some corrections to the season lengths for the High Plains areas of the States of Kansas, Oklahoma, and South Dakota, and to revise the bag limit for geese in the States of Iowa and Minnesota. Since these amendments are in accordance with the desires of the respective States as expressed pursuant to a notice of proposed rule making published in the FEDERAL REGISTER of April 28, 1972 (37 F.R. 8530), and are for the purpose of correcting oversights in the publication of September 1, 1972 (37 F.R. 17838), it is determined that notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest, and these amendments shall be effective upon publication in the FEDERAL REGISTER.

Accordingly, Part 10, Subpart K of Title 50, Code of Federal Regulations, is amended as set out below:

§ 10.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

* * * * *

(e) Atlantic, Mississippi, and Central Flyways: Footnote 19 is deleted from the table of footnotes. In the table of States the reference to footnote 19 is deleted after the States of Iowa and Minnesota and reference to footnote 20 is added, so that the footnote references for these States read as follows:

Iowa [20 30]	
Minnesota [12 20 35]	
* * * * *	
(g) * * *	
(2) * * *	
Kansas:	
High Plains Area [4]	Oct. 21–Dec. 10. Dec. 13–Jan. 20.
Remainder of State	Oct. 21–Dec. 10. Dec. 13–Dec. 31.
Oklahoma:	
High Plains Area [5]	Oct. 11–Nov. 19. Dec. 6–Jan. 24.
Remainder of State	Oct. 21–Nov. 19. Dec. 6–Jan. 14.
South Dakota:	
High Plains Area [3]	Oct. 1–Dec. 9. Dec. 19–Jan. 7.
Remainder of State	Oct. 1–Dec. 9.

* * * * *

(16 U.S.C. 703–711)

Effective date: Upon publication in the FEDERAL REGISTER (9–13–72).

E. V. SCHMIDT,
Deputy Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 7, 1972.

[FR Doc.72-15507 Filed 9-12-72;8:46 am]

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Crab Orchard National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (9–13–72).

§ 32.12 Special regulations: migratory game birds, for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Crab Orchard National Wildlife Refuge, Ill., is permitted from October 28 through December 16, 1972, and the

hunting of geese is permitted from November 20 through January 5, 1973, but only on the area designated by signs as open to hunting. This open area comprising 12,380 acres is delineated on a map available at refuge headquarters, Carterville, Ill., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Season for hunting geese will be closed when a state kill quota of 28,000 Canada geese is reached. Hunting will be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Blinds—the building of permanent blinds of any kind or other structural works on the refuge public hunting area is prohibited. All blinds must be of a portable nature or constructed with dead vegetation located at the blind site and must be removed or dismantled at the end of the day's hunt.

(2) No goose pits may be built on the refuge public hunting area.

(3) It is unlawful for any person to establish or use any blind for the taking of migratory waterfowl within 100 yards of any other blind on the refuge public hunting area.

(4) All persons hunting geese on the refuge public hunting area must register any geese taken on the area at the locations designated by the Project Manager.

(5) Hunting will not be permitted at the Carterville Beach area as posted by the Project Manager.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 5, 1973.

TRAVIS S. ROBERTS,
Regional Director.

AUGUST 30, 1972.

[FR Doc.72-15505 Filed 9-12-72;8:46 am]

PART 32—HUNTING

Parker River National Wildlife Refuge, Mass.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (9-13-72).

§ 32.12 Special regulation; migratory game birds; for individual wildlife refuge areas.

MASSACHUSETTS

PARKER RIVER NATIONAL WILDLIFE REFUGE

Public hunting of waterfowl and coots on the Parker River National Wildlife Refuge, Mass., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 1,900 acres, and known as the Pine Island Hunting Area, Parker River Hunting Area, Nelson's Island Hunting Area, and the Youth Hunting Area, are delineated on maps available at refuge headquarters, Newburyport, Mass., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of migratory game birds, subject to the following special conditions:

(1) The number of hunters on the Pine Island Area will be limited to 100 each day, Parker River Area to 50 each day, and the Nelson's Island Area to 50 each day. Participation will be on a first-come, first-served basis from Monday through Friday, except holidays and opening day. Participation on opening day, Saturdays, and holidays will be by advance permit secured via mail. Hunters on all three areas are limited to 25 shotshells per day.

(2) The Youth Hunting Area will be open during the regular State waterfowl season for young waterfowl trainees on selected days except Sundays under the provisions of this special program. Literature describing this program is available at the refuge headquarters.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1973.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 31, 1972.

[FR Doc.72-15521 Filed 9-12-72;8:48 am]

PART 32—HUNTING

J. Clark Salyer National Wildlife Refuge, N. Dak.

The following special regulations are issue and are effective on date of publication in the FEDERAL REGISTER (9-13-72).

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of geese on the J. Clark Salyer National Wildlife Refuge, N. Dak., is permitted from October 1 through December 11, 1972, and the hunting of ducks and coots is permitted from October 1 through December 9, 1972, and the hunting of common snipe (Wilson's) is permitted from October 1 through November 19, 1972, but only on the area designated by signs as open to migratory waterfowl hunting. This open area comprising 2,850 acres is delineated on a map available at the refuge headquarters, Upham, N. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Blinds—Temporary blinds of approved material may be constructed.

(2) Retrieving zones—Retrieving zones will be designated by signs. Possession of firearms in retrieving zones is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 11, 1972.

TRAVIS S. ROBERTS,
Regional Director.

AUGUST 30, 1972.

[FR Doc.72-15506 Filed 9-12-72;8:46 am]

Title 6—ECONOMIC STABLIZATION

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

Institutional Providers of Health Services; Exceptions and Reporting of Price Increases

The purpose of these amendments to § 300.18 is to make certain changes in the procedures to be used by institutional providers of health services to request exceptions and to report price increases to the District Director of the Internal Revenue Service. These amendments are reflected in the new Form S-52, available at IRS district offices. Certain other changes are made as described herein.

In § 300.18(a)(2), the definition of "aggregate annual revenues" is amended to include only those governmental contributions which are related to patient services provided. It is not the Commission's intention that amounts designed as subsidies to make up operating deficits be included in the calculation of aggregate annual revenues.

The amendment to § 300.18(b) provides for determining allowable costs on a projected basis. This approach has been taken to align the regulations with the customary business practices of hospitals and other institutional providers who establish rates in accordance with the revenues needed over the entire fiscal year. The amendment provides that the net increase in allowable costs budgeted for the current fiscal year in comparison to the last fiscal year may be used to justify increases in price.

Section 300.18(c) (1) and (2) are revised to correct an inadvertent error. The revenues to be adjusted for volume differences are those of the current fiscal year and not of the last fiscal year. Moreover, since these amendments will allow a provider to use its current year as its last fiscal year if it has already completed at least three quarters thereof, the phrase "most recently completed fiscal year" has been changed to read "last fiscal year."

Since the new Form S-52 will not only be used for requesting exceptions, § 300.18(c)(1)(i) is revised to include the requirement that reports of price changes which increase aggregate annual revenues by 2.5 percent to 6 percent be filed

with the District Director of the Internal Revenue Service on the Form S–52.

Section 300.18(c)(2) has also been amended to grant the State Advisory Boards (SAB's) power to "stop the clock" on exceptions requests. The SAB's are experiencing difficulty in getting sufficient information on which to make a recommendation to the Price Commission and Internal Revenue Service within the 30 days allotted. The amendment requires a provider to furnish this information. If the SAB requests additional data, the 30 day period will not begin to run until such data is received.

The allowable cost limitations of paragraph (d) of § 300.18 have also been revised. Aggregate nonwage and nonsalary expenses which may not exceed 2.5 percent are those budgeted for the current fiscal year, not just those incurred. The 1.7 percent limitation on aggregate new technology expenses should be measured against the annual expenses for the last fiscal year, not against the current year's total expenses.

Since the purpose of these amendments is to correct an inadvertent error and to provide immediate information and guidance with respect to compliance with price stabilization rules, it is hereby found that further notice and public procedure is impracticable and that good cause exists for making them effective in less than 30 days after publication in the FEDERAL REGISTER.

(Economic Stabilization Act of 1970, as amended, Public Law 90–379, 84 Stat. 799; Public Law 91–558, 84 Stat. 1486; Public Law 92–8, 85 Stat. 13; Public Law 92–15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92–210, 85 Stat. 743; Executive Order No. 11640, 37 F.R. 1213, January 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, October 16, 1971)

In consideration of the foregoing, Part 300 of Title 6 of the Code of Federal Regulations is amended as set forth herein, effective September 12, 1972.

Issued in Washington, D.C., on September 11, 1972.

C. JACKSON GRAYSON, JR.,
Chairman, Price Commission.

Paragraphs (a)(2), (b) (introductory paragraph), (c)(1)(i) and (2), and (d)(2) and (3) of § 300.18 are amended to read as follows:

§ 300.18 Institutional providers of health services.

(a) *Definitions.* * * *

(2) Adding thereto all other operating revenues from services, sales, and activities for the fiscal year concerned, such as revenues from educational programs; rental of space; sales of medical and pharmacy supplies to employees, doctors, and others; medical record transcript fees; cafeteria fees from employees and guests; proceeds from gift and similar shops and services; and government appropriations (not including grants) and tax levies which are related to patient services provided; and

* * * * *

(b) *General.* Subject to paragraph (c) of this section, an institutional provider of health services may charge a price in excess of the base price with respect to the furnishing of a service to reflect net increases in allowable costs, since the end of the last fiscal year, which the institutional provider will incur during the current fiscal year, reduced to reflect productivity gains, and only to the extent that the increased price does not—

* * * * *

(c) *Additional limitations.* * * *

(1) Increase its aggregate annual revenues (adjusted for volume differences) at an annualized rate of more than 2.5 percent, but not more than 6 percent, over the amount of its aggregate annual revenues for its last fiscal year unless the provider has—

(i) Sent a copy of its revised price schedule to the District Director of Internal Revenue for the district in which the provider is located, with a completed copy of Form S–52 (which is available at local Internal Revenue Service offices) and a statement specifying with particularity the increased price or prices involved, the previous price levels for the services affected by the increases, and the increased cost factors that justify the increased prices; and

* * * * *

(2) Increase its aggregate annual revenues (adjusted for volume differences) at an annualized rate of more than 6 percent over the amount of its aggregate annual revenues for its last fiscal year unless the provider has received an exception from the Price Commission, after filing a request therefore with the District Director of Internal Revenue for the district in which the provider is located, containing the information required by subparagraph (1)(i) of this paragraph and the recommendation of the State Advisory Board, under the procedures set forth in subpart C of Part 305 and those established by the Internal Revenue Service. However, the requirement for the State Advisory Board recommendation does not apply if that Board fails to act on the request for a recommendation within 30 days after receiving it. In making its request, the provider shall furnish sufficient information to enable the State Advisory Board to make a recommendation. If the Board finds that the information furnished is not sufficient to enable it to make a recommendation, it shall so notify the provider and the 30-day period does not begin to run until the time the Board receives the additional information. An application under subparagraph (2) of this paragraph for an exception does not prevent the provider from exercising his authority under subparagraph (1) of this paragraph to charge a price in excess of the base price before the request for an exception is acted upon.

(d) *Allowable cost increases.* * * *

(2) Aggregate nonwage and nonsalary expense increases for the current fiscal year (such as in goods and services purchased) which, after adjusting for changes in volume, exceed 2.5 percent of the actual costs for the last fiscal year.

(3) Aggregate expenses for new technology (such as new equipment and new services directly related to health care) to the extent they are not charged directly to persons benefiting directly from that equipment or those services, which exceed 1.7 percent of total annual expenses for the last fiscal year.

* * * * *

[FR Doc.72–15643 Filed 9–11–72;1:29 pm]

Ruling—Internal Revenue Service, Department of the Treasury

[Price Commission Ruling 1972–240]

HEDGING GAINS AND LOSSES

Price Commission Ruling

Facts. A meatpacking firm protects its profits by hedging on the commodity futures market. For example, it buys pork bellies now for curing and use in a bacon slicing to be sold in 6 months. At the same time it sells a contract for an equivalent number of bellies on the commodity futures market for delivery in 6 months. If the bellies are selling for more than the current price at that time, under past practice in the industry, the bacon sliced would be sold at a correspondingly higher price, and therefore at a profit. However, the firm must either deliver bellies on its contract or buy the contract back at the prevailing higher belly price. It will lose money on this transaction.

Issue. How is the loss from the sale and repurchase of the hedging contract to be used in calculating the firm's profit margin and prices?

Ruling. The loss is considered part of the cost of goods sold and thus it reduces the profit margin. It is also an allowable cost for purposes of justifying any price increase.

The purchase and sale of a commodity futures contract in a hedge by a person as an integral part of its business function is actually part of the related transaction with the physical product. The proper treatment of the gain or loss from such a transaction is to include it in ordinary income. Corn Products Refining Co. v. Commissioner of Internal Revenue, 350 U.S. 46 (1955). The profit margin calculated by the firm under the definition in Economic Stabilization Regulations, 6 CFR 300.5 (1972), must include income or loss from this source.

In accordance with generally accepted accounting principles the loss from a hedging transaction is not treated as a loss from the sale of an asset in determining its effect on the profit margin. That loss is added to the cost of goods sold. Likewise, any gain from a hedge is subtracted from the cost of goods sold.

Thus, such a loss can be treated as an allowable cost increase which may be used to justify an increase in price under Economic Stabilization Regulations, 6

CFR 300.12 (1972). The cost would be incurred in the conduct of a competitive business; it is of a type generally recognized as ordinary and necessary for the conduct of the firm's business; and it derives from the actions that a prudent businessman would take in the circumstances considering his responsibilities to the owners of the business, his employees, his customers, the Government and the public at large. If the hedging transaction results in a gain, the market established selling price of the hedge item will be reduced rather than increased and so no question of a cost justified price increase arises.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: September 8, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: September 8, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-15527 Filed 9-12-72;8:48 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER D—TARIFFS AND SCHEDULES

[Docket No. 35613]

TRANSMISSION OF TARIFFS AND SCHEDULES TO SUBSCRIBERS AND OTHER INTERESTED PARTIES

Order. At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 28th day of August 1972.

It appearing, that by order entered May 1, 1972, the Commission, Division 2, instituted regulations for the transmission of tariff and schedule publications to subscribers and other interested parties for the reasons specified in the "6 appearing paragraphs" therein, such regulations to be incorporated into all of the Commission's tariff circulars;

It further appearing, that petitions set forth below seeking reconsideration, postponement, or modification of the order or seeking other things have been received;

It further appearing, that by notice entered June 13, 1972, the Commission announced that the order had been stayed pending disposition of the petitions;

It further appearing, that petitions set forth below by the National Industrial Traffic League for leave to file late-filed pleadings have been received;

And it further appearing, that upon reconsideration of all the matters and things involved in the order entered May 1, 1972, and upon consideration of the petitions listed below, limited modification of and a new effective date for such (modified) order appear to be justified.

And good cause appearing therefor:

It is ordered, That each of the Commission's tariff circulars be, and it is hereby amended, by amending Parts 1300, 1303, 1304, 1306, 1307, 1308, and 1309 of Chapter X of Title 49 of the Code of Federal Regulations and establishing therein §§ 1300.30, 1303.36, 1304.42, 1306.17, 1307.14, 1307.48, 1308.12, 1308.109, and 1309.5 each in the manner and form set forth below.

PART 1300—FREIGHT SCHEDULES—RAILROADS

§ 1300.30 Transmission of publications to subscribers.

(a) (1) Except as otherwise authorized in subparagraphs (2) and (4) of this paragraph, copies of each new tariff, supplement, and looseleaf page must be transmitted to subscribers thereto not later than the time the copies for official filing are transmitted to this Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent copies of the publication(s) listed hereon to all subscribers thereto by (here state the exact method or combination of methods of transmission used, such as messenger service, express service, U.S. Postal Service, etc. If the U.S. Postal Service, the exact class or combination of classes of mail used must be stated).

Signature of person transmitting publication(s)

Date

(2) If a new tariff or supplement is filed which in its entirety is published under an authority from this Commission to publish and file on notice of less than 10 days, and if a new looseleaf page is filed which contains a provision published under an authority from this Commission to publish and file on notice of less than 10 days, subparagraph (1) of this paragraph need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but such copies must be transmitted to subscribers thereto within 4 calendar days after the day the copies for official filing are transmitted to the Commission, and the letter of transmittal must contain the following certification:

I hereby certify that I will within 4 calendar days after today send copies of the publication(s) listed hereon to all subscribers thereto by (here show exact method or combination of methods of transmission to be used, such as messenger service, express service, U.S. Postal Service, etc. If the U.S. Postal Service, the exact class or combination of classes of mail to be used must be stated).

Signature of person transmitting publication(s)

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission, publications announcing adoptions, and publications issued pursuant to section 1(13) of the Interstate Commerce Act.

(3) When copies of different publications are transmitted to the Commission at the same time, some of which have been transmitted to subscribers in compliance with subparagraph (1) of this paragraph and some of which will be transmitted to subscribers in compliance with subparagraph (2) of this paragraph, two letters of transmittal must accompany the copies to the Commission, one complying with subparagraph (1) of this paragraph and the other complying with subparagraph (2) of this paragraph.

(4) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

Signature of person transmitting publication(s)

Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of subparagraphs (1) or (2) of this paragraph, or both, as the case may be, need be complied with.

(5) Expedited service when transmitting copies of publications must be provided to any subscriber requesting it. The cost of this service may be passed on to the subscriber.

(6) Carriers and agents shall furnish a copy of any of their tariffs to any person upon reasonable request therefor, free or at a reasonable price, not to be greater than that charged subscribers.

(7) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished copies of a particular tariff or tariffs and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a tariff without a request for future amendments thereto. A reasonable charge may be made for the subscription.

PART 1303—PASSENGER SERVICE SCHEDULES—RAIL AND WATER CARRIERS

§ 1303.36 Transmission of publications to subscribers.

(a) (1) Except as otherwise authorized in subparagraphs (2) and (4) of this paragraph, copies of each new tariff, supplement, and looseleaf page must be transmitted to subscribers thereto not later than the time the copies for official filing are transmitted to this Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent copies of the publication(s) listed hereon to all subscribers thereto by (here state the exact method or combination of methods of transmission used, such as messenger service, express service, U.S. Postal Service, etc. If the U.S. Postal Service, the

exact class or combination of classes of mail used must be stated).

Signature of person transmitting publication(s)

Date

(2) If a new tariff or supplement is filed which in its entirety is published under an authority from this Commission to publish and file on notice of less than 10 days, and if a new looseleaf page is filed which contains a provision published under an authority from this Commission to publish and filed on notice of less than 10 days, a subparagraph (1) of this paragraph need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but such copies must be transmitted to subscribers thereto within 4 calendar days after the day the copies for official filing are transmitted to the Commission, and the letter of transmittal must contain the following certification:

I hereby certify that I will within 4 calendar days after today send copies of the publication(s) listed hereon to all subscribers thereto by (here show exact method or combination of methods of transmission to be used, such as messenger service, express service, U.S. Postal Service, etc. If the U.S. Postal Service, the exact class or combination of classes of mail to be used must be stated).

Signature of person transmitting publication(s)

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission and publications announcing adoptions.

(3) When copies of different publications are transmitted to the Commission at the same time, some of which have been transmitted to subscribers in compliance with subparagraph (1) of this paragraph and some of which will be transmitted to subscribers in compliance with subparagraph (2), two letters of transmittal must accompany the copies to the Commission, one complying with subparagraph (1) of this paragraph and the other complying with subparagraph (2) of this paragraph.

(4) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

---
transmitting publication(s)
Signature of person

Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of subparagraphs (1) and (2) of this paragraph, or both, as the case may be, need be complied with.

(5) Expedited service when transmitting copies of publications must be provided to any subscriber requesting it. The cost of this service may be passed on to the subscriber.

(6) Carriers and agents shall furnish a copy of any of their tariffs to any person upon reasonable request therefor, free or at a reasonable price, not to be greater than that charged subscribers.

(7) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished copies of a particular tariff or tariffs and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a tariff without a request for future amendments thereto. A reasonable charge may be made for the subscription.

PART 1304—EXPRESS COMPANIES SCHEDULES AND CLASSIFICATIONS

§ 1304.42 Transmission of publications to subscribers.

(a) (1) Except as otherwise authorized in subparagraphs (2) and (4) of this paragraph, copies of each new tariff, supplement, and looseleaf page must be transmitted to subscribers thereto not later than the time the copies for official filing are transmitted to this Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent copies of the publication(s) listed hereon to all subscribers thereto by (here state the exact method or combination of methods of transmission used, such as messenger service, express service, U.S. Postal Service, etc. If the U.S. Postal Service, the exact class or combination of classes of mail used must be stated).

Signature of person transmitting publication(s)

Date

(2) If a new tariff or supplement is filed which in its entirety is published under an authority from this Commission to publish and file on notice of less than 10 days, and if a new looseleaf page is filed which contains a provision published under an authority from this Commission to publish and filed on notice of less than 10 days, subparagraph (1) of this paragraph need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but such copies must be transmitted to subscribers thereto within 4 calendar days after the day the copies for official filing are transmitted to the Commission, and the letter of transmittal must contain the following certification:

I hereby certify that I will within 4 calendar days after today send copies of the publication(s) listed hereon to all subscribers thereto by (here show exact method or combination of methods of transmission to be used, such as messenger service, express service, U.S. Postal Service, etc. If the U.S. Postal Service, the exact class or combination of classes of mail to be used must be stated).

Signature of person transmitting publication(s)

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission and publications announcing adoptions.

(3) When copies of different publications are transmitted to the Commission at the same time, some of which have been transmitted to subscribers in compliance with subparagraph (1) of this paragraph and some of which will be transmitted to subscribers in compliance with subparagraph (2), two letters of transmittal must accompany the copies to the Commission, one complying with subparagraph (1) of this paragraph and the other complying with subparagraph (2) of this paragraph.

(4) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

Signature of person transmitting publication(s)

Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of subparagraphs (1) and (2) of this paragraph, or both, as the case may be, need be complied with.

(5) Expedited service when transmitting copies of publications must be provided to any subscriber requesting it. The cost of this service may be passed on to the subscriber.

(6) Carriers and agents shall furnish a copy of any of their tariffs to any person upon reasonable request therefor, free or at a reasonable price, not to be greater than that charged subscribers.

(7) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished copies of a particular tariff or tariffs and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a tariff without a request for future amendments thereto. A reasonable charge may be made for the subscription.

PART 1306—PASSENGER AND EXPRESS TARIFFS AND SCHEDULES OF MOTOR CARRIERS

§ 1306.17 Transmission of publications to subscribers.

(a) (1) Except as otherwise authorized in subparagraphs (2) and (4) of this paragraph, copies of each new tariff, schedule, supplement, and looseleaf page must be transmitted to subscribers thereto not later than the time the copies for official filing are transmitted to this Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent copies of the publication(s) listed hereon to all subscribers thereto by (here state the exact method or combination of methods of transmission used, such as messenger service, express service, U.S. Postal Service, etc. If the U.S. Postal Service, the exact class or combination of classes of mail used must be stated).

Signature of person transmitting publication(s)

Date

(2) If a new tariff, schedule, or supplement is filed which in its entirety is published under an authority from this Commission to publish and file on notice of less than 10 days, and if a new looseleaf page is filed which contains a provision published under an authority from this Commission to publish and file on notice of less than 10 days, subparagraph (1) of this paragraph need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but such copies must be transmitted to subscribers thereto within 4 calendar days after the day the copies for official filing are transmitted to the Commission, and the letter of transmittal must contain the following certification:

I hereby certify that I will within 4 calendar days after today send copies of the publication(s) listed hereon to all subscribers thereto by (here show exact method or combination of methods of transmission to be used, such as messenger service, express service, U.S. Postal Service, etc. If the U.S. Postal Service, the exact class or combination of classes of mail to be used must be stated).

Signature of person transmitting publication(s)

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission, publications announcing adoptions, and publications containing only rates, fares, or provisions covering emergency transportation authorized by this Commission pursuant to section 210a(a) of the Interstate Commerce Act.

(3) When copies of different publications are transmitted to the Commission at the same time, some of which have been transmitted to subscribers in compliance with subparagraph (1) of this paragraph and some of which will be transmitted to subscribers in compliance with subparagraph (2) of this paragraph, two letters of transmittal must accompany the copies to the Commission, one complying with subparagraph (1) of this paragraph and the other complying with subparagraph (2) of this paragraph.

(4) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed thereon.

Signature of person transmitting publication(s)

Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of subparagraphs (1) or (2) of this paragraph or both, as the case may be, need be complied with.

(5) Expedited service when transmitting copies of publications must be provided to any subscriber requesting it. The cost of this service may be passed on to the subscriber.

(6) Carriers and agents shall furnish a copy of any of their tariffs or schedules to any person upon reasonable request therefor, free or at a reasonable price, not to be greater than that charged subscribers.

(7) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished copies of a particular tariff or schedule or tariffs or schedules and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a tariff or schedule without a request for future amendments thereto. A reasonable charge may be made for the subscription.

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS OF MOTOR CARRIERS

§ 1307.14 Transmission of publications to subscribers.

(a) (1) Except as otherwise authorized in subparagraphs (2) and (4) of this paragraph, copies of each new schedule, supplement, and looseleaf page must be transmitted to subscribers thereto not later than the time the copies for official filing are transmitted to this Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent copies of the publication(s) listed hereon to all subscribers thereto by (here state the exact method or combination of methods of transmission used, such as messenger service, express service, U.S. Postal Service, etc. If the U.S. Postal Service, the exact class or combination of classes of mail used must be stated).

Signature of person transmitting publication(s)

Date

(2) This subparagraph will not apply to publications or provisions filed under § 1307.4(e)(2) (section 187.4(e)(2) of Tariff Circular MF No. 4). If a new schedule or supplement is filed which in its entirety is published under an authority from this Commission to publish and file on notice of less than 10 days, and if a new looseleaf page is filed which contains a provision published under an authority from this Commission to publish and filed on notice of less than 10 days, subparagraph (1) of this paragraph, need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but such copies must be transmitted to subscribers thereto within 4 calendar days after the copies for official filings are transmitted to the Commission, and the letter of transmittal must contain the following certification:

I hereby certify that I will within 4 calendar days after today send copies of the publication(s) listed hereon to all subscribers thereto by (here show exact method or combination of methods of transmission to be used, such as messenger service, express service, U.S. Postal Service, etc. If the U.S. Postal Service, the exact class or combination of classes of mail to be used must be stated).

Signature of person transmitting publication(s)

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission, publications announcing adoptions, and publications containing only rates or provisions covering emergency transportation authorized by this Commission pursuant to section 210a(a) of the Interstate Commerce Act.

(3) When copies of different publications are transmitted to the Commission at the same time, some of which have been transmitted to subscribers in compliance with subparagraph (1) of this paragraph, and some of which will be transmitted to subscribers in compliance with subparagraph (2) of this paragraph, two letters of transmittal must accompany the copies to the Commission, one complying with subparagraph (1) of this paragraph and the other complying with subparagraph (2) of this paragraph.

(4) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

Signature of person transmitting publication(s)

Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of subparagraphs (1) or (2) of this paragraph, or both, as the case may be, need be complied with.

(5) Expedited service when transmitting copies of publications must be provided to any subscriber requesting it. The

cost of this service may be passed on to the subscriber.

(6) Carriers and agents shall furnish a copy of any of their schedules to any person upon reasonable request therefor, free or at a reasonable price, not to be greater than that charged subscribers.

(7) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished copies of a particular schedule or schedules and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a schedule without a request for future amendments thereto. A reasonable charge may be made for the subscription.

§ 1307.48 Transmission of publications to subscribers.

(a) (1) Except as otherwise authorized in subparagraphs (2) and (4) of this paragraph, copies of each new tariff, supplement, and looseleaf page must be transmitted to subscribers thereto not later than the time the copies for official filing are transmitted to this Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent copies of the publication(s) listed hereon to all subscribers thereto by (here state the exact method or combination of methods of transmission used, such as messenger service, express service, U.S. Postal Service, etc. If the U.S. Postal Service, the exact class or combination of classes of mail used must be stated).

Signature of person transmitting publication(s)

Date

(2) If a new tariff or supplement is filed which in its entirety is published under an authority from this Commission to publish and file on notice of less than 10 days, and if a new looseleaf page is filed which contains a provision published under an authority from this Commission to publish and file on notice of less than 10 days, subparagraph (1) of this paragraph need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but such copies must be transmitted to subscribers thereto within 4 calendar days after the day the copies for official filing are transmitted to the Commission, and the letter of transmittal must contain the following certification:

I hereby certify that I will within 4 calendar days after today send copies of the publication(s) listed hereon to all subscribers thereto by (here show exact method or combination of methods of transmission to be used, such as messenger service, express service, U.S. Postal Service, etc. If the U.S. Postal Service, the exact class of combination of classes of mail to be used must be stated).

Signature of person transmitting publication(s)

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission, publications announcing adoptions, and publications containing only rates or provisions covering emergency transportation authorized by this Commission pursuant to section 210a(a) of the Interstate Commerce Act.

(3) When copies of different publications are transmitted to the Commission at the same time, some of which have been transmitted to subscribers in compliance with subparagraph (1) of this paragraph and some of which will be transmitted to subscribers in compliance with subparagraph (2) of this paragraph, two letters of transmittal must accompany the copies to the Commission, one complying with subparagraph (1) of this paragraph and the other complying with subparagraph (2) of this paragraph.

(4) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

Signature of person transmitting publication(s)

Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of subparagraphs (1) or (2) of this paragraph, or both, as the case may be, need be complied with.

(5) Expedited service when transmitting copies of publications must be provided to any subscriber requesting it. The cost of this service may be passed on to the subscriber.

(6) Carriers and agents shall furnish a copy of any of their tariffs to any person upon reasonable request therefor, free or at a reasonable price, not to be greater than that charged subscribers.

(7) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished copies of a particular tariff or tariffs and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a tariff without a request for future amendments thereto. A reasonable charge may be made for the subscription.

PART 1308—FREIGHT TARIFFS AND SCHEDULES OF WATER CARRIERS

§ 1308.12 Transmission of publications to subscribers.

(a) (1) Except as otherwise authorized in subparagraphs (2) and (4) of this paragraph, copies of each new tariff, supplement, and looseleaf page must be transmitted to subscribers thereto not later than the time the copies for official filing are transmitted to this Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent copies of the publication(s) listed hereon to all subscribers thereto by (here state the exact method or combination of methods of transmission used, such as messenger service, express service, U.S. Postal Service, etc. If the U.S. Postal Service, the exact class or combination of classes of mail used must be stated).

Signature of person transmitting publication(s)

Date

(2) If a new tariff or supplement is filed which in its entirety is published under an authority from this Commission to publish and file on notice of less than 10 days, and if a new looseleaf page is filed which contains a provision published under an authority from this Commission to publish and filed on notice of less than 10 days, subparagraph (1) of this paragraph need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but such copies must be transmitted to subscribers thereto within 4 calendar days after the day the copies for official filing are transmitted to the Commission, and the letter of transmittal must contain the following certification:

I hereby certify that I will within 4 calendar days after today send copies of the publication(s) listed hereon to all subscribers thereto by (here show exact method or combination of methods of transmission to be used, such as messenger service, express service, U.S. Postal Service, etc. If the U.S. Postal Service, the exact class or combination of classes of mail to be used must be stated).

Signature of person transmitting publication(s)

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission and publications announcing adoptions.

(3) When copies of different publications are transmitted to the Commission at the same time, some of which have been transmitted to subscribers in compliance with subparagraph (1) of this paragraph and some of which will be transmitted to subscribers in compliance with subparagraph (2), two letters of transmittal must accompany the copies to the Commission, one complying with subparagraph (1) of this paragraph and the other complying with subparagraph (2) of this paragraph.

(4) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

Signature of person transmitting publication(s)

Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of subparagraphs (1) and (2) of this paragraph, or both, as the case may be, need be complied with.

(5) Expedited service when transmitting copies of publications must be provided to any subscriber requesting it. The cost of this service may be passed on to the subscriber.

(6) Carriers and agents shall furnish a copy of any of their tariffs to any person upon reasonable request therefor, free or at a reasonable price, not to be greater than that charged subscribers.

(7) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished copies of a particular tariff or tariffs and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a tariff without a request for future amendments thereto. A reasonable charge may be made for the subscription.

§ 1308.109 Transmission of publications to subscribers.

(a) (1) Except as otherwise authorized in subparagraphs (2) and (4) of this paragraph, copies of each new schedule, supplement, and looseleaf page must be transmitted to subscribers thereto not later than the time the copies for official filing are transmitted to this Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent copies of the publication(s) listed hereon to all subscribers thereto by (here state the exact method or combination of methods of transmission used, such as messenger service, express service, U.S. Postal Service, etc. If the U.S. Postal Service, the exact class or combination of classes of mail used must be stated).

Signature of person transmitting publication(s)

Date

(2) If a new schedule or supplement is filed which in its entirety is published under an authority from this Commission to publish and file on notice of less than 10 days, and if a new looseleaf page is filed which contains a provision published under an authority from this Commission to publish and filed on notice of less than 10 days, subparagraph (1) of this paragraph need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but such copies must be transmitted to subscribers thereto within 4 calendar days after the day the copies for official filing are transmitted to the Commission, and the letter of transmittal must contain the following certification:

I hereby certify that I will within 4 calendar days after today send copies of the publication(s) listed hereon to all subscribers thereto by (here show exact method or combination of methods of transmission to be used, such as messenger service, express service, U.S. Postal Service, etc. If the U.S. Postal Service, the exact class or combination of classes of mail to be used must be stated).

Signature of person transmitting publication(s)

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission and publications announcing adoptions.

(3) When copies of different publications are transmitted to the Commission at the same time, some of which have been transmitted to subscribers in compliance with subparagraph (1) of this paragraph and some of which will be transmitted to subscribers in compliance with subparagraph (2) of this paragraph two letters of transmittal must accompany the copies to the Commission, one complying with subparagraph (1) of this paragraph and the other complying with subparagraph (2) of this paragraph.

(4) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that theer are no subscribers to the publication(s) listed hereon.

Signature of person transmitting publication(s)

Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of subparagraphs (1) or (2) of this paragraph, or both, as the case may be, need be complied with.

(5) Expedited service when transmitting copies of publications must be provided to any subscriber requesting it. The cost of this service may be passed on to the subscriber.

(6) Carriers and agents shall furnish a copy of any of their schedules to any person upon reasonable request therefor, free or at a reasonable price, not to be greater than that charged subscribers.

(7) As used herein, the term 'subscriber" means a party who voluntarily or upon reasonable request is furnished copies of a particular schedule or schedules and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a schedule without a request for future amendments thereto. A reasonable charge may be made for the subscription.

PART 1309—TARIFFS AND CLASSIFICATIONS OF FREIGHT FORWARDERS

§ 1309.5 Transmission of publication to subscribers.

