federal register

WEDNESDAY, JANUARY 5, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 2

Pages 63–123

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

FEDERAL CREDIT UNIONS—
National Credit Union Admin. regulation 70
National Credit Union Admin. proposal on suspension or revocation procedures; comments by 2–7–72 95

TRADE AGREEMENTS—CAB renewal of authorization for one year; effective 12–30–71 72

SECURITIES BROKERS/DEALERS—SEC adoption of amendment to hypothecation rules extending exemption for clearing house liens to registered national securities association 73

NEW ANIMAL DRUGS—FDA approval of ammonium chloride for use as a feed grade product for cattle and sheep; effective 1–5–72 74

FOOD ADDITIVE—EPA establishment of food additive tolerances for combined residues of 3',4'-dichlorapropionanilide; effective 1–5–72 74

FAIR HOUSING—HUD regulations on affirmative marketing; effective 2–25–72 75

MORTGAGE INSURANCE—HUD regulations to permit insurance of mortgages on dwellings owned by servicemen; effective 1–5–72 76

MILITARY RESERVATION—Panama Canal Co. amendment to regulations; effective 1–5–72 77

HERBICIDE—EPA establishment of tolerances for 3',4'-dichloropropionanilide; effective 1–5–72 78

(Continued inside)

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

POTATO RESEARCH AND PROMOTION PLAN—USDA decision and referendum order on proposal 81

MEAT AND MEAT PRODUCTS—USDA proposal to allow importation of meat from El Salvador; comments within 30 days 85

NEW DRUGS—FDA proposal concerning classification of over-the-counter drugs generally recognized as safe and effective and not misbranded; comments within 60 days 85

MEDICARE—HEW proposal relating to review procedures and suspensions of payment to providers and suppliers; comments by 2–4–72 89

FOREIGN ATOMIC ENERGY PROGRAMS—AEC proposal on unclassified activities; comments within 30 days 92

PESTICIDES—EPA proposals on tolerances and exemptions for certain pesticide chemicals (4 documents) 92–94

BIO-MEDICAL TELEMETRY—FCC extension of waivers for exemption of the duty cycle limitation 94

RENEGOTIATION BOARD—Renegotiation Board proposal regarding modifications of regulations; comments within 30 days 99

ANTACID DRUGS—FDA notice requesting data and information for safety and efficacy review 102

ENVIRONMENTAL REPORTS—
AEC notice of applicant's report for proposed Mendocino Power Plant, Units 1 and 2, in California 105
AEC notice of applicant's supplemental report for Midland Plant, Units 1 and 2, in Michigan 104

AIR FREIGHT RATES—CAB notice of suspension, pending investigation, blocked-space general commodity container rates and charges proposed by American 105

FUNGICIDE—EPA notice proposing establishment of tolerance for residues of the fungicide benomyl 107

SHEET GLASS (BLOWN OR DRAWN FLAT GLASS)—Tariff Comm. notice of report to the President on continuation of modified escape-clause rates 118

MEDICARE PREMIUM—HEW announcement of rate for supplementary benefits 103

INCOME TAX—IRS notice of hearing 1–21–72 on proposal relating to information to be furnished on qualified and nonqualified plans of deferred compensation 99

Contents

AGRICULTURAL RESEARCH SERVICE

Rules and Regulations

Public information; organizational changes 69

AGRICULTURE DEPARTMENT

See also Agricultural Research Service; Consumer and Marketing Service.

Notices

Louisiana; designation of emergency loan area 101

ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT OFFICE

Rules and Regulations

Fair housing regulations; affirmative marketing 75
Servicemen's mortgage insurance; eligibility requirements 76

ATOMIC ENERGY COMMISSION

Proposed Rule Making

Foreign atomic energy programs; unclassified activities 92

Notices

Consumers Power Co.; availability of applicant's supplemental environmental report 104
Kerr-McGee Corp.; determination not to suspend operations pending completion of NEPA environmental review 104
Pacific Gas and Electric Co.; availability of applicant's environmental report 105
Wisconsin Electric Power Co. and Wisconsin-Michigan Power Co.; order reconvening evidentiary hearings 105

CIVIL AERONAUTICS BOARD

Rules and Regulations

Trade agreements; renewal of authorization for one year 72

Notices

Hearings, etc.:
Alaska Service Investigation 105
Allegheny Airlines, Inc 105
American Airlines, Inc 105
American-Western Merger Case 106
Compania Mexicana de Aviacion, S.A 106
International Air Transport Association 107
WTC Air Freight 107

COMMERCE DEPARTMENT

See International Commerce Bureau.

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Lemons grown in Calif. and Ariz.; limitation of handling 70

(*Continued on next page*)

Proposed Rule Making

Importation of meat and meat products; proposal to add El Salvador to list of countries ---- 85
Potato research and promotion plan; decision and referendum order on proposed plan ---- 81
Tomatoes grown in Florida; proposed import regulations ---- 81

DEFENSE DEPARTMENT

Rules and Regulations

Employee-management cooperation; discontinuance of regulations ---- 77

ENVIRONMENTAL PROTECTION AGENCY

Rules and Regulations

Rohm and Haas Co.; approval of petition and establishment of tolerances for 3',4'-dichloropropionanilide ---- 78

Proposed Rule Making

Certain pesticide chemicals in or on raw agricultural commodities; proposed tolerances (4 documents) ---- 92–94

Notices

Du Pont de Nemours, E.I., & Co., Inc.; filing of petition regarding pesticide chemical ---- 107

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Beech 99 series airplanes; airworthiness directive ---- 70
Federal airway segments alteration and Federal airway and jet route designations ---- 71
Standard instrument approach procedures; miscellaneous amendments ---- 71

Proposed Rule Making

Transition area; designation ---- 91

FEDERAL COMMUNICATIONS COMMISSION

Proposed Rule Making

Bio-medical radio telemetry systems; extension of waivers for exemption of the duty cycle limitation ---- 94

Notices

Cease and desist orders:
Clark, Jeff, Jr ---- 107
Palmer, Donald E ---- 108
Common carrier services information; domestic public radio services applications accepted for filing ---- 109
Standard broadcast application ready and available for processing ---- 109

FEDERAL MARITIME COMMISSION

Notices

Bakke Steamship Corp.; withdrawal of order for production of documents ---- 115
Brito Forwarding Co.; revocation of license ---- 116

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Atkins, Tommy H ---- 116
Gulf Oil Corp. et al ---- 116

FEDERAL RESERVE SYSTEM

Notices

Nonbanking activities:
CPC International, Inc ---- 117
Milton Hershey School and School Trust ---- 117
Minnesota Mining and Manufacturing Co ---- 118

FISH AND WILDLIFE SERVICE

Rules and Regulations

Havasu National Wildlife Refuge, Ariz. and Calif.; public access, use and recreation ---- 79
Sport fishing:
Brazoria National Wildlife Refuge, Tex ---- 80
Havasu National Wildlife Refuge, Ariz. and Calif ---- 79
Tishomingo National Wildlife Refuge, Okla ---- 79

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Ammonium chloride; approval for use as a feed grade product for cattle and sheep ---- 74
Rohm and Haas Co.; approval of petition and establishment of tolerances for combined residues of 3',4'-dichloropropionanilide ---- 74

Proposed Rule Making

Over-the-counter drugs; proposal establishing rule making procedures for classification ---- 85

Notices

Over-the-counter antacid drug products safety and efficacy review; request for data and information ---- 102

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Construction and alteration of public buildings; intergovernmental consultation on Federal projects ---- 78

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Food and Drug Administration; Social Security Administration.

Notices

Supplementary medical insurance for the aged; notice of premium rate ---- 103

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See also Assistant Secretary for Housing Production and Mortgage Credit Office.

Notices

Regional Administrators et al.; redelegation of authority regarding loan and contract servicing ---- 104

INTERIOR DEPARTMENT

See Fish and Wildlife Service.

INTERNAL REVENUE SERVICE

Proposed Rule Making

Income tax; hearing on qualified and nonqualified plans for deferred compensation ---- 99

INTERNATIONAL COMMERCE BUREAU

Notices

Treyvaud, Rene, and Geoconsult; order denying export privileges ---- 101

INTERSTATE COMMERCE COMMISSION

Notices

Assignment of hearings ---- 119
Fourth section application for relief ---- 119
Motor carriers:
Alternate route deviation notices (2 documents) ---- 119, 120
Applications and certain other proceedings (2 documents) ---- 120, 122
Intrastate applications ---- 122

NATIONAL CREDIT UNION ADMINISTRATION

Rules and Regulations

Reserves; technical change ---- 70

Proposed Rule Making

Suspension or revocation of charter; proposed revision of procedures regarding involuntary liquidation ---- 95

PANAMA CANAL

Rules and Regulations

Corozal Army Reservation; revision of boundary ---- 77

POSTAL SERVICE

Rules and Regulations

Civil defense; updating of emergency lines of succession for better continuity in time of national emergency ---- 77

Notices

Mail reclassification; notice of public meeting ---- 118

RENEGOTIATION BOARD

Proposed Rule Making

Standard commercial articles or services; mandatory exemption of contracts and subcontracts ---- 99

SECURITIES AND EXCHANGE COMMISSION

Rules and Regulations

Hypothecation rules exempting clearing house liens of registered national securities associations; adoption of rules ---- 73

Proposed Rule Making

Registered investment companies and their portfolio companies; disclosure of involvement, extension of time for comment ---- 99

SMALL BUSINESS ADMINISTRATION

Notices

Missouri; disaster loan area declaration ---- 118

SOCIAL SECURITY ADMINISTRATION

Proposed Rule Making

Federal health insurance for the aged; provider review procedures and suspension of payments under medicare ---- 89

TARIFF COMMISSION

Notices

Sheet glass; report to the President ---- 118

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration.

TREASURY DEPARTMENT

See Internal Revenue Service.

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

7 CFR

510 ---- 69
910 ---- 70
PROPOSED RULES:
966 ---- 81
980 ---- 81
1207 ---- 81

9 CFR

PROPOSED RULES:
327 ---- 85

10 CFR

PROPOSED RULES:
110 ---- 92

12 CFR

702 ---- 70
PROPOSED RULES:
715 ---- 95

14 CFR

39 ---- 70
71 ---- 71
75 ---- 71
97 ---- 71
225 ---- 72
PROPOSED RULES:
71 ---- 91

17 CFR

240 ---- 73
PROPOSED RULES:
274 ---- 99

20 CFR

PROPOSED RULES:
405 ---- 89

21 CFR

121 (2 documents) ---- 74
135e ---- 74
PROPOSED RULES:
130 ---- 85

24 CFR

200 ---- 75
222 ---- 76

26 CFR

PROPOSED RULES:
1 ---- 99

32 CFR

270 ---- 77
PROPOSED RULES:
1467 ---- 99

35 CFR

5 ---- 77

39 CFR

235 ---- 77

40 CFR

180 ---- 78
PROPOSED RULES:
180 (4 documents) ---- 92–94

41 CFR

101–17 ---- 78

47 CFR

PROPOSED RULES:
15 ---- 94

50 CFR

28 ---- 79
33 (3 documents) ---- 79, 80

Rules and Regulations

Title 7—AGRICULTURE

Chapter V—Agricultural Research Service, Department of Agriculture

PART 510—PUBLIC INFORMATION

Organizational Changes

By order (36 F.R. 20207), effective October 31, 1971, the Secretary of Agriculture established the Animal and Plant Health Service in the Department of Agriculture and transferred certain functions and responsibilities of the Agricultural Research Service to the Director of Science and Education.

On Friday, December 24, 1971, the Animal and Plant Health Service revised the provisions of Part 370, relating to Public Information, to make them applicable only to that agency. This part was formerly applicable to the Agricultural Research Service prior to its reorganization, and appropriate public information provisions should also be made applicable to the Agricultural Research Service. Accordingly, pursuant to the public information provisions in 5 U.S.C. 552 and the provisions in 5 U.S.C. 301 and 559, a new Part 510 in Chapter 5 of Title 7, CFR, is issued to read as follows:

Subpart A—General

Sec.

510.1 General statement.
510.2 Organizational description.

Subpart B—Availability of Publications, Rules and Regulations, Staff Manuals and Instructions, and Related Material

510.3 ARS publications.
510.4 ARS rules and regulations.
510.5 Indices.
510.6 Records available from indices.
510.7 Facilities for inspection and copies.

Subpart C—Availability of Identifiable Records

510.10 Requests.
510.11 Delegation of authority.
510.12 Available records.
510.13 Exempt records.
510.14 Determinations.
510.15 Appeals.

AUTHORITY: The provisions of this Part 510 issued under 5 U.S.C. 301; 5 U.S.C. 552(a), (2), (3), and 552(b); 5 U.S.C. 559.

Subpart A—General

§ 510.1 General statement.

This part is issued in accordance with and subject to the regulations of the Secretary of Agriculture, §§ 1.1 through 1.4 of this title, and governs the availability of records of the Agricultural Research Service (ARS) to the public upon request.

§ 510.2 Organizational description.

The description of the central and field organization of ARS, is published as a notice in the FEDERAL REGISTER and may be revised from time to time in a like manner.

Subpart B—Availability of Publications, Rules and Regulations, Staff Manuals and Instructions and Related Material

§ 510.3 ARS publications.

The ARS issues publications covering results of completed research and furnishing technical agricultural information. Most of these publications are available free from the USDA Publication Division, Office of Information, or from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at established rates. Publications not available from these sources will be made available for public inspection and copying.

§ 510.4 ARS rules and regulations.

The ARS continuously publishes and maintains current rules and regulations covering its research responsibilities. Such rules and regulations are set forth in this chapter and Chapter IV, Title 9 of the Code of Federal Regulations and are made currently available to the public by publication in the daily FEDERAL REGISTER, which is available to the public, as published, from the Government Printing Office.

§ 510.5 Indices.

ARS will maintain and make available at each office listed in § 510.7 for public inspection and copying a current index providing identifying information with respect to the records referred to in § 510.6.

§ 510.6 Records available from indices.

Records listed in the indices will include final opinions and orders, statements of policy and interpretation, and administrative staff manuals and instructions, except those exempt from disclosure as described in § 510.13.

§ 510.7 Facilities for inspection and copies.

Facilities for public inspection and copying of the material described in the foregoing sections will be provided by ARS at the addresses listed below during regular working hours. Copies of such material may also be obtained in person or by mail. Applicable fees are prescribed by the Director, Office of Plant and Operations, USDA.

I. Plant Science and Entomology—Material concerning Plant Science and Entomology research programs:

Deputy Administrator, Plant Science and Entomology ARS, Room 324–A, Administration Building, 14th and Independence Avenue SW, Washington, DC 20250.

II. Soils, Water and Engineering—Material concerning Soils, Water and Engineering research programs:

Deputy Administrator, Soils, Water, and Engineering, ARS, Room 330–A, Administration Building, 14th and Independence Avenue SW, Washington, DC 20250.

III. Livestock Research—Material concerning Livestock research programs:

Deputy Administrator, Livestock Research, ARS, Room 340–A, Administration Building, 14th and Independence Avenue SW, Washington, DC 20250.

IV. Marketing and Nutrition—Material concerning Marketing and Nutrition research programs:

Deputy Administrator, Marketing and Nutrition, ARS, Room 338–A, Administration Building, 14th and Independence Avenue SW., Washington, DC 20250.

V. Administrative Management—Material concerning administrative management activities:

Deputy Administrator, Administrative Management, ARS, Room 302–A, Administration Building, 14th and Independence Avenue SW., Washington, DC 20250.

VI. International Programs—Materials concerning foreign research contract and grant activities for the Department carried out by foreign governments and scientific organizations under Public Law 480 and related programs:

Director, International Programs Division, ARS, Room 1671, South Agriculture Building, 14th and Independence Avenue SW., Washington, DC 20250.

VII. Information Division—Published material concerning research activities, including press releases, special articles, periodicals:

Director, Information Division, ARS, Room 5133, South Agriculture Building, 14th and Independence Avenue SW., Washington, DC 20250.

Subpart C—Availability of Identifiable Records

§ 510.10 Requests.

Requests for ARS records, other than those available under Subpart B, shall be made in writing to the appropriate Deputy Administrator or Division Director responsible for the program. Each record sought must be identified with reasonable specificity. Requests may be submitted in person or by mail.

The above does not preclude persons from requesting such material in person, or in writing, directly from a field office, if it has been customary to obtain the information in this manner and the request is made during the local working hours of the office involved.

§ 510.11 Delegation of authority.

Subject to § 510.15, the Deputy Administrators or the Directors of the Information or International Programs Division are authorized to act on behalf of ARS, on all such requests in accordance with 5 U.S.C. 552, as implemented by this subpart.

§ 510.12 Available records.

ARS will promptly make available all ARS records requested in accordance with § 510.10 except exempt records as described in § 510.13.

§ 510.13 Exempt records.

Exempt records of ARS include the following:

(a) Matters specifically required by executive order to be kept secret.

(b) Matters related solely to the internal personnel rules and practices of the agency.

(c) Matters specifically exempted from disclosure by statute.

(d) Matters that are trade secrets and commercial or financial information obtained from a person and privileged or confidential. This would include but would not be limited to:

(1) Scientific and technical data on products or processing methods submitted by contractor, grantee, cooperator, and manufacturer or processor.

(2) Data in research studies including information on commercial facilities and procedures where disclosure would adversely affect the respondent.

(3) Records concerning research project descriptions, progress reports or information concerning incomplete research prior to formal publication when such release would adversely affect the public interest.

(e) Interagency or intraagency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency. This would include but would not be limited to:

(1) Records involving any pending or expected claim actions against the Government resulting from property damage or personal injury.

(2) Documents covering agency plans which may be subject to revision before presentation.

(3) Reports of internal deliberations where premature release could harm the authorized and appropriate purpose for which they are being used.