(a) (1) Except as other wise authorized in subparagraphs (2) and (4) of this paragraph, copies of each new tariff, supplement, and looseleaf page must be transmitted to subscribers thereto not later that the time the copies for official filing are transmitted to this Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent copies of the publication(s) listed hereon to all subscribers thereto by (here state the exact method or combination of methods of transmission used, such as messenger service, express service, U.S. Postal Service, the exact class or combination of classes of mail used must be stated).

Signature of person transmitting publication(s)

Date

(2) If a new tariff or supplement is filed which in its entirety is published under an authority from this Commission to publish and file on notice of less than 10 days, and if a new looseleaf page is filed which contains a provision published under an authority from this Commission to publish and file on notice of less than 10 days, subparagraph (1) of this paragraph need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but such copies must be transmitted to subscribers thereto within 4 calendar days after the day the copies for official filing are transmitted to the Commission, and the letter of transmittal must contain the following certification:

I hereby certify that I will within 4 calendar days after today send copies of the publication(s) listed hereon to all subscriber thereto by (here show exact method or combination of methods of transmission to be used, such as messenger service, express service, U.S. Postal Service, etc. If the U.S. Postal Service, the exact class or combination of classes of mail to be used must be stated).

Signature of person transmitting publication(s)

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission and publications announcing adoptions.

(3) When copies of different publications are transmitted to the Commission at the same time, some of which have been transmitted to subscribers in compliance with subparagraph (1) of this paragraph, and some of which will be transmitted to subscribers in compliance with subparagraph (2) of this paragraph, two letters of transmittal must accompany the copies to the Commission, one complying with subparagraph (1) of this paragraph and the other complying with subparagraph (2) of this paragraph.

(4) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

Signature of person transmitting publication(s)

Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of subparagraphs (1) and (2) of this paragraph, or both, as the case may be, need be complied with.

(5) Expedited service when transmitting copies of publications must be provided to any subscriber requesting it. The cost of this service may be passed on to the subscriber.

(6) Forwarders and agents shall furnish a copy of any of their tariffs to any person upon reasonable request therefor, free or at a reasonable price, not to be greater than that charged subscribers.

(7) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished copies of a particular tariff or tariffs and amendments thereto (including reissues thereof) by the publishing forwarder or agent. The term does not, however, pertain to requests for a copy or copies of a tariff without a request for future amendments thereto. A reasonable charge may be made for the subscription.

It is further ordered, That the order entered May 1, 1972, be, and it is hereby vacated and set aside.

It is further ordered, That the petitions listed in below, insofar as they seek to modify the order entered May 1, 1972, but only to the extent embodied in the regulations established by this order, be, and they are hereby, granted.

It is further ordered, That good cause not having been shown, the petitions listed in below, except to the extent granted in the next preceding paragraph, be, and they are hereby denied.

It is further ordered, That good cause not having been shown, the petitions for leave to file late-filed pleadings, be, and they are hereby, denied.

It is further ordered, That this order shall become effective sixty (60) days after publication in the FEDERAL REGISTER.

It is further ordered, That, except as otherwise authorized in the following paragraph, petitions for reconsideration of this order must be received by the Commission not later than 30 days after the service date hereof.

It is further ordered, That, following expiration of 1 year from the effective date of the order, this proceeding shall be held open for 90 days for the consideration of any petitions which might be filed within that period, and for possible reopening for reconsideration for good cause shown thereby.

And it is further ordered, That a copy of this order be served on each party of record, a copy be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all other interested persons.

By the Commission, Division 2.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

PETITIONS FOR RECONSIDERATION, MODIFICATION, OR POSTPONEMENT

Dated May 26, 1972—Filed by:
A. R. Fowler.
W. A. Hallman.
Dated May 30, 1972—Filed by:
Common Carrier Conference. Irregular Route.
Dated June 5, 1972—Filed by:
Waterways Freight Bureau.
Dated June 7, 1972—Filed by:
Traffic Executive Association-Eastern Railroads.
Southern Freight Association.
Executive Committee—Western Railroad Traffic Association.
Dated June 7, 1972—Filed by:
Freight Forwarders Tariff Bureau, Inc.
ABC Freight Forwarding Corp.
Acme Fast Freight, Inc.
American Freight Forwarding Corp.
Arrow-Lifschultz Freight Forwarders, Inc.
Blue Ribbon Express, Inc.
California Western Freight Association, doing business as Western Freight Association.
Carloader Corp.
Clipper Carloading Co.
C. S. Greene and Co., Inc.
D. C. Andrews International, Inc.
Empire Freight Co., Inc.
Inter State Express, Inc.
J. E. Bernard & Co., Inc.
Lifschultz Fast Freight, Inc.
Lyons Transport, Inc.
Merchant Shippers.
Midland Forwarding Corp.
National Carloading Corp.
Ohio Fast Freight Corp.
Republic Carloading and Distributing Co., Inc.
Springmeier Shipping Co., Inc.
Star Forwarders, Inc.
Texas Shippers Association, Inc.
Universal Carloading & Distributing Co., Inc.
Western Carloading Co., Inc.
Western Transportation Co., Inc.
Westland Forwarding Co.
Westransco Freight Co.
Yellow Forwarding Co.
Dated June 7, 1972—Filed by:
C. W.—Tariff Agency, Inc.
Dated June 8, 1972—Filed by:
Sea-Land Service, Inc.
Dated June 8, 1972—Filed by:
Transportation Consulting & Service Corp.
Adams Orsinger, Inc.
Arlington Truck Co.
Berens Express, Inc.
Cold-Way Express, Inc.
Eureka Cartage Co., Inc.
General Cartage Co., Inc.
Terra Cotta Truck Service, Inc.
Silica Sand Transport, Inc.
Unzicker Trucking, Inc.
George Aigner & Sons, Inc.
American Transit Lines, Inc.
Bird Trucking, Inc.
L. E. Boling, Inc.
Brown From Wabash, Inc.
Chicago-St. Louis Transport.
Cobane Air Freight.
Container Transit, Inc.
D & L Transport, Inc.
Economy Freight Lines, Inc.
Econo Line Delivery, doing business as Duane Kranz
Edmier Transportation, Inc.
F. F. Express.
Fullerton Motor Truck Service, Inc.
Jack Gray Transport, Inc.
Geno Gusti Co., Inc.
Hajek Trucking Co., Inc.
Harts Terminal and Cartage Co.
Illinois Short Line.
McBride's Express, Inc.
Moon Freight Lines, Inc.
Moorman Trucking Co., Inc.
Henry G. Nelsen, Inc.
Nussbaum Trucking, Inc.
Oil Express, Inc.
P. N. J. Kornacker, Inc.
Red Top Trucking Co., Inc.
Richards Motor Service.
Ringle Express, Inc.
Rogers Cartage Co.
Sims Motor Transport, Inc.
Victor Storage & Moving.
White Brothers Trucking Co.
Dated June 8, 1972—Filed by:
Pacific Motor Tariff Bureau.
Dated June 8, 1972—Filed by:
San Francisco Movers Tariff Bureau.
Dated June 8, 1972—Filed by:
Pacific Coast Tariff Bureau.
Dated June 9, 1972—Filed by:
Bulk Carrier Conference, Inc.
Chemical Leaman Tank Lines, Inc.
Dated June 9, 1972—Filed by:
Seatrain, Calif.
Seatrain Inernational, S.A.
Dated June 9, 1972—Filed by:
National Motor Freight Traffic Associaion, Inc.
Central and Southern Motor Freight Tariff Associaion, Inc.
Central States Motor Freight Bureau, Inc.
The Eastern Central Motor Carriers Association, Inc.
Middle Atlantic Conference.
Middlewest Motor Freight Bureau.
The New England Motor Rate Bureau, Inc.
Pacific Inland Tariff Bureau, Inc.
Rocky Mountain Motor Tariff Bureau, Inc.
Southern Motor Carriers Rate Conference.
Southwestern Motor Freight Bureau, Inc.
Dated June 9, 1972—Filed by:
Motor Carriers Traffic Association, Inc.
Dated June 12, 1972—Filed by:
Motor Carriers Tariff Bureau, Inc.

PETITIONS BY THE NATIONAL INDUSTRIAL TRAFFIC LEAGUE FOR LEAVE TO FILE LATE-FILED PLEADINGS

Dated July 7, 1972:
Requests leave to file late reply to petition for reconsideration filed by Waterways Freight Bureau.
Dated July 12, 1972:
Requests leave to file late reply to petitions for reconsideration filed by:
Traffic Executive Association—Eastern Railroads.
Southern Freight Association.
Executive Committee—Western Railroad Traffic Association.
Freight Forwarders Tariff Bureau, Inc.
Bulk Carrier Conference, Inc.
Chemical Leaman Tank Lines, Inc.
42 common and contract carriers by motor vehicle.
Sea-Land Service, Inc.
Motor Carriers Tariff Bureau.

[FR Doc.72-15672 Filed 9-12-72;8:56 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 7]

USE OF DATA PROCESSING EQUIPMENT AND FURNISHING OF DATA PROCESSING SERVICES BY NATIONAL BANKS

Extension of Time for Comments

The Comptroller of the Currency published in the FEDERAL REGISTER on August 16, 1972 (37 F.R. 16556), notice of invitation for comments concerning a revision of I.R. 7.3500, an interpretative ruling which deals with the utilization of data processing equipment and the furnishing of data processing services by national banks. The original closing date for submission of written comments was September 15, 1972.

The Comptroller now extends the closing date for submission of written comments through and including September 30, 1972.

All communications received pursuant to this notice will be available before and for 10 days following the closing date for examination by interested persons.

In addition, written rebuttal comments only may be submitted during a 15-day period following the closing date.

All written comments must identify their subject matter by reference to "Proposed Revision to I.R. 7.3500" and should be submitted in duplicate to the following address:

Office of the Comptroller of the Currency, Attention: Robert Bloom, Chief Counsel, Treasury Building, Washington, D.C. 20220.

Dated: September 8, 1972.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[FR Doc.72-15619 Filed 9-12-72;8:55 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 58]

MONTEREY (MONTEREY JACK) CHEESE

Proposed Grading and Inspection, General Specifications and Standards for Grades

Notice is hereby given that the U.S. Department of Agriculture is considering the issuance, as hereinafter proposed, of U.S. Standards for Grades of Monterey cheese pursuant to the authority contained in the Agricultural Marketing Act of 1946 (sec. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

The proposed standards are applicable only to the cheese made by the Monterey process or by any other procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced by the Monterey process as defined in 21 CFR 19.580.

Statement of consideration. For several years the Department has received requests for official grading services on Monterey cheese. This service could not be performed because there are no U.S. grade standards for Monterey cheese. A cheese manufacturer has indicated an interest in marketing Monterey cheese to consumers using the official U.S. grade, and State departments of agriculture in two major producing States have indicated an interest in a U.S. grade standard. On the basis of this information the Department has determined that U.S. grade standards would be beneficial to the orderly marketing of Monterey cheese in the United States and would also be beneficial to consumers.

During the development period the Department has conferred with the industry, the academic community and various State departments of agriculture to obtain technical advice. This information, together with technical data, knowledge, and experience within the Department form the basis for establishing the proposed standards. These proposed standards have been field tested to determine that Monterey cheese could be adequately and properly graded.

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same in duplicate with the Hearing Clerk, Room 112 A, Administration Building, Washington, D.C. 20250, not later than 60 days from the date of publication in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27b).

The proposed standards are as follows:

Subpart I—U.S. Standards for Grades of Monterey (Monterey Jack) Cheese

DEFINITIONS

Sec.
58.2465 Monterey (Monterey Jack) cheese.
58.2466 Types of Surface protection.

U.S. GRADES

58.2467 Nomenclature of U.S. grades.
58.2468 Basis for determination of U.S. grades.
58.2469 Specifications for U.S. grades of Monterey (Monterey Jack) cheese.
58.2470 U.S. grade not assignable.

EXPLANATION OF TERMS

58.2471 Explanation of terms.

DEFINITIONS

§ 58.2465 Monterey (Monterey Jack) cheese.

"Monterey cheese" is cheese made by the Monterey process or by any other procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced by the Monterey process. The physical attributes of Monterey cheese are as follows: White to light cream in color; mild to mellow flavor; a semisoft body which contains more moisture and is softer than Colby; texture is similar to Colby and the mechanical holes are evenly dispersed. The cheese is made from cow's milk. It contains added common salt, contains not more than 44 percent of moisture, and in the water-free substance, contains not less than 50 percent of milk fat and conforms to the provisions of § 19.580, *Definitions and standards of identity for cheese and cheese products*, Food and Drug Administration (21 CFR Part 19).

§ 58.2466 Types of surface protection.

The following are the types of surface protection for Monterey cheese:

(a) *Bandage and paraffin-dipped.* The cheese is bandaged and dipped in a refined paraffin, amorphous wax, microcrystalline wax, or any combination of such or any other suitable substance. Such coating is a continuous, unbroken and uniform film adhering tightly to the entire surface of the cheese.

(b) *Paraffin-dipped.* The cheese is dipped in a refined paraffin, amorphous wax, microcrystalline wax, or any combination of such or any other film adhering tightly to the entire surface of the cheese.

(c) *Rindless.* The cheese is properly wrapped in a wrapper or covering, or by any other protective handling, which will not impart any color or objectionable odor or flavor to the cheese. The wrapper or covering is sealed with a sufficient overlap or satisfactory closure to prevent air leakage. The wrapper or covering is of sufficiently low permeability to water vapor and air so as to prevent the formation of rind and prevent the entrance of air during the curing and holding periods.

U.S. GRADES

§ 58.2467 Nomenclature of U.S. grades.

The nomenclature of U.S. grades is as follows: (a) U.S. Grade AA; (b) U.S. Grade A; (c) U.S. Grade B.

§ 58.2468 Basis for determination of U.S. grades.

The determination of U.S. grades of Monterey cheese shall be on the basis of rating the following quality factors: (a) Flavor, (b) body and texture, (c) color,

(d) finish and appearance. The rating of each quality factor shall be established on the basis of characteristics present in any vat of cheese. The cheese shall be graded no sooner than 5 days of age. The cheese shall be held at no lower than 35° F. during this period. The final U.S. grade shall be established on the basis of the lowest rating of any one of the quality factors.

§ 58.2469 Specifications for U.S. grades of Monterey (Monterey Jack) cheese.

The general requirements for the U.S. grades of Monterey cheese are as follows:

(a) *U.S. Grade AA.* U.S. Grade AA Monterey cheese shall conform to the following requirements:

(1) *Flavor.* Is fine and highly pleasing, free from undesirable flavors and odors. May possess a characteristic Monterey cheese flavor or may be lacking in flavor development. May possess a very slight acid or feed flavor, but shall be free from any undesirable flavors and odors. See Table I.

(2) *Body and texture.* A plug drawn from the cheese shall be reasonably firm. It shall have numerous small evenly dispersed mechanical openings throughout the plug. It shall not possess sweet holes, yeast holes, or other gas holes. The texture may be definitely curdy or may be partially broken down if more than 3 weeks old. See Table II.

(3) *Color.* Shall have a natural, uniform, bright, attractive appearance. See Table III.

(4) *Finish and appearance*—(i) *Bandaged and paraffin-dipped.* The rind shall be sound, firm, and smooth, providing a good protection to the cheese. The bandage shall be evenly placed on the end and over the entire surface of the cheese and free from unnecessary overlapping and wrinkles, and not burst or torn. The cheese surface shall be smooth, bright, and have a good coating of paraffin or wax that adheres firmly to the entire surface of the cheese. The cheese shall be free from mold under the bandage and paraffin. The cheese shall be free from high edges, huffing, and lopsideness, but may possess soiled surface to a very slight degree. See Table IV.

(ii) *Paraffin-dipped.* The rind shall be sound, firm and smooth providing a good protection to the cheese. The cheese surface shall be smooth, bright, and have a good coating of paraffin or wax that adheres firmly to the entire surface of the cheese. The cheese shall be free from mold under the paraffin. The cheese shall be free from high edges, huffing, rough surfaces and lopsidedness, but may possess soiled surface to a very slight degree. See Table IV.

(iii) *Rindless.* The wrapper or covering shall be practically smooth, properly sealed with adequate overlapping at the seams or sealed by any other satisfactory type of closure. The wrapper or covering shall be neat and adequately and securely envelop the cheese but may be slightly wrinkled. Allowances should be made for wrinkles caused by crimping or sealing when vacuum packaging is used. The cheese shall be free from mold under the wrapper or covering and shall not be huffed or lopsided. See Table IV.

(b) *U.S. Grade A.* U.S. Grade A Monterey cheese shall conform to the following requirements.

(1) *Flavor.* Is pleasing characteristic flavor free from undesirable flavors and odors. May possess a slightly characteristic Monterey cheese flavor or may be lacking in flavor development. May possess very slight bitter and slight acid and feed but shall not possess undesirable flavors and odors. See Table I.

(2) *Body and texture.* A plug drawn from the cheese shall be reasonably firm. It shall have numerous mechanical openings but the openings shall not be large and connecting. It shall not possess more than two sweet holes per plug, and the plug shall be free from other gas holes. The body may be definitely curdy or partially broken down if more than 3 weeks old. See Table II.

(3) *Color.* Shall have a natural, fairly uniform, bright, attractive appearance. May possess the following characteristic to a very slight degree, wavy. See Table III.

(4) *Finish and appearance*—(i) *Bandaged and paraffin-dipped.* The rind shall be sound, firm and smooth, providing good protection to the cheese. The bandage may be slightly uneven, overlapped or wrinkled but not burst or torn. The surface shall be practically smooth, bright and have a good coating of paraffin or wax that adheres firmly to all surfaces of the cheese. The cheese shall be free from mold under the bandage. May possess the following characteristics to a very slight degree: Soiled surface and surface mold; and to a slight degree: rough surface, irregular bandaging, lopsided and high edges. See Table IV.

(ii) *Paraffin-dipped.* The rind shall be sound, firm, and smooth providing a good protection to the cheese. The cheese surface shall be practically smooth, bright and have a good coating of paraffin or wax that adheres firmly to all surfaces of the cheese. The cheese shall be free from mold under the paraffin. Shall be free from huffing, but may possess soiled surface and surface mold to a very slight degree; and rough surface, high edges, and lopsidedness to a slight degree. See Table IV.

(iii) *Rindless.* The wrapper or covering shall be properly sealed with adequate overlapping at the seams or sealed by any other satisfactory type of closure. The wrapper or covering shall be neat, and adequately and securely envelop the cheese, but may be slightly wrinkled. Allowances should be made for wrinkles caused by crimping or sealing when vacuum packaging is used. The cheese shall be free from mold under the wrapper or covering and shall not be huffed but may be slightly lopsided. See Table IV.

(c) *U.S. Grade B.* U.S. Grade B Monterey cheese shall conform to the following requirements.

(1) *Flavor.* Should possess a fairly pleasing characteristic Monterey cheese flavor, or may be lacking in flavor development. May possess very slight onion and sour, and the following flavors to a slight degree: flat, bitter, fruity, utensil, whey-taint, yeasty, malty, old milk, weedy, barny, and lipase; and the following to a definite degree; acid and feed flavor. See Table I.

(2) *Body and texture.* A plug drawn from the cheese may be open and may have numerous sweet holes, scattered yeast holes and other scattered gas holes; and may possess various other body defects. Pinny gas holes are not permitted. A plug drawn from the cheese may have numerous mechanical openings varying in size and dispersement and may possess the following characteristics to a slight degree: Coarse, short, mealy, weak, pasty, crumbly, gassy, slitty and corky; the following to a definite degree: curdy and sweet holes. See Table II.

(3) *Color.* Natural but may possess the following characteristics to a slight degree: wavy, acid-cut, unnatural, mottled, salt spots, dull, or faded. In addition, rindless Monterey cheese may have a bleached surface to a slight degree. See Table III.

(4) *Finish and appearance*—(i) *Bandaged and paraffin-dipped.* The rind shall be reasonably sound, may be slightly weak, but free from soft spots, rind rot, cracks, and openings of any kind. The bandage may be uneven and wrinkled but not burst or torn. The surface may be rough and unattractive but shall possess a fairly good coating of paraffin or wax. The paraffin may be scaly or blistered, with very slight mold under the bandage or paraffin but there shall be no indication that mold has entered the cheese. May possess the following characteristics to a slight degree; soiled surface, surface mold, defective coating, checked rind, weak rind, and sour rind; and to a definite degree; rough surface, irregular bandaging, lopsided, and high edges. See Table IV.

(ii) *Paraffin-dipped.* The rind shall be sound, firm, and smooth, providing a good protection to the cheese. The cheese surface may be rough and unattractive but shall possess a fairly good coating of paraffin or wax. The paraffin may be scaly or blistered, with very slight mold under the paraffin, but there shall be no indication that mold has entered the cheese. May possess the following characteristics to a slight degree: Soiled surface, surface mold, defective coating, checked rind, weak rind, and sour rind; and to a definite degree; rough surface, lopsided, and high edges. See Table IV.

(iii) *Rindless.* The wrapper or covering shall be fairly smooth and properly sealed with adequate overlapping at the seams or sealed by other satisfactory type of closure. The wrapper or covering shall be fairly neat and adequately and securely envelop the cheese. Allowances should be made for wrinkles caused by crimping or sealing when vacuum packaging is used. The following characteristics may be present to a very slight degree: Mold under the wrapper but not entering the cheese; to a slight degree: soiled surface, surface mold, lopsided,

and the following to a definite degree: rough surface and wrinkled wrapper or cover. See Table IV.

TABLE I—CLASSIFICATION OF FLAVOR

Identification of flavor characteristics	AA	A	B
Feed	VS	S	D
Acid	VS	S	D
Flat			S
Bitter		VS	S
Fruity			S
Utensil			S
Sour			VS
Whey-Taint			S
Yeasty			S
Malty			S
Old Milk			S
Weedy			S
Onion			VS
Barny			S
Lipase			S

VS—Very Slight S—Slight D—Definite P—Pronounced.

TABLE II—CLASSIFICATION OF BODY AND TEXTURE

Identification of body and texture characteristics	AA	A	B
Curdy	D	D	D
Coarse			S
Sweet holes		S	D
Short			S
Mealy			S
Weak			S
Pasty			S
Crumbly			S
Gassy			S
Slitty			S
Corky			S

TABLE III—CLASSIFICATION OF COLOR

Identification of color characteristics	AA	A	B
Wavy		VS	S
Acid-cut			S
Unnatural			S
Mottled			S
Salt spots			S
Dull or faded			S
Bleached surface (rindless)			S

VS—Very Slight S—Slight D—Definite P—Pronounced

TABLE IV—CLASSIFICATION OF FINISH AND APPEARANCE

Identification of finish and appearance characteristics	AA	A	B
Soiled surface	VS	VS	S
Surface mold		VS	S
Mold under bandage and for paraffin			VS
Mild under wrapper or covering (rindless).			VS
Rough surface		S	D
Irregular bandaging (uneven, wrinkled and overlapping).		S	D
Lopsided		S	D
Lopsided (rindless)		S	S
High edges		S	D
Defective coating (scaly, blistered and checked).			S
Checked rind			S
Weak rind			S
Sour rind			S
Wrinkled wrapper or covering (rindless).	S	S	D

VS—Very Slight S—Slight D—Definite P—Pronounced.

§ 58.2470 U.S. grade not assignable.

(a) Monterey (Monterey Jack) cheese which fails to meet the requirements for U.S. Grade B or higher shall not be given a U.S. grade.

(b) Monterey (Monterey Jack) cheese which does not comply with the provisions of the Federal Food, Drug, and Cosmetic Act shall not be assigned a U.S. grade.

(c) Monterey (Monterey Jack) produced in a plant found on inspection to be using unsatisfactory manufacturing practices, equipment, or facilities, or to be operating under unsanitary plant conditions shall not be assigned a U.S. grade.

EXPLANATION OF TERMS

§ 58.2471 Explanation of terms.

(a) *With respect to types of surface protection.*—(1) *Paraffin.* Refined paraffin, amorphous wax, microcrystalline wax, or any combination of such or any other suitable substance.

(2) *Rindless.* Cheese which has not formed a rind due to the impervious type of wrapper, covering, or container, enclosing the cheese, or by any other means of handling.

(b) *With respect to flavor*—(1) *Very slight.* Detected only upon very critical examination.

(2) *Slight.* Detected only upon critical examination.

(3) *Definite.* Not intense but detectable.

(4) *Pronounced.* So intense as to be easily identified.

(5) *Lacking in flavor development.* No undesirable and very little, if any, Monterey cheese flavor development.

(6) *Undesirable.* Those listed in excess of the intensity permitted or those not otherwise listed.

(7) *Feed.* Feed flavors (such as alfalfa, sweetclover, silage, or similar feed) in milk carried through into the cheese.

(8) *Acid.* Sharp and puckery to the taste, characteristic of lactic acid.

(9) *Flat.* Insipid, practically devoid of any characteristic Monterey cheese flavor.

(10) *Bitter.* Distasteful, resembling taste of quinine.

(11) *Fruity.* A sweet fruit-like flavor resembling mature apples.

(12) *Utensil.* A flavor that is suggestive of improper or inadequate washing and sterilization of milking machines, utensils, or factory equipment.

(13) *Sour.* An acidly pungent flavor resembling vinegar.

(14) *Whey-taint.* A slightly acid flavor and odor characteristic of fermented whey caused by too slow or incomplete expulsion of whey from the curd.

(15) *Yeasty.* A flavor indicating yeasty fermentation.

(16) *Malty.* A distinctive, harsh flavor suggestive of malt.

(17) *Old Milk.* Lacks freshness.

(18) *Weedy.* A flavor due to the use of milk which possesses a common weedy flavor.

(19) *Onion.* This flavor is recognized by the peculiar taste and aroma suggestive of its name. Present in milk or cheese when the cows have eaten onions, garlic, or leeks.

(20) *Barny.* A flavor characteristic of the odor of a poorly ventilated cow barn.

(21) *Lipase.* A flavor suggestive of rancidity or odor of butyric acid, sometimes associated with a bitterness.

(c) *With respect to body and texture*—(1) *Very slight.* Detected only upon very critical examination and present only to a minute degree.

(2) *Slight.* Barely identifiable and present only to a small degree.

(3) *Definite.* Readily identifiable and present to a substantial degree.

(4) *Pronounced.* Markedly identifiable and present to a large degree.

(5) *Broken down.* Changed from a curdy or rubbery condition to a waxy condition or further to a mealy or pasty condition.

(6) *Firm.* Feels solid, not soft or weak.

(7) *Reasonably firm.* Somewhat less firm but not to the extent of materially injuring the keeping quality of the cheese.

(8) *Curdy.* Smooth but firm; when worked between the fingers is rubbery and not waxy.

(9) *Coarse.* Feels rough, dry, and sandy.

(10) *Mechanical opening.* Mechanical openings that are irregular in shape and are caused by variations in make procedure and not gas fermentation.

(11) *Sweet holes.* Spherical gas holes, glossy in appearance; usually about the size of BB shots.

(12) *Short.* No elasticity to the plug and when rubbed between the thumb and fingers it tends toward mealiness.

(13) *Mealy.* Short body, does not mold well and looks and feels like corn meal when rubbed between the thumb and fingers.

(14) *Weak.* Requires little pressure to crush, is soft but is not necessarily sticky like a pasty cheese.

(15) *Pasty.* Weak body and when the cheese is rubbed between the thumb and fingers it becomes sticky and smeary.

(16) *Crumbly.* Loosely knit and tends to fall apart when rubbed between the thumb and fingers.

(17) *Gassy.* Gas holes of various sizes and may be scattered.

(18) *Slitty.* Narrow elongated slits generally associated with a cheese that is gassy or yeasty. Sometimes referred to as "fish-eyes."

(19) *Corky.* Hard, tough, over-firm cheese which does not readily break down when rubbed between the thumb and fingers.

(20) *Pinny.* Numerous very small gas holes.

(d) *With respect to color*—(1) *Very slight.* Detected only upon very critical examination and present only to a minute degree.

(2) *Slight.* Barely identifiable and present only to a small degree.

(3) *Definite.* Readily identifiable and present to a substantial degree.

(4) *Pronounced.* Markedly identifiable and present to a large degree.

(5) *Uncolored.* Absence of added coloring.

(6) *Wavy.* Uneveness of color which appears as layers or waves.

(7) *Acid-cut.* Bleached or faded appearance which sometimes varies throughout the cheese, appearing most often around mechanical openings.

(8) *Unnatural.* Deep orange or reddish color.

(9) *Mottled.* Irregular shaped spots or blotches in which portions are light

colored and others are of high color. Also an unevenness of color due to combining the curd from two different vats, sometimes referred to as "mixed curd."

(10) *Salt spots.* Large light colored spots or areas.

(11) *Dull or faded.* A color condition lacking in luster or translucency.

(12) *Bleached surface.* A faded color beginning at the surface and progressing inward.

(e) *With respect to finish and appearance*—(1) *Very slight.* Detected only upon very critical examination and present only to a minute degree.

(2) *Slight.* Barely identifiable and present only to a small degree.

(3) *Definite.* Readily identifiable and present to a substantial degree.

(4) *Pronounced.* Markedly identifiable and present to a large degree.

(5) *Wax or paraffin that adheres firmly to the surface of the cheese.* Thin or thick coating with no indication of cracking, breaking, or loosening.

(6) *Rind.* Hard coating caused by the desiccation of the surface of the cheese.

(7) *Firm sound rind.* Possessing a firmness and thickness (not easily dented or damaged) consistent with the size of the cheese and which is dry, smooth, and closely knit, sufficient to protect the interior quality from external defects; free from checks, cracks, breaks, or soft spots.

(8) *Burst or torn bandage.* A severance of the bandage usually occurring at the side seam, or the bandage is otherwise snagged or broken.

(9) *Wrapper or covering.* Transparent or opaque material (plastic film type or foil) next to the surface of the cheese, used as an enclosure or covering of the cheese.

(10) *Adequately and securely envelop.* Wrapper or covering properly sealed, and entirely enclosing the cheese, with sufficient adherence to the surface to protect it from contamination and dehydration.

(11) *Smooth bright surface.* Clean, glossy surface.

(12) *Smooth surface.* Not rough or uneven.

(13) *Soiled surface.* Milkstone, rust spots, or other discoloration on the surface of the cheese.

(14) *Surface mold.* Mold on the paraffin or the exterior of the cheese.

(15) *Mold under bandage and paraffin.* Mold spots or areas that have formed under the paraffin or mold that has penetrated from the surface and continued to develop.

(16) *Mold under wrapper or covering.* Mold spots or areas that have formed under the wrapper or on the cheese.

(17) *Rough surface.* Lacks smoothness.

(18) *Bandage evenly placed.* Overlapping the edges evenly more than 1 inch.

(19) *Irregular bandaging.* Bandage improperly placed in the hoop resulting in too much bandage on one end and insufficient on the other causing overlapping; wrinkled and loose fitting.

(20) *Lopsided.* One side of the cheese is higher than the other side.

(21) *High edge.* A rim or ridge on the follower side of the cheese, which is raised in varying degrees. In extreme cases it may bend over.

(22) *Defective coating.* Brittle coating of paraffin that breaks and peels off in the form of scales or flakes; flat or raised blisters or bubbles under the surface of the paraffin; checked paraffin, including cracks, breaks, or hairline checks in the paraffin, or coating of the cheese.

(23) *Checked rind.* Numerous small cracks or breaks in the rind, sometimes following the outline of curd particles, sometimes referred to as "curd openings."

(24) *Huffed.* Swollen because of gas fermentation. The cheese becomes rounded or oval in shape instead of being flat.

(25) *Weak rind.* Thin and possessing little or no resistance to pressure.

(26) *Sour rind.* A fermented rind condition, usually confined to the faces of the cheese.

Dated: September 6, 1972.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.72-15387 Filed 9-12-72;8:45 am]

[7 CFR Part 58]

COLBY CHEESE

Proposed U.S. Standards for Grades

Notice is hereby given that the U.S. Department of Agriculture is considering the issuance, as hereinafter proposed, of U.S. standards for grades of Colby cheese pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

The proposed standards are applicable only to the cheese made by the Colby process or by any other procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced by the Colby process as defined in 21 CFR 19.510 or 19.512 as applicable.

STATEMENT OF CONSIDERATION

For several years the Department has received requests for official grading services on Colby cheese. This service could not be performed because there are no U.S. grade standards for Colby cheese. A cheese manufacturer has indicated an interest in marketing Colby cheese to consumers using the official U.S. grade, and State departments of agriculture in two major producing States have indicated an interest in a U.S. grade standard. On the basis of this information the Department has determined that U.S. grade standards would be beneficial to the orderly marketing of Colby cheese in the United States and would also be beneficial to consumers.

During the development period the Department has conferred with the industry, the academic community and various State departments of agriculture to obtain technical advice. This information, together with technical data, knowledge, and experience within the Department form the basis for establishing the proposed standards. These proposed standards have been field tested to determine that Colby cheese could be adequately and properly graded.

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same in duplicate with the Hearing Clerk, Room 112 A, Administration Building, Washington, D.C. 20250, not later than 60 days from the date of publication in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27b).

The proposed standards are as follows:

Subpart J—U.S. Standards for Grades of Colby Cheese

DEFINITIONS

Sec.
58.2475 Colby cheese.
58.2476 Types of surface protection.

U.S. GRADES

58.2477 Nomenclature of U.S. grades.
58.2478 Basis for determination of U.S. grades.
58.2479 Specifications for U.S. grades of Colby cheese.
58.2480 U.S. grade not assignable.

EXPLANATION OF TERMS

58.2481 Explanation of terms.

DEFINITIONS

§ 58.2475 Colby cheese.

"Colby cheese" is cheese made by the Colby process or by any other procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced by the Colby process. The physical attributes of Colby cheese are as follows: uncolored to orange in color; a mild to mellow flavor similar to mild Cheddar cheese; softer bodied and more open textured than Cheddar. The cheese is made from cow's milk with or without the addition of coloring matter. It contains added common salt, contains not more than 40 percent of moisture, and in the water-free substance contains not less than 50 percent of milk fat, and conforms to the provisions of § 19.510 or 19.512 of this title as applicable. "Definitions and Standards of Identity for Cheese and Cheese Products." Food and Drug Administration (21 CFR Part 19).

§ 58.2476 Types of surface protection.

The following are the types of surface protection for Colby cheese:

(a) *Bandaged and paraffin-dipped.* The cheese is bandaged and dipped in a refined paraffin, amorphous wax, microcrystalline wax or any combination of such, or any other suitable substance. Such coating is a continuous, unbroken and uniform film adhering tightly to the entire surface of the cheese.

(b) *Rindless.* The cheese is properly wrapped in a wrapper or covering, or by any other protective covering, which will not impart any color or objectionable odor or flavor to the cheese. The wrapper or covering is sealed with a sufficient overlap or satisfactory closure to prevent air leakage. The wrapper or covering is of sufficiently low permeability to water vapor and air so as to prevent the formation of rind and prevent the entrance of air during the curing and holding periods.

U.S. GRADES

§ 58.2477 Nomenclature of U.S. grades.

The nomenclature of U.S. grades is as follows: (a) U.S. Grade AA; (b) U.S. Grade A; (c) U.S. Grade B.

§ 58.2478 Basis for determination of U.S. grades.

The determination of U.S. grades of Colby cheese shall be on the basis of rating the following quality factors: (a) Flavor, (b) body and texture, (c) color, (d) finish and appearance. The rating of each quality factor shall be established on the basis of characteristics present in any vat of cheese. The cheese shall be graded no sooner than 10 days of age. The cheese shall be held at no lower than 35° F. during this period. The final U.S. grade shall be established on the basis of the lowest rating of any one of the quality factors.

§ 58.2479 Specifications for U.S. grades of Colby cheese.

The general requirements for the U.S. grades of Colby cheese are as follows:

(a) *U.S. Grade AA.* U.S. Grade AA Colby cheese shall conform to the following requirements.

(1) *Flavor.* Is fine and highly pleasing, free from undesirable flavors and odors. May be lacking in flavor development or may possess a characteristic Colby cheese flavor. May possess a very slight acid or feed flavor, but shall be free from any undesirable flavor and odors. See Table I.

(2) *Body and texture.* A plug drawn from the cheese shall be firm. It shall have numerous small mechanical openings evenly distributed throughout the plug. It shall be relatively free from blind areas. It shall not possess sweet holes, yeast holes, or other gas holes. The texture may be definitely curdy or may be partially broken down if more than 3 weeks old. See Table II.

(3) *Color.* Shall have a uniform, bright attractive appearance. May be colored or uncolored but the color shall be uniform. See Table III.

(4) *Finish and appearance.*—(i) *Bandaged and paraffin-dipped.* The rind shall be sound, firm, and smooth providing a good protection to the cheese. The bandage shall be evenly placed on the end and over the entire surface of the cheese, free from unnecessary overlapping and wrinkles, and not burst or torn. The cheese surface shall be smooth, bright, and have a good coating of paraffin or wax that adheres firmly to the entire surface of the cheese. The cheese shall be free from mold under the bandage and paraffin. The cheese shall be free from high edges, huffing, and lopsidedness, but may possess soiled surface to a very slight degree. See Table IV.

(ii) *Rindless.* The wrapper or covering shall be practically smooth and properly sealed with adequate overlapping at the seams or sealed by any other satisfactory type of closure. The wrapper or covering shall be neat, and adequately and securely envelop the cheese but may be slightly wrinkled. Allowance should be made for wrinkles caused by crimping or sealing when vacuum packaging is used. The cheese shall be free from mold under the wrapper or covering and shall not be huffed or lopsided. See Table IV.

(b) *U.S. Grade A.* U.S. Grade A Colby cheese shall conform to the following requirements:

(1) *Flavor.* Is pleasing and free from undesirable flavors and odors. May be lacking in flavor development or may possess slight characteristic Colby cheese flavor. May possess, a very slight bitter flavor; slight acid, or feed flavors but shall not possess undesirable flavors and odors. See Table I.

(2) *Body and texture.* A plug drawn from the cheese shall be reasonably firm. It shall have numerous mechanical openings but the openings shall not be large and connecting. It shall not possess more than two sweet holes per plug, and the plug shall be free from other gas holes. The body may be very slightly loosely knit and definitely curdy or partially broken down if more than 3 weeks old. See Table II.

(3) *Color.* Shall have a fairly uniform, bright attractive appearance. May be colored or uncolored but the color shall be uniform. Very slight waviness is permitted. See Table III.

(4) *Finish and appearance*—(i) *Bandaged and paraffin-dipped.* The rind shall be sound, firm, and smooth, providing a good protection to the cheese. The bandage may be slightly uneven, overlapped, or wrinkled but not burst or torn. The surface shall be practically smooth, bright, and have a good coating of paraffin or wax that adheres firmly to all surfaces of the cheese. The cheese shall be free from mold under the bandage. May possess the following characteristics to a very slight degree: Soiled surface and surface mold; and to a slight degree: rough surface, irregular bandaging, lopsided, and high edges. See Table IV.

(ii) *Rindless.* The wrapper or covering shall be practically smooth, properly sealed with adequate overlapping at the seams or sealed by any other satisfactory type of closure. The wrapper or covering shall be neat and shall adequately and securely envelop the cheese. It may be slightly wrinkled but shall be of such character as to fully protect the surface of the cheese and not detract from its initial quality. The cheese shall be free from mold under the wrapper or covering and shall not be huffed but may be slightly lopsided. See Table IV.

(c) *U.S. Grade B.* U.S. Grade B Colby cheese shall conform to the following requirements.

(1) *Flavor.* Should possess a fairly pleasing characteristic Colby cheese flavor, but may posses very slight onion and the following flavors to a slight degree: Flat, bitter, fruity, utensil, whey-taint, yeasty, malty, old milk, weedy, barny and lipase; and the following to a definite degree: Acid and feed flavor. See Table I.

(2) *Body and texture.* A plug drawn from the cheese may be loosely knit and open and may have numerous sweet holes, scattered yeast holes, and other scattered gas holes; and may possess various other body defects. Pinny gas holes are not permitted. A plug drawn from the cheese may possess the following characteristics to a slight degree: Coarse, short, mealy, weak, pasty, crumbly, gassy, slitty, corky, and loosely knit; the following to a definite degree: Curdy, and sweet holes. See Table II.

(3) *Color.* May possess the following characteristics to a slight degree: Wavy, mottled, salt spots, dull or faded. May be colored or uncolored, and color may be slightly unnatural. In addition, rindless Colby cheese may have a bleached surface to a slight degree. See Table III.

(4) *Finish and appearance*—(i) *Bandaged and paraffin-dipped.* The rind shall be reasonably sound, may be slightly weak, but free from soft spots, rind rot, cracks, and openings of any kind. The bandage may be uneven and wrinkled but not burst or torn. The surface may be rough and unattractive but shall possess a fairly good coating of paraffin or wax. The paraffin may be scaly or blistered, with very slight mold under the bandage or paraffin but there shall be no indication that mold has entered the cheese. May possess the following characteristics to a slight degree: Soiled surface, sruface mold, defective coating, checked rind, weak rind, and sour rind; and the following to a definite degree: Rough surface, irregular bandaging, lopsided, and high edges. See Table IV.

(ii) *Rindless.* The wrapper or covering shall be unbroken but may be definitely wrinkled. The wrapper or covering shall adequately and securely envelop the cheese. The following characteristics may be present to a very slight degree: Mold under the wrapper but not entering the cheese; to a slight degree: soiled surface, surface mold, lopsided; and the following to a definite degree: Rough surface and wrinkled wrapper or cover. See Table IV.

TABLE I.—CLASSIFICATION OF FLAVOR

Identification of flavor characteristics	AA	A	B
Feed	VS	S	D
Acid	VS	S	D
Flat			S
Bitter		VS	S
Fruity			S
Utensil			S
Whey-Taint			S
Yeasty			S
Malty			S
Old Milk			S
Weedy			S
Onion			VS
Barny			S
Lipase			S

VS—Very Slight. S—Slight. D—Definite. P—Pronounced.

TABLE II—CLASSIFICATION OF BODY AND TEXTURE

Identification of body and texture characteristics	AA	A	B
Curdy	D	D	D
Coarse			S
Sweet holes		S	D
Short			S
Mealy			S
Weak			S
Pasty			S
Crumbly			S
Gassy			S
Slitty			S
Corky			S
Loosely knit		VS	S

VS—Very Slight S—Slight D—Definite P—Pronounced

TABLE III—CLASSIFICATION OF COLOR

Identification of color characteristics	AA	A	B
Wavy		VS	S
Unnatural			S
Mottled			S
Salt spots			S
Dull or faded			S
Bleached surface (rindless)			S

VS—Very Slight S—Slight D—Definite P—Pronounced.

TABLE IV—CLASSIFICATION OF FINISH AND APPEARANCE

Identification of finish and appearance characteristics	AA	A	B
Soiled surface	VS	VS	S
Surface mold		VS	S
Mold under bandage and paraffin			VS
Mold under wrapper or covering (rindless)			VS
Rough surface		S	D
Irregular bandaging (uneven, wrinkled and overlapping)		S	D
Lopsided		S	D
Lopsided (rindless)		S	S
High edges		S	D
Defective coating (scaly, blistered, and checked)			S
Checked rind			S
Weak rind			S
Sour rind			S
Wrinkled wrapper or cover (rindless)	S	S	D

VS—Very Slight S—Slight D—Definite P—Pronounced

§ 58.2480 U.S. grade not assignable.

(a) Colby cheese which fails to meet the requirements for U.S. Grade B or higher shall not be given a U.S. grade.

(b) Colby cheese which does not comply with the provisions of the Federal Food, Drug, and Cosmetic Act shall not be assigned a U.S. grade.

(c) Colby cheese produced in a plant found on inspection to be using unsatisfactory manufacturing practices, equipment, or facilities, or to be operating under unsanitary plant conditions, shall not be assigned a U.S. grade.

EXPLANATION OF TERMS

§ 58.2481 Explanation of terms.

(a) *With respect to types of surface protection.*

(1) *Paraffin.* Refined paraffin, amorphous wax, microcrystalline wax or any combination of such or any other suitable substance.

(2) *Rindless.* Cheese which has not formed a rind due to the impervious type of wrapper, covering, or container, enclosing the cheese, or by any other means of handling.

(b) *With respect to flavor*—(1) *Very slight.* Detected only upon very critical examination.

(2) *Slight.* Detected only upon critical examination.

(3) *Definite.* Not intense but detectable.

(4) *Pronounced.* So intense as to be easily identified.

(5) *Lacking in flavor development.* No undesirable and very little, if any, Colby cheese flavor development.

(6) *Undesirable.* Those listed in excess of the intensity permitted or those not otherwise listed.

(7) *Feed.* Feed flavors (such as alfalfa, sweetclover, silage, or similar feed) in milk carried through into the cheese.

(8) *Acid.* Sharp and puckery to the taste, characteristic of lactic acid.

(9) *Flat.* Insipid, practically devoid of any characteristic Colby cheese flavor.

(10) *Bitter.* Distasteful, resembling taste of quinine.

(11) *Fruity.* A sweet fruit-like flavor resembling mature apples.

(12) *Utensil.* A flavor that is suggestive of improper or inadequate washing and sterilization of milking machines, utensils, or factory equipment.

(13) *Whey-taint.* A slightly acid flavor and odor, characteristic of fermented whey caused by too slow or incomplete expulsion of whey from the curd.

(14) *Yeasty.* A flavor indicating yeasty fermentation.

(15) *Malty.* A distinctive, harsh flavor suggestive of malt.

(16) *Old Milk.* Lacks freshness.

(17) *Weedy.* A flavor due to the use of milk which possesses a common weedy flavor.

(18) *Onion.* A flavor recognized by the peculiar taste and aroma suggestive of its name. Present in milk or cheese when the cows have eaten onions, garlic, or leeks.

(19) *Barny.* A flavor characteristic of the odor of a poorly ventilated cow barn.

(20) *Lipase.* A flavor suggestive of rancidity or the odor of butyric acid, sometimes associated with a bitterness.

(c) *With respect to body and texture.*—(1) *Very slight.* Detected only upon very critical examination and present only to a minute degree.

(2) *Slight.* Barely identifiable and present only to a small degree.

(3) *Definite.* Readily identifiable and present to a substantial degree.

(4) *Pronounced.* Markedly identifiable and present to a large degree.

(5) *Blind.* Lacking small mechanical openings characteristic of Colby cheese.

(6) *Firm.* Feels solid, not soft or weak.

(7) *Reasonably firm.* Somewhat less firm but not to the extent of being weak.

(8) *Curdy.* Firm when worked between the fingers, rubbery and not waxy.

(9) *Coarse.* Feels rough, dry and sandy.

(10) *Mechanical openings.* Mechanical openings that are irregular in shape and are caused by variations in make procedure and not gas fermentation.

(11) *Sweet holes.* Spherical gas holes, glossy in appearance; usually about the size of BB shots.

(12) *Short.* No elasticity to the plug and when rubbed between the thumb and fingers it tends toward mealiness.

(13) *Mealy.* Short body, does not mold well and looks and feels like corn meal when rubbed between the thumb and fingers.

(14) *Weak.* Requires little pressure to crush, is soft but is not necessarily sticky like a pasty cheese.

(15) *Pasty.* Weak body and when the cheese is rubbed between the thumb and fingers it becomes sticky and smeary.

(16) *Crumbly.* Loosely knit and tends to fall apart when rubbed between the thumb and fingers.

(17) *Gassy.* Gas holes of various sizes and may be scattered.

(18) *Slitty.* Narrow elongated slits generally associated with a cheese that is gassy or yeasty. Sometimes referred to as "fish-eyes."

(19) *Corky.* Hard, tough, over-firm cheese which does not readily break down when rubbed between the thumb and fingers.

(20) *Pinny.* Numerous very small gas holes.

(21) *Broken down.* Changed from a curdy or rubbery condition to a waxy condition or further to a mealy or pasty condition.

(d) *With respect to color.*—(1) *Very slight.* Detected only upon very critical examination and present only to a minute degree.

(2) *Slight.* Barely identifiable and present only to a small degree.

(3) *Definite.* Readily identifiable and present to a substantial degree.

(4) *Pronounced.* Markedly identifiable and present to a large degree.

(5) *Uncolored.* Absence of added coloring.

(6) *Wavy.* Unevenness of color which appears as layers or waves.

(7) *Unnatural.* Deep orange or reddish color.

(8) *Mottled.* Irregular shaped spots or blotches in which portions are light colored and others are of higher color. Also an unevenness of color due to combining the curd from two different vats, sometimes referred to as "mixed curd."

(9) *Salt spots.* Large light colored spots or areas.

(10) *Dull or faded.* A color condition lacking in lustre or translucency.

(11) *Bleached surface.* A faded color beginning at the surface and progressing inward.

(e) *With respect to finish and appearance.*—(1) *Very slight.* Detected only upon very critical examination and present only to a minute degree.

(2) *Slight.* Barely identifiable and present to a small degree.

(3) *Definite.* Readily identifiable and present to a substantial degree.

(4) *Pronounced.* Marked identifiable and present to a large degree.

(5) *Wax or paraffin that adheres firmly to the surface of the cheese.* Thin or thick coating with no indication of cracking, breaking, or loosening.

(6) *Rind.* Hard coating caused by the dehydration of the surface of the cheese.

(7) *Firm sound rind.* Possessing a

firmness and thickness (not easily dented or damaged) consistent with the size of the cheese and which is dry, smooth, and closely knit, sufficient to protect the interior quality from external defects; free from checks, cracks, breaks, or soft spots.

(8) *Burst or torn bandage.* A severance of the bandage usually occurring at the side seam, or the bandage is otherwise snagged or broken.

(9) *Wrapper or covering.* Transparent or opaque material (plastic film type or foil) next to the surface of the cheese, used as an enclosure or covering of the cheese.

(10) *Adequately and securely enveloped.* Wrapper or covering properly sealed, and entirely enclosing the cheese, with sufficient adherence to the surface to protect it from contamination and dehydration.

(11) *Smooth bright surface.* Clean, glossy surface.

(12) *Smooth surface.* Not rough or uneven.

(13) *Soiled surface.* Milkstone, rust spots, or other discoloration on the surface of the cheese.

(14) *Surface mold.* Mold on the paraffin or the exterior of the cheese.

(15) *Mold under bandage and paraffin.* Mold spots or areas that have formed under the paraffiin or mold that has penetrated from the surface and continued to develop.

(16) *Mold under wrapper or covering.* Mold spots or areas that have formed under the wrapper or on the cheese.

(17) *Rough surface.* Lacks smoothness.

(18) *Bandage evenly placed.* Overlapping the edges evenly more than 1 inch.

(19) *Irregular bandaging.* Bandage improperly placed in the hoop resulting in too much bandage on one end, and insufficient on the other, causing overlapping; wrinkled and loose fitting.

(20) *Lopsided.* One side of the cheese is higher than the other side.

(21) *High edge.* A rim or ridge on the follower side of the cheese, which is raised in varying degrees. In extreme cases it may bend over.

(22) *Defective coating.* Brittle coating of paraffin that breaks and peels off in the form of scales or flakes; flat or raised blisters or bubbles under the surface of the paraffin; checked paraffin, including cracks, breaks or hairline checks in the paraffin or coating of the cheese.

(23) *Checked rind.* Numerous small cracks or breaks in the rind, sometimes following the outline of curd particles, sometimes referred to as "curd openings."

(24) *Huffed.* Swollen because of gas fermentation. The cheese becomes rounded or oval in shape instead of being flat.

(25) *Weak rind.* Thin and possessing little or no resistance to pressure.

(26) *Sour rind.* A fermented rind condition, usually confined to the faces of the cheese.

Dated: September 6, 1972.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.72-15386 Filed 9-12-72;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES RESULTING FROM CONTACT WITH CONTAINERS OR EQUIPMENT AND FOOD ADDITIVES OTHERWISE AFFECTING FOOD

Proposal for Use of Colorants for Plastics; Correction and Extension of Time for Filing Comments

In the notice of proposed rule making, F.R. Doc. 72-8461 appearing at pages 11255-6 of the issue for Tuesday, June 6, 1972, a correction is made as follows: In the "Limitations" column for the colorant Phthalocyanine green (C.I. Pigment green 7, C.I. No. 74260), the level of extracted colorant should read "0.03 p.p.m." instead of "0.006 p.p.m." The proposed tolerance of 0.006 p.p.m. extracted colorant permitted for the item "Quinacridone red" remains unchanged.

The notice proposing the use of colorants for plastics, provided for filing of comments within 60 days after said publication date. The Commissioner of Food and Drugs has received a request for an extension of such time and, good reason therefor appearing, the time for filing comments on the subject proposal is hereby extended to November 13, 1972.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: September 11, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-15677 Filed 9-12-72;8:56 am]

DIQUAT

Proposed Interim Tolerance

The Pesticides Tolerances Division of the Environmental Protection Agency is evaluating data submitted in Pesticide Petition No. 1F1101, filed by the Chevron Chemical Co., 940 Hensley Street, Richmond, CA 94804, and other relevant material and has determined that an interim food additive tolerance of 0.01 part per million should be established for residues of the herbicide diquat in potable water resulting from use of its dibromide salt in the control of aquatic weeds in canals, lakes, ponds, and other potential sources of potable water. (For a related document, see the issue of the FEDERAL REGISTER, page 18565.)

NOTE: It has been concluded that interim tolerances should be established for petitions which are pending, provided there is a reasonable assurance that the public health will be protected. (See the FEDERAL REGISTER of May 6, 1972 (37 F.R. 9228).)

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348).

Based on consideration given the data submitted in the pesticide petition and other relevant material, it is concluded that the proposed interim tolerance will protect the public health.

Therefore, pursuant to provisions of the act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), it is proposed that Part 121 be amended by adding the following new section to Subpart D:

§ 121.1242 Diquat.

An interim tolerance of 0.01 part per million is established for residues of the herbicide diquat in potable water (calculated as the cation) resulting from the use of its dibromide salt to control aquatic weeds in canals, lakes, ponds, and other potential sources of potable water.

Interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal within 30 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, and may be accompanied by a memorandum or brief in support thereof.

Dated: September 1, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator
for Pesticides Programs.

[FR Doc.72-15455 Filed 9-12-72;8:45 am]

[21 CFR Part 130]

NEW DRUGS

Proposed Clarification of Exportation Provisions Regarding Investigational Drugs

The Federal Food, Drug, and Cosmetic Act provides that a new drug may be shipped in interstate commerce, if it is the subject of an approved new drug application, or is shipped in compliance with the regulations established for the shipment of drugs for investigational use. Interstate commerce, as clearly defined by the Act (sec. 201(b), 52 Stat.

1040; 21 U.S.C. 321(b)), includes exportation. The regulations under 21 CFR 130.3(a)(2) provide for an exception to exportation compliance to cover the shipping of investigational drugs under circumstances in which submission of the required "Notice of Claimed Investigational Exemption for a New Drug" is not feasible. Under this provision, the Commissioner may authorize the shipment of the drug if he receives, through the Department of State, a formal request to allow such shipment, from the government of the country to which the drug is proposed to be shipped.

It is apparent, based on inquiries received, that this provision in the regulation needs clarification. The provision applies only to the exportation of an unapproved new drug for use in a bonafide clinical investigation, and does not provide a means of exporting an unapproved new drug for commercial marketing or for routine medical practice.

Accordingly, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(b), 505, 507, 701(a); 52 Stat. 1040, 1052–1053, as amended, 1055; 21 U.S.C. 321(b), 355, 357, 371(a)) and under authority delegated to him (21 CFR 2.120) the Commissioner proposes to amend § 130.3 by revising the proviso at the end of subparagraph (2) to read as follows:

§ 130.3 **New drugs for investigational use in human beings; exemptions from section 505(a).**

(a) * * *

(2) * * * *Provided, however,* That where a new drug limited to investigational use is proposed for shipment to a foreign country for clinical investigation, and the circumstances are such that the submission of the "Notice of Claimed Investigational Exemption for a New Drug" (Form FD 1571) is not feasible, the Commissioner may authorize the shipment of the drug if he receives, through the Department of State, a formal request to allow such shipment, from the government of the country to which the drug is proposed to be shipped. This request must specify that said government has adequate information about the drug and the proposed investigational use, and is satisfied that the drug may legally be used by the intended consignee in that country. This provision is applicable only where the drug is to be used for purposes of clinical investigation and does not apply where it is intended for commercial marketing or use in routine medical practice.

* * * * *

Interested persons may, within 60 days after publication thereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: September 6, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–15567 Filed 9–12–72;8:54 am]

[21 CFR Part 132]

FOREIGN DRUG ESTABLISHMENTS

Registration Procedures; Extension of Time

A notice of proposed rule making published in the FEDERAL REGISTER of May 24, 1972 (37 F.R. 10510) regarding the proposed registration, under the provisions of section 501(i) of the Federal Food, Drug, and Cosmetic Act, of establishments engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or drugs within any foreign country provided for the filing of comments within 90 days after said date.

The Commissioner of Food and Drugs has been requested to extend the time for filing comments on the grounds that additional time is required for preparing adequate extensive response to the proposal. Accordingly, having found good reason for such extension the Commissioner hereby extends the time for comments on the subject proposal to November 1, 1972.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 506, 507, 510(i), 801(a), 52 Stat. 1052–1053 as amended, 1058 as amended, 55 Stat. 851, 59 Stat. 463 as amended, 76 Stat. 795; 21 U.S.C. 355, 356, 357, 369(i), 381) and under authority delegated to him (21 CFR 2.120).

Dated: September 5, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–15566 Filed 9–12–72;8:54 am]

[21 CFR Part 295]

CHILD PROTECTION PACKAGING STANDARDS

Certain Aspirin-Containing Preparations in Powder Form; Exemption

In the FEDERAL REGISTER of February 16, 1972 (37 F.R. 3427), regulations (21 CFR 295.2 and 295.3) were promulgated under the Poison Prevention Packaging Act of 1970 establishing child protection packaging standards for preparations containing aspirin, effective August 14, 1972.

In the document's preamble, the Commissioner of Food and Drugs announced that he would consider requests for exemptions from the packaging requirements and, if reasonable grounds were furnished, would publish proposed exemptions in the FEDERAL REGISTER.

Notice is given that the Commissioner has received requests from Block Drug Co., Inc., Jersey City, N.J., in conjunction with Stanback Co., Ltd., and from the Glenbrook Laboratories Division of Sterling Drug, Inc., New York, N.Y., to exempt from said standards, aspirin-containing preparations in powder form. Copies of these exemption petitions are available for inspection at the Office of the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852.

The exemption request by Block Drug Co. for BC Headache Powders, in conjunction with Stanback Co., Ltd., for Stanback Analgesic Powders, is based on the contention that powders do not lend themselves to accidental ingestion by children and that this is supported by existing human experience data as reported to the National Clearinghouse for Poison Control Centers. Both products are packaged with each dose of unflavored powder in an individually wrapped unit, and each unit contains 10 grains of aspirin.

In support of their contention, these two petitioners submitted the results of a study conducted for them by Foster D. Snell, Inc., Florham Park, N.J., involving over 200 children within the ages of 42 to 51 months, inclusive. The study reports in summary "that the children are able to open one or more packets but, after having done so, are unable to transport the powder to their mouths without considerable spilling from the folded glassine papers. Furthermore, they are unable to pick up the powder with their fingers because of its physical nature. Therefore, when directed to do so, the children taste the powder by inserting their fingers in it and licking their fingers, or by pouring it on a table and licking it directly. However, once having tasted the product, the majority (about 90 percent) refused to open more than one or two units, as a result of its unpleasant taste."

Specifically, this data shows that of 207 children tested, 9 children might have ingested in excess of 1 gram of the powder which is equivalent to approximately 0.6 gram of aspirin. In addition, the data on amount ingested was developed by subtracting the amount of powder remaining in the packet after the child had been given ample time to manipulate and taste it. Since some of the product might have been spilled, the actual amount ingested could have been smaller than indicated.

The petition submitted by Sterling Drug, Inc., was for Fizrin Instant Seltzer.

This product is an effervescent aspirin-containing analgesic and antacid in powder form. The unflavored powders are individually packaged in unit-dose foil packets, each individual packet containing 5 grains of aspirin. The product generates 200 milliliters of carbon dioxide per packet of powder.

In support of the exemption request, this petitioner sets forth the following justifications:

1. The powder form of the product "is not easily handled or consumed by a child. The product effervesces when brought into contact with moisture and thus when ingested produces a foaming action with a slight stinging sensation, which in itself would discourage further ingestion by a child."

2. "Available human experience discloses no incidents of accidental ingestion of Fizrin since its inception."

3. "The strength and tightness of the seal on the foil packets of the product also contribute to adequate grounds for granting an exemption."

In support of the contention that the powdered form is not easily handled or consumed by a child, the petitioner reports on testing conducted on this product by the Associated Testing Laboratories. The petitioner reports these tests reveal that "most openings of the packets were accomplished by means of a child's teeth and as a result the contents generally fell to the table surface. Further, most of the children demonstrated a desire to pick up the powder and play with it or blow it off the table onto the floor after the packet had been opened. Of those children who tasted the product most demonstrated a distaste for it whereas a few ingested some amount of the product."

Having considered the requests and grounds in support thereof and other relevant material, the Commissioner concludes that an exemption should be proposed, as set forth below, and that there is no need to limit such proposed exemption to preparations in effervescent form.

Therefore, pursuant to provisions of the act (secs. 2(4), 3, 5, 84 Stat. 1670–1672; 15 U.S.C. 1471(4), 1472, 1474) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that § 295.2(a) be amended by changing the period at the end of subparagraph (1) to a comma and by adding thereto the words "except the following:" and by adding to subparagraph (1) a new subdivision (ii), as follows:

§ 295.2 Substances requiring "special packaging."

(a) * * *

(1) * * *

(ii) Unflavored aspirin-containing preparations in powder form, other than those intended for pediatric use, that are packaged in unit doses providing not more than 10 grains of aspirin per unit dose and that contain no other substance subject to the provisions of this section.

* * * * *

Since these petitions were received prior to the effective date (August 14, 1972) of the aspirin order, the publication of this proposed amendment shall have the effect of suspending the effective date of the order establishing the standards for aspirin, only as it applies to aspirin-containing preparations in powder form as prescribed in this proposal, pending review of comments and promulgation of a final order in this matter. This proposal will in no way affect the effective date of the aspirin standards as they apply to other aspirin-containing preparations described therein.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: September 11, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–15676 Filed 9–12–72;8:56 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 11423]

NICKEL-CADMIUM BATTERIES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to all aircraft having a primary electrical system that includes a nickel-cadmium battery that is capable of being used to start the aircraft's engine or APU, except those aircraft that have the charging rate of such a battery controlled as a function of battery temperature, or that have a battery temperature sensing and overtemperature warning system with means and operating procedures for disconnecting the battery from its charging source in the event of overtemperature warning, and except Learjet Models 23, 24, and 25 airplanes.

In connection with reports of battery overheating that could result in fire on turbine engine powered aircraft equipped with nickel-cadmium batteries, the FAA issued AD 71–21–5, Amendment 39–1302 (36 F.R. 19075), as amended by Amendment 39–1333 (36 F.R. 21581). That AD applies to each turbine engine powered aircraft having a primary electrical system that includes a nickel-cadmium battery, containing any polystyrene cell cases, that is capable of being used to start the aircraft's engine or APU, except those aircraft that have the charging rate of such a battery automatically controlled as a function of battery temperature and except Learjet Models 23, 24, and 25 airplanes. The AD requires modifications to either replace all polystyrene cell case material; or to accomplish an FAA-approved installation of either a battery containing all nylon cell cases, a battery overtemperature warning system with provisions for disconnecting the battery from its charging source, or a system that automatically controls battery charging rate as a function of battery temperature. The compliance time for accomplishment of the required modification varies with the rated capacity of the battery. The AD requires aircraft with batteries rated at 50 amp-hours or more to be modified by December 31, 1972; and those with smaller batteries to be modified by April 15, 1972. Pending modification, repetitive visual inspections of the batteries for heat damage are required.

Based on further study of nickel-cadmium batteries in light of service experience since the issuance of Amendment 39–1333, the FAA has concluded that the problem is broader in scope than originally believed. The alternative means of compliance provided in AD 71–21–5 that permit replacement of polystyrene cell cases with nylon cell cases, either individually or by battery substitution, does not prevent battery overheating that can lead to fire. Moreover, it has been determined that battery failure modes are independent of aircraft type, that inflight battery failures generally go undetected until descent to final approach, that it is difficult to determine the condition of a battery during preflight or engine starting, and that undetected battery failures that can result in a fire may occur in reciprocating engine powered aircraft.

In view of the foregoing, the FAA has determined that all nickel-cadmium batteries that do not have either the battery charging current controlled as a function of battery temperature, or a suitable battery overtemperature sensing and warning system must be inspected periodically if they are used to start an engine or APU, until modified. However, the FAA recognizes that operators who may have complied with AD 71–21–5 through the replacement of polystyrene cell cases with nylon cell cases, and other operators who may be planning compliance by that method, may not be able to develop an alternative means of compliance prior to the December 31, 1972, deadline. Further, the FAA believes that the expansion of the requirement for battery modification through the inclusion of battery temperature-responsive systems to such operators as well as to the newly covered operators of both reciprocating engine powered aircraft and aircraft equipped with all nylon cell batteries not having such systems, requires further investigation with regard to acceptable systems and appropriate compliance times. Therefore, concurrent actions are being taken to supersede AD 71–21–5 with a new AD dealing with inspection and polystyrene replacement requirements and to issue a notice of proposed rule making dealing with subsequent modification requirements.

The proposed airworthiness directive would require modification of a subject aircraft by the installation of a system, with appropriate operating procedures

as necessary, that meets one of three alternative objectives. The objectives are, automatic control of battery charging rate as a function of battery temperature; warning of battery overtemperature, based on sensing of battery temperature, with means and procedures for disconnecting the battery from its charging source; and warning of battery failure with means and procedures for disconnecting the battery from its charging source.

In order for an installation to be considered as meeting the requirements of the AD, it would first have to be approved by an FAA Region. Compliance with the AD would be required within 2,500 hours' time in service after the effective date of the AD or before July 1, 1973, whichever occurred sooner, and would relieve the operator from further compliance with the repetitive inspection requirements of Amendment 39–1521, which is being issued concurrently with this notice and which supersedes Amendment 39–1302 (36 F.R. 19075), AD 71–21–5, as amended by Amendment 39–1333 (36 F.R. 21581).

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC–24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before October 30, 1972, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

NICKEL-CADMIUM BATTERY. Applies to all aircraft having a primary electrical system that includes a nickel-cadmium battery that is capable of being used to start the aircraft's engine or APU, except those aircraft that have the charging rate of such a battery automatically controlled as a function of battery temperature, or that have a battery temperature sensing and overtemperature warning system with means and operating procedures for disconnecting the battery from its charging source in the event of battery overtemperature warning, and except Learjet Models 23, 24, and 25 airplanes. Compliance is required as indicated.

To prevent a possible battery fire that may result from overheating caused by an undetected battery failure, accomplish the following:

(a) Within the next 2,500 hours' time in service after the effective date of this AD or before July 1, 1973, whichever occurs sooner, accomplish at least one of the following:

(1) Install a battery charging rate control system that automatically controls the battery charging rate as a function of battery temperature, that is approved by the Chief, Engineering and Manufacturing Branch of an FAA Region (or in the case of the Western Region, the Chief, Aircraft Engineering Division); or

(2) Install a battery temperature sensing and overtemperature warning system and provide a means and an operating procedure for disconnecting the battery from the charging source in the event of a battery overtemperature warning, that are approved by the Chief, Enginering and Manufacturing Branch of an FAA Region (or in the case of the Western Region, the Chief, Aircraft Engineering Division); or

(3) Install a battery failure sensing and warning system, and a means and an operating procedure for disconnecting batteries from the charging source in the event of a battery failure, that is approved by the Chief, Engineering and Manufacturing Branch of an FAA Region (or in the case of the Western Region, the Chief, Aircraft Engineering Division).

(b) The inspections required by paragraph (b) of Amendment 39–1521, (may be discontinued upon complying with the requirements of paragraph (a) of this airworthiness directive.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 31, 1972.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.72–15512 Filed 9–12–72;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 72–SW–61]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the San Antonio, Tex., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the San Antonio, Tex., transition area is amended to read:

SAN ANTONIO, TEX.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 29°22'30" N., longitude 97°47'00" W.; thence west via latitude 29°22'30" N. to and clockwise along the arc of a 23-mile radius circle centered at latitude 29°31'50" N., longitude 98°28'12" W., to latitude 29°13'15" N., longitude 98°20'00" W.; thence southeast to latitude 29°05'30" N., longitude 98°14'30" W.; thence southwest to latitude 29°01'40" N., longitude 98°21'40" W.; thence northwest to latitude 29°06'30" N., longitude 98°34'10" W.; thence north to the 23-mile radius circle at latitude 29°12'00" N., longitude 98°32'40" W.; thence clockwise along the arc of the 23-mile radius circle to latitude 29°38'00" N., longitude 98°50'15" W.; thence northwest to latitude 29°43'30" N., longitude 98°57'00" W.; thence northeast to latitude 29°53'00" N., longitude 98°50'30" W.; thence southeast to the 23-mile radius circle at latitude 29°47'30" N., longitude 98°42'40" W.; thence clockwise along the arc of the 23-mile radius circle to latitude 29°46'30" N., longitude 98°12'30" W.; thence to latitude 29°43'00" N., longitude 98°01'30" W.; thence to point of beginning and within 5 miles northeast and 8 miles southwest of the La Vernia VOR 149° radial extending from the VOR to 12 miles southeast.

The proposed alteration is considered necessary to provide protected airspace for existing instrument approach procedures and transition routes for the San Antonio International Airport in compliance with TERP's criteria.