(4) Preparatory budget material.

(f) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(g) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency.

§ 510.14 Determinations.

The appropriate Deputy Administrator or Division Director shall promptly make available any ARS records requested in accordance with § 510.10, unless he determines that it is an exempt record. He shall give prompt written notice of any such determination together with the reasons therefor.

§ 510.15 Appeals.

The denial of any request for an ARS record or records may be appealed by the person who made the request to the Administrator of ARS. The appeal shall be made in writing within 30 days of the date of the notice of denial. The Administrator will give written notice of the final determination of ARS.

The foregoing action is taken to reflect organizational changes within the Department of Agriculture and does not substantially affect the rights or obligation of any member of the public.

These regulations shall become effective upon publication in the FEDERAL REGISTER (1-5-72).

Done at Washington, D.C., this 30th day of December 1971.

J. P. MCAULEY,
Acting Administrator,
Agricultural Research Service.

[FR Doc.72-128 Filed 1-4-72;8:49 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 514]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.814 Lemon Regulation 514.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 29, 1971.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period January 2, 1971, through January 8, 1971, is hereby fixed at 180,000 cartons.

(2) As used in this section, "handled," and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 30, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer Marketing Service.

[FR Doc.71-19175 Filed 12-30-71;11:14 am]

Title 12—BANKS AND BANKING

Chapter VII—National Credit Union Administration

PART 702—RESERVES

Technical Change

Pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, § 702.1 of Part 702 (12 CFR 702.1) is amended as set forth below. This amendment is purely a technical change and is effective immediately.

HERMAN NICKERSON, Jr.,
Administrator.

DECEMBER 28, 1971.

§ 702.1 Reserves in general.

Federal credit unions shall establish and maintain such reserves as may be required by the Act, by regulation, or in special cases by the Administrator on his finding that the reserves of the Federal credit union concerned are insufficient to protect the interests of its members.

[FR Doc.72-98 Filed 1-4-72;8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-CE-33-AD; Amdt. 39-1368]

PART 39—AIRWORTHINESS DIRECTIVES

Beech 99 Series Airplanes

An airworthiness directive was adopted on December 18, 1971, and made effective immediately as to all known owners/operators of Beech 99 series airplanes.

This AD was issued because of landing gear retraction system malfunctions on these series aircraft which have resulted in accidents or incidents. Since these conditions were likely to exist or develop in airplanes of the same or similar type design, the AD was issued and requires inspection, parts replacement as necessary, lubrication and rerigging of the landing gear retraction system on Beech 99 series airplanes to reduce the probability of such occurrences in the future.

Since it was found that immediate corrective action was required, notice and public procedure hereon was impracticable and contrary to the public interest and good cause existed for making the AD effective immediately to the owners/operators of Beech 99 series airplanes by telegrams dated December 18, 1971. These conditions still exist and the AD 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.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to 99 series airplanes (Serial Numbers U–1 through U–145).

Compliance: Required as indicated, unless already accomplished.

To reduce probability of landing gear retraction system malfunction, within the next 25 hours' time in service after the effective date of this AD, unless already accomplished within the last 500 hours' time in service, accomplish the following:

(A) Inspect the complete landing gear retraction system for wear, deterioration and rigging.

(B) Disassemble as required and lubricate all retraction system components with special emphasis on actuators, drive chain and emergency extension systems.

(C) Replace all defective or excessively worn parts. Reassemble and rerig entire landing gear retraction system.

(D) Paragraphs A, B, and C must be accomplished in accordance with the current Beech 99 Airliner Shop Manual, Part No. 99–590015B, section 5 entitled "Landing Gear and Brake System" and section 15 entitled "Overhaul and Replacement Schedule", or by any equivalent methods approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

(E) Report all defects found in complying with this AD. Such reports must be made in writing and sent to Chief, Engineering and Manufacturing Branch, FAA, Central Region, and should include such items as aircraft serial number, total time in service, nature of defect and corrective action accomplished. (Report approved by Bureau of Budget under BOB No. 04–R0174.)

(F) To accomplish the requirements of this AD the airplane may be flown to a base in accordance with FAR 21.197.

This amendment becomes effective January 5, 1972, to all persons except those to whom it was made effective by telegram dated December 18, 1971.

(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 Kansas City, Mo., on December 23, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.72–99 Filed 1–4–72;8:46 am]

[Airspace Docket No. 70–AL–11]

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Federal Airway Segments and Designation of Federal Airway and Jet Routes

On October 15, 1971, F.R. Doc. 71–15046 was published in the FEDERAL REGISTER (36 F.R. 20036). Item 1. C. of this document amended Part 71 of the Federal Aviation Regulations by adding a west alternate to V–506 between Bethel, Alaska, and Nome, Alaska.

As stated in the notice of proposed rule making (36 F.R. 12112), the west alternate to V–506 should have been between Nome, Alaska, and Kotzebue, Alaska. Action is taken herein to show this change.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, F.R. Doc. 71–15046 is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

Item 1.C. § 71.125 (36 F.R. 2042, 1249 and 20036) is amended to read as follows:

In V–506 the phrase "Kotzebue, Alaska." is deleted and the phrase "Kotzebue, Alaska, including a west alternate." is substituted therefor.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510, Executive Order 10854, 24 F.R. 9565, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 30, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72–102 Filed 1–4–72;8:46 am]

[Docket No. 11624; Amdt. No. 789]

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 (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 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).

SIAPs 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 SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs 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 $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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 97.11 is amended by establishing, revising or canceling the following L/MF–ADF(NDB)–VOR SIAPs, effective January 27, 1972.

San Bernardino, Calif.—Tri-City Airport; ADF–1, Amdt. 1; Canceled.
Kingman, Ariz.—Kingman Airport; VOR–2, Amdt. 1; Canceled.

2. Section 97.13 is amended by establishing, revising or canceling the following Ter VOR SIAPs, effective January 27, 1972.

La Verne, Calif.—Brackett Field; VOR R–164, Amdt. 2; Canceled.

3. Section 97.23 is amended by establishing, revising, or canceling the following VOR–VOR/DME SIAPs, effective January 27, 1972.

Alpena, Mich.—Phelps-Collins Airport; VOR Runway 12, Amdt. 3; Revised.
Alpena, Mich.—Phelps-Collins Airport; VOR Runway 18, Amdt. 4; Revised.
Alpena, Mich.—Phelps-Collins Airport; VOR Runway 36, Amdt. 4; Revised.
Cape Girardeau, Mo.—Cape Girardeau Municipal Airport; VOR–A, Amdt. 4; Revised.
Cape Girardeau, Mo.—Cape Girardeau Municipal Airport; VOR Runway 2, Amdt. 4; Revised.
Cape Girardeau, Mo.—Cape Girardeau Municipal Airport; VOR Runway 10, Amdt. 1; Revised.
Chicago, Ill. (Wheeling)—Pal Waukee Airport; VOR Runway 16, Amdt. 13; Revised.
Dallas, Tex.—Addison Airport; VOR–A, Original; Established.

Dallas, Tex.—Addison Airport; VOR Runway 33, Amdt. 12; Revised.
Everett, Wash.—Snohomish County (Paine Field); VOR Runway 16, Original; Established.
Kenosha, Wis.—Kenosha Municipal Airport; VOR Runway 14, Amdt. 1; Canceled.
Kingman, Ariz.—Kingman Municipal Airport; VOR Runway 21, Original; Established.
La Verne, Calif.—Brackett Field; VOR-A, Original; Established.
McAllen, Tex.—Miller International Airport; VOR-A, Amdt. 6; Revised.
McAllen, Tex.—Miller International Airport; VOR Runway 13, Amdt. 7; Revised.
McGregor, Tex.—McGregor Municipal Airport; VOR Runway 17, Amdt. 2; Revised.
Menominee, Mich.—Menominee County Airport; VOR Runway 18, Amdt. 5; Revised.
Missoula, Mont.—Johnson-Bell Field; VOR-A, Amdt. 12; Revised.
Northbrook, Ill.—Sky Harbor Airport; VOR-A, Amdt. 7; Revised.
Oklahoma City, Okla.—Wiley Post Airport; VOR-A, Amdt. 9; Revised.
Pontiac, Mich.—Oakland-Pontiac Airport; VOR Runway 9, Amdt. 13; Revised.
Pontiac, Mich.—Oakland-Pontiac Airport; VOR Runway 27, Amdt. 6; Revised.
Pueblo, Colo.—Pueblo Memorial Airport; VOR Runway 25R, Amdt. 15; Revised.
San Jose, Calif.—San Jose Municipal Airport; VOR-A, Amdt. 1; Revised.
San Jose, Calif.—San Jose Municipal Airport; VOR Runway 12R/L, Amdt. 12; Revised.
Upland, Calif.—Cable Airport; VOR Runway 6, Amdt. 2; Revised.
Worthington, Minn.—Worthington Municipal Airport; VOR Runway 17, Amdt. 5; Revised.
Worthington, Minn.—Worthington Municipal Airport; VOR Runway 35, Amdt. 1; Revised.

4. Section 97.23 is amended by establishing, revising, or canceling the following VOR/DME SIAPs, effective January 27, 1972.

Grayslake, Ill.—Campbell Airport; VOR/DME-A, Original; Established.
Fond du Lac, Wis.—Fond du Lac Co. Airport; VOR/DME Runway 18, Amdt. 1; Revised.
Raton, N. Mex.—Crews Field; VOR/DME Runway 2, Amdt. 1; Revised.
San Jose, Calif.—San Jose Municipal Airport; VOR/DME Runway 12R/L, Original; Established.
San Jose, Calif.—San Jose Municipal Airport; VOR/DME Runway 30L/R, Amdt. 1; Revised.
Watsonville, Calim.—Watsonville Municipal Airport; VOR/DME-A, Original; Established.

5. Section 97.25 is amended by establishing, revising or canceling the following SDF-LOC-LDA SIAPs effective January 27, 1972.

Colorado Springs, Colo.—Peterson Field; LOC (BC) Runway 17, Amdt. 8; Revised.
San Jose, Calif.—San Jose Municipal Airport; LOC (BC) Runway 12R, Amdt. 8; Revised.
San Jose, Calif.—San Jose Municipal Airport; LOC/DME Runway 30L, Amdt. 1; Revised.

6. Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAPs, effective January 27, 1972.

Crookston, Minn.—Crookston Municipal Kirkwood Field; NDE Runway 13, Amdt. 1; Revised.
Decorah, Iowa—Decorah Municipal Airport; NDB Runway 29, Amdt. 3; Revised.
Graham, Tex.—Graham Municipal Airport; NDB Runway 17, Amdt. 1; Revised.
Killeen, Tex.—Killeen Municipal Airport; NDB-A, Original; Established.
San Bernardino, Calif.—Tri-City Airport; NDB Runway 7, Original; Established.
Sioux Falls, S. Dak.—Joe Foss Field; NDB Runway 3, Amdt. 14; Revised.

7. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective January 27, 1972.

Anchorage, Alaska—Anchorage International Airport; ILS Runway 6L, Original; Established.
Great Falls, Mont.—Great Falls International Airport; ILS Runway 34, Amdt. 15; Revised.
Morgantown, W. Va.—Morgantown Municipal Airport; ILS Runway 18, Original; Established.
Oakland, Calif.—Metropolitan Oakland International Airport; Parallel ILS Runway 27R, Amdt. 1; Cancelled.
Oakland, Calif.—Metropolitan Oakland International Airport; Parallel ILS Runway 29, Amdt. 1; Cancelled.
San Jose, Calif.—San Jose Municipal Airport; ILS Runway 30L, Amdt. 10; Revised.
Sioux Falls, S. Dak.—Joe Foss Field; ILS Runway 3, Amdt. 16; Revised.
Washington, D.C.—Dulles International Airport; ILS Runway 19L, Original; Established.

8. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective January 27, 1972.

Minneapolis, Minn.—Minneapolis-St. Paul International Wold Chamberlain Airport; RADAR-1, Amdt. 22; Revised.
Oklahoma City, Okla.—Will Rogers World Airport; RADAR-1, Amdt. 10; Revised.
St. Louis, Mo.—St. Louis International Airport; RADAR-1, Amdt. 15; 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) and 5 U.S.C. 522(a)(1))

Issued in Washington, D.C., on December 22, 1971.

JAMES F. RUDOLPH,
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.72-26 Filed 1-4-72;8.45 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-718, Amdt. 9]

PART 225—TARIFFS OF CERTAIN CERTIFICATED AIRLINES; TRADE AGREEMENTS

Renewal of Part for One Year

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of December 1971.

By EDR-217, dated November 5, 1971,[1] the Board proposed to extend Part 225 of the Economic Regulations for an addition 2 years.[2]

Comments in response to the notice of proposed rule making were filed by Allegheny Airlines, Inc., Frontier Airlines, Inc., Hughes Air Corp. (Air West),[3] Mohawk Airlines, Inc., and North Central Airlines, Inc., jointly, Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., and United Air Lines, Inc. (United). Upon consideration we have determined to adopt the proposal except as modified herein.[4]

All of the commenting parties except United support the proposal to extend the part.[5] United argues that the reason underlying our previous and instant extensions of the part—i.e., the deteriorating financial conditions of the local carriers and attendant subsidy requirements—is not, and has never been, a sufficient legal justification for continuing the exemption. United further submits that the Board has not made the findings which are required by section 416(b)(1) of the Act.

United points out that the size and resources of the local carriers have increased since Part 225 was originally promulgated, and that local carriers now have nonsubsidized long-haul route segments which compete with segments of trunk carriers. In this connection, United offers statistics to show that, in the second quarter of 1970, 43 percent of the local service carriers' revenue passenger miles (807.6 million RPM's) were in markets competitive with trunk carriers.[6] However, the total number of domestic RPM's operated in that same quarter by the trunk carriers was more than 23.2 billion.[7] Thus, the RPM's operated by local service carriers in markets competitive with trunk carriers amounted to

[1] 36 F.R. 21601, November 11, 1971; Docket 23967.

[2] Part 225 exempts local service and certain other categories of carrier from certain provisions of Section 403 of the Act and Part 2221 of the Economic Regulations, insofar as such provisions would bar such carriers from exchanging transportation for advertising goods or services up to maximum specified amounts for each category. The exemption expired by its terms, on December 18, 1971.

[3] The comment of Air West was received by the Board several days after the expiration of the time for filing comments in this proceeding. However, by a letter of December 6, 1971, counsel for Air West states that the document was mailed from California on November 26, which would normally have permitted ample time for it to arrive on the due date, November 29. In view of this, we have determined to accept the comment.

[4] On November 2, 1971, Air West filed a petition to extend Part 225 for 2 years (Docket 23957). In view of our action herein, the Air West petition is hereby dismissed.

[5] Air West suggests that the Board increase the limitation of trade agreement advertising by at least 30 percent. No other party has raised this issue and, in view of the considerations expressed further herein, we have determined to deny Air West's request.

[6] A competitive market is defined as being one in which the local carrier and a trunk carrier each have 10 percent or more participation.

[7] Air Carrier Traffic Statistics, April, May, and June of 1970.

approximately 3½ percent of the trunk carriers' total domestic RPM's for the period in question. In view of this, it does not appear that failure to extend Part 225 at this time would result in any significant benefit to the trunk carriers, but, rather, would be likely to result in an increase in the local service carriers' need for subsidy.

The local service carriers, as a class, have historically been unable to earn revenues sufficient to meet the costs of their operations. This inability, in turn, stems from the short-haul, low density nature of their route systems, and requires the payment of substantial subsidies to support their operations. The trade agreements authorized under Part 225 have provided some degree of assistance in reducing cash needs and facilitating advertsing and promotion and thereby reducing dependence upon subsidy. To the extent that enforcement of the pertinent provisions of section 403 of the Act and Part 221 of the regulations would prevent the use of trade agreements during the term of the extension of this part, we find that such enforcement would constitute an undue burden on the carriers by reason of these unusual circumstances affecting their operations and would not be in the public interest.

Nevertheless, while the trade agreement program has been useful in the development of local service and other subsidized carriers, we recognize that the situation of the local service carriers vis-a-vis the trunk carriers has changed considerably from that which obtained when the program was initiated, in that there is now a significant amount of head-to-head competition between the two classes of carrier. For this reason, we have determined to renew the part for 1 year, rather than the proposed 2 years. Moreover, we intend to issue a notice of rule making in early 1972 proposing to phase out the trade agreement program within the next 3 or 4 years by annual reductions in the trade-out allowance.

Since this amendment continues an exemption and imposes no burden upon any person, it may become effective immediately.

In consideration of the foregoing, the Board hereby amends Part 225 of its Economic Regulations (14 CFR Part 225), effective December 30, 1971, as follows:

1. Amend paragraph (a) of § 225.2 to read as follows:

§ 225.2 Filing of notice of trade agreement and cancellation of such agreement.

(a) *Notice of trade agreement.* Any airline may at any time prior to December 18, 1972, file with the Board a notice of its intention to furnish air transportation in exchange for services or goods for advertising purposes. Every such notice shall be accompanied by an executed counterpart of a written agreement, containing all the terms of the agreement between the parties thereto, duly entered into by such air carrier with the supplier, and by an affidavit by the chief financial officer or other responsible officer of the airline having knowledge of the transaction in the form required by § 225.4. Every such notice shall be filed at least 14 days prior to the effective date specified in the trade agreement. Within the meaning of this part, air transportation shall be deemed to be furnished when the passenger is actually enplaned.

* * * * *

2. Amend paragraph (a) of § 225.5 to read as follows:

§ 225.5 Provisions of agreement.

Each trade agreement entered into by an airline hereunder shall provide:

(a) That it shall become effective on a specified day, on or before January 1, 1973;

* * * * *

(Secs. 204(a), 403, 404, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758 [as amended by 74 Stat. 445], 760 and 771; 49 U.S.C. 1324, 1374, and 1386)

Effective: December 30, 1971.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-154 Filed 1-4-72;8:51 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-9428]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Hypothecation Rules Exempting Clearing House Liens of Registered National Securities Associations

The Securities and Exchange Commission announced today that it has amended Rules 8c-1 (17 CFR 240.8c-1) and 15c2-1 (17 CFR 240.15c2-1) ("the hypothecation rules") under the Securities Exchange Act of 1934 (Exchange Act) by including within the exemption in paragraph (d) of each of those rules for clearing house liens, the liens or claims of a clearing corporation, or similar department or association, of a national securities association registered with the Commission pursuant to section 15A of the Exchange Act. In essence, the hypothecation rules prohibit the commingling under the same lien of securities of margin customers (a) with other customers without their written consent and (b) with persons other than customers. They also prohibit the rehypothecation of customers' margin securities for a sum in excess of the aggregate indebtedness of customers on securities.

Presently, paragraph (d) of both Rules 8c-1 and 15c2-1 provides a limited exemption from the prohibitions of these rules with respect to certain liens or claims of a clearing corporation, or similar department or association, of a national securities exchange. The National Association of Securities Dealers, Inc. (NASD), a national securities association registered with the Commission under section 15A of the Act, is now in the process of furnishing clearing and settlement facilities through its wholly owned subsidiary, the National Clearing Corp., in order to provide the broker-dealer community with additional and expanded facilities for the improvement of operations and the reduction of the back office paperwork. The Commission, accordingly, has amended paragraph (d) of the hypothecation rules by including in its exemptive reach the liens and claims of clearing corporations, or similar departments or associations, of registered national securities associations.

Commission action. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 8(c), 15(c)(2), and 23(a) thereof, hereby amends Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adopting the following amendments to §§ 240.8c-1 and 240.15c2-1:

Section 240.8c-1 is amended by adding immediately preceding the words ", for a loan made and to be repaid on the same calendar day", the following words, "or a registered national securities association." As amended, § 240.8c-1 will read as follows:

§ 240.8c-1 Hypothecation of customers' securities.

* * * * *

(d) *Exemption for clearinghouse liens.* The provisions of paragraphs (a)(2), (a)(3), and (f) of this section shall not apply to any lien or claim of the clearing corporation, or similar department or association, of a national securities exchange or a registered national securities association for a loan made and to be repaid on the same calendar day, which is incidental to the clearing of transactions in securities or loans through such corporation, department, or association: *Provided, however,* That for the purpose of paragraph (a)(3) of this section, "aggregate indebtedness of all customers in respect of securities carried for their accounts" shall not include indebtedness in respect of any securities subject to any lien or claim exempted by this paragraph.

* * * * *

Section 240.15c2-1 is amended by adding immediately preceding the words ", for a loan made and to be repaid on the same calendar day", the following words, "or a registered national securities association." As amended, § 240.-15c2-1 will read as follows:

§ 240.15c2-1 Hypothecation of customers' securities.

* * * * *

(d) *Exemption for clearing house liens.* The provisions of paragraphs (a)(2), (a)(3), and (f) of this section shall not apply to any lien or claim of the clearing corporation, or similar department or

association, of a national securities exchange or a registered national securities association, for a loan made and to be repaid on the same calendar day, which is incidental to the clearing of transactions in securities or loans through such corporation, department, or association: *Provided, however,* That for the purpose of paragraph (a) (3) of this section, "aggregate indebtedness of all customers in respect of securities carried for their accounts" shall not include indebtedness in respect of any securities subject to any lien or claim exempted by this paragraph.

* * * * *

Because the effect of the above described amendments would be to relax certain of the requirements of Rules 8c–1 and 15c2–1 under the Exchange Act, the Commission finds that, for good cause the notice and procedure specified in the Administrative Procedure Act, 5 U.S.C. 553, is unnecessary, and accordingly it adopts the foregoing amendments effective immediately.

(Sec. 8(c), 48 Stat. 888, Sec. 15(c)(2), 15 U.S.C. 78h; 48 Stat. 895, as amended 52 Stat. 1075, Sec. 2, 15 U.S.C. 780; Sec. 23(a), 48 Stat. 901, as amended 49 Stat. 1379, 15 U.S.C. 78w)

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

DECEMBER 29, 1971.

[FR Doc.72-109 Filed 1-4-72;8:47 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

3',4'-DICHLOROPROPIONANILIDE

A petition (FAP 0H2501) was filed with the Environmental Protection Agency by the Rohm and Haas Co., Philadelphia, Pa. 19105, proposing establishment of food additive tolerances for the combined residues of 3',4'-dichloropropionanilide and its metabolites in or on rice bran, rice polishings, and other milling fractions at 10 parts per million and in or on rice hulls at 6 parts per million, resulting from application of the subject herbicide to growing rice. Subsequently, the petitioner amended the petition by increasing the tolerance level requested on rice hulls to 10 parts per million.

3',4'-dichloropropionanilide qualifies both as a pesticide chemical and a food additive, as defined by the Federal Food, Drug, and Cosmetic Act (sec. 201 (q) and (s), 68 Stat. 511, 72 Stat. 1784, 21 U.S.C. 321 (q) and (s)).

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).

Having evaluated the data in the petition and other relevant material, it is concluded that the tolerances should be established.

Therefore, pursuant to provisions of the Act (sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), Part 121 is amended by adding the following new section to Subpart C:

§ 121.336 3',4'-Dichloropropionanilide.

A tolerance of 10 parts per million is established for the combined residues of the herbicide 3',4'-dichloropropionanilide and its metabolites (calculated as 3',4'-dichloropropionanilide) in or on rice bran, rice hulls, rice polishings, and other milling fractions resulting from application of the herbicide to the growing raw agricultural commodity rice.

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 Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, 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.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1–5–71).

(Sec. 409(c) (1), (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4))

Dated: December 21, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-127 Filed 1-4-72;8:49 am]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Ammonium Chloride, Feed Grade

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (34–253V) filed by Allied Chemical Corp., Agricultural Division, 40 Rector Street, New York, NY 10006, proposing revised labeling regarding the safe and effective use of ammonium chloride as a feed grade product. The supplemental application is approved.

The order also provides for recodification of the regulation concerning ammonium chloride from Part 121 to Part 135e in accordance with § 3.517 (21 CFR 3.517).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), in accordance with § 3.517 (21 CFR 3.517), and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121 and 135e are amended as follows:

1. Part 121 is amended in Subpart C by deleting § 121.312 *Ammonium chloride* which is being recodified into Part 135e.

2. Part 135e is amended by adding the following new section:

§ 135e.43 Ammonium chloride, feed grade.

(a) *Chemical name.* Ammonium chloride.

(b) *Specifications.* The ammonium chloride conforms to the following:

(1) Assay after drying: 99 percent minimum.

(2) Sodium chloride: 0.6 percent maximum.

(3) Loss on drying: 0.5 percent maximum.

(4) Arsenic (as As): 3 parts per million maximum.

(5) Heavy metals (as Pb): 10 parts per million maximum.

(c) *Approvals.* Premix level of 99 percent has been granted; for sponsors see code Nos. 002 and 050 in § 135.501(c) of this chapter.

(d) *Assay limits.* Finished feed must contain not less than 85 percent nor more than 115 percent of labeled amount.

(e) *Special considerations.* Maximum level permitted in medicated concentrate is 8 percent for administration to cattle and 6 percent for administration to sheep.

(f) *Conditions of use.* It is used as follows:

AMMONIUM CHLORIDE IN FEED OF CATTLE AND SHEEP

	Amount	Limitations	Indications for use
	Grams per head per day		
1. Ammonium chloride.	21.3–35.5 (0.75–1.25 ozs.)	For range cattle	Reduction of the incidence of urinary calculi.
2. Ammonium chloride.	28.4–42.5 (1.0–1.5 ozs.)	For fattening cattle	Do.
3. Ammonium chloride.	7.1 (0.25 oz.)	For sheep	Do.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (1–5–72).

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

Dated: December 21, 1971.

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

[FR Doc.72–70 Filed 1–4–72;8:45 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter II—Office of the Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner [Federal Housing Administration]

[Docket No. R–71–118]

PART 200—INTRODUCTION

Subpart M—Affirmative Fair Housing Marketing Regulations

The purpose of these regulations is to promote a condition in which individuals of similar income levels in the same housing market area have available to them a like range of choices in housing regardless of the individuals' race, color, religion, or national origin.

Notice of a proposed amendment to 24 CFR Part 200 was published in the FEDERAL REGISTER on June 22, 1971 (36 F.R. 11869) and comments were received from interested persons and organizations. The Department determined that several significant changes should be made, and deemed it appropriate to republish the proposed regulations for further comment in the FEDERAL REGISTER on October 2, 1971 (36 F.R. 19320/21). Eighteen comments were received from interested persons and organizations and consideration has been given to each comment.

In response to the comments received, § 200.615 (a) and (b) has been reworded to clarify the basis for applicability of the regulations. Section 200.620(a) was changed to make it clear that the requirement for an affirmative marketing program for each multifamily project applies throughout the life of the mortgage as well as to initial sale or rental. Paragraph (e) of § 200.620 now makes it clear that Fair Housing materials must be displayed in all offices in which sale or rental activity pertaining to the project or subdivision takes place. Also in response to comments received, § 200.625 was modified to provide that the form for the affirmative fair housing marketing plan be made available for public inspection at the sales or rental offices of the applicant.

A new § 200.640 was added to make it clear that compliance with this rule is in addition to any other requirements of Executive Order 11063 and title VIII of the Civil Rights Act of 1968.

Several minor changes were made for purposes of clarity and specificity, and an appendix has been added to specify the Equal Housing Opportunity logo, statement and slogan referenced in the rule.

Comments were received from several interested organizations suggesting that the regulations be made to apply to all housing, whether or not already in existence, and without regard to whether FHA programs are involved. While it is recognized that the recommendations have merit, they have not been incorporated in the final rule. These are the Department's initial regulations in the field of affirmative marketing, and the Department considers it appropriate to evaluate their efficacy with respect to the FHA subsidized and unsubsidized housing covered by the rule before determining whether to extend its applicability.

Accordingly, Part 200 of Title 24 is amended by including a new Subpart M to read as follows:

Subpart M—Affirmative Fair Housing Marketing Regulations

Sec.

200.600 Purpose.
200.605 Authority.
200.610 Policy.
200.615 Applicability.
200.620 Requirements.
200.625 Affirmative fair housing marketing plan.
200.630 Notice of housing opportunities.
200.635 Compliance.
200.640 Effect on other requirements.

Appendix—Equal Housing Opportunity Insignia.

AUTHORITY: The provisions of this Subpart M issued under section 7(d) of the Department of Housing and Urban Development Act of 1965, 42 U.S.C. 3535(d).

Subpart M—Affirmative Fair Housing Marketing Regulations

§ 200.600 Purpose.

The purpose of this subpart is to set forth the Department's equal opportunity regulations for affirmative fair housing marketing under FHA subsidized and unsubsidized housing programs.

§ 200.605 Authority.

The regulations in this subpart are issued pursuant to the authority to issue regulations granted to the Secretary by section 7(d) of the Department of Housing and Urban Development Act of 1965, 42 U.S.C. 3535(d), and implement the functions, powers, and duties imposed on the Secretary by Executive Order 11063, 27 F.R. 11527, and title VIII of the Civil Rights Act of 1968, Public Law 90–284, 42 U.S.C. 3608.

§ 200.610 Policy.

It is the policy of the Department to administer its FHA housing programs affirmatively, so as to achieve a condition in which individuals of similar income levels in the same housing market area have a like range of housing choices available to them regardless of their race, color, religion, or national origin. Each applicant for participation in FHA subsidized and unsubsidized housing programs shall pursue affirmative fair housing marketing policies in soliciting buyers and tenants, in determining their eligibility, and in concluding sales and rental transactions.

§ 200.615 Applicability.

The affirmative fair housing marketing requirements, as set forth in paragraphs (a) through (f) of § 200.620, shall apply to all applicants for participation in FHA subsidized and unsubsidized housing programs whose application is hereafter approved for development or rehabilitation of:

(a) Subdivisions, multifamily projects and mobile home parks of five or more lots, units or spaces; or

(b) Dwelling units, when the applicant's participation in FHA housing programs had exceeded or would thereby exceed development of five or more such dwelling units during the year preceding the application, except that there shall not be included in a determination of the number of dwelling units developed by an applicant those in which a single family dwelling is constructed or rehabilitated for occupancy by a mortgagor on property owned by the mortgagor and in which the applicant had no interest prior to entering into the contract for construction or rehabilitation.

§ 200.620 Requirements.

With respect to all FHA subsidized or unsubsidized programs in which the applicant hereafter participates (except for housing for which a conditional commitment has been issued prior to the effective date of these regulations), the applicant shall meet the following requirements or, if he contracts marketing responsibility to another party, be responsible for that party's carrying out the requirements:

(a) Carry out an affirmative program to attract buyers or tenants of all minority and majority groups to the housing for initial sale or rental. An affirmative marketing program shall be in effect for each multifamily project throughout

the life of the mortgage. Such a program shall typically involve publicizing to minority persons the availability of housing opportunities through the type of media customarily utilized by the applicant, including minority publications or other minority outlets which are available in the housing market area. All advertising shall include either the Department-approved Equal Housing Opportunity logo or slogan or statement and all advertising depicting persons shall depict persons of majority and minority groups.

(b) Maintain a nondiscriminatory hiring policy in recruiting from both minority and majority groups for staff engaged in the sale or rental of properties.

(c) Instruct all employees and agents in writing and orally in the policy of nondiscrimination and fair housing.

(d) Specifically solicit eligible buyers or tenants reported to the applicant by the Area or Insuring Office.

(e) Prominently display in all offices in which sale or rental activity pertaining to the project or subdivision takes place the Department-approved Fair Housing Poster and include in any printed material used in connection with sales or rentals, the Department-approved Equal Housing Opportunity logo or slogan or statement.

(f) Post in a conspicuous position on all FHA project sites a sign displaying prominently either the Department-approved Equal Housing Opportunity logo or slogan or statement.

§ 200.625 Affirmative fair housing marketing plan.

Each applicant for participation in FHA housing programs to which these regulations apply shall provide on a form to be supplied by the Department information indicating his affirmative fair housing marketing plan to comply with the requirements set forth in § 200.620. This form, once approved by HUD, will be available for public inspection at the sales or rental offices of the applicant.

§ 200.630 Notice of housing opportunities.

The Director of each Area and Insuring Office shall prepare monthly a list of all projects and subdivisions covered by this subpart on which commitments have been issued during the preceding 30 days. The Director shall maintain a roster of interested organizations and individuals, including public agencies responsible for providing relocation assistance and local housing authorities, desiring to receive the monthly list and shall provide the list to them.

§ 200.635 Compliance.

Applicants failing to comply with the requirements of this subpart will make themselves liable to sanctions authorized by regulations, rules or policies governing the program pursuant to which the application was made, including but not limited to denial of further participation in departmental programs and referral to the Department of Justice for suit by the United States for injunctive or other appropriate relief.

§ 200.640 Effect on other requirements.

The requirement for compliance with this part is in addition to and not in substitution for any other requirements imposed by or under Executive Order 11063 or title VIII of the Civil Rights Act of 1968.

Effective date. This part shall be effective February 25, 1972.

RICHARD C. VAN DUSEN,
Undersecretary, Department of Housing and Urban Development.

APPENDIX: EQUAL HOUSING OPPORTUNITY INSIGNIA

The Equal Housing Opportunity insignia are as follows:

Equal Housing Opportunity logo:

EQUAL HOUSING OPPORTUNITY

Equal Housing Opportunity statement: "We are pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the Nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, religion, or national origin."

Equal Housing Opportunity slogan: "Equal Housing Opportunity."

[FR Doc.72-17 Filed 1-4-72;8:45 am]

[Docket No. R-71-159]

PART 222—SERVICEMEN'S MORTGAGE INSURANCE

Eligibility Requirements

In section 7(b) of Public Law 91-621, Section 222 of the National Housing Act was amended to permit the insurance of mortgages on dwellings owned by servicemen in the U.S. National Oceanic and Atmospheric Administration. The present amendment to Part 222 merely reflects this statutory change. Therefore, I find that notice and public procedure and a deferred effective date are unnecessary and contrary to the public interest.

Accordingly, Part 222 of Title 24 of the Code of Federal Regulations is amended as follows:

1. In § 222.2, paragraphs (a) and (d) are revised. As amended, 222.2 reads as follows:

§ 222.2 Definition of terms.

* * * * *

(a) "Secretary" shall mean the Secretary of Defense, or, in the case of the U.S. Coast Guard, the Secretary of Transportation, or, in the case of the U.S. National Oceanic and Atmospheric Administration, the Secretary of Commerce. "Secretary" shall also mean any officer or employee designated by the abovenamed Secretaries to issue certificates of eligibility and certificates of termination.

* * * * *

(d) "Period of ownership by serviceman," means that period of time during which a service branch is required to pay mortgage insurance premiums to the Federal Housing Commissioner, commencing with the date the Commissioner endorses a mortgage for insurance and terminating when the Secretary furnishes the Commissioner with a certificate indicating that the service branch will no longer be liable for payment of the insurance premiums to the Commissioner.

2. Section 222.50 is revised. As amended, § 222.50 reads as follows:

§ 222.50 Transfer of insurance.