This amendment is proposed under the authority of section 307(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 Fort Worth, Tex., on September 1, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72–15513 Filed 9–12–72;8:47 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Interim Tolerances

In the FEDERAL REGISTER of April 13, 1966 (31 F.R. 5723), the Secretaries of Agriculture and Health, Education, and Welfare issued a joint statement to the effect that all pesticides registered for

food or feed on a no-residue, or zero tolerance, basis must have negligible residue tolerances established by December 31, 1970, or registration would be canceled. Subsequently, it was agreed that, in general, registrations should be continued in those situations where petitions had been submitted prior to December 31, 1970, but that in no event would any such registration be continued without tolerance beyond December 31, 1971 (notice was published in the FEDERAL REGISTER of December 5, 1970 (35 F.R. 18550)). However, many of those petitions were submitted just prior to the deadline and due to amendments are still under review.

Accordingly, it has been concluded that interim tolerances should be established, provided there is reasonable assurance that the public health will be protected, for those pesticide chemicals for which petitions are pending. These tolerances are to provide a basis for extension of the registration only until the processing of the pending petitions is completed and action is taken thereon.

A list of proposed interim tolerances was published in the FEDERAL REGISTER of May 6, 1972 (37 F.R. 9228), and a correction published in the FEDERAL REGISTER of May 11, 1972 (37 F.R. 9496). No interim tolerances were proposed at that time for several pesticides now registered on a no-residue basis. For certain other pesticides, interim tolerances were proposed for some uses but not for others.

In some cases it was determined that the data in the petitions did not meet current criteria to completely resolve questions of safety of the residues in the foods from the long continued uses on which the proposed tolerances were based. In these cases additional required studies are being done to overcome such deficiencies and to adequately support the safety of the proposed tolerances.

Upon further evaluation of available data in certain of these petitions it is concluded that interim tolerances are appropriate and will protect the public health. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (b), (e), 68 Stat. 511, 514; 21 U.S.C. 346a(b)(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), it is proposed that the following pesticides be alphabetically inserted in § 180.319 which was proposed in the FEDERAL REGISTER of May 6, 1972 (37 F.R. 9228):

§ 180.319 Interim tolerances.

While petitions for tolerances for negligible residues are pending and until action is completed on these petitions, interim tolerances are established for residues of the listed pesticide chemicals in or on raw agricultural commodities as follows:

Substance	Use	Tolerance in parts per million	Raw agricultural commodity
Ammoniates of [ethylenebis(dithiocarbamato)] zinc and ethylenebis [dithiocarbamic acid] bimolecular and trimolecular cyclic anhydrosulfides and disulfides.	Fungicide	0.5 (Calculated as zinc ethylenebisdithiocarbamate).	Peanuts, sugar beets, sweet corn (kernals plus cob with husk removed).
Carbaryl (1-napthyl *N*-methylcarbamate).	Insecticide	0.5	Potatoes.
Chlordane	do	0.2	Parsnips.
		0.1	Asparagus, mustard greens, pumpkins, spinach, and Swiss chard.
		0.03	Bananas.
Coordination product of zinc ion and maneb.	Fungicide	1 (Calculated as zinc ethylenebisdithiocarbamate).	Potatoes (to be used only for seed).
Copper arsenate	Insecticide, fungicide.	0.5 (Calculated as As_2O_3.)	Pears.
2,4-D (2,4-dichlorophenoxyacetic acid).	Herbicide	300	Grasses (pasture and rangeland) and grass hay.
Heptachlor	Insecticide	0.1	Peppers.
		0.02	Tomatoes.
		0.01	Blackberries, blueberries, boysenberries, dewberries, and raspberries.
Methoxychlor (2,2-bis(*p*-methoxyphenyl)-1,1,1-trichloroethane).	do	0.05	Milk.
2-Methyl-4-chloro-phenoxyacetic acid.	Herbicide	300	Grasses (pasture and rangeland) and grass hay.
		75	Alfalfa and clover (fresh).
Pentachloronitrobenzene	Fungicide	1	Peanuts.
		0.1	Bananas, beans, broccoli, brussels sprouts, cabbage, califlower, garlic, peppers, potatoes, tomatoes.
Sodium arsenite	do	0.05 (Calculated as As_2O_3).	Grapes.
Steptomycin	do	0.25	Celery, peppers, potatoes, tomatoes.
Zineb (zinc ethylenebisdithiocarbamate).	do	0.5	Potatoes (to be used only for seed).

Because the data in petitions and otherwise available data are judged inadequate to rule out the likelihood of injury to consumers from residues from the proposed uses, it is concluded that interim tolerances to cover extended "no-residues" uses should not be established at this time for residues of dinitro-*ortho*-cresol, endrin, 6-methyl,2.3-equinoxalinedithiol cyclic *S*,*S*-dithiocarbonate, and 2,4,5-T, or for chlordane in or on barley, cottonseed, flax seed, oats, rice, rye, sorghum, soybeans, sugar beets, wheat, endothall in water, *O*,*O*-dimethyl *S*-[2-(ethylsulfinyl)ethyl]phosphorothioate in or on alfalfa and clover, heptachlor in or on citrus fruits and soybeans, and silvex in or on grasses (pasture and rangeland), grass hay, and in water. Interim tolerances cannot be established at this time for residues of dichlobenil in fish or diethyl dithiobis (thinoformate) in or on onions because the uses from which these residues result have not been certified as useful.

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, within 30 days after publication hereof in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Environmental Protection Agency, Room 3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: September 1, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-15456 Filed 9-12-72;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19330; FCC 72-775]

FM BROADCAST STATIONS, TABLE OF ASSIGNMENTS FOR CHICO, CALIF.

Report and Order Terminating Proceeding

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations. (Chico, Calif.), Docket No. 19330; RM-1621; FCC 72-775.

1. The Commission has before it a notice of proposed rule making,[1] adopted October 14, 1971, dealing with the possible assignment of Channel 258 to Chico, Calif. Comments and reply comments were filed by the proponent, Odyssey Radio, Inc., and by Richardson Broadcasting Co., licensee of Station KPAY (AM), and permittee of Station KPAY-FM, both in Chico. Briefly, Odyssey has argued that a third Class B assignment is needed to provide service to Chico and

[1] 36 F.R. 20534.

the surrounding area and in particular to serve the student bodies of several nearby colleges. Odyssey asserts that these matters are sufficient to overcome the reluctance to assign a third FM channel to a community of this size and contends that the assignment could be made without disruption of the FM table or serious preclusionary impact. Richardson, on the other hand, argues that the channel is not needed and that the preclusionary impact would be substantial indeed.

2. In the notice we indicated that Chico's population of 19,580 would not normally warrant three assignments. Nevertheless several matters raised in the petition seemed worthy of exploration to see if an exception might be warranted. First, Odyssey had referred to the significant size of the student enrollment at nearby colleges as a factor that it believed required recognition both in terms of the numbers of students as well as their need for an additional service directly attuned to their interests. Odyssey also asserted that Chico was the focal point for a growing valley area and thus would be the logical location for an additional service to an area it said was presently underserved. Comments on the needs for additional service were solicited as were showings on the preclusionary impact the proposed assignment would have on the proposed channel and on the six adjacent channels.

3. In response to the notice, Odyssey reiterated its view that Chico warranted a third assignment. As before, it emphasized Chico's position as the center of the Valley area and the importance of providing a station that would respond to the needs of the college population in the Chico vicinity. None of the existing broadcasting operations, it insisted, were meeting the needs of the student population and a third FM channel, it argued, could be utilized for this purpose without damage to existing broadcast operations. In terms of preclusionary impact, Odyssey asserted that substitute channels would be available for assignment in areas precluded by the proposed Chico assignment.

4. Richardson opposed the assignment contending that Chico was too small to warrant three assignments. It argued that the history of broadcast operations in the area demonstrated the lack of viability of independent FM stations such as Odyssey would establish. Richardson insisted that abundant services were available and contended that Odyssey erred in adding the student population figures to the Chico total to establish the population to be served. This, it stated, gave a false picture, for the Census Bureau population figures include students as part of the total for the area in which they reside while at school. Richardson also emphasized the considerable preclusionary effect it saw resulting from the proposal and likened this situation to one in which the Commission recently denied a proposal for a third channel in a community of virtually identical size.

5. After review of the showings made in this proceeding, we have concluded that this proposal should be denied. Our reasons for this decision are essentially two-fold. First, Chico (and the area which a station on the proposed channel would serve) already receives a significant number of aural services. Odyssey has failed to establish that another is needed now. While some more remote areas in the valley may be in need of additional service, this fact is of no assistance to Odyssey as they are beyond the coverage area of a Chico operation. In addition, the preclusionary impact would be considerable, and would occur on six of the seven channels involved. While substitute channels would be available for use in certain precluded communities, the fact remains that the net impact would still be considerable. In fact, favorable action on this proposal would inevitably restrict our ability to provide for additional service where they are far more needed. By way of contrast, Chico already benefits from service from two unlimited time AM stations and one (soon to be two) Class B FM services. Nearby Paradise has a daytime-only AM station and a vacant Class A FM channel and Oroville (also in the area) has an unlimited time AM station as well as an unoccupied Class A assignment. Thus, in terms of the community itself and the area a Class B station could serve, the picture is not one of inadequate service. Chico has on the order of 20,000 residents (including college students) and a community of this size is not normally assigned more than two FM channels. Although the percentage of the population represented by college students appears high, this in itself is not a sufficient basis for making the assignment, especially when the overall population figure falls far below the 50,000 normally required to justify a third FM assignment. Nor does any of the other information before us provide a valid basis for diverging from our usual practice. As matters now appear, adequate service is available or to the extent that inadequacies elsewhere in the valley do exist, this proposal would not bring any meaningful improvement. Since use of the channel as proposed could have a significant preclusionary effect in areas of greater need, any doubts about the proposal must be resolved in the negative. In sum, the cost of bringing a third FM service would be expected to far exceed its value, and the proposal will be denied.

6. *It is ordered*, That the subject proposal is denied and this proceeding is terminated.

Adopted: August 29, 1972.

Released: September 1, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc. 72-15550 Filed 9-12-72;8:55 am]

[2] Commissioner H. Rex Lee and Reid absent; Commissioner Hooks not participating.

[47 CFR Part 73]

[Docket No. 19331; FCC 72-774]

FM BROADCAST STATIONS, TABLE OF ASSIGNMENTS FOR JACKSONVILLE, N.C.

Report and Order Terminating Proceeding

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Jacksonville, N.C.), Docket No. 19331; FCC 72-774; RM-1698.

1. The Commission has before it the notice of proposed rule making[1] in this proceeding, adopted October 14, 1971. In response to the petition from Brown Broadcasting Co., Inc. (Brown), the Commission issued a notice in which it indicated its intention to explore the possibility of assigning Class C FM Channel 253 to supplement the two existing Class A FM assignments in Jacksonville, N.C. Filings in favor of the proposal have been made by Brown and against it by Onslow Broadcasting Corp. (Onslow), Marine Broadcasting Corp. (Marine), and the city of Belhaven, N.C., which expressed concern about the possible impact of the proposal on that community's opportunity to obtain its own FM assignment in the future. Marine and Onslow are licensees of AM and FM stations in Jacksonville and Brown is licensee of an AM station there and through this proceeding hopes to obtain an FM authorization as well.

2. In our notice we indicated that two points which were of particular concern would have to be resolved before favorable action could be taken on the proposal. Thus, we needed to know whether the assignment of a Class C channel would have a deleterious effect on the ability of the current Class A operations to survive and whether it would significantly preclude otherwise possible FM assignments. Although the population of Jacksonville was well below that normally required for the assignment of three FM channels, we noted the presence of nearby Camp Lejeune which we were advised had a population of 57,710. To explore the significance of the military base population, the need for service beyond the area which would be served by a Class A operation and the other previously mentioned matters, we decided to adopt the subject notice. Although the material filed by the contending parties is lengthy and involved, the basic issues are readily discernible and not unduly complex.

3. Before considering the original proposal, we turn to the counterproposal involving assignment of a Class A channel offered by Onslow and rejected by Brown. Although this plan would result in the creation of a new short-spacing for an existing station, it would also permit significant improvement in the quite severe existing short-spacings involved. None of the stations which would be affected by this approach have offered

[1] 36 F.R. 20535.

any comments on it. To Onslow, assigning a Class A channel would better comport with the needs of Jacksonville while avoiding the problems which would attend intermixture. Brown sees the plan as being disruptive and rejects the alleged dangers of intermixture as unfounded. Our difficulties with the counterproposal are not centered on the fact that it would create a new short-spacing, particularly since it would permit a notable net improvement in the current pattern of short-spacing. Thus, in other circumstances, such a plan might well be worthy of consideration. Here, however, the problem is with the assignment of the channel itself, not its secondary consequences. In large measure, the reasoning offered in support of an additional Jacksonville assignment is premised on the service which only a Class C operation would be able to provide. Without these advantages, the question is simply one of duplication—is another Class A channel needed. The answer to this question is no. Jacksonville has a population of only 16,021 and yet is served by two local FM stations and three local AM stations, one of them unlimited time. Although Jacksonville and the surrounding area appear to be growing, it does not appear that a third FM assignment would be required for quite some time according to our policy of not assigning three channels to communities under 50,000 population. Brown urges us to take into account the population residing on the nearby Camp Lejeune military reservation, and so we did in adopting the Notice, but our intent was not to treat the camp as part of Jacksonville, for it is not and we do not so regard it. It is a separate community, in fact a much larger one than Jacksonville. In addition, our understanding that the camp population was nearly 60,000 appears to have been incorrect. Rather, the population appears to be in the neighborhood of 35,000. While the size of the camp population is not without significance, it is both smaller than we thought and like other military reservations, fluctuates. Even assuming no reduction in the current figure and giving it appropriate weight, we do not believe that the need for a sixth aural service at Jacksonville has been demonstrated. Establishing the degree to which the Jacksonville stations are attentive to the needs of the camp population is not an allocations matter. Rather, the question is whether, taking into account the population of the base and considering other appropriate criteria, another assignment is warranted. Neither Jacksonville, nor any area which a Class A operation would serve could be considered as underserved. While the counterproposal avoids the question of intermixture, this is no reason to make an assignment for which there is no demonstrated need, and it will be denied.

4. The Class C approach, while offering several advantages, suffers from real disadvantages as well, some the unavoidable consequence of its advantages. The question is how the balance is to be drawn. Thus, the Class C approach would provide for much wider coverage, including an area said to lack any current FM service, and on the other side, is subject to possible infirmities on the grounds of intermixture and preclusionary effect. That a Class C operation would reach more listeners is beyond doubt, but the extent of the need for the service and consequences of steps necessary to provide it, are matters of great dispute. As we had occasion to observe in the notice, there would be no public interest benefit if the making of a Class C assignment were to cause the demise of the service provided by the existing Class A operations. The existing stations have argued that the market would not support a new Class C operation without destroying their chance for survival. They contend that they could not compete with a station able to serve so much larger an area and population, and they assert that their FM stations could not continue their essentially nonduplicated operations. Brown points to growth in the area and argues that there is more advertising potential that has yet to be tapped. Needless to say, the assignment of the channel would not foreclose the making of a Carroll showing in connection with any application that was filed, and we did not have in mind precisely that sort of inquiry. In theory, an additional assignment of the same class could have Carroll implications. The question of intermixture and its possibly disruptive effects is a different matter, one which must be resolved before favorable action could be taken. We do not find in Brown's showing a basis for resolving our concern. Previously, notwithstanding our policy against intermixing classes of channels, we have added one or more A channels to communities that previously had only Class B or Class C assignments, but such a step has none of the potential for harm to existing service that arises here. There, the worst that could happen from the inequality is that the Class A operation would falter in competition, but in reliance on the petitioner's assurances and in order to provide the additional service thought to be needed, we have made such assignments. Whether the choice is a wise one or not, the fact is, that the risk is not one taken by the public. Here, quite the reverse is true. Only under extraordinary conditions could adding a Class C channel be justified. While we were willing to explore the matter, we indicated that a showing would have to be made to resolve our concern. Brown's showing does not so much address intermixture as it does the economics of a third assignment as such. Special problems are raised by intermixture and Brown has not resolved them or shown that compelling reasons justify the assignment in spite of the problems and risks involved.

5. Brown rests part of its argument in favor of making a Class C assignment on the absence of any FM service in part of the area a Class C station would reach. However, in order to rely on such an absence of service, certain documentation is required. Thus, a proponent is obliged to examine unoccupied channels in the table and presume their being operated with reasonable facilities and to consider pertinent AM services—all this in addition to considering the signals of operating FM stations in the area. Brown's showing does not meet this test, and beyond doubt there is no area unserved during daytime hours and the same appears to be true at night. Brown was obliged to show a lack of service before it could rely on the assertion. Having failed to do so, the population beyond the reach of a Class A station but within that of a Class C must be examined strictly in terms of its size and presumed need for additional service, without special weight being attached to the providing of a first service. While, as might be expected, a Class C operation would serve a larger number of people than a Class A, the population appears to have adequate service already. The area reachable by a Class C and not a Class A operation is some distance from Jacksonville and the very fact that the total population is greater is cause for more concern in terms of intermixture. Thus, there is little to be gained and much possibly to be lost by making the assignment, even without considering its preclusionary impact. That impact, considerable as it is, necessitates denial of the proposal even were we to be otherwise favorably disposed toward it. Assignment of the channel—clearly a matter of marginal utility at best—would lead to significant areas of preclusion. Even if other channels could be substituted for the ones precluded, our flexibility in responding to the need for additional service at various locations in the general area would be restricted. In sum, we are unable to conclude that Jacksonville requires a third FM channel, particularly a Class C channel. Although we are denying the proposal, the possibility that a third FM service might be needed some time in the future cannot be discounted. However, absent considerable population growth and a showing markedly more persuasive than the one now before us, we would not be disposed to consider making a Class C assignment at any time in the future.

6. Therefore, *it is ordered*, That the subject proposal to assign Channel 253 to Jacksonville, N.C. and the counterproposal to assign Channel 280A to Jacksonville are denied.

7. *It is further ordered*, That this proceeding is terminated.

Adopted: August 29, 1972.

Released: September 6, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72-15551 Filed 9-12-72;8:55 am]

[2] Commissioners H. Rex Lee and Reid absent; Commissioner Hooks not participating.

[47 CFR Part 73]

[Docket No. 19584; FCC 72-779]

FM BROADCAST STATIONS, TABLE OF ASSIGNMENTS FOR PITTSFIELD, MASS.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Pittsfield, Mass), Docket No. 19584, FCC 72-779; RM-1887.

1. The Commission has before it for consideration the above-captioned petition for rule making filed on December 7, 1971, by Radio Pittsfield, Inc., licensee of standard broadcast Station WGRG, Pittsfield, Mass., which requests the amendment of § 73.202(b) of the Commission's rules and regulations by adding Channel 204A to Pittsfield, Mass.

2. Pittsfield is a city of 57,020 persons and the seat of Berkshire County, population 149,402.[1] It presently has two unlimited time AM stations, one daytime-only station (licensed to petitioner), and two FM Channels, 269A and 288A. The FM channels are occupied by stations operated as FM adjuncts to the two unlimited time AM stations. Petitioner seeks the assignment of an additional Class A channel so that it too may have nighttime coverage not now provided by its daytime-only AM station.

3. Petitioner shows that there is a very narrow strip extending from Pittsfield to Dalton approximately 8 square miles in area where Channel 240A can be assigned. City grade coverage could be provided to Pittsfield from any site selected within this limited assignment area. Preclusion studies submitted by petitioner indicate that the assignment of Channel 240A to Pittsfield would not foreclose future assignments on the six pertinent adjacent channels involved herein because the existing stations now prevent their assignment. In the cochannel assignment area, Dalton (population 7,505) is the only other community where Channel 240A could be assigned.

4. The petition points out that Pittsfield is the center of the manufacturing industry which is the heart of the Berkshire County economy. It also includes data which show the Pittsfield urbanized area and the Pittsfield standard metropolitan statistical area having 1970 populations of 62,872 and 79,727 respectively, representing increases of 1 percent and 3.7 percent over comparable figures for 1960. According to its population, Pittsfield would qualify for another commercial FM channel.

5. Considering the size of Pittsfield and the rate of its past growth, we are of the opinion that institution of rule making looking toward the possible assignment of a third FM channel there is warranted. We are therefore inviting interested parties to file comments on the following proposal:

City	Channel No.	
	Present	Proposed
Pittsfield, Mass	269A, 288A	240A, 269A, 288A

6. *Showings required.* Comments are invited as to the proposal discussed above. The proponent will be expected to answer whatever questions may be raised. Proponent is expected to file comments, even if nothing more than resubmit or refer to the petition. The petitioner, among other things, is expected to state its intention to apply for the channel, if assigned, and if authorized, to promptly build its station. Failure to make these showings may result in denial of the petition.

7. *Cutoff procedure.* As in other recent FM rule making proceedings, the following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments.

(b) With respect to petitions for rule making which conflict with any of the proposals in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

8. Authority for the action proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set out in section 1.415 of the Commission's Rules and Regulations, interested parties may file comments on or before October 17, 1972, and reply comments on or before October 26, 1972. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

10. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, pleadings, briefs, or other documents shall be furnished the Commission.

11. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, DC.

Adopted: August 29, 1972.

Released: September 1, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-15552 Filed 9-12-72;8:55 am]

[1] Population figures cited are from the 1970 U.S. Census.

[2] Commissioners H. Rex Lee and Reid absent; Commissioner Hooks not participating.

[47 CFR Parts 74, 78]

[Docket No. 19582; FCC 72-778]

HEIGHT OR DIRECTION OF ANTENNAE

Applications for Changes

In the matter of amendment of Parts 74 and 78 of the Commission's rules and regulations as concerns applications for changes in height or direction of an antenna, and other respects.

1. Notice is hereby given of proposed rule making to amend §§ 74.451, 74.551(a), 74.651(a), 74.751(b), 74.851(a), 74.951(a), and 78.109(a) of the Commission's rules and regulations, pertaining to various auxiliary broadcast and related services, specifically as to the requirements for filing applications for changes in facilities where possible airspace problems are presented.

2. For the most part, application for change of antenna height for the various services covered by Part 74 and § 78.109 of the Commission's rules and regulations should be coextensive with the requirements of Part 17 unless other requirements are deemed necessary. The proposed amendments include changes to achieve this. Included are changes in the provisions concerning the application-filing requirement where a horizontal change in antenna location is involved also designed to bring these provisions into accord with Part 17. Other editorial changes are also proposed.

3. Authority for the adoption of the proposed changes is contained in sections 4(i) and (j) and 303(r) of the Communications Act of 1934, as amended.

4. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before October 17, 1972, and reply comments on or before October 26, 1972. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it.

5. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. These documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street NW., Washington, DC.

Adopted: August 29, 1972.

Released: September 6, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[1] Commissioners H. Rex Lee and Reid absent; Commissioner Hooks not participating.

1. Section 74.451 is amended to read as follows:

§ 74.451 Equipment changes.

(a) Prior Commission approval is required for any change in the authorized height of the antenna system, except where the change would not result in an overall antenna structure height greater than 20 feet above ground level (for ground supported structures), or greater than 20 feet above a manmade structure (other than an antenna structure).

(b) The licensee of a remote pickup broadcast station may make any other changes in the equipment that are deemed desirable or necessary provided:

(1) That the operating frequency is not permitted to deviate more than the allowed tolerance;

(2) That the emissions are not permitted outside the authorized band;

(3) That the power output complies with the license and the regulations governing the same; and

(4) That the transmitter as a whole or output power rating of the transmitter is not changed.

(c) Other equipment changes not specifically referred to in this section may be made at the discretion of the licensee: *Provided,* That the Engineer in Charge of the radio district in which the station is located and the Commission in Washington, D.C., are promptly notified in writing upon the completion of such changes, and further that the changes are set forth in the next application for renewal of license.

NOTE: Paragraph (a) conforms this section to § 17.14(b) of this chapter.

2. In Section 74.551(a), subparagraph (4) is amended to read as follows:

§ 74.551 Equipment changes.

(a) * * *

(4) Any change in the overall height of the antenna structure, except where notice to the Federal Aviation Administration is specifically not required under § 17.14(b) of this chapter.

* * * * *

3. In Section 74.651(a), subparagraph (4) is amended and subparagraph (5) is added to read as follows:

§ 74.651 Equipment changes.

(a) * * *

(4) Any change in the overall height of the antenna structure, except where notice to the Federal Aviation Administration is specifically not required under § 17.14(b) of this chapter.

(5) Any change in the direction of the main radiation lobe of the transmitting antenna.

* * * * *

4. In Section 74.751(b), subparagraphs (3) and (5) are amended to read as follows:

§ 74.751 Equipment changes.

* * * * *

(b) * * *

(3) Any change in the overall height of the antenna structure, except where notice to the Federal Aviation Administration is specifically not required under § 17.14(b) of this chapter.

* * * * *

(5) Any horizontal change in the location of the antenna structure which would (i) be in excess of 500 feet, or (ii) require notice to the Federal Aviation Administration pursuant to § 17.7 of this chapter.

* * * * *

5. In Section 74.851(a), subparagraphs (3), (5), (6), and (7) are amended and (8) is added to read as follows:

§ 74.851 Equipment changes.

(a) * * *

(3) Any change in the overall height of the antenna structure, except where notice to the Federal Aviation Administration is specifically not required under § 17.14(b) of this chapter.

* * * * *

(5) Any change in the location of the transmitter except a move within the same building upon the same tower or pole.

(6) Any horizontal change in the location of the antenna structure which would (i) be in excess of 500 feet, or (ii) require notice to the Federal Aviation Administration pursuant to § 17.7 of this chapter.

(7) A change of frequency assignment.

(8) A change of authorized operating power.

* * * * *

6. In Section 74.951(a), subparagraphs (3), (4), (5), (6), and (7) are amended and (8) is added to read as follows:

§ 74.951 Equipment changes.

(a) * * *

(3) Any change in the overall height of the antenna structure, except where notice to the Federal Aviation Administration is specifically not required under § 17.14(b) of this chapter.

(4) Any horizonal change in the location of the antenna structure which would (i) be in excess of 500 feet, or (ii) require notice to the Federal Aviation Administration pursuant to § 17.7 of this chapter.

(5) Any change in the transmitter control system.

(6) Any change in the location of the transmitter except a move within the same building upon the same tower or pole.

(7) A change of frequency assignment.

(8) A change of authorized operating power.

* * * * *

7. In Section 78.109(a), subparagraphs (3), (4), (5), (6), and (7) are amended and subparagraph (8) is added to read as follows:

§ 78.109 Equipment changes.

(a) * * *

(3) Any change in the overall height of the antenna system except where notice to the Federal Aviation Administration is specifically not required under § 17.14(b) of this chapter.

(4) Any horizontal change in the location of the antenna (other than a CAR pickup station transmitter).

(5) Any change in the transmitter control system.

(6) Any change in the location of a station transmitter (other than a CAR pickup station transmitter), except a move within the same building or upon the tower or mast or a change in the area of operation of a CAR pickup station.

(7) Any change in frequency assignment.

(8) Any change in authorized operating power.

* * * * *

[FR Doc.72-15553 Filed 9-12-72;8:55 am]

[47 CFR Part 89]

[Docket No. 19576; FCC 72-756]

PUBLIC SAFETY RADIO SERVICES

Nonprofit Health Clinics; Operation of Land Mobile Equipment

In the matter of amendment of Subpart P, Part 89 of the Commission's rules. Docket No. 19576; RM-2017; FCC 72-756.

1. Beaufort - Jasper Comprehensive Health Service, Inc. (Beaufort-Jasper) of South Carolina has filed a petition requesting amendment of the rules to permit nonprofit health clinics to operate land mobile radio equipment in the Special Emergency Radio Service. Beaufort-Jasper is a nonprofit, federally funded (by the Office of Economic Opportunity, OEO) organization which provides health care services for those persons in Beaufort and Jasper Counties, S.C., whose income is below the poverty level as defined by the OEO. Five satellite health care clinics are located within the two counties with the administrative functions located in Beaufort, S.C. Each of the satellite centers is staffed by a doctor, a licensed practical nurse, clinical assistant and two Public Health registered nurses. In addition, 15 land vehicles and one boat are operated for patient transportation to and from the health clinics and when necessary, to and from hospitals participating in the program.

2. Fifty to sixty on-going programs are distributed evenly throughout the United States. For example, there are current programs in Lowndes County, Ala.; New Canton, Va.; and Bolivar County, Miss., to name just a few. As described by the Office of Economic Opportunity:

Comprehensive Health Services Programs are research and demonstration health services delivery programs with a variety of unique characteristics. These significant new and innovative health programs focus upon, but are not limited to, serving the needs of

the poor * * * Programs generally provide diagnostic, curative, and preventive medical and dental care, and supportive services such as laboratory, X-ray, pharmacy, social/mental health services and health education in the consumers' home, work, and community environments.

3. Beaufort-Jasper requests the necessary rule modifications to permit comprehensive health services organizations to operate radio equipment in the Special Emergency Radio Service furnishing the following communication links:

a. Central facility to satellite facilities;

b. Central and/or satellite facility to area hospitals;

c. Central and/or satellite facility to mobile units.

Radio is necessary for the fixed, point-to-point communication links petitioner states, because telephone lines are either unavailable or are available, expensive, and unreliable during time of emergency. As an example, one of the satellite centers is located on Daufuskie Island, S.C., which has no telephone service. Further, Daufuskie Island was isolated and telephone lines in other areas destroyed this year by Hurricane Agnes.

4. Petitioners argue that eligibility provisions contained in the Special Emergency Radio Service:

Do not permit Comprehensive Health Services to establish eligibility for authorization. It is our opinion that the reason for this exclusion was simple: Comprehensive Health Services are only recently emerging as a factor in serving the medical needs of our citizens.

5. Accordingly, we propose to modify the Special Emergency Radio Service eligibility requirements and to modify the appropriate rule sections to permit the desired communication links sought by petitioner. The language proposed by petitioner reads as set forth below.

6. It should be noted that petitioner and like organizations meet eligibility requirements of either the Business Radio Service (as "philanthropic institutions" and to some extent as "hospitals" and "clinics") or the eligibility requirements necessary to obtain a Class A Citizens Radio Service authorization. The desired communciation links sought by Beaufort-Jasper could be established under the provisions governing either of these services. Communication between the central and/or satellite facility and local area hospitals could be accomplished through an exchange of radio receivers. In view of the larger number of frequencies available in the Business Radio Service and Beaufort-Jasper's rural area location, a better grade of service could probably be achieved utilizing Business frequencies. Additionally, the larger number of Business frequencies offers greater accommodation potential than would the Special Emergency Radio Service. Comments on these possible alternatives are invited.

7. Authority for the proposed amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before October 17, 1972, and reply comments on or before October 26, 1972. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments by this notice.

8. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: August 29, 1972.

Released: September 6, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

Proposed amendments to Part 89 of the Commission's rules are as follows:

1. A new rule § 89.520 is added to read as follows:

§ 89.520 Comprehensive health services.

(a) *Eligibility.* Health Care organizations established in rural and/or isolated areas which show all of the following features:

(1) A central clinical facility with at least one satellite health station or primary care outpost.

(2) A radio communications plan for disaster relief.

(3) Regular or contractual arrangements with emergency and specialty hospitals in the area for admission of patients and access by clinical staff.

(b) *Eligibility showing.* The initial application from a Comprehensive Health Service shall be accompanied by a copy of its disaster relief plan, *and* a letter of concurrence and cooperation from those hospitals with which regular or contractual arrangements exist. The applicant shall also provide a full explanation of the communication facilities desired.

(c) *Class and number of stations available.* Comprehensive Health Services may be authorized to operate an unlimited number of base and fixed stations, and a number of mobile units, excluding mobile units of the hand or pack carried type, not in excess of vehicles actually engaged in Health Care operations.

(d) *Permissible communications.* Except for test transmissions as permitted by section 89.151(e), stations licensed to Comprehensive Health Services may be used only for the transmission of messages necessary for the rendition of an efficient Comprehensive Health Service.

2. In § 89.525(f), subparagraph (17) is amended to read as follows:

§ 89.525 Frequencies available to the Special Emergency Radio Service.

* * * * *

(f) * * *

(17) Available for assignment only to hospitals eligible under 89.503 and to those ambulances and Comprehensive Health Services which submit a showing that they render coordination and cooperation with a hospital authorized on this frequency.

* * * * *

[FR Doc.72-15554 Filed 9-12-72;8:55 am]

[1] Commissioners H. Rex Lee and Reid absent; Commissioner Hooks not participating.

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 541, 545]

[No. 72-1047]

FEDERAL SAVINGS AND LOAN SYSTEM

Variable Interest Rate Mortgage Loans; Extension of Time

SEPTEMBER 8, 1972.

By Resolution No. 72-893, dated July 28, 1972, the Federal Home Loan Bank Board proposed to amend Parts 541 and 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Parts 541, 545) for the purpose of authorizing Federal savings and loan associations to make installment loans with variable interest rate provisions in their loan contracts. Notice of such proposed rule making was published in the FEDERAL REGISTER on August 11, 1972 (37 F.R. 16201), and interested persons were invited to submit written data, views, and arguments to the Board by September 11, 1972.

The Board has received a request to extend the comment period on this proposal in order to provide an opportunity to study this matter in depth prior to submission of comments. In view of the complexity and the controversial nature of the proposal, the Federal Home Loan Bank Board has decided to extend the time for submission of comments on such proposal until October 16, 1972.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR., *Assistant Secretary.*

[FR Doc.72-15620 Filed 9-12-72;8:55 am]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[T.D. Order No. 190 (Revision 8)]

DEPUTY SECRETARY OF THE TREASURY ET AL.

Supervision of Bureaus, Delegation of Authority, and Order of Succession in the Treasury Department

1. The following officials shall be under the direct supervision of the Secretary:

The Deputy Secretary.
The Under Secretary for Monetary Affairs.
The Under Secretary.
The Executive Assistant to the Secretary:
  Deputy Assistant and Director, Executive Secretariat.

2. The following officials shall be under the supervision of the Secretary, shall report to him through the Deputy Secretary, and shall exercise supervision over those organizational units indicated thereunder:

General Counsel:
  Legal Division.
  Office of Director of Practice.
  Office of Equal Opportunity Program.
Deputy Under Secretary (Congressional Relations).
Special Assistant to the Secretary (National Security Affairs):
  Office of Foreign Assets Control.
Special Assistant to the Secretary (Public Affairs).

3. The following officials shall be under the direct supervision of the Deputy Secretary and shall exercise supervision over those offices, bureaus, and other organizational units indicated thereunder:

Assistants to the Deputy Secretary.
Assistant Secretary (Tax Policy):
  Office of Tax Analysis.
  Office of Tax Legislative Counsel.
  Office of International Tax Counsel.
Assistant Secretary (Enforcement, Tariff and Trade Affairs, and Operations):
  Office of Law Enforcement.
  Office of Operations.
  Office of Tariff and Trade Affairs.
  Bureau of Alcohol, Tobacco and Firearms.
  Bureau of Customs.
  Bureau of Engraving and Printing.
  Bureau of the Mint.
  Consolidated Federal Law Enforcement Training Center.
  U.S. Secret Service.
Assistant Secretary for Administration:
  Office of Administrative Programs.
  Office of Audit.
  Office of Budget and Finance.
  Office of Central Services.
  Office of Management and Organization.
  Office of Personnel.
Commissioner of Internal Revenue.
Comptroller of the Currency.