The insurance of a mortgage pursuant to §§ 203.1 et seq. (Part 203, Subpart A); §§ 213.501 et seq. (Part 213, Subpart C); §§ 220.1 et seq. (Part 220, Subpart A); §§ 221.1 et seq. (Part 221, Subpart A); §§ 234.1 et seq. (Part 234, Subpart A); §§ 235.1 et seq. (Part 235, Subpart A); §§ 237.1 et seq. (Part 237, Subpart A); §§ 809.1 et seq. (Part 809, Subpart A); or §§ 810.1 et seq. (Part 810, Subpart C), all of this chapter, covering a single-family dwelling or a family unit in a condominium project may, with the approval of the Commissioner and upon the request by the mortgagee, be transferred for insurance under this subpart, if the mortgage indebtedness has been assumed by a serviceman who holds a certificate of eligibility issued by the Secretary and who becomes the owner of the property and either occupies the property or certifies that his failure to do so is the result of his military assignment, or, in the case of the Coast Guard or U.S. National Oceanic and Atmospheric Administration, other assignment.

3. In § 222.252, paragraph (a) is revised. As amended, § 222.252 reads as follows:

§ 222.252 Definition of terms.

* * * * *

(a) "Service branch" means the military service, Coast Guard, or U.S. National Oceanic and Atmospheric Administration of which the mortgagor is a member at the time of the issuance of a mortgage insurance certificate or the endorsement of the credit instrument by the Commissioner pursuant to section 222 of the National Housing Act.

* * * * *

(Sec. 7(b), 84 Stat. 1865; 12 U.S.C. 1715m)

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER (1–5–72).

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

[FR Doc.72–114 Filed 1–4–72;8:47 am]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 270—EMPLOYEE-MANAGEMENT COOPERATION

Discontinuance of Part

Codification of DOD Directive 1426.1, dated August 18, 1964, is no longer necessary. Therefore Part 270 is hereby discontinued effective immediately.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Comptroller).

[FR Doc.72–133 Filed 1–4–72;8:49 am]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 5—PUBLIC LANDS; MILITARY RESERVATIONS

Revision of Boundary of Corozal Army Reservation

Effective on publication in the FEDERAL REGISTER (1–5–72), § 5.25 of Title 35, Code of Federal Regulations, is amended to read as follows:

§ 5.25 Corozal Army Reservation.

* * * * *

PARCEL NO. 2

(WEST OF GAILLARD HIGHWAY)

Beginning at monument "A", which is a 3-inch iron pipe set in concrete, located on the easterly bank of the Rio Grande, approximately 800 feet southerly from the junction of the Rio Cardenas, the geodetic position of which is in latitude 8°59′ N. plus 2353.3 feet and longitude 79°34′ W. plus 5,915.7 feet;

Thence from said initial point by metes and bounds:

East, 24.6 feet, to monument "B", which is a 2-inch iron pipe set in concrete;

S. 54°11′30″ E., 668.4 feet, to monument "E", which is a 1½-inch iron pipe set in concrete, located at the northeasterly side of a cyclone fence;

S. 49°58′30″ E., 1,289.4 feet, along the above-mentioned cyclone fence, to monument "G", which is a 3-inch iron pipe set in concrete;

S. 23°20′30″ E., 139 feet, along the above-mentioned cyclone fence, to monument "H", which is a 3-inch iron pipe set in concrete;

S. 18°50′20″ E., 173.1 feet, along the above-mentioned cyclone fence, to monument "I", which is a 3-inch iron pipe set in concrete;

N. 74°18′00″ E., 20.9 feet, along the above-mentioned cyclone fence, to monument "J", which is a 3-inch iron pipe set in concrete;

S. 23°00′30″ E., 83 feet, along the above-mentioned cyclone fence, to monument "K", which is a brass plug set in a concrete platform;

S. 29°02′00″ W., 4.9 feet, through the above-mentioned cyclone fence, to monument "L", which is a 3-inch iron pipe set in concrete;

S. 38°11′30″ E., 149.9 feet, along the above-mentioned cyclone fence, to monument "M", which is a brass plug set in a concrete platform;

S. 53°12′50″ E., 145.3 feet, to monument "N", which is a 3-inch iron pipe set in concrete;

N. 37°55′30″ E., 235.4 feet, to monument "O", which is a 3-inch iron pipe set in concrete, located on the northeasterly side of a cyclone fence, on the southwesterly side of the Panama Railroad tracks;

S. 57°11′30″ E., 231.7 feet, along the above-mentioned cyclone fence, to monument "P", which is a brass plug in the pavement of the north entrance road to the Quartermaster Area;

S. 53°23′00″ E., 428.3 feet, along the above-mentioned cyclone fence, to monument "Q", which is a 3-inch iron pipe set in concrete;

S. 49°42′30″ E., 250.3 feet, along the above-mentioned cyclone fence, to monument "R", which is a 3-inch iron pipe set in concrete;

S. 22°44′20″ E., 74 feet, to monument "S", which is a 3-inch iron pipe set in concrete;

S. 46°01′40″ E., 161.5 feet, along the above-mentioned cyclone fence, on the westerly side of Barth Road, to monument "T", which is a 3-inch iron pipe set in concrete;

S. 41°28′20″ E., 200.2 feet, along the above-mentioned cyclone fence, to monument "U", which is a 3-inch iron pipe set in concrete;

S. 37°31′30″ E., 261.9 feet, along the above-mentioned cyclone fence, to monument "V", which is a 3-inch iron pipe set in concrete;

S. 32°47′40″ E., 998.5 feet, to monument "W", which is a 3-inch iron pipe set in concrete, located on the easterly side of a cyclone fence, on the westerly side of Barth Road;

S. 34°02′20″ E., 301.7 feet, along the above-mentioned cyclone fence, to monument "X", which is a brass plug set in a concrete pavement;

N. 58°08′10″ E., 23.4 feet, along the above-mentioned cyclone fence, to monument "Y", which is a brass plug set in a concrete pavement;

S. 32°57′00″ E., 256.6 feet, along the above-mentioned cyclone fence, to monument "Z", which is a brass plug set in the westerly curb of Barth Road;

S. 31°45′00″ E., 557.2 feet, along the above-mentioned cyclone fence, to monument "Z–1", which is a 3-inch iron pipe set in concrete;

S. 30°08′20″ E., 78 feet, along the above-mentioned cyclone fence, to monument Z–2, which is a 3-inch iron pipe set in concrete;

S. 30°08′21″ E., 913.9 feet, to monument No. 1, which is a 1½-inch pipe in concrete;

S. 20°49′50″ E., 89.3 feet, to monument No. 2, which is a 2-inch pipe in concrete;

N. 64°21′10″ W., 175.9 feet, to monument No. 3, which is a brass plug in concrete on the fence line east of the Ice Plant;

S. 25°18′53″ W., 465.6 feet, along the cyclone fence to an unmarked point 3–A, where the fence crosses a 1-foot concrete ditch;

S. 51°19′59″ W., 171.8 feet, to an unmarked point called No. 3–B on the drawing;

N. 88°12′04″ W., 4 feet, more or less, to an unmarked point called No. 3–C on the drawing;

Southwesterly and northwesterly, 235.9 feet along the southerly edge of the concrete ditch, to monument No. 4, which is a brass plug set in the corner of the ditch where it angles to the left;

N. 59°04′46″ W., 56.9 feet, to an unmarked point called No. 5 on the drawing, located in the center of a 9-foot concrete ditch, midway between two reference brass plugs set in both sides of the ditch 9.8 feet apart, and on the bearing from monument No. 4 to No. 5;

S. 19°34′34″ W., 171.6 feet, to an unmarked point called No. 6 on the drawing;

S. 66°56′00″ W., 179.1 feet, to an unmarked point called No. 7 on the drawing;

S. 24°56′06″ W., 245 feet, to an unmarked point called No. 8–B on the drawing;

S. 43°33′20″ W., 1,550 feet, to an unmarked point called No. 8–C on the drawing;

N. 46°39′24″ W., 850 feet, to monument No. 9, which is a 2½-inch pipe in concrete;

S. 66°56′00″ W., 80 feet, to monument No. 9–A, which is an iron rod in concrete;

N. 21°17′17″ W., 2,418.7 feet, through monuments 9–B, 9–C, 9–D, 9–E, 9–F, and 9–G, which are iron rods in concrete, to monument 9–H, which is a 2½-inch galvanized iron pipe in concrete, the distance being 11.5 feet, 436 feet, 462.2 feet, 385.9 feet, 454.3 feet, 474.9 feet, and 194 feet, successively from beginning of the course;

N. 89°59′16″ W., 42.1 feet, to an unmarked and unnumbered point on the +10-foot contour on the easterly bank of the Panama Canal, the geodetic position of said unmarked point is in latitude 8°58′ N. plus 3,880.6 feet and longitude 79°34′ W. plus 4,769.7 feet;

In a northerly direction, following the +10-foot contour (except where drainage ditches extend inland from the shoreline) along the easterly bank of the Panama Canal and the left bank of the Rio Grande, to monument "A", the point of beginning.

The directions of the lines refer to the true meridian. All geographic positions are referred to the Panama-Colon datum of the Canal Zone triangulation system.

The total area of Corozal Army Reservation is 440.9 acres, more or less (Parcel No. 1 is 37.4 acres, more or less; Parcel No. 1–A, Revised, is 35.5 acres, more or less, and Parcel No. 2 is 368 acres, more or less) and is as shown on Canal Zone Government Drawing No. 6116–34 (Revision No. 7, dated June 7, 1971), entitled "Map Showing U.S. Army and U.S. Air Force Reservations—Fort Clayton, Corozal, Curundu, and Albrook Air Force Base, Canal Zone" scale 1:10,000 dated May 29, 1952, as modified by Canal Zone Government Drawing No. M–6116–89, entitled "Map Showing Boundary of Parcel No. 1–A, Revised Corozal Army Reservation, Canal Zone, to include Former Parcel Nos. 1–A, 1–B, and Adjacent Land," scale 1:2000, dated August 12, 1953. Such maps are on file in the office of the Governor, Balboa Heights, Canal Zone.

(2 C.Z.C. 31, 76A Stat. 7, 35 CFR 3.3(c))

Dated: December 18, 1971.

DAVID S. PARKER,
Governor of the Canal Zone.

Approved: December 29, 1971.

ROBERT F. FROEHLKE,
Secretary of the Army.

[FR Doc.71–19174 Filed 12–30–71;11:01 am]

Title 39—POSTAL SERVICE

Chapter I—U.S. Postal Service

PART 235—DEFENSE DEPARTMENT LIAISON

Civil Defense

Regulations in § 235.2 of Title 39, Code of Federal Regulations (36 F.R. 19483)

are updated to reflect changes in emergency lines of succession which will provide for better continuity in time of a national emergency.

In § 235.2 *Civil Defense*, amend paragraphs (c) and (d) to read as follows:

§ 235.2 Civil Defense.

* * * * *

(c) Postmaster General emergency line of succession: (1) Deputy Postmaster General; (2) Senior Assistant Postmaster General, Support Group; (3) Senior Assistant Postmaster General, Mail Processing Group; (4) Senior Assistant Postmaster General, Customer Services Group; (5) General Counsel; (6) Assistant Postmaster General, Inspection Service; (7) Regional Postmaster General, Western Region; (8) Regional Postmaster General, Southern Region; (9) Regional Postmaster General, Central Region; (10) Regional Postmaster General, Eastern Region; (11) Regional Postmaster General, New York Region; (12) Assistant Postmaster General, Logistics and Engineering Department; (13) Assistant Postmaster General, Administration.

(d) Group, department, and field lines of succession: Each group and department shall establish its own internal line of succession to provide for continuity under emergency conditions. Each Regional Postmaster General, Postal Data Center Director, Regional Chief Inspector, and postmaster at first-class post offices shall prepare a succession list of officials who will act in his stead in the event he is incapacitated or absent in any emergency. Orders of succession shall be shown by position titles, except that within Inspection Divisions orders of succession may be shown by names.

* * * * *

(39 U.S.C. 401(2), 402, 403, 404)

LOUIS A. COX,
Solicitor.

[FR Doc.72-120 Filed 1-4-72;8:48 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

3',4'-Dichloropropionanilide

A petition (PP 0F0932) was filed by the Rohm and Hass Co., Philadelphia, Pa. 19105, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for the combined residues of the herbicide 3',4'-dichloropropionanilide and its metabolites (calculated as 3',4'-dichloropropionanilide) in or on the raw agricultural commodities rice at 2 parts per million; meat byproducts of poultry at 0.1 part per million (negligible residue); milk, meat, fat, and meat byproducts of cattle at 0.05 part per million (negligible residue); and eggs, and meat of poultry at 0.05 part per million (negligible residue).

Subsequently the petitioner amended the petition by proposing the following tolerances:

75 parts per million in or on rice straw.

2 parts per million in or on rice.

0.1 part per million (negligible residue) in meat, fat, and meat byproducts of cattle, goats, hogs, horses, sheep, and poultry.

0.05 part per million in eggs and milk.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purpose for which tolerances are being established, and the Fish and Wildlife Service, U.S. Department of the Interior, advised that it has no objection to these tolerances.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that the tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038), Part 180 is amended by adding to Subpart C the following new section:

§ 180.274 3',4'-Dichloropropionanilide; tolerances for residues.

Tolerances are established for the combined residues of the herbicide 3',4'-dichloropropionanilide and its metabolites (calculated as 3',4'-dichloropropionanilide) in or on raw agricultural commodities as follows:

75 parts per million in or on rice straw.

2 parts per million in or on rice.

0.1 part per million (negligible residue) in meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep.

0.05 part per million (negligible residue) in eggs and milk.

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 Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, 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.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1-5-72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: December 21, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-126 Filed 1-4-72; 8:49 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

PART 101-17—CONSTRUCTION AND ALTERATION OF PUBLIC BUILDINGS

Subpart 101-17.1—General

INTERGOVERNMENTAL CONSULTATION ON FEDERAL PROJECTS

Section 101-17.103 is amended to implement those portions of the Office of Management and Budget Circular No. A-95, revised February 9, 1971, which require that Federal agencies obtain information on the possible impact on the environment of proposed Federal plans and projects, and that Federal, State, metropolitan, regional, and local agencies be provided opportunity to review and comment on such plans and projects.

Sections 101-17.103 (a)(1) and (d) are revised and §§ 101-17.103 (e) and (f) are added as follows:

§ 101-17.103 Intergovernmental consultation on Federal projects.

(a) * * *

(1) *Planning agencies.* Planning agencies are defined as the Governor of a State or, if there is one, the appropriate planning and development clearinghouse of the State, region, or metropolitan area, and the appropriate local, county, metropolitan, regional, and State planning authorities.

* * * * *

(d) The provisions of paragraph (c) of this § 101-17.103 shall not be applied when the Administrator of General Services deems that the application thereof would adversely affect the best interest of the Government.

(e) If GSA has determined that any Federal project under its jurisdiction may significantly affect the quality of the human environment, prior to a final decision concerning that project, GSA will provide Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved, and planning agencies which are authorized to develop and enforce environmental standards, and others as appropriate, with an adequate opportunity to review such projects pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and the regulations of the Council on Environmental Quality (CEQ).

(f) The Federal agencies, planning agencies, and others referred to in paragraph (e) of this § 101-17.103 will be notified as follows concerning Federal projects under GSA jurisdiction that are determined to have a significant effect on the human environment:

(1) GSA will transmit copies of the draft environmental statement, prepared in accordance with the provisions of section 102(2)(C) of the National Environmental Policy Act and the regulations of the Council on Environmental Quality to the CEQ and to the Governor of the State, the U.S. Senators of the State, and the U.S. Representative from the congressional district of the State where the project will be located.

(2) Thereafter, GSA will submit copies of the draft statement to the appropriate city mayor and to the Federal, State, and local agencies for comment. The allowable period for comment shall be 30 calendar days, except that the Environmental Protection Agency (EPA) shall have 45 calendar days to submit comments. If requests for extension are made, a maximum period of 15 calendar days may be granted, except for EPA which shall be held to its 45-day review period.

(3) Comments received from the Federal agencies, planning agencies, and others will be reconciled through coordination with the Federal and State agencies concerned. The environmental statement may be revised to reflect the additional data and comments obtained. In any event, a discussion of problems and objections by Federal agencies and State and local entities in the review process and the recommended disposition of the issues involved will be appended to the final text of the environmental statement.

(4) Copies of the final environmental statement will be transmitted to the Council on Environmental Quality.

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (1-5-72).

Dated: December 27, 1971.

HAROLD S. TRIMMER, Jr.,
Acting Administrator of General Services.

[FR Doc.72-92 Filed 1-4-72;8:45 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE AND RECREATION

Havasu National Wildlife Refuge, Ariz. and Calif.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (1-5-72).

§ 28.28 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU NATIONAL WILDLIFE REFUGE

Havasu National Wildlife Refuge, Needles, Calif. is open to public access, use, and recreation, subject to the provisions of Title 50, Code of Federal Regulations, all applicable Federal and State laws and regulations, and the following special conditions:

(1) Water skiing is permitted in the channelized segment of the Colorado River, as designated by signs, from 1.7 miles south of Topock, Ariz., to the north boundary of the refuge; and on that portion of Lake Havasu, as designated by signs, laying south of the Island.

(2) Camping is limited to 7 days unless otherwise posted and is permitted only at designated sites.

(3) Boating is permitted in all waters of the refuge except where restricted by appropriate signs.

(4) Vehicle access is permitted on all refuge roads except where restricted by appropriate signs.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation of wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1972.

STANLEY S. CORNELIUS,
Acting Refuge Manager, Havasu National Wildlife Refuge, Needles, Calif.

DECEMBER 14, 1971.

[FR Doc.72-94 Filed 1-4-72;8:46 am]

PART 33—SPORT FISHING

Havasu National Wildlife Refuge, Ariz. and Calif.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (1-5-72).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU NATIONAL WILDLIFE REFUGE

Sport fishing on the Havasu National Wildlife Refuge, Ariz. and Calif., is permitted on waters designated as open to fishing. These waters, comprising 12,388 acres, are delineated on maps available at the refuge headquarters, Needles, Calif., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through December 31, 1972, inclusive, except that the area closed in Topock Marsh is closed to fishing from January 1 through January 31, 1972, and October 1, 1972 through January 31, 1973, inclusive.

(2) The taking of fish with bow and arrow is prohibited. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through January 31, 1973.

STANLEY S. CORNELIUS,
Acting Refuge Manager, Havasu National Wildlife Refuge, Needles, Calif.

DECEMBER 14, 1971.

[FR Doc.72-95 Filed 1-4-72;8:46 am]

PART 33—SPORT FISHING

Tishomingo National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (1-5-72).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Sport fishing on the Tishomingo National Wildlife Refuge, Tishomingo, Okla., is permitted only on the area designated by signs as open to fishing. These open areas, comprising 10,000 acres, are delineated on maps available at refuge headquarters, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) The open seasons for sport fishing on the refuge extend from January 1 through December 31, 1972, inclusive, on the waters of Lake Texoma east of the north-south center line of secs. 19, 30, and 31, T. 4 S., R. 7 E., and in Rock Creek, Polecat Creek, Bell Creek, Big Sandy Creek, Dick's Pond, and Goose Pen Pond; and from April 1 through September 30, 1972, inclusive, for waters of Lake Texoma west of the north-south center line of secs. 19, 30, and 31, T. 4 S., R. 7 E.

(2) The open season for sport fishing on the Tishomingo Management Unit extends from March 1, 1972, through September 30, 1972, inclusive. Fishing with trotlines in Lost Lake, Bobcat Gulch, and McAdams Pond is prohibited during open season.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1972.

ERNEST S. JEMISON,
Refuge Manager, Tishomingo National Wildlife Refuge, Tishomingo, Okla.

DECEMBER 9, 1971.

[FR Doc.72-96 Filed 1-4-72;8:46 am]

PART 33—SPORT FISHING

Brazoria National Wildlife Refuge, Tex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (1-5-72).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

TEXAS

BRAZORIA NATIONAL WILDLIFE REFUGE

Sport fishing on the Brazoria National Wildlife Refuge, Tex., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 900 acres of inland salt lakes and 6 miles of shoreline, are delineated on maps available at refuge headquarters, Angleton Tex. and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Fishing is not permitted on interior waters except Nicks and Salt Lakes.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1972.

RUSSEL W. CLAPPER,
Refuge Manager, Brazoria National Wildlife Refuge, Angleton, Tex.

DECEMBER 1, 1971.

[FR Doc.72-97 Filed 1-4-72;8:46 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 966, 980]

TOMATOES GROWN IN FLORIDA

Proposed Import Regulations

Consideration is being given to the issuance of an amendment to the limitation of shipments regulation, as hereinafter set forth. This proposal was recommended by the Florida Tomato Committee, established pursuant to Marketing Agreement No. 125 and Marketing Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in the Florida production area. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The Committee's recommendation was formulated during a scheduled meeting on December 16, 1971, open to the public and attended by producers, a representative of the Department, and representatives of the tomato distributive trade including importers of Mexican tomatoes. Everyone in attendance was afforded an opportunity to take part in the analysis of supply and market conditions. The record of the meeting will be available for consideration in connection with the proposed issuance of regulations.

All persons who desire to submit data, views, or arguments with respect to this proposal may file the same in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 10 days after the publication of this notice in the FEDERAL REGISTER. Written submissions received pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

An opportunity for oral presentation, following written submissions of data, views, and argument, is not provided. Since winter tomatoes are marketed nationwide, data, views, and arguments may be presented from interested parties throughout the United States. In the event a single location was selected, there would be some interested parties who would find it inconvenient or impossible to utilize an opportunity for an oral presentation, and thus it would be necessary to provide multiple locations for such presentations. This approach would be impracticable in view of the urgency of the market situation. Therefore, the submission of data, views, and argument in written form would appear to be more equitable since each party is held to the same requirements of presentation. Further, basic considerations involved in the issuance of regulations such as proposed herein recently were the subject of intensive review at a 5-week public hearing held from October 4 through November 4, 1971, concerning such issues at which all interested parties were afforded complete and adequate opportunity to present their views and evidence for the record. Such record is available for consideration in connection with the proposed issuance of these regulations.

Tomato supplies for U.S. markets were below average through mid-December. However, Florida's shipments have increased to such an extent that producers are receiving depressed prices for the smaller sizes. In addition, Florida's acreage for early winter harvest is substantially above a year earlier and due to warm weather plant growth is ahead of normal. Barring unforeseeable adverse weather, supplies from Florida and other sources are expected to become more burdensome in coming weeks and cause depressed prices to producers for all tomatoes.

If these conditions develop, it is anticipated that the minimum size requirements for tomatoes may be as restrictive as indicated in the following proposal:

1. In § 966.309 (36 F.R. 21449), paragraph (a) would be amended to read as follows:

§ 966.309 Limitation of shipments.

* * * * *

(a) *Minimum size and size classification requirements.*—(1) *Minimum size requirements.* (i) For mature green tomatoes, over $2\frac{9}{32}$ inches in diameter; (ii) for all other tomatoes, over $2\frac{17}{32}$ inches in diameter; and (iii) for all tomatoes, not more than 10 percent, by count, in any lot may be smaller than the specified minimum diameter.

(2) *Size classifications.* (i) No person shall handle any lot of tomatoes unless they are sized in one or more of the following ranges of diameters (expressed in terms of minimum and maximum). Measurement of minimum and maximum diameter shall be in accordance with the methods prescribed in the U.S. Standards for Grades of Fresh Tomatoes (§§ 51.1855 to 51.1877 of this title).

Size classification:	*Diameter (inches)*
6 x 7	Over $2\frac{9}{32}$ to $2\frac{17}{32}$, inclusive.
6 x 6	Over $2\frac{17}{32}$ to $2\frac{25}{32}$, inclusive.
5 x 6 and larger	Over $2\frac{25}{32}$.

(ii) Tomatoes of designated sizes may not be commingled unless they are over $2\frac{17}{32}$ inches in diameter and each container shall be marked to indicate the designated size.

(iii) To allow for variations incident to proper sizing, not more than a total of ten (10) percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter or larger than the maximum diameter.

* * * * *

2. *Applicability to imports.* Pursuant to section 8e–1 of the Act (7 U.S.C. 608e–1) imports of tomatoes, Part 980, would be subject to the same minimum grade, size, quality and maturity requirements.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated: December 30, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72–153 Filed 1–4–72;8:52 am]

[7 CFR Part 1207]

[PRPA1]

POTATO RESEARCH AND PROMOTION PLAN

Decision and Referendum Order on Proposed Plan

Pursuant to the Potato Research and Promotion Act (title III of Public Law 91-670, 91st Congress, approved January 11, 1971, 84 Stat. 2041) and the applicable rules of practice and procedure governing proceedings to formulate a plan (7 CFR Part 1207; 36 F.R. 3194), a public hearing was held at Denver, Colo., June 22 and 23, at San Francisco, Calif., June 29, and at Washington, D.C., on July 7, 1971. This hearing was for the purpose of receiving evidence with respect to a proposed research and promotion plan set forth in the notice of hearing which was published in the May 8, 1971, issue of the FEDERAL REGISTER (36 F.R. 8588).

On the basis of the evidence presented at the hearing and the record thereof, a recommended decision in this proceeding was filed on November 17, 1971, with the Hearing Clerk, U.S. Department of Agriculture, and notice thereof was published in the November 20, 1971, issue of the FEDERAL REGISTER (36 F.R. 22168). The notice allowed 15 days after publication (or until December 6, 1971) for filing exceptions thereto. This time was extended until December 16, 1971. No exceptions were received.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (36 F.R. 22168) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Annexed hereto and made a part hereof is a document entitled "Potato Research and Promotion Plan," which has been decided upon as the appropriate

and detailed means of effecting the foregoing conclusions. This plan shall not become effective unless and until the requirements of § 1207.15 of the aforesaid rules of practice and procedure governing proceedings to formulate a plan have been met.

Referendum order. Pursuant to the applicable provisions of the Potato Research and Promotion Act (84 Stat. 2041), it is hereby directed that a referendum be conducted among the potato producers who were engaged in the production of 5 or more acres of potatoes to be harvested during the representative period. The period January 1 through December 31, 1971, otherwise known as the 1971 crop year, is hereby determined to be the representative period for the purpose of such referendum. The referendum is to determine whether such producers favor the issuance of the said annexed Potato Research and Promotion Plan.

Charls R. Brader and Francis N. Andary of the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, are hereby designated referendum agents of the Secretary of Agriculture to conduct said referendum severally or jointly. The said agents may appoint subagents to assist them in performing their functions hereunder.

The procedure applicable to the referendum shall be the procedure for the conduct of referenda in connection with a proposed potato research and promotion plan (7 CFR 1207.200 et seq.) as published in the December 29, 1971, issue of the FEDERAL REGISTER (36 F.R. 25147).

If any eligible voter does not receive a ballot by the beginning date of the referendum, he may obtain one during the referendum period from his county agent or from the Fruit and Vegetable Division, C&MS, U.S. Department of Agriculture, Washington, D.C. 20250. Also, single copies of the complete text of the proposed potato research and promotion plan may be obtained from the Fruit and Vegetable Division.

It is hereby ordered, That this decision, referendum order and the annexed Potato Research and Promotion Plan be published in the FEDERAL REGISTER.

Dated: December 30, 1971.

RICHARD E. LYNG,
Assistant Secretary.

Subpart—Potato Research and Promotion Plan

DEFINITIONS

Sec.
1207.301 Secretary.
1207.302 Act.
1207.303 Plan.
1207.304 Person.
1207.305 Producer.
1207.306 Potatoes.
1207.307 Handle.
1207.308 Handler.
1207.309 Board.
1207.310 Fiscal period and marketing year.
1207.311 Programs and projects.

NATIONAL POTATO PROMOTION BOARD

1207.320 Establishment and membership.
1207.321 Term of office.
1207.322 Nominations and selection.
1207.323 Acceptance.
1207.324 Vacancies.
1207.325 Procedure.
1207.326 Compensation and reimbursement.
1207.327 Powers.
1207.328 Duties.

RESEARCH AND PROMOTION

1207.335 Research and promotion.

EXPENSES AND ASSESSMENTS

1207.341 Budget and expenses.
1207.342 Assessments.
1207.343 Producer refunds.
1207.344 Operating reserve.

REPORTS, BOOKS, AND RECORDS

1207.350 Reports.
1207.351 Books and records.
1207.352 Confidential treatment.

MISCELLANEOUS

1207.360 Influencing governmental action.
1207.361 Right of the Secretary.
1207.362 Suspension or termination.
1207.363 Proceedings after termination.
1207.364 Effect of termination or amendment.
1207.365 Personal liability.
1207.366 Separability.

DEFINITIONS

§ 1207.301 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1207.302 Act.

"Act" means the Potato Research and Promotion Act (title III of Public Law 91-670, 91st Congress, approved January 11, 1971, 84 Stat. 2041).

§ 1207.303 Plan.

"Plan" means this potato research and promotion plan issued by the Secretary pursuant to the act.

§ 1207.304 Person.

"Person" means any individual, partnership, corporation, association, or other entity.

§ 1207.305 Producer.

"Producer" means any person engaged in the growing of 5 or more acres of potatoes who owns or shares the ownership and risk of loss of such potato crop.

§ 1207.306 Potatoes.

"Potatoes" means any or all varieties of Irish potatoes grown by producers in the 48 continguous States of the United States.

§ 1207.307 Handle.

"Handle" means to grade, pack, process, sell, transport, purchase, or in any other way to place potatoes or cause potatoes to be placed in the current of commerce. Such term shall not include the transportation or delivery of field-run potatoes by the producer thereof to a handler for grading, storage, or processing.

§ 1207.308 Handler.

"Handler" means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes, including a producer who handles potatoes of his own production.

§ 1207.309 Board.

"Board" means the National Potato Promotion Board, hereinafter established pursuant to § 1207.320.

§ 1207.310 Fiscal period and marketing year.

"Fiscal period" and "marketing year" mean the 12-month period from July 1 through June 30 of the following year or such other period which may be approved by the Secretary.

§ 1207.311 Programs and projects.

"Programs" and "projects" mean those research, development, advertising or promotion programs or projects developed by the Board pursuant to § 1207.335.

NATIONAL POTATO PROMOTION BOARD

§ 1207.320 Establishment and membership.

(a) There is hereby established a National Potato Promotion Board, hereinafter called the "Board," composed of producers selected by the Secretary from nominations submitted by producers in the various States or groups of States pursuant to § 1207.322.

(b) Membership on the Board shall be determined on the basis of the potato production set forth in the latest Crop Production Annual Summary Report issued by the Crop Reporting Board, U.S. Department of Agriculture. Each of the 48 contiguous States' membership shall be initially determined on the basis of one member for each 5 million hundredweight of production, or major fraction thereof, produced within such State. Each State initially shall be entitled to at least one member on the Board. The basis for determining the membership of future boards shall be determined by the Secretary upon recommendation of the Board.

(c) Any State in which the potato producers fail to respond to an officially called nomination meeting may be combined with an adjacent State for the purpose of representation on the Board, in which case the Board member selected by the Secretary will represent both States but his voting power under § 1207.325 shall not be increased.

(d) The Secretary, upon recommendation of the Board, may establish, through rule making procedure, districts or groups of States in order to change the representation requirements for membership on the Board. In such event the voting power of members under § 1207.325 would be based upon the total production within the new district or group of States.

§ 1207.321 Term of office.

(a) The term of office of Board members shall be 3 years, beginning July 1, or such other beginning date as may be approved pursuant to regulations.

(b) The terms of office of the Board's initial members shall be so determined that approximately one-third of the terms will expire each year, i.e., the terms of approximately one-third will be for 1 year, one-third for 2 years and one-third for 3 years.

(c) Board members shall serve during the term of office for which they are selected and have qualified, and until their successors are selected and have qualified.

(d) No member shall serve for more than two full successive terms.

§ 1207.322 Nominations and selection.

The Secretary shall select the members of the Board from nominations which may be made in the following manner.

(a) A meeting or meetings of producers shall be held in each State to nominate members for the Board. For nominations to the initial Board the meetings shall be announced by the U.S. Department of Agriculture. The Department may call upon other organizations to assist in conducting the meetings such as State and national organizations of potato producers. Such nomination meetings shall be held not later than 60 days after the issuance of this subpart. Any organization designated to hold such nomination meetings shall give adequate notice of such meetings to the potato producers affected; also to the Secretary so that a representative of the Secretary, if available, may conduct such meetings or act as secretary of such nomination meetings.

(b) After the establishment of the initial Board, the nominations for subsequent Board members shall be made by producers at meetings in the producing sections or States. The Board shall hold such meetings, or cause them to be held, in accordance with rules established pursuant to recommendation of the Board.

(c) Only producers may participate in designating nominees. Each producer is entitled to one vote only on behalf of himself, his partners, agents, subsidiaries, affiliates, and representatives for each position for which nominations are being held. If a producer is engaged in producing potatoes in more than one State, he shall elect the State in which he shall vote. In no event shall he vote in nominations in more than one meeting.

§ 1207.323 Acceptance.

Each person selected by the Secretary as a member of the Board shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 1207.324 Vacancies.

To fill any vacancy caused by the failure of any person selected as a member of the Board to qualify, or in the event of the death, removal, resignation, or disqualification of any member, a successor shall be nominated and selected in the manner specified in § 1207.322. In the event of failure to provide nominees for such vacancies, the Secretary may select other eligible persons.

§ 1207.325 Procedure.

(a) Each State (or district or group of States established pursuant to § 1207.320 (d)) which has a member on the Board shall be entitled to not less than one vote for any production up to 1 million hundredweight, plus one additional vote for each additional 1 million hundredweight of production, or major fraction thereof, as determined by the latest crop production annual summary report issued by the Crop Reporting Board, U.S. Department of Agriculture. The casting of the votes for each State shall be determined by the members of the Board from that State.

(b) A majority of the Board members shall constitute a quorum and any action of the Board shall require a majority of concurring votes of those present and voting. At assembled meetings all votes shall be cast in person or by duly authorized proxy.

(c) For routine and noncontroversial matters which do not require deliberation and the exchange of views, and for matters of an emergency nature when there is not enough time to call an assembled meeting, the Board may act upon a majority of concurring votes of its members cast by mail, telegraph, or telephone. Any vote cast by telephone shall be confirmed promptly in writing.

§ 1207.326 Compensation and reimbursement.

Members of the Board shall serve without compensation but shall be reimbursed for reasonable expenses incurred by them in the performance of their duties as members of the Board.

§ 1207.327 Powers.

The Board shall have the following powers subject to § 1207.361:

(a) To administer the provisions of this plan in accordance with its terms and conditions;

(b) To make rules and regulations to effectuate the terms and conditions of this plan;

(c) To receive, investigate, and report to the Secretary complaints of violations of this plan; and

(d) To recommend to the Secretary amendments to this plan.

§ 1207.328 Duties.

The Board shall, among other things, have the following duties:

(a) To meet and organize and to select from among its members a president and such other officers as may be necessary; to select committees and subcommittees of Board members; to adopt such rules for the conduct of its business as it may deem advisable; and it may establish advisory committees of persons other than Board members;

(b) To employ such persons as it may deem necessary and to determine the compensation and define the duties of each; and to protect the handling of Board funds through fidelity bonds;

(c) At the beginning of each fiscal period, to prepare and submit to the Secretary for his approval a budget on a fiscal period basis of the anticipated expenses in the administration of this plan including the probable costs of all programs or projects and to recommend a rate of assessment with respect thereto;

(d) To develop programs and projects and to enter into contracts or agreements for the development and carrying out of programs or projects of research, development, advertising or promotion, and the payment of the costs thereof with funds collected pursuant to this plan;

(e) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the Board. Minutes of each Board meeting shall be promptly reported to the Secretary;

(f) To cause the books of the Board to be audited by a certified public accountant at least once each fiscal period, and at such other time as the Board may deem necessary. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. Two copies of each such report shall be funrished to the Secretary and a copy of each such report shall be made available at the principal office of the Board for inspection by producers and handlers;

(g) To give the Secretary the same notice of meetings of the Board and its subcommittees as is given to its members;

(h) To act as intermediary between the Secretary and any producer or handler; and

(i) To furnish the Secretary such information as he may request.