4. The following officials will be under the direct supervision of the Under Secretary for Monetary Affairs and shall exercise supervision over those offices, bureaus, and other organizational units indicated thereunder:

Deputy Under Secretary for Monetary Affairs.
Special Assistant to the Secretary (Debt Management):
  Office of Debt Analysis.
Assistant Secretary (International Affairs):
  Deputy Assistant Secretary for Industrial Nations Finance.
  Deputy Assistant Secretary for Development Finance.
  Deputy Assistant Secretary for Trade and Investment Policy.
  Deputy Assistant Secretary for Research.
Assistant Secretary (Economic Policy):
  Office of Domestic Gold and Silver Operations.
  Office of Financial Analysis.
Fiscal Assistant Secretary:
  Bureau of Accounts.
  Bureau of the Public Debt.
  Office of the Treasurer of the United States.
U.S. Savings Bonds Division.

5. The Deputy Secretary, the Under Secretary for Monetary Affairs, the Under Secretary, the General Counsel, the Deputy Under Secretaries, and the Assistant Secretaries are authorized to perform any functions the Secretary is authorized to perform. Each of these officials shall perform functions under this authority in his own capacity and under his own title, and shall be responsible for referring to the Secretary any matter on which actions should appropriately be taken by the Secretary. Each of these officials will ordinarily perform under this authority only functions which arise out of, relate to, or concern the activities or functions of or the laws administered by or relating to the bureaus, offices, or other organizational units over which he has supervision. Any action heretofore taken by any of these officials in his own capacity and under his own title is hereby affirmed and ratified as the action of the Secretary.

6. The following officers shall, in the order of succession indicated, act as Secretary of the Treasury in case of the death, resignation, absence, or sickness of the Secretary and other officers succeeding him, until a successor is appointed or until the absence or sickness shall cease:

A. Deputy Secretary.
B. Under Secretary for Monetary Affairs.
C. Under Secretary.
D. General Counsel.
E. Commissioner of Internal Revenue.
F. Deputy Under Secretaries, appointed by the President with Senate confirmation, in the order in which they took the oath of office as Deputy Under Secretary.
G. Assistant Secretaries, appointed by the President with Senate confirmation, in the order in which they took the oath of office as Assistant Secretary.
H. Other Executive Pay Act Officials in the Office of the Secretary, first in the order of Executive Pay Act levels, then in the order in which they took the oath of office in their present positions.
I. Executive Pay Act Officials in Treasury Bureaus, first in the order of Executive Pay Act levels, then in the order in which they took the oath of office in their present positions.

7. Treasury Department Order 190 (Revision 7) and Treasury Department Order 183 (Revision 5) are rescinded, effective this date.

Dated: September 1, 1972.

GEORGE P. SHULTZ,
Secretary of the Treasury.

[FR Doc.72-15547 Filed 9-12-72;8:49 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 10956; Survey Group 51]

LOUISIANA

Notice of Filing of Plat of Survey

1. The plat of dependent resurvey and survey of a portion of Shaw Island, accepted June 28, 1972, will be officially filed in the Eastern States Land Office, Silver Spring, Md., effective at 10 a.m. on October 11, 1972.

2. In terms of this plat, the land is described as follows:

LOUISIANA MERIDIAN

T. 12 S., R. 10 E.,
Tract No. 37.

The tract described contains 46.51 acres.

3. The survey was made as an administrative measure pursuant to an application, ES 0901, filed by the State of Louisiana, to select this land under the provisions of the Swampland Grant Acts of March 2, 1849 (9 Stat. 352) and September 28, 1850 (9 Stat. 519).

4. The formation of that portion of Shaw Island included within this survey is in all regards similar to that portion of the island located within T. 12 S., R. 9 E. It is of rich sandy loam formation, with an elevation from zero (0) to two (2) feet above the mean level of Grand Lake. Timber consists of bald cypress up to three feet in diameter; tupelo, black gum, water oak, willow oak, ash, hickory, alder, and willow. Undergrowth consists of young trees, brush, white spider lilies, arrowhead (vine), bulls tongue, pickerelweed, and water hyacinths along the shoreline and water holes.

5. Since the character of that portion of Shaw Island encompassed within this survey is similar in all respects to the portion of the island within T. 12 S., R. 9 E., this is considered evidence which attests to its existence on April 30, 1812, when Louisiana was admitted into the Union and at all times since.

6. There is no evidence of improvements, present use, and/or occupancy of the area included in this survey.

7. The area designated as Tract No. 37 is more than 50 percent swamp in character within the interpretation of the Swampland Acts of 1849 and 1850.

8. All inquiries relating to this land should be sent to the Manager, Eastern States Land Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, MD 20910.

DORIS A. KOIVULA,
Manager.

SEPTEMBER 6, 1972.

[FR Doc.72-15522 Filed 9-12-72;8:47 am]

[Montana 17848]

MONTANA

Designation of Square Butte Natural Area

AUGUST 17, 1972.

Pursuant to the authority in 43 CFR, Subpart 2070, and the authorization from the Director dated July 27, 1972, I hereby designate the following described public lands as the Square Butte Natural Area:

PRINCIPAL MERIDIAN, MONT.

T. 20 N., R. 12 E.,
Sec. 19, SE¼NE¼, SE¼SW¼, and E½SE¼;
Sec. 20, W½NE¼, S½NW¼, and S½;
Sec. 21, SW¼;
Sec. 28, lots 3 and 4, SW¼NW¼, and NW¼SW¼;
Sec. 29, lots 1 and 2, N½, and N½S½; and
Sec. 30, Lots 1, 3, 4, 5, 6, and 7, S½NE¼, SE¼NW¼, NE¼SW¼, and N½SE¼.

The area described above aggregates 1,946.53 acres of public domain lands in Chouteau County.

The Square Butte Natural Area conforms with the criteria adopted by the Bureau of Outdoor Recreation for Recreation Lands—Class IV—Outstanding Natural Areas.

EDWIN ZAIDLICZ,
State Director.

[FR Doc.72-15523 Filed 9-12-72;8:47 am]

[Montana 12770]

MONTANA

Designation of Humbug Spires Primitive Area

AUGUST 17, 1972.

Pursuant to the authority in 43 CFR, Subpart 2070, and the authorization from the Director dated July 27, 1972, I hereby designate the public lands in the following described area as the Humbug Spires Primitive Area:

PRINCIPAL MERIDIAN, MONT.

T. 1 N., R. 8 W.,
Sec. 31, lots 3 and 4, E½SW¼ and S½SE¼.
T. 1 S., R. 8 W.,
Secs. 5 to 7, inclusive;
Sec. 8, N½, SW¼, and W½SE¼;
Sec. 17, W½NE¼, NW¼, N½NE¼SW¼, and NW¼SW¼;
Sec. 18, all; and
Sec. 19, lot 1 and NE¼NW¼.
T. 1 S., R. 9 W.,
Sec. 1, all;
Sec. 2, lot 1, SE¼NE¼ and SE¼;
Sec. 11, NE¼, E½NW¼, and S½;
Sec. 12, lots 1, 2, 3, and 4, W½NE¼, SW¼, and W½SE¼;
Sec. 13, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 14, N½ and N½S½;
Sec. 15, NE¼ and N½SE¼; and
Sec. 24, N½NE¼.

The area described aggregates about 7,041.23 acres of public lands.

This area is designated as a "Class V—Primitive Area" under the Bureau of Outdoor Recreation system of classification.

EDWIN ZAIDLICZ,
State Director.

[FR Doc.72-15524 Filed 9-12-72;8:48 am]

[Montana 17093]

MONTANA

Designation of Bear Trap Canyon Primitive Area

AUGUST 17, 1972.

Pursuant to the authority in 43 CFR, Subpart 2070, and the authorization from the Director dated July 24, 1972, I hereby designate the public lands in the following described area as the Bear Trap Canyon Primitive Area:

PRINCIPAL MERIDIAN, MONT.

T. 3 S., R. 1 E.,
Sec. 15, lots 7, 8, 9, and 10, SW¼SW¼, and NW¼SE¼;
Sec. 21, lots 3 and 6, and E½NE¼;
Sec. 22, lots 1 to 9, inclusive, SW¼NE¼, and E½SW¼;
Sec. 27, lots 1 to 8, inclusive, SW¼SW¼, and W½SE¼;
Sec. 32, SE¼SE¼;
Sec. 33, lots 1 to 4, inclusive, E½SW¼, SW¼SW¼, SE¼NE¼, and NW¼SE¼; and
Sec. 34, lots 1 to 6, inclusive, NW¼NE¼, NW½NW¼, E½SW¼, and SW¼SW¼.
T. 4 S., R. 1 E.,
Sec. 4, lots 3 to 6, inclusive;
Sec. 5, lots 1, 2, 5, 6, and 7, S½NE¼, and W½SE¼;
Sec. 8, lots 1 to 8, inclusive, SE¼NE¼, E½NW¼, W½SW¼, E½SE¼, and SW¼SE¼; and
Sec. 17, lots 1 and 2, N½NE¼, and NW¼NW¼.

The area described above aggregates 2,861.39 acres in Madison County.

This area is designated as a "Class V—Primitive Area" under the Bureau of Outdoor Recreation system of classification.

EDWIN ZAIDLICZ,
State Director.

[FR Doc.72-15525 Filed 9-12-72;8:48 am]

Office of the Secretary

[FES 72-29]

PROPOSED BLACKBEARD ISLAND WILDERNESS AREA, GA.

Notice of Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a final environmental statement for the proposed Blackbeard Island Wilderness Area, McIntosh County, Ga.

The environmental statement proposes wilderness designation for approximately 3,000 acres of the Blackbeard Island National Wildlife Refuge, located about 18 miles offshore in McIntosh County, Ga. This action will include the subject area within the National Wilderness Preservation System.

Copies are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Room 825, Atlanta, Ga. 30323.
Bureau of Sport Fisheries and Wildlife, Office of Environmental Quality, Department of the Interior, Room 2246, 18th and C Streets, Washington, D.C. 20240.

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. Please refer to the statement number above.

W. W. LYONS,
Deputy Assistant Secretary, Program Policy.

SEPTEMBER 6, 1972.

[FR Doc.72-15509 Filed 7-12-72;8:46 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

IOWA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), as amended by section 232 of the Disaster Relief Act of 1970 (Public Law 91-606) and section 5 of the Public Law 92-385, it has been determined that in the following counties in the State of Iowa natural disasters have caused a general need for agricultural credit:

COUNTIES

Harrison.	Pocahontas.
Humboldt.	Webster.

Emergency loans will not be made in the above-named counties under this designation pursuant to applications received after June 30, 1973, except subsequent loans to qualified borrowers who received initial loans under this designation.

The urgency of the need for emergency loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 8th day of September 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-15616 Filed 9-12-72;8:52 am]

MASSACHUSETTS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), as amended by section 232 of the Disaster Relief Act of 1970 (Public Law 91-606) and section 5 of Public Law 92-385, it has been determined that in the following counties of the State of Massachusetts natural disasters have caused a general need for agricultural credit:

COUNTIES

Barnstable.	Hampshire.
Berkshire.	Middlesex.
Bristol.	Nantucket.
Dukes.	Norfolk.
Essex.	Plymouth.
Franklin.	Suffolk.
Hampden.	Worcester.

Emergency loans will not be made in the above-named counties under this designation pursuant to applications received after June 30, 1973, except subsequent loans to qualified borrowers who received initial loans under this designation.

The urgency of the need for emergency loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 8th day of September 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-15615 Filed 9-12-72;8:52 am]

Soil Conservation Service

POCATALICO RIVER BASIN JOINT SURVEY-INTERIM REPORT, W. VA.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, in consultation with the Corps of Engineers, U.S. Department of the Army, has prepared a draft environmental statement for the Pocatalico River Basin Joint Survey-Interim Report, Kanawha, Jackson, Roane, and Putnam Counties, W. Va., USDA-SCS-ES-RB-(LEG)-73-1(D).

The environmental statement concerns an interim plan for watershed protection, flood prevention, water supply, incidental recreation, and low flow augmentation. The planned works of improvement consist of two multiple-purpose structures for floodwater and sediment, water supply, low flow augmentation, and incidental recreation, plus conservation land treatment above the two reservoirs.

This draft environmental statement was transmitted to CEQ on September 7, 1972.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, DC 20250.

Soil Conservation Service, USDA, 209 Prairie Avenue, Post Office Box 865, Morgantown, WV 26505.

Pocatalico River Basin Joint Survey-Interim Report, West Virginia, Notice of Availability of Draft Environmental Statement.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please use name and number of statement above when ordering. The estimated cost is $3.25.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to James S. Bennett, State Conservationist, Soil Conservation Service, 209 Prairie Avenue, Post Office Box 865, Morgantown, WV 26505.

Congressional interests have requested that this report be expedited. Comments should be submitted as soon as possible in order to be considered in the preparation of the final environmental statement.

WILLIAM B. DAVEY,
Deputy Administrator for Watersheds Soil Conservation Service.

SEPTEMBER 7, 1972.

[FR Doc.72-15534 Filed 9-12-72;8:49 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

TEXAS A&M UNIVERSITY ET AL

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 701.8 of the regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90-day period. * * * If the applicant fails, within the applicable time periods specified above, to either: (a) Inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of § 701.11.

The meaning of the section is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 701.8 further provides:

> * * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket No. 72-00503-90-46070. Applicant: Texas A & M University, Electron Microscopy Center, Department of Biology, College Station, Tex. 77843. Article: Scanning Electron Microscope, Model JSM-U3. Date of denial without prejudice to resubmission: May 19, 1972.

Docket No. 70-00707-01-77040. Applicant: The Catholic University of America, Seventh and Michigan Avenue NE., Washington, DC 20017. Article: Mass Spectrometer, Model MAT CH-5. Date of denial without prejudice to resubmission: May 18, 1972.

Docket No. 71–00360–99–25100. Applicant: Lighthouse for the Blind, Houston, 3530 West Dallas, Post Office Box 13435, Houston, TX 77019. Article: Esto automatic drilling and filing machine, Model No. AH65 and accessories. Date of denial without prejudice to resubmission: May 2, 1972.

Docket No. 71–00443–98–66700. Applicant: California State College, Physics Department, 25800 Hillary Street, Haywood, CA 94542. Article: Triple Projector Unit for Spark Chamber and Bubble Chamber. Date of denial without prejudice to resubmission: May 11, 1972.

Docket No. 71–00578–01–77040. Applicant: University of Missouri—St. Louis, Department of Chemistry, 8001 Natural Bridge Road, St. Louis, MO 63121. Article: Mass Spectrometer, Model MS–1201. Date of denial without prejudice to resubmission: May 11, 1972.

Docket No. 71–00613–98–26000. Applicant: Anaheim Union High School District, Post Office Box 3520, Anaheim, CA 92803. Article: Dr. Clemenz Theory of Electricity Device. Date of denial without prejudice to resubmission: May 15, 1972.

Docket No. 71–00613–98–26000. Applicant: University of California, Post Office Box 990, Los Alamos, NM 87544. Article: Electromagnetic Isotope Separator. Date of denial without prejudice to resubmission: May 2, 1972.

Docket No. 72–00085–99–26000. Applicant: Nelson County Vocational School Extension, Post Office Box 160, Bardstown, KY 20004. Article: Theory of Electricity Device. Date of denial without prejudice to resubmission: May 15, 1972.

Docket No. 72–00087–00–76540. Applicant: University of Texas, Department of Astronomy, 407 Physics Building, Austin, TX 78712. Article: Four image slicers and accessories. Date of denial without prejudice to resubmission: May 2, 1972.

Docket No. 72–00116–33–43780. Applicant: Cold Spring Harbor Laboratory, Post Office Box 100, Cold Spring Harbor, NY 11724. Article: Microelectrode Puller, EH–11. Date of denial without prejudice to resubmission: May 2, 1972.

Docket No. 72–00150–99–07700. Applicant: Communitel Corp., 312 East Ninth Street, New York, NY 10003. Article: Sony Videorover II (Camera). Date of denial without prejudice to resubmission: May 2, 1972.

Docket No. 72–00172–99–26000. Applicant: Clarksville-Montgomery School System, Area Technical School, Route 3, Clarksville, TN 37040. Article: Theory of electricity device. Date of denial without prejudice to resubmission: May 15, 1972.

Docket No. 72–00203–33–46595. Applicant: Emory University, 954 Gatewood Road NE., Atlanta, GA 30322. Article: Microtome, Model LKB 11800. Date of denial without prejudice to resubmission: May 2, 1972.

Docket No. 72–00206–33–46040. Applicant: University of Rochester, School of Medicine and Dentistry, 260 Crittended Boulevard, Rochester, NY 14642. Article: Electron Microscope, HS–8. Date of denial without prejudice to resubmission: May 2, 1972.

Docket No. 72–00211–33–46070. Applicant: Medical University of South Carolina, 80 Barre Street, Charleston, SC 29401. Article: Scanning electron microscope, SSM–2. Date of denial without prejudice to resubmission: May 2, 1972.

Docket No. 72–00216–33–07700. Applicant: University of Iowa, Iowa City, Iowa 52240. Article: Oscilloscope camera. Date of denial without prejudice to resubmission: May 2, 1972.

Docket No. 72–00310–60–07700. Applicant: Texas A. & M. University System, Texas Forest Service, College Station, Tex. 77843. Article: Aerial survey camera. Date of denial without prejudice to resubmission: May 11, 1972.

Docket No. 72–00314–81–73620. Applicant: Woods Hole Oceanographic Institution, Woods Hole, Mass. 02543. Article: Water samplers. Date of denial without prejudice to resubmission: May 11, 1972.

Docket No. 72–00441–33–46500. Applicant: C. W. Post College, Greenvale, N.Y. 11548. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice: May 11, 1972.

Docket No. 72–00463–99–43595. Applicant: University of Connecticut, U–37, Storrs, Conn. 06268. Article: Micromanometer. Date of denial without prejudice: May 11, 1972.

Docket No. 72–00466–33–28500. Applicant: The University of Texas Southwestern Medical School, Purchasing Department, 5323 Harry Hines Boulevard, Dallas, TX 75235. Article: Electrophoresis apparatus. Date of denial without prejudice: May 11, 1972.

Docket No. 72–00480–33–43780. Applicant: Clark University, Biology Department, 950 Main Street, Worcester, MA 01610. Article: 2 iris scissors. Date of denial without prejudice to resubmission: May 11, 1972.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–15592 Filed 9–12–72;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC–D–467, NADA 14–481V]

COOPER U.S.A., INC.

Bisophene; Notice of Withdrawal of Approval of New Animal Drug Application

In the FEDERAL REGISTER of June 13, 1972 (37 F.R. 11739), the Commissioner of Food and Drugs gave notice to Cooper U.S.A., Inc., 1909 North Clifton Avenue, Chicago, IL 60614, and to any interested persons who may be adversely affected, of an opportunity for a hearing regarding his intention to withdraw approval of NADA (new animal drug application) No. 14–481V with respect to the use of bisophene, a new animal drug containing phenothiazine and hexachlorophene and intended for the treatment of cattle to control infestations of liver flukes, deer flukes and/or gastrointestinal worms. Cooper U.S.A., Inc., responded to the notice by advising the Commissioner of their intention not to avail themselves of the opportunity for a hearing.

Based on the grounds set forth in said notice and the firm's response, the Commissioner concludes that approval of said new animal drug application should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 14–481V, including all amendments and supplements thereto, is hereby withdrawn effective on the date of publication of this document (9–18–72).

Dated: September 6, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72–15556 Filed 9–12–72;8:53 am]

PRINCE MACARONI MANUFACTURING CO. AND FIRST NATIONAL STORES, INC.

Enriched Macaroni Products Deviating From Identity Standard; Temporary Permit for Market Testing

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits for market testing food deviating from the requirements of standards of identity promulgated pursuant to section 401 (21 U.S.C. 341) of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued jointly to the First National Stores, Inc., Somerville, Mass. 02143, and Prince Macaroni Manufacturing Co., Lowell, Mass. 01853. This permit covers limited interstate marketing tests of wheat and soy macaroni products that deviate from the identity standard for wheat and soy macaroni products (21 CFR 16.4) in that they will contain 8 percent soy flour and added wheat gluten, wheat germ, and L-lysine. Thiamin, riboflavin, niacin, and iron will be added as specified in § 16.9 (a)(1).

The products will be labeled "enriched macaroni made from wheat and 8 percent soya" and "enriched spaghetti made from wheat and 8 percent soya." The label of each product will declare by common name the ingredients used as well as the percentage of the minimum daily requirement for the vitamins and iron supplied by the product when consumed in a specific quantity.

This permit is granted for a period of 12 months from the date of signature of this document or until the promulgation, under the Federal Food, Drug, and Cosmetic Act, of a food standard that is

applicable to the products subject to this permit, whichever occurs first.

Dated: September 6, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-15570 Filed 9-12-72;8:54 am]

[Docket No. FDC-D-509; NDA's Nos. 0-097 and 0-366; DESI 97]

ROCHE LABORATORIES AND AMERICAN PHARMACEUTICAL CO.

Certain OTC Multiple-Vitamin Preparations for Oral Use; Drugs for Human Use; Drug Efficacy Study Implementation; Proposed Withdrawal of Approval of New Drug Applications; Notice of Opportunity for Hearing

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following multiple-vitamin drugs for oral use.

1. Cal-C-Tose, a powder containing, in each serving, 2,000 units vitamin A, 2 mg. vitamin B_1, 1 mg. Vitamin B_2 75 mg. vitamin C, 500 units vitamin D, and 5 mg. niacinamide; formerly marketed by Roche Laboratories, Division of Hoffmann La Roche, Inc., Nutley, N.J. 07110 (NDA 0-097).

2. Codanol Vitamin Liquid, each 5 ml., containing 4,000 USP Units vitamin A (palmitate), 1,000 USP Units ergocalciferol, 2 mg. thiamine mononitrate, 2 mg. sodium riboflavin phosphate, 1 mg. pyridoxine hydrochloride, 3 mcgm, cyanocobalamin, 50 mg. ascorbic acid, and 5 mg. niacinamide; formerly marketed by American Pharmaceutical Co., 120 Bruckner Boulevard, Bronx, N.Y. 10454 (NDA 0-336).

The Academy evaluated these preparations as effective limited dietary supplements, commenting, however, that the amount of vitamin D provided in the recommended dose of Cal-C-Tose and the amounts of vitamins A and D provided in the recommended dose of Codanol Vitamin Liquid for infants are dangerously high. These preparations are no longer marketed.

The Food and Drug Administration has considered the Academy's reports as well as other available evidence, and concludes that, formulated as described above, the benefit-to-risk ratio associated with the preparations is unfavorable.

Therefore, notice is given to the firms named above and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the above-named new drug applications, and all amendments and supplements applying thereto, on the grounds that new evidence of clinical experience, not contained in the new drug applications or not available to the Commissioner until after the applications were approved, evaluated together with the evidence available to him when the applications were approved, reveals that the drugs are not shown to be safe for use under the conditions of use upon the basis of which the applications were approved.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicants, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new drug applications should not be withdrawn. Any identical, related, or similar drug for human use, not the subject of an approved new drug application, may be affected by this action.

Within 30 days after publication hereof in the FEDERAL REGISTER such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing the Commissioner without further notice will enter a final order withdrawing approval of the new drug applications. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new drug application should not be withdrawn, together with a well organized and full factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, October 27, 1970).

Received requests for a hearing and/or elections not to request a hearing may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: September 5, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-15571 Filed 9-12-72;8:54 am]

Office of Education

NATIONAL ADVISORY COMMITTEE ON EDUCATION OF THE DEAF

Notice of Public Meeting

Notice is hereby given, pursuant to Executive Order 11671, that the next meeting of the National Advisory Committee on Education of the Deaf will be held on September 29-October 2, 1972, at 9 a.m., Pacific Time, at the University Towers Hotel, 4507 Brooklyn Avenue NE., Seattle, WA 98105.

The National Advisory Committee on Education of the Deaf was established under section 5 of Public Law 89-258. The committee was established to advise the Secretary of HEW concerning the carrying out of existing and the formulating of new or modified programs with respect to the education of the deaf.

The meeting of the Committee will be open to the public. The proposed agenda includes discussion of educational and other community services to the hearing impaired persons in Seattle. Records will be kept of all committee proceedings (and shall be available for public inspection at the Office of the Committee's Executive Secretary, located in Room 2604, Regional Office Building 3, Seventh and D Streets SW., Washington, D.C. 20202).

Signed at Washington, D.C., on September 6, 1972.

PATRIA G. FORSYTHE,
Executive Secretary, National Advisory Committee on Education of the Deaf.

[FR Doc.72-15529 Filed 9-12-72;8:48 am]

Office of the Secretary

COMMITTEE MANAGEMENT

Notice of Extension of Determination

On June 5, 1972, the President issued Executive Order 11671 governing the

formation, use, conduct, management, and accessibility to the public of committees formed to advise and assist the Federal Government. Section 13 of the order specifies that department and agency heads shall make adequate provision for participation by the public in the activities of advisory committees, except to the extent a determination is made in writing by the department or agency head that committee activities are matters which fall within policies analogous to those recognized in the Freedom of Information Act, section 552(b) of title 5 of the United States Code, and the public interest requires such activities to be withheld from disclosure.

On June 24, 1972, it was determined on behalf of the Department of Health, Education, and Welfare that certain advisory committee meetings could be closed to the public pursuant to section 13(d) of Executive Order 11671. This determination was published in the FEDERAL REGISTER on June 29, 1972 (Vol. 37, No. 126), and it applied to meetings of advisory committees until September 1, 1972.

For the reasons set forth in the prior determination, it is determined that notice of determination shall be and the same hereby is extended to cover advisory committee meetings within the Department of Health, Education, and Welfare before October 1, 1972.

ELLIOT L. RICHARDSON,
Secretary.

SEPTEMBER 7, 1972.

[FR Doc.72-15576 Filed 9-12-72;8:55 am]

Public Health Service

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority

Part 3 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, October 30, 1968) as amended, is hereby amended with regard to section 3-20, *Organization and Functions*, as follows:

In Chapter 3A-01 (Office of the Administrator), insert after the paragraph entitled *Office of Procurement and Materiel Management (3A1905)*, the following sidehead and accompanying paragraph:

Office of Multiple Funding (3A1906). (1) Plans and implements a HSMHA-wide system of multiple funding designed to provide a single funding source for the support of integrated health-related projects; (2) develops policies and procedures for application, reporting, management, and appraisal of projects funded through this system, coordinating with appropriate HSMHA offices to determine compatibility with existing grants, contracts, and fiscal policies and procedures; (3) develops and disseminates guidelines, model multiple-funded projects, and other materials to assist in the planning and development of such projects; (4) assists Regional Health Directors and their staffs in the development and organization of multiple-funded activities; (5) serves as HSMHA headquarters focal point for providing guidance to potential applicants during the preliminary stages of program negotiation and development before a formal application is submitted, and assists them to obtain program and technical assistance; (6) organizes and coordinates a monitoring committee composed of representatives of operating programs which review preliminary and formal multiple-funding applications, and recommends the funding contribution of each program involved; (7) recommends the lead program for each application as well as assignment of management responsibility for approved grants; (8) works with director of lead program in appointing a program manager for each project to resolve administrative, technical, and communications problems between the applicant and the programs involved and to monitor the project after the award is made; (9) recommends fund allocations to be administratively reserved in each appropriation for the support of multiple-funding projects; and (10) maintains liaison with the operating programs, Regional Offices, and the Division of Consolidated Funding, DHEW, on all matters relating to multiple-funding, including coordination of the Integrated Grants Administration program.

STEVEN D. KOHLERT,
Deputy Assistant Secretary for Management.

SEPTEMBER 6, 1972.

[FR Doc.72-15528 Filed 9-12-72;8:48 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 72-175 PH]

PROPOSED BRIDGES ACROSS GREAT CANAL, SATELLITE BEACH, BREVARD COUNTY, FLA.

Notice of Public Hearing

Notice is hereby given that the Commandant has authorized a public hearing to be held by the Commander, Seventh Coast Guard District at 7 p.m. October 30, 1972 in the Ramada Inn, 1100 North Atlantic Avenue, Cocoa Beach, Fla.

The purpose of the hearing is to consider the following individual applications from Mr. Percy Hedgecock and Mr. Jimmy Caudle for permits to construct two fixed highway bridges over the Great Canal.

Hedgecock Bridge—Great Canal, mile 2.6, north of Satellite Beach near Lake Shepard.

Caudle Bridge—Great Canal, mile 1.3, north of Redwood Court on proposed Fountains Boulevard.

The plans submitted by the applicants are each for a fixed highway bridge with a vertical clearance of 8 feet above mean high water approximately 210 feet in length with a horizontal clearance in the navigation span of 40 feet.

The Commander, Seventh Coast Guard District will also receive comment concerning the existing bridge, mile 3, at the foot of Port Royal Boulevard adjacent to the Moorings residential development north of Satellite Beach. This bridge is apparently abandoned for highway use and in its present state of maintenance it is unusable for highway traffic. The Coast Guard has received complaints alleging that the bridge does not provide for the needs of navigation presently existing on Great Canal; it adversely affects circulation of tide water flow; it is the cause of heavy channel siltation in the vicinity; it is a hazard to safe navigation, and otherwise adversely affects navigation and the environment. The bridge provides a vertical clearance of approximately 9 feet above mean high water with a horizontal clearance of 18 feet between backwalls. The remainder of the structure is an earth filled causeway extending to the banks of the waterway.

All interested persons may present data, views, and comments orally or in writing at the public hearing concerning the impact of the existing and proposed bridges on present and prospective navigation on the waterway and the environment. The environment issues include but are not limited to the impact of the bridges on recreational areas, wildlife, and waterfowl refuges, public parks and historical sites.

The hearing will be informal. A Coast Guard representative, who will preside at the hearing, will make a brief opening statement describing the existing and proposed bridges and announce the procedures to be followed at the hearing.

Each person who wishes to make an oral statement should notify the Commander (oan), Seventh Coast Guard District, 51 Southwest First Avenue, Miami, FL 33130, by October 13, 1972. Such notification should include the approximate time required to make the presentation. A transcript will be made of the hearing and may be purchased by the public.

Interested persons who are unable to attend this hearing may also participate in the consideration of these bridge permit applications by submitting their comments in writing to the Commander (oan), Seventh Coast Guard District. Each comment should state the subject and the bridge to which it is directed, reasons for any objections or proposed changes and the name and address of the person or organization submitting the comment. Copies of all written communications will be available for examination by interested persons at the offices of the Commander, Seventh Coast Guard District.

All comments received before November 13, 1972 will be considered before final action is taken on the proposed bridge permit applications. After the time set for the submission of comments, the Commander, Seventh Coast Guard

District will forward the records, including all written comments and his recommendations to the Commandant, U.S. Coast Guard, Washington, D.C. 20590. The Commandant will make the final determination on the bridge permits.

(Sec. 502, 60 Stat. 847, as amended; secs. 4(f), 6(g)(6)(c), 80 Stat. 933 as amended; 33 U.S.C. 525, 49 U.S.C. 1653(f), 1655(g)(C); 40 CFR 1.46(c)(10))

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

SEPTEMBER 8, 1972.

[FR Doc.72-15546 Filed 9-12-72;8:49 am]

Federal Highway Administration

WALT WHITMAN AND BENJAMIN FRANKLIN BRIDGE TOLLS

Notice of Hearing

The Acting Federal Highway Administrator, by order dated August 10, 1972, directed that the matter of the Benjamin Franklin and Walt Whitman Bridge tolls be set for a hearing pursuant to section 503 of the General Bridge Act of 1946 (60 Stat. 847, 33 U.S.C. 526) and the Federal Highway Administration's Bridge Toll Procedural Rules (49 CFR 310.1–310.14) before the undersigned Administrative Law Judge. The order was published in the FEDERAL REGISTER on August 16, 1972 (37 F.R. 16560).

The hearing will convene at 9:30 a.m. in Conference Room B, on the 11th floor of the Federal Building at 1421 Cherry Street in Philadelphia, PA, on September 28, 1972. With the approval of the Acting Administrator, the date of the hearing has been postponed from September 18, the date set in the initial notice.

Interested parties are reminded to review the Acting Administrator's order of August 10, and to note particularly the requirement that persons desiring to participate must notify me at the address set forth below not later than September 11, 1972. The notification should include a statement of the nature of the presentation and the approximate amount of time requested for making it.

Issued on September 5, 1972, at:

Philadelphia Bridge Tolls, Bureau of Hearing and Appeals, Social Security Administration, Room 816, 1717 West End Avenue, Nashville, TN 37203.

LOUIS G. LAVECCHIA,
Administrative Law Judge.

[FR Doc.72-15540 Filed 9-12-72;8:49 am]

Federal Railroad Administration

[FRA-Pet-No. 57]

MARYLAND AND PENNSYLVANIA RAILROAD CO.

Notice of Petition for Exemption from Hours of Service Act

SEPTEMBER 8, 1972.

The Maryland and Pennsylvania Railroad Co. has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the "Hours of Service Act," 45 U.S.C. secs. 61, 62, 63, and 64.

Interested persons are invited to participate by submitting written data, views, or comments. Communications should identify the docket number, and should be submitted in triplicate to Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: Docket FRA-Pet-No. 57, 400 Seventh Street SW., Washington, DC 20590. Communications received before October 10, 1972, will be considered by the Federal Railroad Administrator before taking final action. All comments received will be available for examination by interested persons at any time during regular working hours in Room 5428, Nassif Building, 400 Seventh Street SW., Washington, DC.

EDWARD F. CONWAY, Jr.,
Acting Assistant Chief Counsel for Safety Regulation.

[FR Doc.72-15590 Filed 9-12-72;8:50 am]

[FRA-Pet-No. 58]

McCLOUD RIVER RAILROAD CO.

Notice of Petition for Exemption From Hours of Service Act

SEPTEMBER 8, 1972.

The McCloud River Railroad Co. has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. secs. 61, 62, 63, and 64.

Interested persons are invited to participate by submitting written data, views, or comments. Communications should identify the docket number and should be submitted in triplicate to Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: Docket FRA-Pet-No. 58, 400 Seventh Street SW., Washington, DC 20590. Communications received before October 11, 1972, will be considered by the Federal Railroad Administrator before taking final action. All comments received will be available for examination by interested persons at any time during regular working hours in Room 5428, Nassif Building, 400 Seventh Street SW., Washington, DC.

EDWARD F. CONWAY,
Acting Assistant Chief Counsel for Safety Regulation.