RESEARCH AND PROMOTION

§ 1207.335 Research and promotion.

The Board shall develop and submit to the Secretary for approval any programs or projects authorized in this section. Such programs or projects shall provide for:

(a) The establishment, issuance, effectuation and administration of appropriate programs or projects for the advertising and promotion of potatoes and potato products: *Provided, however,* That any such program or project shall be directed toward increasing the general demand for potatoes and potato products;

(b) Establishing and carrying on research and development projects and studies to the end that the marketing and utilization of potatoes may be encouraged, expanded, improved, or made more efficient; *Provided,* That quality control, grade standards and supply management programs shall not be conducted under, or as a part of, this plan; and

(c) The development and expansion of potato and potato product sales in foreign markets.

(d) No advertising or promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products.

EXPENSES AND ASSESSMENTS

§ 1207.341 Budget and expenses.

(a) At the beginning of each fiscal period, or as may be necessary thereafter, the Board shall prepare and recommend a budget on a fiscal period basis of its anticipated expenses and disbursements in the administration of this plan, including probable costs of research, development, advertising, and promotion. The Board shall also recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures and to provide for a reserve as set forth in § 1207.344.

(b) The Board is authorized to incur such expenses for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the Board as are approved pursuant to § 1207.361.

§ 1207.342 Assessments.

(a) The funds to cover the Board's expenses shall be acquired by the levying of assessments upon handlers as designated in regulations issued by the Board. Such assessments shall be levied at a rate fixed by the Secretary which shall not exceed 1 cent per hundredweight of potatoes handled and not more than one assessment may be collected on any potatoes.

(b) Each designated handler, as specified in regulations, shall pay assessments to the Board on all potatoes handled by him, including potatoes he produced. Assessments shall be paid to the Board at such time and in such manner as the Board shall direct pursuant to regulations issued hereunder. The designated handler may collect the assessments from the producer, or deduct such assessments from the proceeds paid to the producer on whose potatoes the assessments are made, provided he furnishes the producer with evidence of such payment.

(c) The Board may authorize other organizations to collect assessments in its behalf.

(d) The Board may exempt potatoes used for nonfood purposes, other than seed, from the provisions of this plan and shall establish adequate safeguards against improper use of such exemptions.

§ 1207.343 Producer refunds.

Any producer who has paid an assessment under this plan and who is not in favor of supporting the research and promotion program as provided for in this plan shall have the right to demand and receive from the Board a refund of such assessment upon submission of proof satisfactory to the Board that he paid the assessment for which refund is sought. Any such demand shall be made personally by such producer on a form which he shall sign and within a time period prescribed by the Board pursuant to regulations. Such time period shall give the producer at least 90 days from the date of collection to submit the refund request form to the Board. Any such refund shall be made within 60 days after demand therefor. No handler shall be eligible for a refund except on potatoes produced by him.

§ 1207.344 Operating reserve.

The Board may establish an operating monetary reserve and may carry over to subsequent fiscal periods excess funds in a reserve so established: *Provided*, That funds in the reserve shall not exceed approximately two fiscal periods' expenses. Such reserve funds may be used to defray any expenses authorized under this part.

REPORTS, BOOKS, AND RECORDS

§ 1207.350 Reports.

Each designated handler shall maintain a record with respect to each producer for whom he handled potatoes and for potatoes handled which he himself producer. He shall report to the Board at such times and in such manner as it may prescribe by regulations such information as may be necessary for the Board to perform its duties under this part. Such reports may include, but shall not be limited to, the following:

(a) Total quantity of potatoes handled for each producer and for himself, including those which are exempt under the plan;

(b) Total quantity of potatoes handled for each producer and for himself subject to the plan and assessments, and

(c) Name and address of each person from whom he collected an assessment, the amount collected from each person, and the date such collection was made.

§ 1207.351 Books and records.

Each handler subject to this part shall maintain and make available for inspection by authorized employees of the Board and the Secretary, but not to persons not subject to the provisions of Section 310(c) of the act, such books and records as are appropriate and necessary to carry out the provisions of this plan and the regulations issued thereunder, including such records as are necessary to verify any reports required. Such records shall be maintained for at least 2 years beyond the marketing year of their applicability.

§ 1207.352 Confidential treatment.

All information obtained from such books, records, or reports shall be kept confidential by all employees of the Department of Agriculture and of the Board, and by all contractors and agents retained by the Board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving this plan. Nothing in this section shall be deemed to prohibit (a) the issuance of general statements based upon the reports of a number of handlers subject to this plan, which statements do not identify the information furnished by any person, or (b) the publication by direction of the Secretary, of the name of any person violating this plan, together with a statement of the particular provisions of this plan violated by such person.

MISCELLANEOUS

§ 1207.360 Influencing governmental action.

No funds collected by the Board under this plan shall in any matter be used for the purpose of influencing governmental policy or action except in recommending to the Secretary amendments to this subpart.

§ 1207.361 Right of the Secretary.

All fiscal matters, programs or projects, rules or regulations, reports, or other substantive action proposed and prepared by the Board shall be submitted to the Secretary for his approval.

§ 1207.362 Suspension or termination.

(a) The Secretary shall, whenever he finds that this plan or any provision thereof obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this plan or such provision thereof.

(b) The Secretary may conduct a referendum at any time, and shall hold a referendum on request of the Board or of 10 percent or more of the potato producers to determine whether potato producers favor the termination or suspension of this plan. He shall suspend or terminate such plan at the end of the marketing year whenever he determines that its suspension or termination is favored by a majority of the potato producers voting in such referendum who, during a representative period determined by the Secretary, have been engaged in the production of potatoes and who produced more than 50 percent of the volume of the potatoes produced by the producers voting in the referendum.

§ 1207.363 Proceedings after termination.

(a) Upon the termination of this plan, the Board shall recommend not more than five of its members to the Secretary to serve as trustees for the purpose of liquidating the affairs of the Board. Such persons, upon designation by the Secretary, shall become trustees of all funds and property then in the possession or under control of the Board including claims for any funds unpaid or property not delivered or any other claim existing at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) carry out the obligations of the Board under any contracts or agreements entered into by it pursuant to this plan; (3) account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and of the trustees, to such person or persons as the Secretary may direct; and (4) upon the request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person or persons full title and right to all

of the funds, property, and claims vested in the Board of the trustees pursuant to this section.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this section shall be subject to the same obligation imposed upon the Board and upon the trustee.

(d) A reasonable effort shall be made by the Board or its trustees to return to producers any residual funds not required to defray the necessary expenses of liquidation. If it is found impractical to return such remaining funds to producers, such funds shall be disposed of in such manner as the Secretary may determine to be appropriate.

§ 1207.364 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this plan or of any regulation issued pursuant thereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this plan or any regulation issued thereunder, or (b) release or extinguish any violation of this plan or any regulation issued thereunder, or (c) affect or impair any rights or remedies of the United States, or of the Secretary, or of any other person, with respect to any such violation.

§ 1207.365 Personal liability.

No member of the Board shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgments, mistakes, or other acts, either of commission or omission, as such member except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1207.366 Separability.

If any provision of this plan is declared invalid or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of this plan or applicability thereof to other persons or circumstances shall not be affected thereby.

[FR Doc.72-105 Filed 1-4-72;8:47 am]

[9 CFR Part 327]

IMPORTATION OF MEAT AND MEAT PRODUCTS

Proposed Addition of El Salvador to List of Approved Countries

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to the authority contained in the Federal Meat Inspection Act (34 Stat. 2160, as amended, 21 U.S.C. 601 et seq.), the Consumer and Marketing Service is considering amending § 327.2(b) of the Federal meat inspection regulations (9 CFR Part 327) by adding El Salvador to the list of countries specified therein.

Statement of considerations. The Federal Meat Inspection Act prohibits the importation into the United States of carcasses, parts thereof, meat and meat food products of cattle, sheep, swine, goats, or equines, capable of use as human food, unless they comply with all the provisions of the Act and regulations issued thereunder applicable to such articles in commerce within the United States. Such articles from approved plants in the countries listed in § 327.2 (b) are eligible for importation into the United States as provided in the regulations. The laws and regulations of El Salvador concerning these matters have been reviewed and appear to be acceptable. Further, on-site reviews of the export meat inspection program of El Salvador indicate that it is equal to our program in the United States. Certificates issued by the El Salvador officials for export of carcasses, parts thereof, meat and meat food products to the United States are reliable.

Any person who wishes to submit written data, views or arguments concerning the proposed amendment may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Persons desiring opportunity for oral presentation of views should address such requests to the Director, Field Operations Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for presentation of such views within the 30-day period. A transcript will be made of all views orally presented.

All written submissions and transcripts of oral views made pursuant to this notice will be made available for public inspection unless the person making the submission requests that it be held confidential and a determination is made that a proper showing in support of the request has been made on the grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such a request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on December 29, 1971.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-104 Filed 1-4-72;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

OVER-THE-COUNTER DRUGS

Proposal Establishing Rule Making Procedures for Classification

Because self-medication is essential to the Nation's health care system, it is imperative that over-the-counter (OTC) drugs available for human use be safe and effective and bear fully informative labeling. The Food and Drug Administration is concerned that some formulations presently on the market do not have their claimed effect and/or do not bear adequate labeling for safe and effective use by the laity.

Prior to the enactment in 1938 of the Federal Food, Drug, and Cosmetic Act, all drugs were marketed without first undergoing review by the Food and Drug Administration. Under the 1938 act, the Food and Drug Administration was given authority to review, prior to marketing, the safety data on those drugs not generally recognized as safe under their intended uses. Under the Drug Amendments of 1962, which amended the Federal Food, Drug, and Cosmetic Act, the Food and Drug Administration was given authority to review, prior to marketing, the safety and effectiveness of those drugs not generally recognized as safe and effective for their intended use. Pursuant to the 1962 amendments, the Food and Drug Administration was also required to review the efficacy claims of those new drugs introduced into the market between 1938 and 1962. Because of the greater potential for harm of prescription drugs, the review of such drugs was conducted as a matter of first priority and is nearing completion. It is now appropriate to conduct a similar review of OTC drugs.

Cause for concern is illustrated by recent Drug Efficacy Study evaluations of the National Academy of Science-National Research Council. The NAS–NRC reviewed 420 OTC drugs which were broadly representative of the whole range of the OTC market. The NAS–NRC panels' conclusions, which were based upon supporting data submitted by manufacturers, were that approximately 25 percent of the drugs reviewed had an indication that was classifiable as effective. These evaluations, when viewed in the context of the entire OTC drug field, present questions that must be confronted by industry and government.

Estimates of the number of OTC drug products on the market vary from 100,000 to one-half million. Extremely few of these drugs have been approved through the new-drug procedures set forth in section 505 of the act. Some OTC drugs may be excluded from the definition of a new drug by reason of the so-called 1938 grandfather clause in section 201

(p)(1) of the act, and others may be excluded from application of the Drug Amendments of 1962 by reason of the so-called 1962 grandfather clause in section 107(c) of those amendments. Any OTC drug excluded from new-drug status by reason of the 1938 or 1962 grandfather clause is, however, subject to other requirements for drugs in Chapter V of the act, and in particular may not be misbranded under section 502.

The Food and Drug Administration intends to require that all unapproved new drugs and misbranded drugs either be reformulated and/or relabeled to meet all requirements of the act or be removed from the market. In carrying out its responsibilities in this area, the Food and Drug Administration may either initiate a separate court action with respect to each violative OTC drug or deal with all OTC drugs through rulemaking by therapeutic classes on an industrywide basis. It has been determined that the latter approach should be pursued. In making this decision, the following factors were considered:

1. The limited resources of the Food and Drug Administration would be overwhelmed by attempting to review separately the labeling and the data on the safety and effectiveness for each OTC drug now on the market. This would be further complicated by the almost daily growth in the number of drugs being marketed and the changes in formulation and labeling of previously marketed drugs. In large measure, this is the result of a tendency on the part of some manufacturers to develop new mixtures and adjust formulations and labeling for competitive reasons. The prospects of completing a detailed drug-by-drug review of the OTC market in a reasonable time are extremely remote.

2. Litigation to remove violative OTC preparations from the market would necessarily be on a drug-by-drug basis. Such proceedings would place an enormous burden on the courts which must hear the cases, on the agency which must prepare them, on the community of medical and scientific experts who must testify, and on the members of the pharmaceutical industry who are affected. Such litigation is time-consuming and expensive and is sometimes ineffective because manufacturers may change the formulation of the drug in question and/or its labeling claims and reintroduce the product into the market, thus requiring still further litigation.

3. Litigation to delineate the precise scope of the 1938 and 1962 grandfather clauses in order to determine exactly which of the thousands of OTC drugs on the market may validly claim exemption from new-drug status under those clauses and then to determine on a drug-by-drug basis which of those grandfathered claims and formulations are safe and effective under the prescribed, recommended, or suggested conditions of use, and thus not misbranded, would more than exhaust all present resources of the agency. There is no feasible way to determine what formulations and claims may properly be regarded as grandfathered, and in any event the date of entry into the market has no bearing whatever on the safety and effectiveness of the drug and the truthfulness and adequacy of its labeling. It would be unreasonable and unjust to permit grandfathered drugs to remain on the market unchanged while competitive items must be reformulated and/or relabeled or removed from the market. The same scientific and medical determinations involved in reviewing the safety and effectiveness of nongrandfathered OTC drugs are also involved in determining whether grandfathered drugs are misbranded and thus are properly made in a single proceeding that will apply across the board to all products in a single therapeutic class.

4. Of paramount concern is the inadequate consumer protection produced by a product-by-product review and case-by-case litigation against each drug. It is not unreasonable to expect that a very large number of violative drugs would remain on the market for long periods of time because of the limited resources of the agency to evaluate and proceed against such drugs and the delays inherent in complicated litigation through trial and appellate courts.

5. It is impossible to proceed simultaneously by litigation against all manufacturers of similar preparations or their drugs. The situation will arise, as it has before, that preparations similar to those proceeded against will remain on the market long after their less fortunate counterparts have been removed. This situation must be avoided for two reasons. First, and most important, the public is not sufficiently protected when violative drugs remain on the market. Second, equitable enforcement of the law requires that the agency proceed against all manufacturers of similar preparations, since those not proceeded against would have an unfair competitive advantage.

6. Practically all of the thousands of OTC drugs now marketed are compounded from only an estimated 200 active ingredients which are used either alone or in varying combinations. Many thousands of these drugs are readily comparable in that the labeling is similar and the active ingredients are the same, or are essentially the same, but are present in slightly different dosages. Although each is a separate product, the same scientific and medical evidence is relevant in reviewing all OTC drugs within a given therapeutic class.

7. Any approach to the review of the safety and effectiveness of OTC drugs must be consistent with the mandates of the Federal Food, Drug, and Cosmetic Act. In carrying out its responsibilities under the act through administrative proceedings and litigation in Federal courts, the agency has required the presence in published literature of adequate and appropriate medical documentation, consisting at least in part of controlled clinical investigations, as the test of whether a drug is no longer a new drug within the meaning of section 201(p)(1) of the act. Unpublished and uncontrolled studies and data may corroborate published and controlled findings.

Accordingly, the Commissioner proposes to establish procedures for rule making which will result in classifying some OTC drugs as generally recognized among qualified experts as safe and effective and not misbranded under prescribed, recommended, or suggested conditions of use. Any OTC drug not meeting the requirements established for such drugs pursuant to this procedure will have to be the subject of an approved new-drug application prior to marketing. (Since a grandfathered drug that is found to be misbranded would be required to change its formulation and/or labeling and thus lose its grandfathered status, any such product must either meet the applicable monograph or be the subject of an approved new-drug application in order to be legally marketed.) A deviation from a monograph will be approved for an individual manufacturer through approval of a new-drug application justifying such a deviation. Shipment of a nonconforming OTC drug (one neither classified as generally recognized as safe and effective and not misbranded, nor subject to an approved NDA) in interstate commerce will be prohibited. Responsible persons and the manufacturer and distributor will be subject to criminal prosecution and injunctive action, and the drug will be subject to seizure and injunction on the ground that the drug is an unapproved new-drug or is a misbranded drug (if it is exempt from the new-drug definition under the 1938 or 1962 grandfather clause).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040–42 as amended, 1050–53 as amended, 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 321, 352, 355, 371) and the Administrative Procedure Act (secs. 4, 10, 60 Stat. 238 and 243 as amended; 5 U.S.C. 553, 702, 703, 704) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 130 be amended by adding a new Subpart D consisting at this time of one section, as follows:

Subpart D—Over-the-Counter Drugs Which Are Generally Recognized as Safe and Effective and Not Misbranded

§ 130.301 Over-the-counter (OTC) drugs for human use; procedures for rule making for the classification of OTC drugs as generally recognized as safe and effective and not misbranded under prescribed, recommended, or suggested conditions of use.

For purposes of classifying over-the-counter (OTC) drugs as drugs generally recognized among qualified experts as safe and effective for use and as not misbranded drugs, the following regulations shall apply:

(a) *Procedure for establishing OTC drug monographs*—(1) *Advisory review panels.* The Commissioner shall appoint advisory review panels of qualified experts to evaluate the safety and effectiveness of OTC drugs, to review OTC drug labeling, and to advise him on the promulgation of monographs establishing conditions under which OTC drugs are generally recognized as safe and effective and not misbranded. A single advisory review panel shall be established for each designated category of OTC drugs and every OTC drug category will be considered by a panel. The members of a panel shall be qualified experts (appointed by the Commissioner) and may include persons from lists submitted by organizations representing professional, consumer, and industry interests. The Commissioner shall deignate the chairman of each panel. Summary minutes of all meetings shall be made.