[FR Doc.72-15591 Filed 9-12-72;8:50 am]

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

Pursuant to Docket No. HM-1, rule making procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277), 49 CFR Part 170, following is a list of new DOT Special Permits upon which Board action was completed during August 1972:

Special permit No.	Issued to—Subject	Mode or models of transportation
6590	Shippers registered with this Board to ship sodium hypochlorite solutions, not over 16%, and hydrochloric acid in non-DOT specification, resuable, molded polyethylene containers of 55 gallon capacity.	Highway, Rail.
6642	Shippers registered with this Board to ship Type B quantities of radioactive material in the Savaunah River 4.5 ton Californium Shipping Cask.	Highway, Rail, Passenger-Carrying Aircraft, Cargo-only aircraft.
6650	Chyco Manufacturing Co., Chatsworth, California to ship carbon dioxide, liquefied in non-DOT specification nonrefillable, copper-brazed spherical pressure vessels.	Highway, Rail, Passenger-Carrying Aircraft, Cargo-only Aircraft.
6651	Heatbath Corporation, Springfield, Mass., to re-ship one time DOT-37A metal drums, containing sodium cyanide mixtures, dry, qualified for reuse in accordance with §173.28(m) with exceptions.	Highway.
6652	Shippers registered with this Board to ship carbon dioxide and nitrogen gas mixture in non-DOT specification filament-wound fiberglass reinforced plastic cylinders, not over 1,000 cubic inches capacity.	Highway, Cargo-only Aircraft.
6653	Shell Chemical Company, San Ramon, California to ship a Class B poison insecticide in DOT Specification 6D removable head 55-gallon drum having inside eight 5-gallon quadrant shape, high density polyethylene containers.	Highway, Rail, Cargo vessel.
6655	Varian, Palo Alto, Calif., to make one shipment of a Type A quantity of radioactivity in Varian Model Clinac-35 Electron Linear Accelerator.	Highway.
6656	Dow Chemical Company, Golden, Colo., to ship argon or helium in nonrefillable, non-DOT specification stainless steel cylinders.	Highway, Rail.
6657	Chemetron Corporation, Chicago, Ill., to ship compressed gases as prescribed in § 173.34(e) (15) except cylinders may be older than 35 years.	Highway, Rail, Passenger-carrying Aircraft, Cargo-only aircraft, Cargo Vessel.
6658	Mason & Hanger-Silas Mason Co., Inc., Burlington, Iowa to ship a high explosive (pentaerythrite tetranitrate and sylgard) in refrigerated, open-head steel drums.	Highway.
6659	NUMEC, Apollo, Pa., to make a single shipment of radioactive material described as specially-enclosed, plutonium contaminated glove boxes.	Highway.
6660	Allied Chemical Co., Morristown, N.J., to make one shipment of chlorine in a DOT 105A500W tank car having tank overdue for retest.	Rail.

Special permit No.	Issued to—Subject	Mode or models of transportation
6661	IRECO Chemicals, Salt Lake City, Utah to ship surplus casting powder, Class A explosives, in military specification containers.	Highway.
6662	Hercules Incorporated, Wilmington, Delaware to ship dicumyl peroxide in molten form packaged in DOT Specification 57 metal portable tanks.	Highway.
6663	Atlantic Shippers of Baltimore, Baltimore, Md., to make one shipment of fish scrap and fish meal containing approximately 35-40 percent moisture in open-top gondola and hopper cars.	Rail.

ALAN I. ROBERTS,
Secretary.

[FR Doc.72-15463 Filed 9-12-72;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-254, 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Availability of AEC Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the final environmental statement relating to operation of Units 1 and 2 of the Quad-Cities Nuclear Power Station located in Rock Island County, Ill., and operated by the Commonwealth Edison Co. on behalf of itself and the Iowa-Illinois Gas and Electric Co., is being placed in the following locations where it will be available for inspection by members of the public: the Commission's Public Document Room at 1717 H Street NW., Washington, DC 20545, and in the Moline Public Library, 504 17th Street, Moline, IL 61265. The final report also is being made available to the Office of Planning and Analysis, Executive Office of the Governor, Room 614, State Office Building, Springfield, IL. 62706; the Bi-State Metropolitan Planning Commission, 1504 Third Avenue, Rock Island, IL, and at the Office of Planning and Programing, Des Moines, Iowa 50319.

The notice of availability of the Commission's draft detailed statement on environmental considerations and Addendum I thereto were published in the FEDERAL REGISTER on March 9, 1972 (37 F.R. 5073) and June 9, 1972 (37 F.R. 11598), respectively. The comments received from Federal agencies, State and local officials, and interested members of the public on the draft detailed statement have been included as appendices to the final environmental statement.

Single copies of the final environmental statement may be obtained by writing to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 11th day of September 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Operating Reactors, Directorate of Licensing.

[FR Doc. 72-15671 Filed 9-12-72;8:56 am]

CIVIL AERONAUTICS BOARD

[Docket No. 21998, etc.]

CHICAGO HELICOPTER AIRWAYS, INC.

Notice of Hearing Regarding Acquisition of Control

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding will be held on October 3, 1972, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the report of prehearing conference served August 4, 1972, and other documents in the docket of this proceeding on file in the docket section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 8, 1972.

[SEAL] HYMAN GOLDBERG,
Administrative Law Judge.

[FR Doc.72-15589 Filed 9-12-72;8:50 am]

[Docket No. 24736]

FRONTIER AIRLINES, INC.

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

SEPTEMBER 8, 1972.

Notice is hereby given that the Civil Aeronautics Board on September 7, 1972, received an application, Docket 24736, from Frontier Airlines, Inc., for amendment of its certificate of public convenience and necessity to provide nonstop service between Dallas/Fort Worth, Tex., and Grand Junction, Colo. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.72-15588 Filed 9-12-72;8:50 am]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES AND EVERETT ORIENT LINE, INC.

Notice of 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, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. 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.

Mr. D. J. Morris, Director, Rates and Conferences, American President Lines, 601 California Street, San Francisco, CA 94108.

Agreement No. 9997 is a transshipment agreement between American President Lines, Ltd. (APL) and Everett Orient Line (Everett) covering the movement of cargo under through bills of lading from APL's ports of call on the Atlantic and Pacific coast of United States to Everett's ports of call in the Philippine Islands with transshipment in Japan.

By order of the Federal Maritime Commission.

Dated: September 8, 1972.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.72-15602 Filed 9-12-72;8:51 am]

MATSON NAVIGATION CO. AND MATSON TERMINALS, INC.

Notice of 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, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. David F. Anderson, Matson Navigation Company, 100 Mission Street, San Francisco, CA 94105.

Agreement No. T-2668, between Matson Navigation Co. (MNC) and Matson Terminals, Inc. (Terminals), a wholly owned subsidiary of MNC, is a memorandum of understanding providing that Terminals will furnish MNC complete stevedoring and terminal services at cost. The agreement also provides that MNC may lease real or personal property to Terminals for use in stevedoring or terminal operations. If equipment or leasehold improvements owned by MNC are so leased to Terminals and are used in part by Terminals in rendering services for outside accounts, the rental will be allocated between MNC and outside accounts served by Terminals, with MNC's allocation charged back to it as a cost.

By order of the Federal Maritime Commission.

Dated: September 8, 1972.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.72-15603 Filed 9-12-72;8:51 am]

NEW ORLEANS STEAMSHIP ASSOCIATION

Notice of 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, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Edward S. Bagley, Esq., Terriberry, Carroll, Yancey & Farrell, 2141 International Trade Mart, 2 Canal Street, New Orleans, LA 70130.

Agreement No. T-2631-1, between the members of the New Orleans Steamship Association, amends the basic agreement by (1) altering the recordkeeping requirements for verifying the amounts due from each employer under the Guaranteed Annual Income Plan; (2) changing the form of security to be furnished in order to provide further flexibility to the employers; and (3) adding a new article dealing specifically with assessments against LASH and SEABEE barges.

By order of the Federal Maritime Commission.

Dated: September 8, 1972.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.72-15604 Filed 9-12-72;8:51 am]

PACIFIC MARITIME ASSOCIATION

Notice of 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, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Edward D. Ransom, Esq., Lillick, McHose, Wheat, Adams & Charles, 311 California Street, San Francisco, CA 94104.

Agreement No. T-2635-1, between the members of the Pacific Maritime Association amends the interim agreement (T-2635) by extending the expiration date from September 30, 1972, until such time as a final agreement superseding the interim agreement is approved by the Commission.

By order of the Federal Maritime Commission.

Dated: September 8, 1972.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.72-15605 Filed 9-12-72;8:51 am]

PORT OF SEATTLE AND AMERICAN MAIL LINE, LTD.

Notice of 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, 1405 I Street NW.,

Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Alvin L. Sklow, Director, Real Estate, Port of Seattle, Post Office Box 1209, Seattle, WA 98111.

Agreement No. T-2688, between the Port of Seattle (Port) and American Mail Line, Ltd. (AML), is a month-to-month lease of approximately 24,000 square feet of space in the Port's terminal No. 25 refrigerated fruit storage building. As compensation, the Port is to receive $1,200 per month in lieu of tariff charges. AML will also pay its pro rata share of all utility services furnished the facility.

By order of the Federal Maritime Commission.

Dated: September 8, 1972.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.72-15606 Filed 9-12-72;8:52 am]

[Docket No. 72-49]

SEATRAIN LINES, INC.

Intermodal Tariff Between California and Puerto Rico; Order of Investigation and Suspension

On August 4, 1972, Seatrain Lines, Inc., filed with the Federal Maritime Commission its Joint Freight Tariff No. 709 (FMC-F No. 4 and I.C.C. No. 204) providing for the establishment of an intermodal "landbridge" service between ports in California and Puerto Rico via the Port of New York. Participating in the joint tariff are the rail carriers, Atchison, Topeka and Santa Fe Railway Co. and the Penn Central Transportation Co. (George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees). The rates published are joint, through rates and the cargo is to be carried in Seatrain containers on a through Seatrain bill of lading. The rail carriers will provide transportation between California and Weehawken or North Bergen, N.J., and the method for determining their portion of the revenues obtained under the through rates is shown in the tariff. The water portion of the rates or revenues is not set forth explicitly. The tariff is to become effective on September 9, 1972.

Sea Land Service, Inc. (Sea Land) has filed a protest to this tariff raising various legal and factual issues among which are:

(A) Whether this Commission has the authority to accept a joint intermodal tariff applicable to a domestic offshore trade;

(B) Whether the new service would create destructive and unfair competition; and

(C) Whether or not the level of rates is compensatory to Seatrain Lines, Inc., for the water portion of the carriage.

Review of the tariff by this Commission's staff indicates that additional issues must be resolved such as:

(A) Whether a tariff which caters to shippers and consignees in California and Puerto Rico may require that any action taken against the carrier with regard to any dispute or claim arising under the bill of lading shall be brought only in a court in the city of New York;

(B) Whether the corporate identity of the "Carrier" is clearly and consistently identified in all sections of the tariff and

(C) Whether the difference in revenue to Seatrain between boxes to be carried in this service and boxes carried in its U.S. Atlantic coast/Puerto Rico service on the same vessels makes these rates unduly preferential to west coast shippers and/or consignees or subjects east coast shippers and/or consignees to undue prejudice or disadvantage.

Upon consideration of the above matters the Commission is of the opinion that the tariff matter should be made the subject of a public investigation and hearing to determine whether it is unjust, unreasonable, or otherwise unlawful under sections 16 first and 18(a) of the Shipping Act, 1916, and/or sections 2, 3, and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore:

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916 and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said tariff matter for the purpose of making such findings and orders as the law, the facts and the circumstances warrant. In the event that tariff FMC-F No. 4 is further changed, amended or reissued, such matter is hereby ordered to be included in this investigation.

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, Tariff FMC-F No. 4 is hereby suspended and the use thereof deferred to and including January 8, 1973, unless otherwise ordered by this Commission.

It is further ordered, That pursuant to section 16 first of the Shipping Act, 1916, a determination shall be made as to whether the revenues received by Seatrain under the rates published in this tariff make these rates unduly or unreasonably preferential or advantageous to west coast shippers and/or consignees, or subject east coast shippers and/or consignees to any undue or unreasonable prejudice or disadvantage.

It is further ordered, That, as part of this investigation, a determination shall be made as to whether this tariff and the rates published therein comply with the requirements of section 2 of the Intercoastal Shipping Act, 1933 and section 18(a) of the Shipping Act, 1916 concerning the publication by a carrier of rates, fares, and charges for or in connection with transportation between points on its own route.

It is further ordered, That there shall be filed immediately with this Commission by Seatrain Lines, Inc., a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until January 9, 1973, unless otherwise authorized by this Commission and that the suspended matter may not be changed until this proceeding has been disposed of or until the period of suspension has expired, whichever comes first, unless otherwise ordered by this Commission.

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Compliance of the Federal Maritime Commission.

It is further ordered, That Seatrain Lines, Inc., be named as respondent in this proceeding.

It is further ordered, That Sea-Land Service, Inc., be named as a petitioner in accordance with the Commission's rules of practice and procedure.

It is further ordered, That this proceeding be assigned for public hearing before an administrative law judge of this Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined by the presiding administrative law judge.

It is further ordered, That, (I) a copy of this order be forthwith served upon the respondent and petitioner herein and upon this Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER; and (II) the respondent, petitioner, and Hearing Counsel be duly served with notice of time and place of the hearing.

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 Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 507.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.72-15608 Filed 9-12-72;8:52 am]

WEST GULF MARITIME ASSOCIATION

Notice of 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, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. 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 unfariness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Bryan F. Williams, Jr., Royston, Rayzore, Cook & Vickery, 205 Cotton Exchange Building, Galveston, TX 77550.

Agreement No. T-2661, between the members of the West Gulf Maritime Association (WGMA), provides for the establishment and maintenance of a Guaranteed Annual Income Program for longshoremen, clerks, checkers, and timekeepers employed by WGMA members. The period covered by the fund is to be October 1, 1971, through September 30, 1974. Under this agreement, a WGMA-GAI Fund (Fund) will be established which will be used for (1) the payment of Guaranteed Annual Income benefits to WGMA members' employees as provided for in their collective bargaining agreements; (2) administrative costs relating to the above; and (3) the operational costs of such Employers Ordering Offices as may be established by the WGMA. The agreement sets forth the amounts which will be assessed and contributed to the Fund by WGMA members. Non-WGMA members who also employ maritime labor under similar contracts providing for GAI benefits may contribute to the Fund on an equal basis with WGMA members.

By order of the Federal Maritime Commission.

Dated: September 8, 1972.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.72-15607 Filed 9-12-72;8:52 am]

FEDERAL POWER COMMISSION

[Docket No. CP73-54]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Application

SEPTEMBER 7, 1972.

Take notice that on August 28, 1972, Algonquin Gas Transmission Co. (Applicant), 1284 Soldiers Field Road, Boston, MA 02135, filed in Docket No. CP73-54 an application pursuant to section 7(c) of the Natural Gas Act authorizing delivery of natural gas at an additional point for an existing customer, Connecticut Natural Gas Corp. (Connecticut Natural), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to make deliveries to Connecticut Natural through the existing Kensington meter station. Applicant states that it presently delivers gas only to the Connecticut Light and Power Co. (C.L. & P.) for distribution in certain areas of Connecticut including the town of Cheshire from the Kensington station. Due to reasons of gas supply, Applicant states that C.L. & P. was unable to serve the newly developing Cheshire Industrial Park with gas, so C.L. & P. has agreed to assign a portion of its franchise area comprising the Cheshire Industrial Park to Connecticut Natural. Applicant further states that it will deliver Connecticut Natural's volumes of gas through the Kensington meter station, while the Connecticut Gas Co., a subsidiary of C.L. & P., will receive the volumes physically and arrange for delivery by displacement of equivalent volumes to Connecticut Natural at the Cheshire Industrial Park.

Applicant states that the estimated peak day and annual deliveries to be made in the first year of service will be 42 Mcf and 900 Mcf, respectively; and in the third year of service, they will be 300 Mcf and 36,000 Mcf, respectively.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 2, 1972, 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 Commissiaon 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.72-15595 Filed 9-12-72;8:51 am]

[Project No. 2600]

BANGOR-HYDRO ELECTRIC CO.

Notice of Postponement of Hearing

SEPTEMBER 7, 1972.

On June 29, 1972, the Federal Power Commission ordered a hearing to be held in Washington, D.C., on September 11, 1972, concerning the necessity of a second fishway at Project No. 2600. The parties to the proceeding have either declined to participate in the scheduled hearing or have not as of date responded to the Commission order. In view of the foregoing, Commission Staff Counsel filed a motion on August 21, 1972, to vacate the Commission's order of June 29, 1972. To give the Commission more time to consider the Commission Staff Counsel's motion, the hearing scheduled to begin on September 11, 1972, is hereby postponed until October 11, 1972.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-15596 Filed 9-12-72;8:51 am]

[Docket No. RI73-45]

BELCO PETROLEUM CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

SEPTEMBER 6, 1972.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Ch. I], and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI73-45...	Belco Petroleum Corp.....	1	[3] 36	El Paso Natural Gas Co. (Big Piney and Piney (East LaBarge) Fields, Sublette and Lincoln Counties, Wyo.).	$48,933	8-10-72	.....	2-10-73	[1] 23.4770	[1] [4] 26.7392	RI72-11.
	.....do.....	2	[3] 24	.....do.....	48,933	8-10-72	.....	2-10-73	[1] 23.4770	[1] [4] 26.7392	RI72-11.
	.....do.....	3	[3] 22	.....do.....	284,529	8-10-72	.....	2-10-73	[1] 23.4770	[1] [4] 26.7392	RI72-56.

* The pressure base is 15.025 p.s.i.a.

[1] Includes adjustment based on increase in Bureau of Labor Statistics Index of wholesale prices of all commodities.

[2] Includes 2 cents for delivery pressure sufficient to enter buyer's transmission line without compression plus an additional 2 cents to recoup the high pressure compensation for gas sales back to Jan. 1, 1972.

[3] High pressure gas only. Includes letter from buyer providing 2-cent compensation for high pressure gas.

[4] Staff recommended rate is 24.7092 cents per Mcf.

The proposed increases of Belco Petroleum Corp. are for high pressure gas only and are a result of negotiations with El Paso whereby the compensation for high pressure gas is to be increased from 1 cent to 2 cents per Mcf effective as of January 1, 1972. Belco proposes an increase of 3 cents per Mcf which includes the aforementioned 1 cent increase for current sales of gas plus an additional 2 cents per Mcf to recover amounts not collected for past sales back to January 1, 1972.

Since it has not been Commission practice to grant retroactive increases, Belco's proposed request for the additional 2 cents per Mcf for past sales of gas is denied and the proposed 1 cent increase plus applicable tax reimbursement (24.7092 cents per Mcf) exceed the rate limit for 1-day suspensions they are therefore suspended for 5 months.

Belco requests waiver of notice. Good cause has not been shown for granting Belco's request and it is denied.

[FR Doc.72-15594 Filed 9-12-72;8:50 am]

[Docket No. CP73-53]

CITIES SERVICE GAS CO.

Notice of Application

SEPTEMBER 7, 1972.

Take notice that on August 24, 1972, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, OK 73125, filed in Docket No. CP73-53 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission to abandon by sale certain facilities on its transmission system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to abandon by sale approximately 5.2 miles of 12-inch pipeline and appurtenant facilities located in Pettis County, Mo., to the Missouri Public Service Co. (Public Service), a natural gas distributor. Applicant states that the facilities to be abandoned by sale are more properly part of Public Service's distribution system than Applicant's transmission system. Applicant further states that the sale of these facilities will not result in any abandonment of service to any community or customer, as the customers receiving gas deliveries from these facilities are presently served by Public Service.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 2, 1972, 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.72-15597 Filed 9-12-72;8:51 am]

[Docket No. RP72-6]

EL PASO NATURAL GAS CO.

Order Setting Expedited Hearing on Motion for Extraordinary Relief

SEPTEMBER 7, 1972.

On August 18, 1972, city of Willcox, Ariz. (Willcox) and Arizona Electric Power Cooperative, Inc. (Aepco) filed a joint motion for extraordinary relief on an interim basis from the operation of proposed revised tariff sheets submitted by the El Paso Natural Gas Co. (El Paso) which would allocate the firm reliable mainline capacity of El Paso's Southern Division system and would establish new priorities of service to be utilized in the event a gas supply shortage necessitates curtailment of deliveries below that capacity. In support of the motion, it is alleged that Aepco is unable to obtain a supply of fuel oil sufficient to meet its electric generation needs and that the reliability of its electric service would be

adversely affected if special provision is not made.[1]

On September 1, 1972, the Commission issued an order in this docket reopening the record herein for the purpose of adducing evidence on the need for an interim emergency curtailment plan for the Southern Division system and setting September 12, 1972, as the date for the beginning of a hearing thereon. All parties, including the Staff, were encouraged to present proposals for curtailment covering at least the 1972–73 winter heating season. In an answer to the joint motion of Willcox and Aepco filed September 5, 1972, El Paso suggests that the September 12, 1972, hearing would be a convenient time to investigate the claimed need for extraordinary relief.

Since the motion of Willcox and Aepco requests extraordinary interim treatment if curtailment of El Paso's customers is required, we believe it appropriate that the validity of such treatment be examined in conjunction with other issues in the reopened proceeding. Thus, these parties will be required to submit evidence in support of their motion at the beginning of the hearing on September 12, 1972. In making this ruling, we do not determine whether Willcox and Aepco have made a prima facie case for their position which would alone necessitate the holding of a hearing.

The Commission finds:

It is in the public interest that the claims of city of Willcox, Ariz., and Arizona Electric Power Cooperative, Inc., be examined at the hearing scheduled to begin on September 12, 1972, in conjunction with other issues concerning institution of an interim curtailment plan for El Paso's Southern Division system.

The Commission orders:

The city of Willcox, Ariz., and Arizona Electric Cooperative, Inc., shall prepare and have available for all participants herein direct testimony and exhibits in support of their joint motion at the beginning of the hearing scheduled for September 12, 1972, and should attempt to make such information available at an earlier date if possible.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-15598 Filed 9-12-72;8:51 am]

[Docket No. E-7754]

GREEN MOUNTAIN POWER CORP.

Order Providing for Hearing, Suspending Proposed New Tariff, and Granting Intervention

SEPTEMBER 7, 1972.

Green Mountain Power Corp. (Green Mountain) on July 13, 1972, tendered for filing a proposed new FPC Electric Tariff, Original Volume No. 1. The company states that the new tariff, which is proposed to become effective on September 11, 1972, completely supersedes its rate schedule entitled Supplemental Power Rate W and would replace the present resale rates for service to six Municipal and three Electric Cooperative customers, resulting in an annual increase in revenues of $127,587 (23 percent) on the basis of sales during the 12-months' period ended March 31, 1972. A fuel cost adjustment clause is included in the proposed new rate schedule contained in the new tariff.

Green Mountain states that the company has experienced a severe decline in earnings commencing near the end of 1970, and at the same time has met with unprecedented requirements for new capital, giving rise to a need for increased revenues including an overall rate of return of 8.25 percent. The company requests that the Commission permit the rate increase to become effective without suspension, or in the event of suspension that it be for the shortest possible period of time.

Copies of the filing have been served by Green Mountain upon its wholesale customers and upon interested State regulatory agencies. Six of the customers have filed a joint protest and petition to intervene.[1] The petitioners assert that the proposed rate increase is unjust and unreasonable from the standpoint of the company's cost of service, and they request that the matter be set for hearing and the rate filing be suspended for the full 5-month statutory period.

Review of Green Mountain's rate filing indicates that the proposed new FPC Electric Tariff and the proposed increased rates and charges, raise issues which require development in an evidentiary hearing. The proposed increased rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in the proposed new FPC Electric Tariff, Original Volume No. 1, tendered for filing by Green Mountain on July 13, 1972, and that such tariff be suspended and its use deferred as hereinafter provided.

(2) The participation of the above named petitioners may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR, Ch. 1), a public hearing shall be held, commencing with a prehearing conference, on February 1, 1973, at 10 a.m. e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Green Mountain's FPC Electric Rate Schedules, as proposed to be amended by the new tariff.

(B) Pending hearing and decision thereon, Green Mountain's proposed new tariff and the rates and charges therein contained, as filed on July 13, 1972, are hereby suspended and the use thereof deferred until February 11, 1973.

(C) Within 45 days of the date of this order, Green Mountain shall file a service agreement, executed or unexecuted, for each customer to be served under the proposed new tariff, and shall file the form of service agreement required to be included in the tariff pursuant to Commission regulation 35.2(b) (footnote 1).

(D) The Commission staff will serve its direct case on or before January 12, 1973. Intervenors will serve their direct case on or before January 26. At the Prehearing Conference on February 1, 1973, Green Mountain's prepared testimony (Statement P), as its case-in-chief, together with its entire rate filing, and all testimony and exhibits served by the other parties shall be admitted to the record, subject to appropriate motions of the parties. Green Mountain may serve rebuttal evidence on or before February 9. Cross-examination of witnesses shall commence at 10 a.m. e.s.t. on February 20.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)) shall preside at the hearing initiated by this order, and shall conduct such hearing in accordance with the terms of this order, and the Commission's rules of practice and procedure, and the Federal Power Act.

(F) The above named joint petitioners are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenors shall be limited to the matters affecting asserted rights and interests specifically set forth in the petition to intervene: *and Provided, further,* That the admission of such joint intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any orders entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-15599 Filed 9-12-72;8:51 am]

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[1] Alternatively, Willcox and Aepco urge summary rejection of El Paso's proposed tariff sheets, primarily on the ground that they are unduly discriminatory. Because the propriety of these proposed revisions is an issue presently before the Administrative Law Judge, we view this request as premature.

[1] Village of Hardwick Electric Department, Village of Morrisville Water and Light Department and Village of Northfield Electric Department (collectively, "Villages"), and New Hampshire Electric Cooperative, Vermont Electric Cooperative and Washington Electric Cooperative (collectively, "Cooperatives").

FEDERAL POWER COMMISSION

[Docket No. G–13447, etc.]

GULF OIL CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

SEPTEMBER 5, 1972.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 2, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene, or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G–13447 A 8–2–72 [1]	Gulf Oil Corp., Post Office Box 1589, Tulsa, OK 74102.	Southern Natural Gas Co., Lake Campo Field, Plaquemines Parish, La.	[2] 25.0	15.02
CI63–708 A 7–14–72	CRA, Inc., Post Office Box 7305, Kansas City, MO 64116.	Northern Natural Gas Co., Mertzon Plant, Irion County, Tex.	[3] 26.5	14.65
CI65–406 E 7–31–72 [4]	Gulf Oil Corp., Post Office Box 1589, Tulsa, OK 74102.	Cities Service Gas Co., Bessie Unit, Northwest Lovedale Field, Harper County, Okla.	18.0	14.65
CI67–1834 C 7–3–72 [5]	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	Texas Gas Transmission Corp., Calhoun Field, Jackson and Lincoln Parishes, La.	25.0	15.025
CI70–589 [6] E 6–7–72	Oklahoma Natural Development Corp., 624 South Boston Ave., Tulsa, OK 74119.	Transwestern Pipeline Co., Section 468, Block 43, H&TC Survey, Lipscomb County, Tex.	19.0	14.65
CI71–708 [6] E 6–7–72	do	Northern Natural Gas Co., Section 308, Block 43, H&TC Survey and Section 112, Block 13, T&NO Survey, Both in Ochiltree County, Tex.	[2] 20.5	14.65
CI72–562 [6] E 6–7–72	do	Northern Natural Gas Co., Section 7, Block 10, H&TB Survey, Lipscomb County, Tex.	[2] 20.5	14.65
CI72–521 C 7–3–72	Marathon Oil Co., 539 South Main St., Findlay, OH 45840.	Arkansas Louisiana Gas Co., Arkoma Area, Pittsburg and Latimer Counties, Okla.	[2] [7] 22.25	14.65
CI73–35 A 7–12–72 [8]	Southwest Gas Producing Company, Corp., 1309 Louisville Ave., Monroe, LA 71201.	Texas Gas Transmission Corp., Terryville-Ruston Area, Lincoln Parish, La.	18.75	15.025
CI73–41 A 7–14–72 [9]	Continental Oil Co., Post Office Box 2197, Houston, TX 77001.	Panhandle Eastern Pipe Line Co., Estes Lease, Angel Field, Meade County, Kans.	[2] 20.0	14.65
CI73–106 F 8–14–72 [10]	Crystal Oil Co. (successor to Amerada Hess Corp.), 400 Ray P. Oden Bldg., Shreveport, LA 71101.	Texas Illinois Natural Gas Pipeline Co., Fairbanks Field, Harris County, Tex.	20.46	14.65
CI73–107 B 8–15–72	Midwest Oil Corp., 1700 Broadway, Denver, CO 80202.	Michigan Wisconsin Pipe Line Co., North Woodward-Woodward County, Okla.	Uneconomical	[3]
CI73–108 A 8–17–72	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	Mountain Fuel Supply Co., West Side Canal Area, Carbon County, (Uintah-Green River Basin), Wyo.	[2] [11] 25.53	15.025
CI73–110 F 8–15–72	Texas Oil & Gas Corp., Fidelity Union Tower Bldg., Dallas, Tex. 75201.	Michigan Wisconsin Pipe Line Co., West Orion Field, Major County, Okla.	[12] 20.0	14.65
CI73–111 B 8–16–72	Phillips Petroleum Co., Bartlesville, Okla. 74001.	Texas Gas Pipe Line Corp., Stowell Field, Chambers County, Tex.	Depleted	[3]
CI73–112 B 8–16–72	do	Transwestern Pipeline Co., Puckett Field, Pecos County, Tex.	Depleted	[3]
CI73–113 A 8–17–72	Hunt Oil Co., 1401 Elm St., Dallas, TX 75202.	El Paso Natural Gas Co., Leases in Eddy County, N. Mex.	[2] 30.0	[3]
CI73–115 B 8–17–72	Placid Oil Co., 2500 First National Bank Bldg., Dallas, Tex. 75202.	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., Bethany Field, Panola County, Tex.	Depleted	[3]
CI73–117 F 8–21–72 [13]	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74102.	Panhandle Eastern Pipe Line Co., Chesley, Denning, Tucker, and Richterberg Units, Texas County, Okla.	20.0	14.65
CI73–118 A 8–21–72	do	Consolidated Gas Supply Corp., Kennedy "A" No. 1 Lease, 160.16 acres in Sandy River District, McDowell County, W. Va.	40.0	15.325
CI73–119 A 8–21–72	TransOcean Oil, Inc., 1700 First City East Bldg., Houston, Tex. 77002.	Transcontinental Gas Pipe Line Corp., Block A–1, Brazos Area, Offshore Tex.	[2] 32.0	14.65
CI73–120 A 8–21–72	Anadarko Production Co., Post Office Box 9317, Fort Worth, TX 76107.	Michigan Wisconsin Pipe Line Co., Sisson and Vore Units, Woods County, Okla.	[2] 26.0	14.65
CI73–121 A 8–21–72	do	Panhandle Eastern Pipe Line Co., Panoma Council Grove Field, Stevens and Grant Counties, Kans.	[2] 20.0	14.65
CI73–123 B 8–21–72	James S. Ray, 718 Kanawaha Valley Bldg., Charleston, W Va. 25301.	Equitable Gas Co., Lewis County, W. Va.	Depleted	[3]
CI73–124 A 8–21–72	The Offshore Co., Post Office Box 2765, Houston, TX 77001.	Southern Natural Gas Co., Block 28, West Delta area, Offshore, La.	[14] 29.675	15.025
CI73–125 B 8–22–72	R. J. Patrick, Post Office Box 1273, Liberal, KS 67901.	Panhandle Eastern Pipeline Co., Beaver County, Okla.	[15]	[3]
CI73–126 A 8–22–72	Mobile Oil Corp., Post Office Box 1774, Houston, TX 77001.	Tennessee Gas Pipeline Co., East Cameron Block 33 Field, Offshore (Disputed area), La.	[2] 26.0	15.025
CI73–127 A 8–24–72	Suburban Propane Gas Corp., Post Office Box 206, Whippany, NJ 07981.	Northern Natural Gas Co., Davidson Ranch area, Crockett County, Tex.	[16] 30.0	14.65
CI73–129 B 8–24–72	Amoco Production Co., Post Office Box 3092, Houston, TX 77001.	El Paso Natural Gas Co., Crosby Devonian Field, Lea County N. Mex.	Depleted	[3]
CI73–130 A 8–24–72	Mountain Petroleum Ltd., 712 Denver Center Bldg., Denver, Colo. 80203.	Kansas-Nebraska Natural Gas Co., Inc., Beecher Island area, Yuma County, Colo.	[17] 23.5	14.65
CI73–143 B 8–10–72	Great Plains Land Co	Tennessee Gas Pipeline Co., a Div. of Tenneco, Inc., Seven Sisters Field of Duval County, Tex.	[15]	[3]

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

[1] Applicant proposes to amend certificate issued in Docket No. G-13447 so as to authorize Gulf to continue the sale of its own gas heretofore authorized to Heils et al. in Docket No. G-13553.
[2] Subject to upward and downward B.t.u. adjustment.
[3] Subject to 1.7 cents upward B.t.u. adjustment.
[4] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. CI65-781 to be made pursuant to Mobil Oil Corp. FPC Gas Rate Schedule No. 373.
[5] Applicant proposes the Certificate issued in Docket No. CI67-1834 be amended to include sales of gas from the added acreage and sales of the additional volumes of gas heretofore reserved be available to the buyer.
[6] Applicant proposes to continue sales of natural gas heretofore authorized in subject docket to be made by Oklahoma Natural Gas Co.
[7] Applicant is willing to accept a certificate at an initial rate of 22.25 cents subject to B.t.u. adjustment; however, the contract price is 23 cents.
[8] Applicant proposes to cover its own interest in the sale of natural gas heretofore authorized to be made by Brammer Engineering Co., now holder of a small producer certificate.
[9] Applicant proposes to cover its own interest in the sale of natural gas heretofore authorized to be made by A. L. Abercrombie, now holder of a small producer certificate.
[10] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-4775 to be made pursuant to Amerada Hess Corp. FPC Gas Rate Schedule No. 8.
[11] Includes an estimate of 1.78 cents price adjustment for B.t.u. content.
[12] Applicant proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI71-514 to be made pursuant to Clark Canadian Exploration Co., Michigan Wisconsin Pipe Line Co. & Cedar Log Co. FPC Gas Rate Schedule No. 1.
[13] Applicant proposes to cover its own interest in the sale of natural gas heretofore authorized to be made by Graham-Michaelis Drilling Co., now holder of a small producer certificate, Docket No. CS71-178.
[14] Includes Louisiana severance tax reimbursement of 2.175 cents/Mcf.
[15] Elliott No. 1 well quit producing gas.
[16] Applicant states that if the Commission will not authorize the 30 cents rate plus B.t.u. adjustment, then Applicant will accept such rate not less than 27 cents plus B.t.u. adjustment, as the Commission may authorize.
[17] Includes 3.5 cents compression charge and tax reimbursement.
[18] Applicant proposes to abandon sales to Tennessee Gas Pipeline Co. to the extent sales are made from properties acquired in a partial assignment to Applicant by Humble Oil & Refining Co. under Humble Docket No. G-3072 and related FPC Gas Rate Schedule No. 11.

[FR Doc.72-15373 Filed 9-12-72;8:45 am]

[Docket No. E-7767]

PACIFIC POWER & LIGHT CO.