(2) *Request for data and views.* The Commissioner will publish a notice in the FEDERAL REGISTER requesting interested persons to submit, for review and evaluation by an advisory review panel, published and unpublished data and information pertinent to a designated category of OTC drugs. Data and information submitted pursuant to a published notice, and falling within the confidentiality provisions of 18 U.S.C. 1905, 5 U.S.C. 552(b), or 21 U.S.C. 331 (j), shall be handled by the advisory review panel and the Food and Drug Administration as confidential until publication of a proposed monograph and the full report(s) of the panel. Thirty days thereafter such data and information shall be made publicly available and may be viewed at the Office of the Hearing Clerk of the Food and Drug Administration, except to the extent that the person submitting it demonstrates that it still falls within the confidentiality provisions of one or more of those statutes. To be considered, seven copies of the data and/or views on any marketed drug within the class must be submitted in the following format:

OTC DRUG REVIEW INFORMATION

I. Label(s) and all labeling.
II. A statement of the complete quantitative composition of the drug.
III. Animal safety data.
A. Individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
B. Combinations of the individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
C. Finished drug product.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
IV. Human safety data.
A. Individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination as to the safety of each individual active component.
B. Combinations of the individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination as to the safety of combinations of the individual active components.
C. Finished drug product.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination as to the safety of the finished drug product.
V. Efficacy data.
A. Individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
B. Combinations of the individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
C. Finished drug product.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
VI. A summary of the data and views setting forth the medical rationale and purpose (or lack thereof) for the drug and its ingredients and the scientific basis (or lack thereof) for the conclusion that the drug and its ingredients have been proven safe and effective for the intended use. If there is an absence of controlled studies in the material submitted, an explanation as to why such studies are not considered necessary must be included.

(3) *Deliberations of an advisory review panel.* An advisory review panel will meet as often and for as long as is appropriate to review the data submitted to it and to prepare a report containing its conclusions and recommendations to the Commissioner with respect to the safety and effectiveness of the drugs in a designated category of OTC drugs. A panel may consult any individual or group. Any interested person may request an opportunity to present oral views to the panel; such request may be granted or denied by th panel. Such requests for oral presentations should be in written form including a summarization of the data to be presented to the panel. Any interested person may present written data and views which shall be considered by the panel. This information shall be presented to the panel in the format set forth in subparagraph (2) of this paragraph and within the time period established for the drug category in the notice for review by a panel.

(4) *Standards for safety, effectiveness, and labeling.* The advisory review panel, in reviewing the data submitted to it and preparing its conclusions and recommendations, and the Commissioner, in reviewing the conclusions and recommendations of the panel and the published proposed, tentative, and final monographs, shall apply the following standards to determine general recognition that a category of OTC drugs is safe and effective and not misbranded:

(i) Safety means a low incidence of adverse reactions or significant side effects under adequate directions for use and warnings against unsafe use as well as low potential for harm which may result from abuse under conditions of widespread availability. Proof of safety shall consist of adequate tests by all methods reasonably applicable to show the drug is safe under the prescribed, recommended, or suggested conditions of use; such tests may be corroborated by reports of significant human experience during marketing. General recognition of safety shall ordinarily be based upon published studies which may be corroborated by unpublished studies and other data.

(ii) Effectiveness means a reasonable expectation that, in a significant proportion of the target population, the pharmacological effect of the drug, when used under adequate directions for use and warnings against unsafe use, will provide clinically significant relief of the type claimed. Proof of effectiveness shall consist of controlled clinical investigations as defined in § 130.12(a)(5)(ii), unless this requirement is waived on the basis of a showing that it is not reasonably applicable to the drug or essential to the validity of the investigation and that an alternative method of investigation is adequate to substantiate effectiveness. Investigations may be corroborated by partially controlled or uncontrolled studies, documented clinical studies by qualified experts, and reports of significant human experience during marketing. Isolated case reports, random experience, and reports lacking the details which permit scientific evaluation will not be considered. General recognition of effectiveness shall ordinarily be based upon published studies which may be corroborated by unpublished studies and other data.

(iii) The benefit-to-risk ratio of a drug shall be considered in determining safety and effectiveness.

(iv) An OTC drug may combine two or more safe and effective active ingredients and may be generally recognized as safe and effective when each active ingredient makes a contribution to the claimed effect(s); when combining of the active ingredients does not decrease the safety or effectiveness of any of the individual active ingredients; and when the combination, when used under adequate directions for use and warnings against unsafe use, provides rational concurrent therapy for a significant proportion of the target population.

(v) Labeling shall be clear and truthful in all respects and may not be false or misleading in any particular. It shall state the intended uses and results of the product; adequate directions for proper use; and warnings against unsafe use, side effects, and adverse reactions in such terms as to render them likely to be read and understood by the ordinary

individual, including individuals of low comprehension, under customary conditions of purchase and use.

(vi) A drug shall be permitted for OTC sale and use by the laity unless, because of its toxicity or other potential for harmful effect or because of the method of or collateral measures necessary to its use, it may safely be sold and used only under a practitioner's prescription.

(5) *Advisory review panel report to the Commissioner.* An advisory review panel shall submit to the Commissioner a report containing its conclusions and recommendations with respect to the conditions under which OTC drugs falling within the category covered by the panel are generally recognized as safe and effective and not misbranded. Included within this report shall be:

(i) A recommended monograph or monographs covering the category of OTC drugs and establishing conditions under which the drugs involved are generally recognized as safe and effective and not misbranded. This monograph may include any conditions relating to active ingredients, labeling indications, warnings and adequate directions for use, prescription or OTC status, and any other conditions necessary and appropriate for the safety and effectiveness of drugs covered by the monograph.

(ii) A statement of all active ingredients, labeling claims or other statements, or other conditions reviewed and excluded from the monograph on the basis of the panel's determination that they would result in the drug's not being generally recognized as safe and effective or would result in misbranding.

(iii) A statement of all active ingredients, inactive ingredients, labeling claims or other statements, manufacturing procedures, or other conditions reviewed and excluded from the monograph on the basis of the panel's determination that the available data are insufficient to classify such conditions under either subdivision (i) or (ii) of this subparagraph and for which further testing is therefore required. The report may recommend the type of further testing required and the time period within which it might reasonably be concluded.

(6) *Proposed monograph.* After reviewing the conclusions and recommendations of the advisory review panel, the Commissioner shall publish in the FEDERAL REGISTER a proposed order containing:

(i) A monograph or monographs establishing conditions under which a categroy of OTC drugs is generally recognized as safe and effective and not misbranded.

(ii) A statement of the conditions excluded from the monograph on the basis of the Commissioner's determination that they would result in the drug's not being generally recognized as safe and effective or would result in misbranding.

(iii) A statement of the conditions excluded from the monograph on the basis of the Commissioner's determination that the available data are insufficient to classify such conditions under either subdivision (i) or (ii) of this subparagraph.

(iv) The full report(s) of the panel to the Commissioner.

The proposed order shall specify a reasonable period of time within which conditions falling within subdivision (iii) of this subparagraph may be continued in marketed products while the data necessary to support them are being obtained for evaluation by the Food and Drug Administration. The summary minutes of the panel meetings shall be made available to interested persons upon request. Any interested person may, within 60 days after publication of the proposed order in the FEDERAL REGISTER, file with the Hearing Clerk of the Food and Drug Administration written comments in quintuplicate. Comments may be accompanied by a memorandum or brief in support thereof. All comments may be reviewed at the Office of the Hearing Clerk during regular working hours, Monday through Friday. Within 30 days after the final day for submission of comments, reply comments may be filed with the Hearing Clerk; these comments shall be utilized to reply to comments made by other interested persons and not to reiterate a position.

(7) *Tentative final monograph.* After reviewing all comments and reply comments, the Commissioner shall publish in the FEDERAL REGISTER a tentative order containing a monograph establishing conditions under which a category of OTC drugs is generally recognized as safe and effective and not misbranded. Within 30 days, any interested party may file with the Hearing Clerk of the Food and Drug Administration written objections specifying with particularity the omissions or additions requested. These objections are to be supported by a brief statement of the grounds therefor. A request for an oral hearing may accompany such objections.

(8) *Oral hearing before the Commissioner.* After reviewing objections filed in response to the tentative final monograph, the Commissioner, if he finds reasonable grounds in support thereof, shall by notice in the FEDERAL REGISTER schedule an oral hearing which shall last no longer than 3 hours. The notice scheduling an oral hearing shall specify the length of the hearing and how the time shall be divided among the parties requesting the hearing. The hearing shall be conducted by the Commissioner and may not be delegated.

(9) *Final monograph.* After reviewing the objections and considering the arguments made at any oral hearing, the Commissioner shall publish in the FEDERAL REGISTER a final order containing a monograph establishing conditions under which a category of OTC drugs is generally recognized as safe and effective and not misbranded. The monograph shall become effective as specified in the order.

(10) *Court appeal.* The monograph contained in the final order constitutes final agency action from which appeal lies to the courts. The Food and Drug Administration will request consolidation of all appeals in a single court. Upon court appeal, the Commissioner may, at his discretion, stay the effective date for part or all of the monograph pending appeal and final court adjudication.

(11) *Amendment of monographs.* The Commissioner may propose on his own initiative to amend or repeal any monograph established pursuant to this section. Any interested person may petition the Commissioner for such proposal. A petition shall set forth the action requested and a detailed statement of the grounds in support of such action. After review of a petition, the Commissioner may deny the petition if he finds a lack of substantial support for safety or effectiveness (in which case the appeal provisions of subparagraph (10) of this paragraph shall apply) or may publish a proposed amendment or repeal in the FEDERAL REGISTER if he finds substantial support for safety and effectiveness (in which case the provisions of subparagraphs (6), (7), (8), and (9) of this paragraph shall apply). A new-drug application may be submitted in lieu of or in addition to a petition under this paragraph.

(b) *Legal status of monographs.* (1) After its effective date, a monograph or any part thereof contained in a final order which is not the subject of a timely court appeal or which is the subject of a timely appeal and is affirmed by a court constitutes a binding substantive rule.

(2) Once a monograph or any part thereof becomes a binding substantive rule pursuant to subparagraph (1) of this paragraph, an OTC drug which falls within the category of drugs covered by that monograph shall be deemed not to be generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling thereof, unless it complies with all of the conditions established by that monograph.

(3) Once a monograph or any part thereof becomes a binding substantive rule pursuant to subparagraph (1) of this paragraph, an OTC drug which falls within the category of drugs covered by that monograph and which is exempt from the definition of a new drug in section 201(p)(1) of the act as a result of the so-called 1938 grandfather clause or which is not subject to the Drug Amendments of 1962 as a result of the so-called 1962 grandfather clause in section 107(c) of those amendments shall be deemed to be misbranded and in violation of section 502 of the act, unless it complies with all of the conditions established by that monograph.

(4) Once a monograph becomes a binding substantive rule pursuant to subparagraph (1) of this paragraph, an OTC drug falling within the category of drugs covered by that monograph shall, prior to its marketing, either comply with all of the conditions established in that

monograph or be the subject of an approved new-drug application. Any such drug which fails to meet one or the other of these two conditions shall be in violation of the act and shall be subject to summary court procdeure for a determination of illegality. Persons and companies responsible for marketing a drug in violation of this provision are subject to criminal prosecution and injunction, and the violative drug is subject to seizure and injunction. The Commissioner will request recall of such products from the market.

(5) A new-drug application requesting approval of an OTC drug deviating in any respect from a monograph that has become a binding substantive rule pursuant to subparagraph (1) of this paragraph shall be in the form required by § 130.4(a)(2) but shall include a statement that the product meets all conditions of the applicable monograph except for the deviation for which approval is requested and may omit all information except that pertinent to the deviation for which approval is requested.

(c) The monographs promulgated pursuant to the provisions of this section shall be established in this Subpart D and shall consist of the following designated categories:

(1) Antacids.
(2) Laxatives.
(3) Antidiarrheal products.
(4) Emetics.
(5) Antiemetics.
(6) Antiperspirants.
(7) Sunburn prevention and treatment products.
(8) Vitamin-mineral products.
(9) Antiinfective products.
(10) Dandruff products.
(11) Mouthwash products.
(12) Hemorrhoidal products.
(13) Hematinics.
(14) Bronchodilator and antiasthmatic products.
(15) Analgesics.
(16) Sedatives and sleep aids.
(17) Stimulants.
(18) Antitussives.
(19) Antihistamines.
(20) Cold remedies.
(21) Antirheumatic products.
(22) Ophthalmic products.
(23) Contraceptive products.
(24) Menstrual products.
(25) Dentifrices and dental products such as analgesics, antiseptics, etc.
(26) Miscellaneous (all other OTC drugs not falling within one of the above therapeutic categories).

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: December 30, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-147 Filed 1-4-72;8:50 am]

Social Security Administration

[20 CFR Part 405]

[Reg. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED

Provider Review Procedures and Suspension of Payments Under Medicare

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 552 et seq.) that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments (1) require intermediaries to institute review procedures for providers dissatisfied with intermediaries' determinations on cost reports; and (2) provide that payments to providers and suppliers of services could be suspended to recover overpayments to them only after such providers and suppliers have been afforded an opportunity to present evidence on the issue of the overpayment, and where a suspension of payments is put into effect there would be an expeditious settlement of the issues involved. It is intended that regulations dealing with provider reviews be effective for cost reporting periods ending on or after December 31, 1971, and that the regulations on suspensions be effective January 1, 1972.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, DC 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 3193, 330 Independence Avenue SW., Washington, DC 20201.

The proposed regulations are to be issued under the authority contained in sections 1102, 1815, and 1871, 49 Stat. 647, as amended, 79 Stat. 296, 322, and 331, as amended; 42 U.S.C. 1302, 1395 et seq.

Dated: December 2, 1971.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: December 29, 1971.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

Regulation No. 5 of the Social Security Administration (20 CFR Part 405) is further amended as follows:

1. The heading to Subpart C is revised to read as follows: Subpart C—Exclusions, Recovery of Overpayment, Liability of a Certifying Officer, and Suspension of Payment.

2. Section 405.301 is revised to read as follows:

§ 405.301 Scope of subpart.

Sections 405.310 to 405.320 describe certain exclusions from coverage applicable to hospital insurance benefits (part A of title XVIII) and supplementary medical insurance benefits (part B of title XVIII). The exclusions in this subpart are applicable in addition to any other conditions and limitations in this part 405 and in title XVIII of the Act. Sections 405.350 to 405.359 relate to the adjustment or recovery of an incorrect payment, or a payment made under section 1814(e) of the Health Insurance for the Aged Act. Sections 405.370 to 405.373 relate to the suspension of payments to a provider of services or other supplier of services where there is evidence that such provider or supplier has been or may have been overpaid.

3. New §§ 405.370–405.373 are added to read as follows:

§ 405.370 Suspension of payments to providers of services and other suppliers of services.

(a) Payments otherwise authorized to be made to providers of services and other suppliers of services in accordance with subpart A or subpart B of this part 405 (but excluding payments to entitled individuals and payments under § 405.251 (a)) may be suspended, in whole or in part, by an intermediary or a carrier when:

(1) The intermediary or carrier has determined that the provider or other supplier to whom such payments are to be made has been overpaid under title XVIII of the Social Security Act, or

(2) The intermediary or carrier has some evidence, although additional evidence may be needed for a determination, that such overpayment exists or that the payments to be made may not be correct.

(b) A suspension shall be put into effect only after the provisions in §§ 405.371 and 405.372 have been complied with and the intermediary or carrier has determined that the suspension of payments, in whole or in part, is needed to protect the program against financial loss. The provisions of this section and §§ 405.371–405.373 shall be effective on January 1, 1972.

§ 405.371 Proceeding for suspension.

(a) *General.* Whenever the intermediary or carrier has determined that a suspension of payments under § 405.370 should be put into effect with respect to a provider of services or other supplier of services, the intermediary or carrier shall notify the provider or other supplier of its intention to suspend payments, in whole or in part, and the reasons for making such suspension. The provider or other supplier will be given the opportunity to submit any statement (including any pertinent evidence) as to why the suspension shall not be put into effect and shall have 15 days following the date of notification to submit such statement, unless the intermediary or carrier for good cause imposes a shorter period. The intermediary or carrier may, for good cause shown, extend the time within which the statement may be submitted. If no statement is received within the 15-day period or such other period as specified in the notice, the suspension shall go into effect.

(b) *Fraud or misrepresentation.* The provisions of paragraph (a) of this section shall not apply where the intermediary or carrier has reason to believe that the circumstances giving rise to the need for a suspension of payments involves fraud or willful misrepresentation. Instead, the intermediary or carrier may suspend payments without first notifying the provider or other supplier of an intention to suspend payments. The provider or other supplier will be notified of such suspension and the reasons for taking such action.

(c) *Notice of amount of program reimbursement.* The provisions of paragraph (a) of this section shall not apply where the intermediary, after furnishing a provider a written notice of the amount of program reimbursement pursuant to § 405.491, suspends payment under paragraph (b) of such § 405.491.

(d) *Failure to furnish information requested.* The provisions of paragraph (a) of this section shall not apply where the intermediary or carrier suspends payments to a provider or other supplier of services because such provider or supplier of services has failed to submit evidence requested by such intermediary or carrier which is needed to determine the amounts due such provider or supplier under the program (sections 1815 and 1833(e) of the Act).

§ 405.372 Submission of evidence and notification of administrative determination to suspend.