Notice of Application

SEPTEMBER 7, 1972.

Take notice that on July 31, 1972, Pacific Power & Light Co. (applicant), a Maine corporation, qualified to transact business in the States of Oregon, Wyoming, Washington, California, Montana, and Idaho, with its principal business office at Portland, Oreg., filed an application with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, seeking authority to exchange with Portland General Electric Co. (Portland General) certain electric transmission and distribution facilities, all of which are located in the State of Oregon.

Applicant proposes to transfer to Portland General the following facilities and associated easements and other property rights relating thereto:

(1) Certain electric transmission and distribution utility plant, including distribution substations, poles, lines, transformers, meters, related distribution facilities and all easements necessary for the operation thereof, owned, operated, and maintained by applicant in the city of Rainier, Oreg., and areas adjacent thereto.

(2) Certain electric transmission and distribution utility plant, including distribution substations, poles, lines, transformers, meters, related distribution facilities and all easements necessary for the operation thereof, owned, operated, and maintained by applicant in the city of Portland, Oreg., and areas adjacent thereto.

(3) The facilities and properties to be transferred to Portland General by applicant are shown in exhibits accompanying the application on file with the Commission.

Portland General proposes to transfer to applicant the following facilities and associated easements and other property rights relating thereto:

(1) Certain electric transmission and distribution utility facilities owned, operated, and maintained by Portland General in the city of Portland, Oreg., and areas adjacent thereto.

Applicant represents that the proposed exchange and transfers of properties and facilities will minimize duplication of services and facilities in areas where both applicant and Portland General provide service. Applicant further represents that in its judgment the exchange will result in more cohesive operating units and will enable applicant and Portland General to render a more efficient and economical electric utility service to their respective customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 25, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-15600 Filed 9-12-72;8:51 am]

[Docket No. CI73-171]

PHILLIPS PETROLEUM CO. ET AL.

Notice of Applications

SEPTEMBER 11, 1972.

Take notice that by letter of August 29, 1972, as supplemented by telegram of August 30, 1972, Phillips Petroleum Co. (Phillips) and Marathon Oil Co. (Marathon) advise the Commission that they propose to sell and deliver liquefied natural gas (LNG) produced by them in the State of Alaska to Boston Gas Co. and Brockton-Taunton Gas Co. (Boston-Brockton) within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29). Phillips and Marathon state (1) that they have separately been requested by Boston-Brockton to sell and deliver two shiploads of LNG from the jointly-owned Phillips-Marathon LNG plant at Kenai, Alaska; (2) that Boston-Brockton have advised that because of anticipated curtailments from their regular supplier and delay in start-up of delivery of LNG by Distrigas Corp. (Distrigas), Boston-Brockton face emergency conditions in meeting their requirements for the early portion of the 1972–73 winter season; and (3) that Phillips and Marathon have surplus capacity at the Kenai plant which will permit the delivery of two shiploads of LNG without excessive interference with their performance of their existing export operations authorized in Docket No. CI67-1226 pursuant to section 3 of the Natural Gas Act.

Phillips and Marathon state that they intend to sell and deliver to Boston-Brockton between 200,000 and 600,000 U.S. barrels of LNG, depending on ships' capacities and ability to meet projected loading dates. The gas would be transported by two LNG tankers of foreign registry, the SS *Esso Brega* under charter to Esso Transport Co., Inc. (Transport), and the SS *Descartes*, owned by Gazocean Armement, and delivered to the terminal of Distrigas at Everett, Mass. The first loading at the Kenai plant would be approximately September 25, 1972. The price for gas delivered at the Distrigas terminal by the SS *Esso Brega* would be approximately $1.31 per million B.t.u. and the price for gas delivered at the Distrigas terminal by the SS *Descartes* would be approximately $1.21 per million B.t.u. Phillips and Marathon state that they are advised that Boston-Brockton have made arrangements with Distrigas for the receipt, storage, and delivery of the LNG. They state that they have been further advised that the price for the LNG delivered at Everett is comparable to prices paid by Boston-Brockton and other distributors in the New England area for similar spot purchases of LNG and they assert that such prices are necessary to induce them to enter into this transaction.

Phillips and Marathon express the belief that the subject transaction can be accomplished within the contemplation of § 157.29 of the regulations under the

Natural Gas Act; however, if the Commission should find that § 157.29 is not applicable, Phillips and Marathon request that the Commission issue a certificate under the Natural Gas Act authorizing the transaction. They state that their notice of contemplated activities is intended to be consistent with and in no way to be considered as an application for amendment of the existing export authorization in Docket No. CI67–1226.

By Telex communication of August 30, 1972, Distrigas states that it is unwilling to render the temporary storage service if to do so would subject its facilities and intrastate operations at Everett to the jurisdiction of the Commission. Distrigas requests that the Commission grant Distrigas a waiver or exemption under section 7(c) of the Natural Gas Act to assure Distrigas that the Commission will not exercise jurisdiction over Distrigas' facilities or operations at Everett by reason of the transaction between Phillips and Marathon and Boston-Brockton. Distrigas proposes to charge 65 cents per MMB.t.u. for its services.

By telegram of September 1, 1972, Transport expresses the belief that it does not consider its transportation service to be subject to the jurisdiction of the Commission. Transport requests that the Commission issue to it a representation that the Commission will not raise any question with respect to the application of the Natural Gas Act to the proposed transportation service or with respect to the status under the Natural Gas Act of Transport by reason of such transportation. Alternatively, without waiving its position with respect to jurisdiction, in the event the Commission fails to take the aforementioned action, Transport requests that the Commission either (1) find that the proposed transportation will be an exempt emergency transaction within the contemplation of § 157.29 of the regulations under the Natural Gas Act or (2) find that the proposed transportation will be exempt from the requirements of section 7(c) of the Natural Gas Act as a temporary act or operation for which the issuance of a certificate will not be required in the public interest. Transport notes that its ability to perform the transportation service will be conditioned upon the receipt of an appropriate waiver of the provisons of the Merchant Marine Act, 1920, 46 USCA 861, et seq., and particularly 46 USCA 883. Phillips and Marathon note that both transporters will require such a waiver.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said applications should on or before September 18, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on the application of Phillips and Marathon if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that the proposed transaction is not within the contemplation of § 157.29 of the regulations under the Natural Gas Act and that a grant of a 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 Phillips and Marathon to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–15638 Filed 9–12–72;8:56 am]

FEDERAL RESERVE SYSTEM

FIRST FINANCIAL CORP.

Acquisition of Bank

First Financial Corp., Tampa, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire not less than 90 percent of the voting shares of First Financial National Bank of Tampa, Tampa, Fla., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 3, 1972.

Board of Governors of the Federal Reserve System, September 6, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72–15504 Filed 9–12–72;8:46 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs., Temporary Reg. F–155]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the Federal Government in a natural gas rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Georgia Public Service Commission in a rate proceeding involving natural gas rates of the Atlanta Gas Light Co. (Docket No. 2472–U).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

SEPTEMBER 1, 1972.

[FR Doc.72–15518 Filed 9–12–72;8:47 am]

NATIONAL ADVISORY COUNCIL ON SUPPLEMENTARY CENTERS AND SERVICES

INNOVATIVE EDUCATIONAL PROJECTS

Notice of Public Meeting

Notice is hereby given, pursuant to Executive Order 11671, that the next meeting of the National Advisory Council on Supplementary Centers and Services will be held on October 13 and 14, 1972, at 9 a.m., in Room 800, 2100 Pennsylvania Avenue NW., Washington, DC.

The National Advisory Council on Supplementary Centers and Services is established under section 309 of Public Law 91–230. The Council is directed to:

(1) Review the administration of, general regulations for, and operation of

this title, including its effectiveness in meeting the purposes set forth in section 303;

(2) Review, evaluate, and transmit to the Congress and the President the reports submitted pursuant to section 305 (a) (2) (E);

(3) Evaluate programs and projects carried out under this title and disseminate the results thereof; and

(4) Make recommendations for the improvement of this title, and its administration and operation.

The meeting of the Committee shall be open to the public. The proposed agenda includes a discussion of the annual report of the Council. Records shall be kept of all Council proceedings (and shall be available for public inspection at the office of the Council's Executive Secretary, located in Room 818, 2100 Pennsylvania Avenue NW., Washington, DC).

Signed at Washington, D.C., on September 6, 1972.

GERALD J. KLUEMPKE,
Executive Secretary.

[FR Doc.72-15617 Filed 9-12-72;8:55 am]

SECURITIES AND EXCHANGE COMMISSION

CHAMPION FUND, INC.

[811-2170]

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be Investment Company

SEPTEMBER 7, 1972.

Notice is hereby given that Champion Fund, Inc. (Fund), 235 Montgomery Street, San Francisco, CA 94104, an open-end diversified management investment company registered under the Investment Company Act of 1940 (Act), has filed an application for an order of the Commission pursuant to section 8(f) of the Act declaring that Fund has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

On February 10, 1971, Fund filed a notification of registration pursuant to section 8(a) of the Act, and subsequently Fund filed registration statements pursuant to section 8(b) of the Act and section 5 of the Securities Act of 1933. Fund's registration statement under the Securities Act became effective on July 29, 1971, and shares of Fund were publicly offered at that time. However, on June 6, 1972, Fund ceased offering its shares for sale to the public, and at a special meeting held on June 23, 1972, the shareholders of Fund determined that Fund should be dissolved, and Fund is now in the process of dissolution. As of August 25, 1972, Fund had only 14 shareholders.

Section 3(c)(1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 28, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Fund at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-15530 Filed 9-12-72;8:48 am]

[70-5234]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Issue and Sale of Debentures at Competitive Bidding

SEPTEMBER 7, 1972.

Notice is hereby given that The Columbia Gas System, Inc. (Columbia), 20 Montchanin Road, Wilmington, DE 19807, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Columbia proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $60 million principal amount of ____ percent Debentures, Series due October 1997. The interest rate of the debentures (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Columbia (which shall be not less than 98½ percent nor more than 101½ percent of the principal amount thereof); will be determined by the competitive bidding. The debentures will be issued under an Indenture between Columbia and Morgan Guaranty Trust Company of New York, Trustee, dated as of June 1, 1961, as heretofore supplemented by various indentures and as to be further supplemented by a 20th Supplemental Indenture to be dated as of October 1, 1972.

The supplemental indenture will prohibit redemption of any of the debentures prior to October 1, 1977, directly or indirectly, with borrowed funds, or in anticipation of funds to be borrowed, having an effective annual interest cost to Columbia of less than the effective annual interest cost of the debentures to Columbia. The proposed debentures will be subject to a sinking fund providing for retirement of $42 million (70 percent) thereof prior to maturity through annual payments of $2,100,000 commencing in 1977.

The net proceeds from the sale of the debentures will be added to the general funds of Columbia and, together with funds then available and funds to be generated from operations, will be used by Columbia to finance, among other things, part of the cost of its subsidiary companies' 1972 construction program, estimated at approximately $250 million.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. A statement of the fees, commission, and expenses related to the proposed transaction is to be filed by amendment.

Notice is further given that any interested person may, not later than September 27, 1972, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as amended, may be permitted to become effective as provided in

Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-15531 Filed 9-12-72;8:48 am]

[File No. 500-1]

FIRST NATIONAL CORP.

Order Suspending Trading

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the class A common stock, $1 par value, and all other securities of First National Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange, be summarily suspended, this order to be effective for the period from 2:30 p.m., e.d.t., on September 6, 1972, through September 15, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-15533 Filed 9-12-72;8:48 am]

[811-578]

POTOMAC PLAN

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

SEPTEMBER 7, 1972.

Notice is hereby given that Capital Founders Corp. (Applicant), c/o Capital Founders Corp., 1346 Connecticut Avenue NW., Washington, DC 20036, sponsor of the Potomac Plan, a unit investment trust registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant represents that on March 31, 1967, sales of investment plans by the sponsor providing for the accumulation of shares of common stock of the Potomac Electric Power Co., the underlying investment medium, were voluntarily discontinued; that no plans have been offered or sold since that date; that all plans have now been terminated; and that the respective number of shares of common stock of the Potomac Electric Power Co. to which each planholder was entitled have been distributed to the planholders.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 28, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-15532 Filed 9-12-72;8:48 am]

TARIFF COMMISSION

[AA1921-102]

PARTS FOR INCANDESCENT ILLUMINATING ARTICLES FROM CANADA

Notice of Investigation and Hearing

Having received advice from the Treasury Department on September 1, 1972, that base metal parts for incandescent illuminating articles, suitable for residential use, from Canada are being, or are likely to be, sold at less than fair value, the U.S. Tariff Commission has instituted an investigation 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 investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., e.d.s.t., on October 17, 1972. 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 Tariff Commission, in writing, at its offices in Washington, D.C., not later than noon, Thursday, October 12, 1972.

By order of the Commission.

KENNETH R. MASON, *Secretary.*

Issued: September 8, 1972.

[FR Doc.72-15578 Filed 9-12-72;8:54 am]

[TEA-F-43]

WILSON SHOE CORP.

Petition for Determination; Notice of Investigation

Investigation instituted. Upon petition under section 301(a)(2) of the Trade Expansion Act of 1962, filed on behalf of Wilson Shoe Corp., Shamokin, Pa., the U.S. Tariff Commission, on September 8, 1972, instituted an investigation under section 301(c)(1) of the said act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women and misses (of the types provided for in items 700.43 and 700.45 of the Tariff Schedules of the United States) produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause or threaten to cause, serious injury to such firm.

The optional hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

Inspection of petition. The petition filed in this case is available for inspection at the office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New

York City office of the Tariff Commission located in Room 437 of the Customhouse.

By order of the Commission.

Issued: September 8, 1972.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72-15577 Filed 9-12-72;8:54 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON ECONOMIC TRENDS AND LABOR CONDITIONS

Notice of Meeting

The BRAC Committee on Economic Trends and Labor Conditions will meet at 10 a.m., September 20, 1972, in Room 1535, General Accounting Office Building, 441 G Street NW., Washington, DC.

The items to be discussed will include the following:

1. Status Report on the 1985 Projections.

2. Expanded Work on the Manpower Impact of Government Expenditures and Policies.

Signed at Washington, D.C., this 6th day of September 1972.

GEOFFREY H. MOORE,
Commissioner of Labor Statistics.

[FR Doc.72-15535 Filed 9-12-72;8:49 am]

Office of the Secretary

NEVADA

Notice of Termination of Extended Unemployment Compensation

The Federal-State Extended Unemployment Compensation Act of 1970, title II of Public Law 91-373, establishes a program of payment to unemployed workers who have received all of the regular compensation to which they are entitled, commencing when unemployment is high (according to indicators set forth in the law) and terminating when unemployment ceases to be high (according to indicators set forth in the law). Pursuant to section 203(b)(2) of the Act, notice is hereby given that Robert Archie, Executive Director of the Nevada Employment Security Department, has determined that there was a State "Off" indicator in Nevada for the week ending July 29, 1972, and that an extended benefit period terminated in the State with the week ending August 19, 1972.

Signed at Washington, D.C., this 7th day of September 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.72-15536 Filed 9-12-72;8:49 am]

WEST VIRGINIA

Notice of Termination of Extended Unemployment Compensation

The Federal-State Extended Unemployment Compensation Act of 1970, title II of Public Law 91-373, establishes a program of payment to unemployed workers who have received all of the regular compensation to which they are entitled, commencing when unemployment is high (according to indicators set forth in the law) and terminating when unemployment ceases to be high (according to indicators set forth in the law). Pursuant to section 203(b)(2) of the Act, notice is hereby given that Clement R. Bassett, Commissioner of the West Virginia Department of Employment Security, has determined that there was a State "off" indicator in West Virginia for the week ending July 1, 1972, and that an extended benefit period terminated in the State with the week ending July 22, 1972.

Signed at Washington, D.C., this 7th day of September 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.72-15537 Filed 9-12-72;8:49 am]

INTERSTATE COMMERCE COMMISSION

[Notice 74]

ASSIGNMENT OF HEARINGS

SEPTEMBER 8, 1972.

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 53965 Sub 80, Graves Truck Line, Inc., now assigned September 11, 1972, at Salina, Kans., is canceled and transferred to modified procedure.

AB 5 Sub 2, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., Debtor, abandonment in Pittsburgh, Allegheny County, Pa., and AB 5 Sub 3, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., Debtor, abandonment portion of its main line (Pittsburgh to St. Louis) Pittsburgh, Allegheny County, Pa., now being assigned hearing November 13, 1972 (1 week), in Room 2212 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA.

MC 107515 Sub 764, Refrigerated Transport Co., Inc., now being assigned hearing November 27, 1972 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC 9194 Sub 2, AAA Transfer, Inc., now being assigned November 6, 1972 (1 week), at Seattle, Wash., in a hearing room to be later designated.

I & S 8739, Cancellation of TOFC Rates, C. & O. Railway, now assigned October 16, 1972, at Milwaukee, Wis., is postponed to December 18, 1972, same time and place.

MC 135870 Sub 1, Hi-Way American, Inc., assigned October 2, 1972, at Detroit, Mich., will be held at the Veterans Memorial Building, 151 West Jefferson Street.

RR-MC-1251, Passenger automobiles and trucks Auto Driveaway Co., now assigned September 26, 1972, at Washington, D.C., is postponed to November 28, 1972, same time and place.

MC 135904 Sub 2, Alltrans Express, Ltd., now assigned October 16, 1972, at Olympia, Wash., is postponed to October 30, 1972, at the Sea-Tac Motor Inn, 18740 Pacific Highway South, Seattle, WA.

No. 35558, Arkansas Interstate Freight Rates and Charges—1972, now being assigned hearing December 18, 1972, at Little Rock, Ark., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-15581 Filed 9-12-72;8:49 am]

[Rule 19; Ex Parte 241, Exemption No. 19]

ATCHISON, TOPEKA, AND SANTA FE RAILWAY CO. ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, that there has been a substantial increase in the movement of grain and grain products originating at stations on the railroads listed herein; that major harvests of corn, milo, and soybean are commencing in the areas served by these railroads; that boxcar supplies available to these railroads are inadequate to meet all of the needs of the shippers served by them; that surpluses of plain boxcars exist on certain railroads; and that these railroads have consented to the use of their cars by the railroads listed herein.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 384, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, with inside length 44 ft. 6 in. or less and regardless of door width, owned by The Baltimore and Ohio Railroad Co., the Chesapeake and Ohio Railway Co., or the Delaware and Hudson Railway Co. are exempt from the provisions of Car Service Rules 1 and 2 when located empty on, or loaded by, any of the lines named below:

The Atchison, Topeka and Santa Fe Railway Co.

Burlington Northern Inc.:
The Colorado and Southern Railway Co.
Fort Worth and Denver Railway Co.

Chicago & Eastern Illinois Railroad Co.
Chicago and North Western Railway Co.
Chicago, Milwaukee, St. Paul and Pacific Railroad Co.
Chicago, Rock Island and Pacific Railroad Co.
Illinois Central Gulf Railroad Co.
Missouri-Kansas-Texas Railroad Co.
Missouri Pacific Railroad Co.
Norfolk and Western Railway Co.:
(Lines Connersville, Ind., and Montpelier, Ohio, and west, including stations on line between Connersville and Montpelier via New Castle, Muncie, Bluffton, Kingsland, Fort Wayne, and Butler, Ind.)
St. Louis-San Francisco Railway Co.
St. Louis Southwestern Railway Co.
Soo Line Railroad Co.
Union Pacific Railroad Co.

Effective: September 11, 1972.

Expires: November 15, 1972.

Issued at Washington, D.C., September 7, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.72-15586 Filed 9-12-72;8:50 am]

[Rule 19; Ex Parte 241, Sixth Revised Exemption No. 12]

ATLANTIC AND WESTERN RAILWAY CO. ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, that the railroads named herein own numerous plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 384, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlantic and Western Railway Co.
Reporting marks: ATW.
Chicago & Illinois Midland Railway Co.
Reporting marks: CIM.
The La Salle and Bureau County Railroad Co.
Reporting marks: LSBC.
Louisville, New Albany & Corydon Railroad Co.
Reporting marks: LNAC.
Manufacturers Railway Co.
Reporting marks: MRS.
Richmond, Fredericksburg and Potomac Railroad Co.
Reporting marks: RFP.
Vermont Railway, Inc.
Reporting marks: Rut or VTR.
Wellsville, Addison & Galeton Railroad Corp.
Reporting marks: WAG.

Effective September 11, 1972, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., September 7, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.72-15585 Filed 9-12-72;8:50 am]

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 8, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42524—*Fertilizer and fertilizer materials between points in Illinois Freight Association territory.* Filed by Illinois Freight Association, Agent (No. 378), for interested rail carriers. Rates on fertilizer and fertilizer materials, in carloads, as described in the application, between points in Illinois Freight Association territory.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Supplement 17 to Illinois Freight Association, agent, tariff ICC 1262. Rates are published to become effective on October 12, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-15580 Filed 9-12-72;8:49 am]

[Notice 24]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 8, 1972.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 626) (Cancels Deviation No. 590), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed August 31, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Chattanooga, Tenn., over Interstate Highway 24 to junction Interstate Highway 59, thence over Interstate Highway 59 to Birmingham, Ala., with the following access roads: (a) From Fort Payne, Ala., over Alabama Highway 35 to junction Interstate Highway 59, (b) from Collinsville, Ala., over Alabama Highway 68 to junction Interstate Highway 59, and (c) from Asheville, Ala., over U.S. Highway 231 to junction Interstate Highway 59, and (2) from Bessemer, Ala., over Interstate Highway 59 to junction Alabama Highway 19, thence over Alabama Highway 19 to junction U.S. Highway 11 at Boligee, Ala., with the following access roads: (a) From Tuscaloosa, Ala., over U.S. Highway 82 to junction Interstate Highway 59, and (b) from Eutaw, Ala., over Alabama Highway 14 to junction Interstate Highway 59, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (a) From Murfreesboro, Tenn., over U.S. Highway 41 to Chattanooga, Tenn., thence over U.S. Highway 11 to Attalle, Ala., thence over U.S. Highway 411 to Asheville, Ala., thence over Alabama Highway 23 to Springville, Ala., thence over U.S. Highway 11 to Birmingham, Ala. (also from Attalla over U.S. Highway 11 to Springville), and (2) from Birmingham, Ala., over U.S. Highway 11 via Bucksville and Box Springs, Ala., to New Orleans, La., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-15582 Filed 9-12-72;8:49 am]

[Notice 28]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 8, 1972.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from

approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-45158 (Deviation No. 6), KILLION MOTOR EXPRESS, INC., 2305 Ralph Avenue, Post Office Box 16408, Louisville, KY 40216, filed August 25, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Louis, Mo., over the Mississippi River Bridge to Illinois Highway 3, thence over Illinois Highway 3 to junction Illinois Highway 3 to junction Illinois Highway 13, thence over Illinois Highway 13 to Shawneetown, Ill., thence over Illinois Highway 109 to the Illinois-Kentucky State line, thence over Kentucky Highway 109 to Hopkinsville, Ky., thence over U.S. Highway 41 to Nashville, Tenn., thence over Interstate Highway 40 to Knoxville, Tenn., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Louisville, Ky., over U.S. Highway 150 to Vincennes, Ind., thence over U.S. Highway 50 to St. Louis, Mo., and (2) from Knoxville, Tenn., over U.S. Highway 25W to Clinton, Tenn., thence over Tennessee Highway 21 to Oliver Springs, Tenn., thence over Tennessee Highway 62 to Wartburg, Tenn., thence over U.S. Highway 27 to Stanford, Ky., thence over U.S. Highway 150 to Danville, Ky., thence over Kentucky Highway 35 to Alton Station, Ky., thence over Kentucky Highway 151 to Graefenburg, Ky., thence over U.S. Highway 60 to Louisville, Ky., and return over the same routes.

No. MC 45158 (Deviation No. 7), KILLION MOTOR EXPRESS, INC., 2305 Ralph Avenue, Post Office Box 16408, Louisville, KY 40216, filed August 25, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Louis, Mo., over the Mississippi River Bridge to Illinois Highway 15, thence over Illinois Highway 15 to Mount Vernon, Ill., thence over U.S. Highway 460 to Evansville, Ind., thence over U.S. Highway 41 to Nashville, Tenn., thence over Interstate Highway 40 to Knoxville, Tenn., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Louisville, Ky., over U.S. Highway 150 to Vincennes, Ind., thence over U.S. Highway 50 to St. Louis, Mo., and (2) from Knoxville, Tenn., over U.S. Highway 25W to Clinton, Tenn., thence over Tennessee Highway 21 to Oliver Springs, Tenn., thence over Tennessee Highway 62 to Wartburg, Tenn., thence over U.S. Highway 27 to Stanford, Ky., thence over U.S. Highway 150 to Danville, Ky., thence over Kentucky Highway 35 to Alton Station, Ky., thence over Kentucky Highway 151 to Graefenburg, Ky., thence over U.S. Highway 60 to Louisville, Ky., and return over the same routes.

No. MC 59680 (Deviation No. 88), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, TX 75222, filed August 28, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Texarkana, Ark., over U.S. Highway 59 to Atlanta, Tex., thence over Texas Highway 77 to Douglasville, Tex., thence over Texas Highway 8 to Linden, Tex., thence over Texas Highway 155 to Tyler, Tex., thence over Texas Highway 31 to Waco, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Texarkana, Ark., over U.S. Highway 82 to Paris, Tex., thence over Texas Highway 24 to Greenville, Tex., thence over U.S. Highway 67 to Dallas, Tex., thence over U.S. Highway 77 to Waco, Tex., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-15583 Filed 9-12-72;8:50 am]

[Notice 73]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 8, 1972.

The following publications[1] are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 112123 (Sub-No. 7) (Correction) filed November 10, 1971, published in the FEDERAL REGISTER issues of December 23, 1971 and April 13, 1972, and republished as corrected this issue. Applicant: BEST-WAY TRANSPORTATION, a corporation, 2343 West Mohave Street, Phoenix, AZ 85009. Applicant's representative: Marvin Handler, 405 Montgomery Street, Suite 1400, San Francisco, CA 94104. NOTE: The purpose of this partial republication is to correctly set forth the following: (1) regular routes are proposed in lieu of regular and irregular routes; (2) in Route 38 it should read from Ehrenberg, Ariz., over Interstate Highway 10 to Phoenix, Ariz.; (3) in Route 39 it should read from Wickenburg, Ariz., over U.S. Highways 60 and 70 and Interstate Highway 10 to Ehrenberg, Ariz.; and (4) in Route 75 after the States traversed one of the routes should be *Topock*, Ariz., in lieu of Topack, Ariz., also to correct the spelling of *Needles*, Calif. The rest of the application remains the same as previously published.

HEARING: October 30, 1972, San Francisco, Calif., and continued immediately to Los Angeles, Calif., and Phoenix, Ariz.

No. MC 124111 (Sub-No. 31) (Republication), filed July 12, 1971, published in the FEDERAL REGISTER issue of September 10, 1971, and republished this issue. Applicant: OHIO EASTERN EXPRESS, INC., Post Office Box 2297, 300 West Perkins Avenue, Sandusky, OH 44870. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. A supplemental order of the Commission, Operating Rights Board, dated June 7, 1972, and served July 6, 1972, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of foodstuffs, in vehicles equipped with mechanical refrigeration, from the plantsites and storage facilities of Stouffer Foods Division of Litton Industries, at Solon, Ohio, to points in Pennsylvania east of U.S. Highway 15 and points in New York, New Jersey, Connecticut, Massachusetts, Vermont, Maine, New Hampshire, Rhode Island, Delaware, the Lower Peninsula of Michigan, Maryland, West Virginia, Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above named plantsite and storage facilities

and destined to the above named destination States; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. That since it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority in our findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

APPLICATION FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 73616 (Sub-No. 2), filed August 17, 1972. Applicant: BILKAYS EXPRESS CO., a corporation, 100 Third Avenue, Elizabeth, NJ 07206. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. 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, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between points in Westchester County, N.Y.; (2) between New York City, N.Y., on the one hand, and, on the other, points in Dutchess, Orange, Putnam, Rockland, and Westchester Counties, N.Y.; (3) from points in Westchester County, N.Y., to points in Dutchess, Rockland, and Suffolk Counties, N.Y.; and (4) from New York City, N.Y. to points in Suffolk County, N.Y. NOTE: Applicant states that the present authority would be joined at New York with its existing authority, MC 73616 and its Sub-No. 1. This application is a matter directly related to MC–F–11639, published in the FEDERAL REGISTER issue of September 7, 1972. The instant application seeks to convert the Certificate of Registration of Rose Gscheidle, doing business as Bronx and Westchester Van and Express, MC 98096 Sub-No. 2 into a Certificate of Public Convenience and Necessity. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC–F–11318, (Amendment) (SUPERIOR TRUCKING COMPANY, INC. — Purchase (Portion) — DANIEL HAMM DRAYAGE COMPANY), published in the September 29, 1971, issue of the FEDERAL REGISTER on page 19142. By amendment filed August 22, 1972, prior notice should be modified to delete this authority from that to be acquired by Superior Trucking Company, Inc., and such authority is to be acquired by Ace Doran Hauling & Rigging Co., in No. MC–F–11631, between Cairo, and Hartford, Ill. (excluding any points in Missouri which may be within the commercial zones of either Cairo or Hartford, Ill.), and Paducah, Ky., on the one hand, and, on the other, points in Louisiana, Oklahoma, and Texas (except airplanes and airplane parts, not including engines, between Grand Prairie and Garland, Tex., on the one hand, and, on the other, St. Louis, Mo.), between Cairo and Hartford, Ill. (excluding any points in Missouri which may be within the commercial zones of either Cairo or Hartford, Ill.), and Paducah, Ky., on the one hand, and, on the other, points in Louisiana, Oklahoma, and Texas, with restrictions.

No. MC–F–11487. (Amendment) (AUCLAIR TRANSPORTATION, INC.—Control and Merger—PAUL V. ADAMS TRUCKING, INC.), published in the March 22, 1972, issue of the FEDERAL REGISTER on page 5858. Petition filed June 30, 1972, certificate No. MC–9429 Sub-No. 6, be amended by deleting the restriction against "commodities requiring refrigeration" so that general commodity description in each of the two instances would read: "General commodities, except those of unusual value, livestock, high explosives, commodities of bulk, commodities requiring special equipment, and those injurious or contaminating to other lading."

No. MC–F–11614 (Correction) (PEZZA TRANSPORTATION, INC.—Purchase—VOUTOUR'S EXPRESS, INC., U.S. Internal Revenue Service, Successor-in-Interest), published in the August 9, 1972, issue of the FEDERAL REGISTER on pages 16054 and 16055. Prior notice should be modified to read. Application for temporary authority under section 210a(b), was granted pursuant to MC–FC–73578, on May 15, 1972.

No. MC–F–11647. Authority sought for control by RYDER SYSTEM, INC., a noncarrier, 2701 South Bayshore Drive, Miami, FL 33133, of CUSTOMIZED PARTS DISTRIBUTION, INC., also of Miami, Fla. 33133, and for acquisition by JAMES A. RUDER, RALPH B. RYDER; JAR CORPORATION, TEMCO INDUSTRIES, INC., and RIDR, INC., and in turn by ROLAND N. REEDY, all of Miami, Fla. 33133, of control of CUSTOMIZED PARTS DISTRIBUTION, INC., through the acquisition by RYDER SYSTEM, INC. Applicants' attorneys: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, MI 48226, and Roderick C. Dickinson, 2701 South Bayshore Drive, Miami, FL 33133. Operating rights sought to be controlled: Transferor presently holds authority under Docket No. MC–136291 TA, with corresponding permanent in No. MC–136291 (Sub-No. 1), pending as a contract carrier over irregular routes, motor vehicle parts and accessories, and related publications, advertising material, packaging and shipping supplies, between the Autolite Parts Distribution Center at Teterboro, N.J., on the one hand, and, on the other, Teterboro Airport, Teterboro, N.J., between Teterboro Airport, Teterboro, N.J., on the one hand, and, on the other, Natick, Mass., Harrisburg, Pa., and Pennsauken, N.J., between Pennsauken, N.J., on the one hand, and, on the other, Baltimore, Md., between Baltimore, Md., on the one hand, and, on the other, Baltimore Friendship Airport, Md., Richmond, Va., and Ford Motor Co., dealers in Baltimore and Marlow Heights, Md., and Alexandria and Falls Church, Va. RYDER SYSTEM, INC., holds no authority from this Commission. However, it is affiliated with (1) COMPLETE AUTO TRANSIT, INC., 18544 West Eight Mile Road, Southfield, MI 48075, and (2) M. & G. CONVOY, INC., Post Office Box 104, 590 Elk Street, Buffalo, NY 14210, (1) which is authorized to operate as a *contract carrier* in all of the States in the United States (except Alaska and Hawaii), and (2) which is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11648. Authority sought by BONANZA BUS LINES, INC., Post Office Box 1116, Annex Station, Providence, RI 02901, (1) to acquire control of and merge with RHODE ISLAND BUS CORP., Box 66, Providence, R.I., and (2) to purchase the operating rights and property of SUPER SERVICE COACH CORP., Room 249, 625 Eighth Avenue, New York, NY, and for acquisition of control by GEORGE M. SAGE, also of Providence, R.I. 02901, through the transactions. Applicants' attorneys: Thomas D. Pucci, 111 Westminster Street, 824 Industrial Bank Building, Providence, RI 02903, and John R. Sims, Jr., Post Office Box 9101, Arlington, VA 22209. (1) Operating rights sought to be controlled and merged: Passengers and their baggage, and etc., as a common carrier over regular routes, between Boston, Mass., and Providence, R.I., between Providence, R.I., and Wallum Lake, R.I., between Pascoag, and Woonsocket, R.I., serving all intermediate points, between Pawtucket, R.I., and the Lincoln Race Track at Lincoln, R.I., serving no intermediate points, between Providence, R.I., and New London, Conn., serving all intermediate points, between Boston, Mass., and Lincoln Race Track, at Lincoln, R.I.,

serving no intermediate points; passengers and their baggage, and etc., over irregular routes, from Pawtucket, R.I., to points in Massachusetts, between junction U.S. Highway 1 and Massachusetts Highway 128 over Massachusetts Highway 128 to junction Interstate Highway 95, thence over Interstate Highway 95 to Pawtucket, and return over the same route, between New London and Moosup, Conn., those points on Connecticut Highway 32 between New London and junction Highway 32 and Connecticut Highway 12 at Norwich, Conn., and those points on Connecticut Highway 12 between junction Connecticut Highway 12 and junction Connecticut Highway 14 near Moosup, Conn., on the one hand, and, on the other, Lincoln Race Track, at Lincoln, R.I., and Narragansett Park Race Track, at Pawtuckett, R.I., with restrictions; (2) operating rights sought to be transferred: Passengers and their baggage and etc., as a common carrier over regular routes, (A) between Hartford, Conn., and junction U.S. Highway 202 and Alternate U.S. Highway 6 near Woodbury, Conn., serving all intermediate points, between junction U.S. Highway 7 and Connecticut Highway 95 north of Ridgefield, Conn., and White Plains, N.Y., serving all intermediate points (except those between Interchange No. 10, Interstate Highway 95 (Connecticut Turnpike), near Darien, Conn., and the Connecticut-New York State line), between Pound Ridge, N.Y., and Darien, Conn., serving all intermediate points, (B) between Hartford, Conn., and New York, N.Y., serving all intermediate points, between White Plains, and New York, N.Y., serving all intermediate points except those south of Tuckahoe Road, between Hartford and Plainville, Conn., serving no intermediate points, (C) between White Plains, N.Y., and junction New York Highways 22 and 100, between Hartford and Waterbury, Conn., between junction U.S. Highway 6 and unnumbered highway known as Connecting Road, and junction U.S. Highways 202 and 6 near the town of Farmington, Conn., between Plainville and New Britain, Conn., between Armonk, town of New Castle, N.Y., and Sandy Hook, Conn., between Hartford, Conn., and Providence, R.I., between junction Interstate Highway 84 and U.S. Highway 202 at or near Newtown, Conn., and junction Interstate Highway 84 and U.S. Highway 202 west of Danbury, Conn., serving all intermediate points, between Milldale and Hartford, Conn., serving the intermediate point of Meriden, Conn., with restriction, between Danbury and Ridgefield, Conn., between Danbury, Conn., and Brewster, N.Y., between Danbury, and South Norwalk, Conn., between Branchville and Ridgefield, Conn., serving all intermediate points, between Pittsfield, Mass., and Danbury, Conn., serving all intermediate points except New Milford and Brookfield, Conn.; passengers and their baggage and etc., over irregular routes, between all points authorized to be served in connection with the regular route operations authorized herein above under (B) except Sandy Hook, Newton, and Danbury, Conn., with restriction, from points within 20 miles of the above-specified route to points in Connecticut, Rhode Island, and Massachusetts, and return; over three alternate routes for operating convenience only. BONANZA BUS LINES, INC., is authorized to operate as a common carrier in Rhode Island, Massachusetts, Connecticut, Vermont, Maine, New Hampshire, New York, Virginia, North Carolina, Tennessee, New Jersey, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11649. Authority sought for control by De-PEN LINE, INC., Post Office Box 486, Hollow Road, R.F.D. No. 1, Phoenixville, PA 19460, of MAURER'S EXPRESS, INC., c/o Al F. Schmidt, 208 Jefferson Boulevard, Reading, PA 19609, and for acquisition by BRUNO BROTHERS, INC., and, in turn, by WILLIAM J. FORD, both of Phoenixville, Pa. 19460, of control of MAURER'S EXPRESS, INC., through the acquisition by De-PEN LINE, INC. Applicants' attorney: Maxwell A. Howell, 1100 Investment Building, 1511 K Street NW., Washington, DC 20005. Operating rights sought to be controlled: *General commodities,* excepting among others, dangerous explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Reading, Pa., and points and places within 8 miles thereof; *household goods* as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, between points and places in Berks County, Pa., on the one hand, and, on the other, points and places in New York, New Jersey, Delaware, Maryland, and the District of Columbia within 150 miles of Reading, Pa. De-PEN LINE, INC., is authorized to operate as a *common carrier* in Pennsylvania, Delaware, New York, New Jersey, Maryland, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11650. Authority sought for control by A–P–A TRUCK LEASING CORPORATION, a noncarrier, 2100 88th Street, North Bergen, NJ 07047, of TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, MI 48209, and for acquisition by ARTHUR E. IMPERATORE, also of North Bergen, NJ 07047, of control of TRANSAMERICAN FREIGHT LINES, INC., through the acquisition by A–P–A TRUCK LEASING CORPORATION. Applicants' attorney: A. Alvis Layne, 915 Pennsylvania Building, Washington, DC 20004. Operating rights sought to be controlled: *General commodities,* with certain specified exceptions, and numerous other specified commodities, as a *common carrier,* over regular and irregular routes, from, to, and between specified points in the States of Michigan, Illinois, Indiana, Ohio, Pennsylvania, Missouri, Kentucky, Wisconsin, New Jersey, New York, Connecticut, Iowa, Nebraska, Minnesota, Massachusetts, Rhode Island, Kansas, Maryland, District of Columbia, West Virginia, Oklahoma, Arkansas, Texas, Delaware, Maine, New Hampshire, Virginia, Tennessee, Vermont, Louisiana, Alabama, Florida, Georgia, North Carolina, North Dakota, South Carolina, and South Dakota, with certain restrictions, serving various intermediate and off-route points, over numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC–10761 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety thereof. A–P–A TRUCK LEASING CORPORATION holds no authority from this Commission. However, it is affiliated with A–P–A TRANSPORT CORP., 2100 88th Street, North Bergen, NJ 07047, which is authorized to operate as a *common carrier* in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11651. Authority sought for purchase by LA PORTE TRANSIT CO., INC., Post Office Box 578, La Porte, IN 46350, of the operating rights of GEORGE D. COOPER, doing business as COOPER CARTAGE, 415 East Lincoln Avenue, Libertyville, IL 60048, and for acquisition by WALTER L. GESSE, Post Office Box 91, La Porte, IN 46350, of control of such rights through the purchase. Applicants' attorney: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–97049 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Indiana and Illinois. Application has been filed for temporary authority under section 210a(b). NOTE: MC–71043 (Sub-No. 7) is a matter directly related.

No. MC–FC–73522. By order dated August 2, 1972, the Commission, Review Board No. 5, approved the transfer to VALLEY TRANSPORTATION, INC., Oxford, Conn., of License No. MC–12856, issued February 26, 1971, to COLONY TOURS, INC., West Hartford, Conn., authorizing operations as a broker at West Hartford, Conn., in connection with transportation by motor vehicle of passengers and their baggage, in charter operations, beginning and ending at points in Hartford County, Conn., and extending to points in the United States, including Alaska and Hawaii. L. C. Major, Jr., 421 King Street, Alexandria, VA 22314, attorney for transferee. Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117, attorney for transferor.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–15584 Filed 9–12–72;8:50 am]

DEPARTMENT OF THE NAVY

FAMILY HOUSING, FORT MACARTHUR, CALIFORNIA

Notice of Availability of Draft Environmental Impact Statement and of Public Hearing

The DOD proposes to build 700 family housing units, to consolidate certain Army facilities, and to expand community support facilities, in the San Pedro and Point Vincent areas of Los Angeles, California. Copies of the draft environmental statement pursuant to section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) are available for inspection with the Postmaster, San Pedro Post Office, 839 South Beacon Street, San Pedro, and with the Southern California Association of Governments, Suite 801, 606 South Hill Street, Los Angeles, Calif., and copies may be obtained from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151, at $5 per copy. A public hearing will be held 7:30 p.m., September 28, 1972, at Dana Junior High School Auditorium, 1501 South Cabrillo Avenue, San Pedro, Calif. 90731. Parties desiring to present written or oral statements should write or telephone Mr. J. G. Cameron, Master Planning Branch, Western Division, Naval Facilities Engineering Command, Box 727, San Bruno, CA 94066; telephone (415) 871–6600, extension 2561. Oral statements will be limited to 10 minutes. This meeting is neither sponsored by nor is it in any way connected with the Los Angeles City School Districts.

Dated: September 12, 1972.

[SEAL] MERLIN H. STARING,
Judge Advocate General.

[FR Doc.72–15733 Filed 9–12–72;11:26 am]

PRICE COMMISSION

DEPUTY EXECUTIVE OFFICER

Delegation of Authority Regarding Execution of Contracts

Paragraph (b) of the delegation of authority to the Deputy Executive Director issued by the Executive Director of the Price Commission on May 24, 1972 (37 F.R. 11387), is amended to read as follows:

(b) Authorize and effect personnel actions, authorize travel and publications, enter into Price Commission contracts and interagency agreements, and perform other administrative functions in accordance with the laws and regulations of the Price Commission.

Issued in Washington, D.C., on September 11, 1972.

BERT LEWIS,
Executive Director,
Price Commission.

[FR Doc.72–15644 Filed 9–11–72;1:29 pm]

[Order 9C]

MANUFACTURERS OF COFFEE AND COFFEE PRODUCTS

Limitations on Price Increases

On September 1, 1972, the Price Commission published Order No. 9B (37 F.R. 17870), which revised Order No. 9 (37 F.R. 16640, amended by Order No. 9A, 37 F.R. 17111), dealing with limitations on price increases with respect to coffee and coffee products. The revised order was issued because several questions had arisen concerning the applicability of Order No. 9, and the correct interpretation of several of its provisions.

Several further questions have arisen as to the applicability of the revised order. Therefore, this order restates Order No. 9B in its entirety, to provide answers to these questions.

This revised order clarifies the following points. First, in light of Price Commission Ruling 1972–223 (37 F.R. 17428), which holds that a May 25, 1970, price is an "other price authorized under this part" rather than a base price in itself, the phrase "price charged on May 25, 1970, or the base price, whichever is greater" is being substituted for the term "base price."

Second, the word "manufacturer" is being expanded to the phrase "manufacturer of coffee or any coffee product" to make clear the Commission's intent that the order covers all companies that manufacture coffee or any coffee product, regardless of the proportion of such manufacturing business to their overall business activities.

Third, the dates for measurement of allowable costs for companies that raised prices from below the greater of the price charged on May 25, 1970, or the base price, in one price increase (or that intend to do so after September 15, 1972), to above such price, are being added to the Order.

Finally, paragraph numbered 5 of order No. 9B is being revised to make clear that the price for coffee or any coffee product need not be lowered below the price charged on May 25, 1970, or the base price, whichever is greater, to reflect decreases in the cost of green coffee beans or raw materials derived directly therefrom.

Therefore, in consideration of the foregoing, and for the reasons stated in order No. 9, notwithstanding any provisions of Part 300 of the Price Stabilization Regulations of the Commission (6 CFR 300), it is hereby ordered as follows:

1. Each authorization granted under § 300.51(f) of the regulations, dealing with volatile pricing of green coffee beans and raw materials derived directly therefrom, is hereby rescinded as of August 16, 1972.

2. During the period beginning on August 16, 1972, and ending at the close of September 15, 1972, no manufacturer of coffee or any coffee product may charge a price for such coffee or coffee product which exceeds the price it was charging therefor on August 16, 1972.

3. Each manufacturer of coffee or any coffee product that charged a price for such coffee or coffee product on August 16, 1972, which exceeded the price charged therefor on May 25, 1970, or the base price therefor, whichever is greater, shall, to the extent necessary, reduce such price so that as of September 16, 1972, that price reflects the price charged therefor on May 25, 1970, or the base price therefor, whichever is greater, plus the dollar amount of any cost increases attributable to green coffee beans or raw materials derived directly therefrom and increases in other allowable costs pursuant to § 300.12 of the regulations, incurred and continuing to be incurred beginning on—

(a) November 14, 1971; or

(b) The date of the price increase after November 13, 1971, which brought the price of such coffee or coffee product up to the price charged therefor on May 25, 1970, or the base price therefor, whichever is greater;

whichever date is later, and ending on the date of the last price increase therefor before August 16, 1972.

3A. If a manufacturer of coffee or any coffee product raised the price of such coffee or coffee product from below the price charged therefor on May 25, 1970, or the base price therefor, whichever is greater, to above such price, in one price increase occurring after November 13, 1971, and before August 16, 1972, that manufacturer shall, to the extent necessary, reduce the price charged therefor on August 16, 1972, so that as of September 16, 1972, that price reflects the price charged therefor on May 25, 1970, or the base price therefor, whichever is greater, plus the dollar amount of any cost increases attributable to green coffee beans or raw materials derived directly therefrom and increases in other allowable costs pursuant to § 300.12 of the regulations, incurred and continuing to be incurred beginning on—

(a) November 14, 1971; or

(b) The date of the last price increase therefor occurring after November 13, 1971, and before the date of the price increase which raised the price above the price charged therefor on May 25, 1970, or the base price therefor, whichever is greater;

whichever date is later, and ending on the date of the last price increase therefor before August 16, 1972.

4. Subject to the prenotification requirements of § 300.51(a) of the regulations where applicable, no manufacturer of coffee or any coffee product may charge a price for such coffee or coffee product which exceeds the price charged therefor on May 25, 1970, the base price therefor, or the price charged therefor on September 16, 1972, whichever is greater, except to reflect the dollar amount of any cost increases attributable to green coffee beans or raw materials derived directly therefrom and increases in other allowable costs pursuant to § 300.12 of the regulations, incurred and continuing to be incurred since—

(a) The date of the last price increase for such coffee or coffee product before August 16, 1972; or

(b) The date of the price increase therefor after September 15, 1972, which brought the price up to the price charged therefor on May 25, 1970, or the base price therefor, whichever is greater; whichever date is later.

4A. Subject to the prenotification requirements of § 300.51(a) of the regulations where applicable, a manufacturer of coffee or any coffee product that charges a price for such coffee or coffee product on September 16, 1972, which is below the price charged therefor on May 25, 1970, or the base price therefor, whichever is greater, may not raise that price in one price increase after September 16, 1972, to a price in excess of the price charged therefor on May 25, 1970, or the base price therefor, whichever is greater, except to reflect increases over the price charged therefor on May 25, 1970, or the base price therefor, whichever is greater, in the dollar amount of any cost increases attributable to green coffee beans or raw materials derived directly therefrom and increases in other allowable costs pursuant to § 300.12 of the regulations, incurred and continuing to be incurred since November 14, 1971, or the date of the last price increase after November 13, 1971, whichever date is later.

5. If the cost of coffee or any coffee product which is attributable to green coffee beans or raw materials derived directly therefrom decreases at any time after August 16, 1972, each manufacturer of coffee or any coffee product shall reduce the price therefor (but not below the price charged therefor on May 25, 1970, or the base price therefor, whichever is greater) accordingly, by dollar-for-dollar amount.

6. Each prenotification or reporting firm that is a manufacturer of coffee or any coffee product shall report to the Commission before September 16, 1972, on form PC–1—

(a) With respect to the price charged for coffee or any coffee product on August 16, 1972, showing in detail the basis for such price; and

(b) With respect to the price charged for coffee or any coffee product on September 16, 1972, showing in detail how such price represents an adjustment, if any, from the price charged on August 16, 1972, therefor, and the basis for such adjustment.

Issued in Washington, D.C., on September 12, 1972.

C. JACKSON GRAYSON, Jr.,
Chairman, Price Commission.

[FR Doc.72–15744 Filed 9–12–72;2:00 pm]

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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

■

Construction, Demonstration, and Training Grants for University Affiliated Facilities for Persons with Developmental Disabilities

Notice of Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 415]

CONSTRUCTION, DEMONSTRATION, AND TRAINING GRANTS FOR UNIVERSITY-AFFILIATED FACILITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations relate to the program of construction, demonstration, and training grants for university-affiliated facilities for persons with developmental disabilities, authorized under Part B of the Mental Retardation Facilities Construction Act, as amended by Title II of the Developmental Disabilities Services and Facilities Construction Amendments of 1970.

The regulations for this program currently appear in 42 CFR Part 54, Subpart A, but will be superseded and transferred to 45 CFR Chapter IV when this document becomes final.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto, which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, within a period of 30 days from date of publication of this notice in the FEDERAL REGISTER. Comments received will be available for public inspection in Room 5121 of the Department's offices at 301 C Street SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202—963–7361).

Dated: July 27, 1972.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: September 7, 1972.

STEPHEN KURZMAN,
Acting Secretary.

Chapter IV of Title 45 of the Code of Federal Regulations is amended by adding a new Part 415 as set forth below:

PART 415—CONSTRUCTION, DEMONSTRATION, AND TRAINING GRANTS FOR UNIVERSITY-AFFILIATED FACILITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

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AUTHORITY: The provisions of this Part 415 issued under secs. 121–125, 401, 77 Stat. 284–285, 296, sec. 2, 81 Stat. 527, secs. 201–206, 84 Stat. 1325–1327, 42 U.S.C. 2661–2666.

Subpart A—General

§ 415.1 Terms.

Unless otherwise indicated in the regulations in this part, the terms below are defined as follows:

(a) "Act" means Part B of the Developmental Disabilities Services and Facilities Construction Act.

(b) "Administrator" means the Administrator of the Social and Rehabilitation Service.

(c) "Affiliated hospital" means a hospital which has a written agreement with a college or university providing for effective control by such college or university of the teaching in the hospital.

(d) "Commissioner" means the Commissioner of the Rehabilitation Services Administration.

(e) "Construction" means (1) construction of new buildings, and the acquisition, expansion, remodeling, and alteration of existing buildings, (2) initial equipment of any such buildings, and (3) architect's fees in connection with an approved project. Construction does not include the cost of off-site improvements or the acquisition of land.

(f) "Developmental disability" means a disability attributable to mental retardation, cerebral palsy, epilepsy, or another neurological condition of an individual found by the Secretary of Health, Education, and Welfare to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age 18, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual.

(g) "Equipment" means those items which are necessary for the functioning of the facility, but does not include items of current operating expense, such as food, fuel, drugs, paper, printed forms, and soap.

(h) "Nonprofit facility" means a facility which is owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(i) "Nonprofit private agency or organization" means an agency or organization which is such a corporation or association or which is owned and operated by one or more of such corporations or associations.

(j) "Regional Commissioner" means the Regional Commissioner of the Social and Rehabilitation Service.

§ 415.2 Non-Federal funds.

In the case of any project under this part for which Federal funds are granted to pay part of the cost, the matching grantee funds may not consist of other Federal funds or of non-Federal funds that are applied to match other Federal funds except as may be specifically authorized by Congress. No Federal financial assistance may be furnished under this part for activities for which payment is made under another part of this chapter, or other authority.

§ 415.3 Consultant fees.

Fees for consultant services are allowable in connection with an approved project and to the extent that such payments are in accordance with the policies and standard practices of the agency, organization, or institution to which a grant has been awarded. Fees for consultant services may not be paid to any regular full-time Federal Government employee. They may not be paid to any other individual for activities which are ordinarily a part of his duties in another position for which there is Federal financial participation under the Act or which conflict with his duties in such other position.

§ 415.4 Maintenance of effort.

Applications for grants under this part other than construction project planning grants under Subpart B must be supported by reasonable assurances that the grants will not result in any decrease in the level of State, local and other non-Federal funds for services for persons with developmental disabilities and training of personnel to provide such services which would (except for such grant) be available to the applicant, but that such grants will be used to supplement, and, to the extent practicable, increase the level of such funds.

§ 415.5 Federal financial participation.

(a) The amount of the grant with respect to any project under this part

shall not exceed 75 percentum of the eligible cost of the project.

(b) For any planning project with respect to construction the Federal grant shall not exceed 75 percentum of the eligible cost or $25,000, whichever is the lesser amount.

§ 415.6 Submittal of applications.

All applications under this part shall be in the form and detail required by the Administrator and shall be submitted to the Commissioner through the Regional Commissioner.

§ 415.7 Priority.

(a) In approving applications, the Administrator shall give priority consideration in accordance with the following factors:

(1) In the case of project planning grants (Subpart B of this part) and construction grants (Subpart C of this part):

(i) The extent to which the proposal demonstrates the provision of specialized services for the diagnosis and treatment, education, training, or care of persons with developmental disabilities, including research incidental or related to such activities; and

(ii) The extent to which the proposal demonstrates interdisciplinary training of physicians and other specially trained personnel needed for research, diagnosis, and treatment, education, training, or care of persons with developmental disabilities, including research incidental or related to such activities.

(2) In the case of grants for demonstration and training (Subpart D of this part), as appropriate, the factors in subparagraph (1) of this paragraph and, in addition:

(i) The extent to which the proposal includes new kinds of training to meet critical shortages in the care of persons with developmental disabilities;

(ii) The extent to which the proposal shows participation by junior colleges in the program (such participation shall constitute an absolute priority factor); and

(iii) The extent to which the proposal meets regional deficits in specially trained personnel needed for the developmentally disabled.

(b) The Administrator may establish other criteria designed to achieve the objectives of the Act to the fullest extent possible within the limitation of available Federal resources.

§ 415.8 Maintenance of records.

All records required by the Act and these regulations shall be maintained, identifiable by grant number, for a minimum period of 3 years after the grant period whether or not audited by representatives of the Department of Health, Education, and Welfare. If no audit is made by the end of the third year, the records must be retained an additional 2 years unless audited prior thereto. However, in all cases, records shall be retained until resolution of any audit questions.

§ 415.9 Advice and evaluation.

Applicants shall be responsible for securing advice and assistance of appropriate State agencies in establishing the relationship of the project to the purposes and priorities of the State plan for provision of services and facilities for persons with developmental disabilities in order to increase the scope and effectiveness of such State plans. It shall also be the responsibility of the grantee to furnish necessary reports, statistical and other pertinent data requested for an evaluation.

Subpart B—Project Planning Grants

§ 415.20 Purpose.

Project planning grants authorized under section 121(b) (1) and (2) of the Act shall be made for the purpose of paying part of the cost of organized identifiable activities which are undertaken for the purpose of planning for and developing a project for the construction of a public or other nonprofit university-affiliated facility which will aid in

(a) Demonstrating provision of specialized services for diagnosis and treatment, education, training, or care of persons with developmental disabilities, or

(b) Interdisciplinary training of physicians and other specialized personnel needed for research, diagnosis and treatment, education, and training, or care of persons with developmental disabilities, including research incidental or related to the activities described in paragraphs (a) and (b) of this section.

§ 415.21 Eligible applicants.

The applicant must be (a) a college or university or an affiliated hospital, which will own and operate a public or other nonprofit facility for persons with developmental disabilities, or (b) a public or nonprofit private agency or organization which has a written agreement with a college or university or with an affiliated hospital providing, to the extent practicable, for the integration of the functions and activities of the facility for persons with developmental disabilities with the programs of the college or university or affiliated hospital through, but not limited to, the joint use of certain facilities, services, and equipment including the planning of curriculum and coursework for the joint training of personnel and the interchange of teaching staff and students.

§ 415.22 Application content.

Applications for a project planning grant may be made at any time. Applications shall be in the form and detail required by the Administrator and shall include (a) a statement of the purpose of the project; (b) a description of the nature and scope of the activities to be undertaken; (c) the methods to be used in accomplishing the purpose; (d) an outline of the academic programs relevant to the application; (e) designation and qualifications of a project director; (f) a statement of financial resources; (g) a proposed budget; (h) identification of the source and availability of the non-Federal funds; (i) a statement of an intent to submit an application for a construction grant; and (j) an assurance to submit fiscal reports and such other information as the Administrator may require.

§ 415.23 Federal financial participation.

(a) The amount of a grant shall be determined in accordance with § 415.5(b) of this Part.

(b) Federal financial participation shall be available for salaries, including fringe benefits; fees for consultant services; staff and consultant travel; supplies required to carry out activities during the grant period; and such other costs as are justified in the approved application.

(c) Federal financial participation shall not be available for purchase of equipment; purchase or rental of office space; planning of basic professional training and other costs not included in the approved application.

§ 415.24 Duration of project.

Planning grants shall be awarded for a specified period not to exceed 24 months. Under unusual circumstances, the grantee may make a separate request in writing for an extension of the project period.

§ 415.25 Termination or suspension of grants.

If for any reason the grantee discontinues an approved project, the grantee shall notify the Administrator, giving the reasons therefor with an accounting of funds and other pertinent information. The grant may be terminated in whole or in part, or suspended, at anytime at the discretion of the Administrator, and the grantee will be promptly notified of such action in writing and given the reasons therefor. A suspension may be granted by the Administrator if there is cause to believe that any deficiencies may be corrected by the grantee. Noncancellable obligations properly incurred prior to the receipt of the notice of termination or suspension of the grant will be honored. Upon termination, suspension, or completion of a project, the proportion of unexpended funds attributable to the Federal grant shall be refunded.

§ 415.26 Project reports.

A progress report shall be forwarded to the Administrator for each year of the project period and a final report within 3 months after the conclusion of the project. The progress report shall outline any substantive change in the direction or course of the project, detail accomplishments to date, and include any other information which would indicate project status. If an application for a construction grant under the Act is not to be submitted within 3 months after the termination of the planning grant, the final report must either indicate an intent to submit a construction grant application or provide a justification for failure to submit such application. Financial and other reports shall be submitted at the intervals prescribed by the Administrator.

§ 415.27 Payments.

Payments of the Federal share of a project planning grant shall be made in advance or by way of reimbursement to

the grantee and shall be subject to such requirements as the Administrator may establish. A final accounting at the time of termination of the project is required.

Subpart C—Grants for Construction

§ 415.30 Purpose.

Grants may be made to assist in the eligible costs of construction of public or other nonprofit university-affiliated facilities for persons with developmental disabilities which will aid in

(a) Demonstrating provision of specialized services for the diagnosis and treatment, education, training, or care of persons with developmental disabilities, or

(b) The interdisciplinary training of physicians and other specialized personnel needed for research, diagnosis, and treatment, education, training or care of persons with developmental disabilities, including research incidental or related to activities described in paragraphs (a) and (b) of this section.

§ 415.31 Eligible applicants.

The applicant must be (a) a college or university or an affiliated hospital which will own and operate a public or other nonprofit facility for persons with developmental disabilities, or (b) a public or nonprofit private agency or organization which has a written agreement, with a college, university, or affiliated hospital, providing, to the extent practicable, for the integration of the functions and activities of the facility for persons with developmental disabilities with the programs of the college, university or affiliated hospital through, but not limited to, the joint use of certain facilities, services, and equipment including the planning of curriculum and coursework for the joint training of personnel and the interchange of teaching staff and students.

§ 415.32 Application content.

Applications for a construction grant may be made at any time on HEW Form 537, "Application for Federal Assistance for Construction of Health and Educational Facilities," and in accordance with instructions set forth in HEW Form 537A.

§ 415.33 Assurances from applicants.

In addition to any other requirement imposed by section 123(a) of the Act, or determined by the Administrator to be reasonably necessary with respect to a particular project or projects to fulfill the purpose of the grant, each contruction grant shall be subject to those assurances set forth in "Application for Federal Assistance for Construction of Health and Educational Facilities," HEW Form 537 and the instructions set forth in HEW Form 537A, and the following additional assurances:

(a) The applicant (or the public or nonprofit agency which is to operate the facility) has a fee simple or such other estate or interest in the site, including necessary easements and right-of-way, sufficient to assure for a period of not less than 50 years undisturbed use and possession for the purpose of the construction and operation of the facility;

(b) The Administrator's approval of the final working drawings and specifications which conform to the standards of design, construction, and equipment described in § 415.38 of this part will be obtained before the project is advertised or placed on the market for bidding;

(c) The proposed facility will be associated with a college or university or affiliated hospital as provided in § 415.31 of this part;

(d) The applicant will enter into no construction contract or contracts for the project or a part thereof, the cost of which is in excess of the estimated cost approved in the application for that portion of work covered by the plans and specifications, without prior approval of the Administrator;

(e) The applicant will conform to all the regulations of this subpart;

(f) No amendment to an approved application resulting in a substantial change in the program of training and no substantial change in the scope of work, function, or safety of the facility, shall be put into effect without the prior approval of the Administrator; and

(g) The applicant will finance all costs in excess of the estimated costs approved in the application.

The Administrator may, at any time, approve exceptions to these assurances where he finds that such exceptions are consistent with the Act and the purposes of the program.

§ 415.34 Federal financial participation.

(a) The amount of a grant with respect to any construction project shall not exceed 75 per centum of the necessary cost of construction.

(b) Federal financial participation will be available for the following types of expenditures under projects approved by the Administrator: (1) Costs of construction contracts; (2) architects' fees; (3) expansion, remodeling and alteration of existing buildings; (4) acquisition of existing buildings; (5) site survey and soil investigation; (6) supervision and inspection at the site; (7) fixed equipment; (8) movable equipment; and (9) other costs specifically approved in the application.

(c) Federal financial participation shall not be available for the cost of offsite improvements and the cost of acquisition of land.

§ 415.35 Construction payments.

Payments will be made on the basis of a certification by a qualified individual as to the amounts due the applicant for cost of work performed and materials and equipment furnished. Such certification shall be based on adequate inspection to determine that the work has been performed on a project or purchases have been made in accordance with the approved plans and specifications. Payments shall be made at periodic intervals consistent with construction progress of the project. In extraordinary circumstances when necessary to maintain construction progress, advance payments may be made. Final payment shall not be made until after the completion of the project and final inspection is made by appropriate representatives of the Administrator.

§ 415.36 Release of obligation to use facility.

If, within 20 years after the completion of a construction project for which funds have been paid under this subpart, the facility is sold or transferred to any person, agency, or organization not qualified to file an application under this part, or ceases to be a public or other nonprofit facility for persons with developmental disabilities, the Administrator may, for good cause, release the applicant or other owner from the obligation to continue as such a facility. In determining whether there is good cause for release of the obligation, the Administrator shall take into consideration the extent to which: (a) The facility will be devoted by the applicant or other owner to the provision of comprehensive services, demonstration, or training comparable to that provided for the developmentally disabled and the failure of the facility to continue as a public or nonprofit facility for the developmentally disabled was reasonably beyond the control of the applicant; or (b) there are reasonable assurances that for the remainder of the 20-year period other facilities not previously utilized for providing services to the developmentally disabled, or for demonstrating the provision of specialized services for the developmentally disabled or in the interdisciplinary training of physicians and other specialized personnel needed for research, diagnosis and treatment, education, training, or care of the developmentally disabled will be so utilized and are substantially the equivalent in nature and extent for such purposes.

§ 415.37 Recovery.

The United States shall be entitled to recover, from either the transferor or the transferee of the facility or the owner of a facility which has ceased to be a public or nonprofit facility for persons with developmental disabilities, an amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the U.S. District Court for the district in which the facility is situated) of so much of the facility as constituted the approved project as the amount of the Federal participation bore to the cost of construction of the project, unless the applicant has secured a release in accordance with § 415.36 of this part.

§ 415.38 General standards of design, construction, and equipment.

The general standards of design, construction, and equipment applicable to facilities assisted under this subpart are those prescribed by the Administrator and set forth in 45 CFR 416.27.

Subpart D—Grants for Demonstration and Training

§ 415.40 Purpose and use of grant funds.

Grant funds may be used to cover costs of the administration and operation of demonstration facilities and interdisciplinary training programs for personnel needed to render specialized services to persons with developmental disabilities, including (a) established disciplines, and (b) new kinds of training in order to meet critical shortages in the care of such persons.

§ 415.41 Eligible applications.

The applicant must be (a) a college or university operating a public or other nonprofit facility for persons with developmental disabilities, or (b) a public or nonprofit private agency or organization operating such a facility with a written agreement, with a college, university or affiliated hospital, providing, to the extent practicable, for the integration of the functions and activities of the facility with the programs of the college, university or affiliated hospital through, but not limited to, the joint use of certain facilities, services and equipment including the planning of curriculum and coursework for the joint training of personnel and the interchange of teaching staff and students.

§ 415.42 Application content.

Applications for demonstration and training grants may be made at any time in the form and detail as prescribed by the Administrator. The application shall set forth the following:

(a) A statement of the purpose of the project;

(b) A description of the nature and scope of the activities to be undertaken and methods to be used in accomplishing the purpose;

(c) The qualifications standards for, and job description of, the staff to be supported;

(d) The detailed budgets for specified periods of all operation and training costs, and the sources of support, Federal and non-Federal, including costs that are not applied for;

(e) An assurance to make all financial and administrative reports available to the Administrator and to keep such records available for audit purposes;

(f) The duration of the project;

(g) An assurance to make such reports and to keep such records as the Administrator may require; and

(h) Such other information as the Administrator may require.

§ 415.43 Termination or suspension of grants.

If for any reason the grantee discontinues an approved project, the grantee shall notify the Administrator, giving the reasons for termination, an accounting of funds granted for the project, and other pertinent information. The grant may be terminated in whole or in part, or suspended, at any time at the discretion of the Administrator, and the grantee will be promptly notified of such action in writing and given the reasons therefor. A suspension may be granted by the Administrator if there is cause to believe that any deficiencies may be corrected by the grantee. Noncancellable obligations properly incurred prior to the receipt of the notice of termination or suspension of the grant will be honored. Upon termination, suspension, or completion of a project, the proportion of unexpended funds attributable to the Federal grant shall be refunded.

§ 415.44 Duration of project.

Demonstration and training grants shall be awarded for a period not to exceed 12 months. Initial applications for grants may contain a request for continuation of the funding up to an additional four fiscal year period.

§ 415.45 Federal financial participation.

Federal financial participation shall be determined in accordance with § 415.5(a) of this part, and shall be available in the costs of all salaries (including fringe benefits), fees for consultant services, staff or consultant travel, and supplies, as set forth in the application, and such other expenses as may be approved by the Administrator.

§ 415.46 Project reports.

An annual progress report shall be submitted by the grantee. The reports shall outline any substantive change in direction or course of the project, shall detail accomplishments, and identify the project director, grant number, institution, and title of the project. The applicant shall make other reports in such form and containing such information as the Administrator may require.

§ 415.47 Payments.

Payments shall be made by way of advance or reimbursement and on such conditions as the Administrator may determine.

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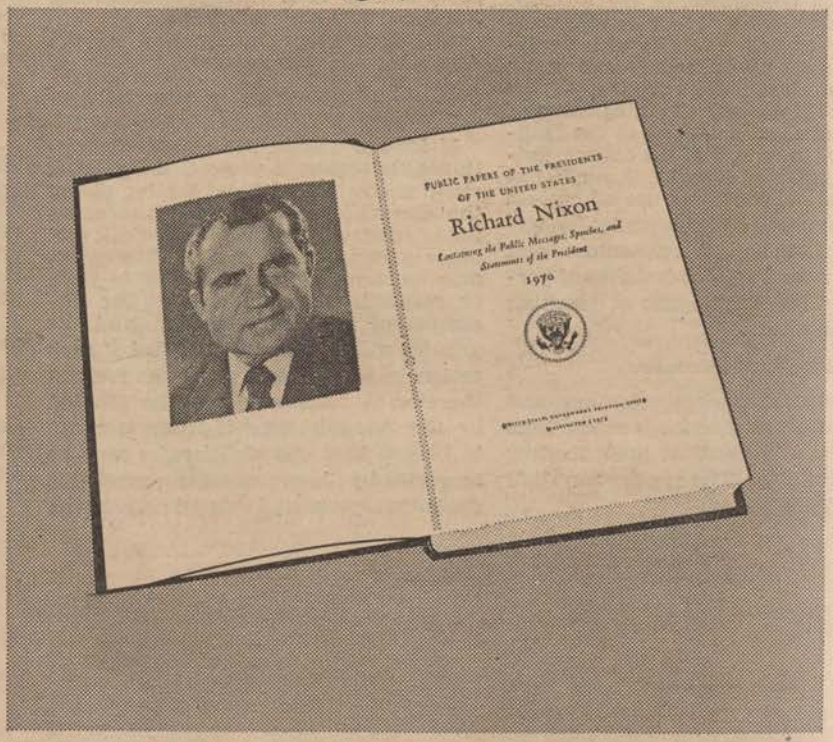

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