When pursuant to § 405.371(a) the provider or other supplier submits a statement, the intermediary or carrier shall consider such statement (including any pertinent evidence submitted), together with any other material bearing upon the case, and make a determination as to whether the facts justify a suspension authorized by § 405.373. If the intermediary or carrier determines that a suspension should go into effect, written notice of such determination will be sent to the provider or other supplier. Such notice will contain specific findings on the conditions upon which the suspension was based, and an explanatory statement for the final decision.

§ 405.373 Subsequent action by intermediary or carrier.

(a) Where a suspension is put into effect by reason of § 405.370(a), such suspension shall remain in effect until whichever of the following first occurs: (1) The overpayment is liquidated, (2) the intermediary or carrier enters into an agreement with the provider or other supplier for liquidation of the overpayment, or (3) the intermediary or carrier, on the basis of subsequently acquired evidence or otherwise, determines that there is no overpayment; except that the intermediary or carrier may at any time adjust such suspension for an appropriate period if it determines that continuation of the suspension would cause irreparable harm to the provider or other supplier.

(b) Where the suspension is put into effect by reason of § 405.370(b), the intermediary or carrier will take timely action after such suspension to obtain such additional evidence it may need to make a determination as to whether an overpayment exists or the payments may be made (i.e., evidence from the records of the provider or other supplier of services). All reasonable efforts will be made by the intermediary or carrier to expedite such determinations. As soon as such determination is made, the provider or other supplier will be informed and, where appropriate such suspension will be rescinded or adjusted to take into account such determination. If such suspension is not rescinded, it shall remain in effect as specified in paragraph (a) of this section.

(c) The provisions of this section shall not apply where the intermediary or carrier, in suspending payments pursuant to § 405.370, had reason to believe that the circumstances giving rise to such suspension involve fraud or serious misrepresention.

4. The heading to Subpart D is amended to read as follows:

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians; Appeals by Provider

5. New §§ 405.490–405.499f are added to read as follows:

§ 405.490 Intermediary-provider reimbursement determination hearing procedure.

Under its agreement with the Secretary of Health, Education, and Welfare, each intermediary is required to establish and maintain procedures for resolving any controversy which may arise between the intermediary and a provider as to the amount of program reimbursement due the provider or due the health insurance program. These procedures shall provide for a hearing on the intermediary's reasonable cost determination contained in a notice of program reimbursement (see § 405.491) when a timely filed request for a hearing on this determination is made by the provider. Each intermediary must set forth its hearing procedure in writing and furnish written notice of the availability of the procedure to the providers it services. The provisions of this section and §§ 405.491–405.499f shall be effective with cost reporting periods ending on or after December 31, 1971.

§ 405.491 Notice of amount of program reimbursement.

(a) Upon receipt of a provider's cost report, or amended cost report where permitted or required, the intermediary shall as expeditiously as possible analyze the report and thereafter commence any necessary audit of the report. Following receipt and analysis of any audit findings pertaining to the report, the intermediary shall furnish the provider a written notice of amount of program reimbursement. The notice shall (1) explain the intermediary's determination of total program reimbursement due the provider for the reporting period covered by the cost report or amended cost report; (2) relate this determination to the provider's claimed total reimburseable costs for this period; (3) explain the amount(s) and the reason(s) why, by appropriate reference to law, regulations, or program policy and procedure, this determination may differ from the provider's claim; and (4) inform the provider of its right to have the determination reviewed at a hearing.

(b) The intermediary's determination as contained in a notice of amount of program reimbursement shall constitute the basis for making the retroactive adjustment (required by § 405.454(f)) to any program payments made to the provider during the period to which the determination applies, including the suspending of further payments to the provider in order to recover, or to aid in the recovery of, any overpayment identified in the determination to have been made to the provider, notwithstanding any request for hearing on the determination the provider may make under § 405.492(a). Any such suspension shall remain in effect as specified in § 405.373(a).

§ 405.492 Right to hearing on a notice of program reimbursement determination or notice of suspension of program reimbursement.

(a) A provider dissatisfied with the intermediary determination contained in a notice of amount of program reimbursement may request an intermediary hearing of the determination. Such request must be in writing and be filed with the intermediary within 60 calendar days after the date of the notice of program reimbursement.

(b) Such request must (1) identify the aspect(s) of the determination with which the provider is dissatisfied, and (2) explain why the provider believes the determination on these matters is incorrect, and (3) be submitted with any documentary evidence the provider considers necessary to support its position.

(c) Following the timely filing of the request for hearing, the provider may identify in writing, prior to the onset of the hearings proceedings, additional aspects of the determination with which it is dissatisfied and furnish any documentary evidence in support thereof.

§ 405.493 Failure to timely request a hearing on a notice of program reimbursement determination.

Where a provider requests a hearing on a notice of amount of program reimbursement determination after the time limit prescribed in § 405.492(a), the designated individual(s) of the intermediary responsible for the hearing procedure shall dismiss the request and furnish the provider a written notice which explains the time limitation, except that for good cause shown the time limit prescribed in § 405.492(a) may be extended.

§ 405.494 Parties to the hearing.

The parties to the hearing shall be the provider and any other person who makes a showing that his rights may be prejudiced by the hearing officer's decision. Neither the intermediary nor the Social Security Administration may be made a party.

§ 405.495 Hearing officer or panel of hearing officers.

The hearing provided for in § 405.492 shall be conducted by a hearing officer or panel of hearing officers designated by the intermediary. Such hearing officer or officers shall be persons knowledgeable in the field of cost reimbursement. The hearing officer or officers shall not have had any direct responsibility for the program reimbursement determination with respect to which a request for hearing is filed.

§ 405.496 Conduct of hearing.

The hearing shall be open to the provider, its representatives, intermediary representatives, and representatives of the Bureau of Health Insurance. The hearing officer(s) shall inquire fully into all of the matters at issue and shall receive into evidence the testimony and any documents which are relevant and material to such matters. If the hearing officer(s) believe that there is relevant and material evidence available which has not been presented at the hearing, he (they) may at any time prior to the mailing of notice of the decision, reopen the hearing for the receipt of such evidence. The order in which the evidence and the allegations shall be presented and the conduct of the hearing shall be at the discretion of the hearing officer(s).

§ 405.497 Prehearing discovery and other prehearing proceedings.

(a) Prehearing discovery, including inspection of audit workpapers, shall be permitted upon timely request of the provider or his representative. To be timely a request for discovery and inspection shall be made before the beginning of the hearing. A reasonable time for inspection and reproduction of documents shall be provided by order of the hearing officer(s).

(b) If, in the discretion of the hearing officer(s), the purpose of defining the issues more clearly would be served, the hearing officer(s) may schedule a prehearing conference.

§ 405.498 Evidence.

Evidence may be received at the hearing even though inadmissible under the rules of evidence applicable to court procedure. The hearing officer(s) shall rule on the admissibility of evidence.

§ 405.499 Witnesses.

The hearing officer(s) may examine the witnesses and shall allow the parties or their representatives to do so. Parties to the proceedings may also cross-examine witnesses.

§ 405.499a Record of hearing.

A complete record of the proceedings at the hearing shall be made and transcribed in all cases. It shall be made available to the provider upon request.

§ 405.499b Authority of hearing officer(s).

The hearing officer(s) in exercising their authority must comply with all the provisions of title XVIII of the Act and regulations issued thereunder as well as with policy statements, instructions, and other guides issued by the Social Security Administration in accordance with the Secretary's agreement with the intermediary.

§ 405.499c Notice of hearing decision.

The hearing officer(s) shall render a decision in writing with a citation of applicable law, regulations, and Social Security Administration instructions as well as findings on all the matters in controversy at the hearing and the record will not be closed until the issuance of said decision. A copy of the decision will be provided all parties to the hearing.

§ 405.499d Effect of hearing decision.

The hearing decision provided for in § 405.499c shall be final and binding upon all parties to the hearing.

§ 405.499e Appointment of representative.

A provider may appoint as its representative any person to act as representative at the proceedings conducted in accordance with § 405.490ff.

§ 405.499f Authority of representative.

A representative appointed by a provider may accept or give on behalf of the party he represents any request or notice relative to any proceeding before the intermediary. A representative shall be entitled to present evidence and allegations as to facts and law in any proceeding affecting the party he represents and to obtain information with respect to a request for hearing made in accordance with § 405.492(a) to the same extent as the party he represents. Notice to a provider of any action, determination, or decision, or a request for the production of evidence by the intermediary sent to the representative of the provider shall have the same force and effect as if it had been sent to the provider.

[FR Doc.72-135 Filed 1-4-72;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-SW-72]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Mineola, Tex.

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, 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, Air Traffic Division. 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, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

MINEOLA, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Wisener Airport (latitude 32°40'47" N., longitude 95°30'45" W.) and within 2 miles each side of the Quitman, Tex., VORTAC 211° radial extending from the airport to 6 miles northeast of the airport.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at Wisener Airport, Mineola, Tex.

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 December 22, 1971.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.72-100 Filed 1-4-72;8:46 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 110]

FOREIGN ATOMIC ENERGY PROGRAMS

Unclassified Activities

The provisions of section 57(b) of the Atomic Energy Act of 1954, as amended, make it unlawful for any person to directly or indirectly engage in the production of any special nuclear material outside of the United States except (1) under an Agreement for Cooperation made pursuant to section 123, or (2) upon authorization by the Commission after a determination that such activity will not be inimical to the interest of the United States. Under the Treaty on the Non-Proliferation of Nuclear Weapons, the United States undertakes not to assist, encourage, or induce any nonnuclear-weapon State to manufacture or otherwise acquire nuclear weapons or nuclear explosive devices or control over such weapons or devices. Furthermore, under the terms of the Treaty, the United States has obligated itself not to provide equipment or material especially designed or prepared for the processing, use, or production of special nuclear material to any such State for peaceful purposes unless the source or special nuclear material shall be subject to the required safeguards. Each nonnuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency, designed to verify the fulfillment of that State's obligations assumed under the Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices.

The Commission's regulation, 10 CFR, Part 110, which was promulgated prior to U.S. ratification of the NPT, provides a general authorization, if not in violation of other provisions of law, to engage in unclassified activities of the type covered by section 57(b) of the Act in foreign countries except certain countries in the Sino-Soviet bloc. This general authorization is in terms broad enough to permit unclassified assistance to uranium isotope separation plants, chemical processing plants, and heavy water plants (provided such activities are not in violation of other provisions of law). Although the safeguards requirements of the Non-Proliferation Treaty relate to many areas of activity, including the three areas mentioned in the preceding sentence, the Commission believes that some activities in these three areas should also be subject to its approval in each case to assure that such activities will not be inimical to the interest of the United States. In addition, the Commission believes that it should be in a position to review assistance involving the communication of technology, which is not subject to NPT safeguards, in the three areas above mentioned. The Commission is, therefore, considering amendment of Part 110 in order to require specific Commission authorization to engage, directly or indirectly, in any of the following activities outside the United States:

(a) Designing or assisting in the design of facilities for the chemical processing of irradiated special nuclear material, facilities for the production of heavy water, facilities for the separation of isotopes of uranium or equipment or components especially designed for any of the foregoing; or

(b) Constructing or fabricating such facilities; or

(c) Fabricating or furnishing equipment or components especially designed for use in such facilities; or

(d) Training foreign personnel in the design, construction, operation, or maintenance of such facilities or equipment or components especially designed therefor; or

(e) Furnishing information not available to the public in published form for use in the design, construction, fabrication, operation, or maintenance of such facilities or equipment or components especially designed therefor.

It is not the intention of the Commission to prevent by this regulation the transfer of standard, off-the-shelf items or the communication of information which is available to the public in published form. In considering requests for authorization the Commission will give special attention to the extent to which the communication of information, the provision of services, and the export of equipment and components are of significant or substantial assistance to the foreign activity.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendment to 10 CFR Part 110 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, within thirty (30) days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments received by the Commission may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Section 110.7 of 10 CFR, Part 110 is amended by redesignating subparagraph (a)(4) as subparagraph (a)(5), and adding a new subparagraph (a)(4) to read as follows:

§ 110.7 **Generally authorized activities.**

(a) Pursuant to section 57b(2) of the Act, the Atomic Energy Commission has determined that any activity which:

* * * * *

(4) Does not involve directly or indirectly engaging in any of the following activities outside the United States:

(i) Designing or assisting in the design of facilities for the chemical processing of irradiated special nuclear material, facilities for the production of heavy water, facilities for the separation of isotopes of uranium or equipment or components especially designed for any of the foregoing; or

(ii) Constructing or fabricating such facilities; or

(iii) Fabricating or furnishing equipment or components especially designed for use in such facilities; or

(iv) Training foreign personnel in the design, construction, operation, or maintenance of such facilities or equipment or components especially designed therefor; or

(v) Furnishing information not available to the public in published form for use in the design, construction, fabrication, operation, or maintenance of such facilities or equipment or components especially designed therefor; and

* * * * *

will not be inimical to the interest of the United States and is authorized by the Atomic Energy Commission.

* * * * *

(Secs. 57, 161, 68 Stat. 932, 948, as amended; 42 U.S.C. 2077, 2201. For the purposes of sec. 223, 68 Stat. 958, as amended; 42 U.S.C. 2273, sections 110.10 and 110.11 issued under sec. 161o, 68 Stat. 950, as amended; 42 U.S.C. 2201(o))

Dated at Germantown, Md., this 29th day of December 1971.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary of the Commission.

[FR Doc.72-125 Filed 1-4-72;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

α-NAPHTHALENEACETAMIDE

Proposed Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, N.J. 08903, on behalf of the Agricultural Research Stations of Idaho, Maryland, Massachusetts, Michigan, Missouri, New

Hampshire, New Jersey, New York, North Carolina, Ohio, Utah, Virginia, and Washington, submitted a petition (PP 1E1094) proposing establishment of tolerances for combined negligible residues of the plant regulator α-naphthaleneacetamide and its metabolite α-naphthaleneacetic acid (calculated as α-naphthaleneacetic acid) in or on apples and pears at 0.1 part per million.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. This pesticide is useful for the purpose for which the tolerances are proposed.

2. There is no reasonable expectancy of residues of α-naphthaleneacetamide or its metabolite α-naphthaleneacetic acid in eggs, meat, milk, and poultry from the proposed usage. The usage is classified in the category specified in § 180.6(a)(3).

3. The proposed tolerances will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(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 Part 180 be amended as follows:

1. In Subpart A, by adding a new subparagraph (7) to § 180.3(d), as follows, to avoid a conflict when two different tolerances for the subject pesticide are established on the same commodity:

§ 180.3 Tolerances for related pesticide chemicals.

* * * * *

(d) * * *

(7) Where tolerances are established for residues of α-naphthaleneacetamide and/or α-naphthaleneacetic acid in or on the same raw agricultural commodity, the total amount of such pesticides shall not yield more residue than that permitted by the higher of the two tolerances, calculated as α-naphthaleneacetic acid.

2. In subpart C, by adding a new section thereto, as follows:

§ 180.309 α-naphthaleneacetamide; tolerances for residues.

Tolerances are established for combined negligible residues of the plant regulator α-naphthaleneacetamide and its metabolite α-naphthaleneacetic acid (calculated as α-naphthaleneacetic acid) in or on the raw agricultural commodities apples and pears at 0.1 part per million.

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 Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: December 22, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-115 Filed 1-4-72;8:47 am]

[40 CFR Part 180]

SODIUM TRICHLOROACETATE

Proposed Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, N.J. 08903, on behalf of the Agricultural Experiment Stations of Maine, Michigan, Minnesota, North Dakota, and Wisconsin, the U.S. Department of Agriculture, The Beet Sugar Development Foundation, and the American Sugar Cane League submitted a petition proposing establishment of tolerances for residues of the herbicide sodium trichloroacetate in or on the raw agricultural commodities sugar beet roots at 1 part per million and sugarcane at 0.5 part per million.

Subsequently, the petitioner amended the petition by reducing the proposed tolerance level of 1 part per million on sugar beet roots to 0.5 part per million.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The pesticide is useful for the purpose for which the tolerances are proposed.

2. The proposed usage is not reasonably expected to result in residues of the pesticide in eggs, meat, milk, and poultry. The usage is classified in the category specified in § 180.6(a)(3).

3. The proposed tolerances will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(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. 9083), it is proposed that Part 180 be amended as follows:

1. In § 180.3(e)(4) by alphabetically inserting in the list of chlorinated organic pesticides a new item, as follows:

§ 180.3 Tolerances for related pesticide chemicals.

(e) * * *
(4) * * *

Sodium trichloroacetate.

* * * * *

2. By adding the following new section:

§ 180.310 Sodium trichloroacetate; tolerances for residues.

A tolerance of 0.5 part per million is established for residues of the herbicide sodium trichloroacetate in or on the raw agricultural commodities sugarbeet roots and sugarcane.

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 Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: December 22, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-118 Filed 1-4-72;8:48 am]

[40 CFR Part 180]

PARATHION OR ITS METHYL HOMOLOG

Proposed Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

The University of Nevada, Reno, Nev. 89507, submitted a petition proposing establishment of a tolerance for residues of the insecticide parathion or its methyl homolog on alfalfa hay at 10 parts per million.

Subsequently, the petitioner amended the petition by proposing tolerances for residues of parathion or its methyl homolog on alfalfa hay at 5 parts per million and fresh alfalfa at 1.25 parts per million.

Prior to December 2, 1970, the U.S. Department of Agriculture advised that this pesticide chemical is useful for the purpose for which tolerances are proposed, and the Fish and Wildlife Service of the Department of the Interior advised that it has no objection to these tolerances.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The proposed usage is not reasonably expected to result in residues of the pesticide in eggs, meat, milk, and poultry. The usage is classified in the category specified in § 180.6(a)(3).

2. The proposed tolerances will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346(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 § 180.121 *Parathion or its methyl homolog; tolerances for residues*, be amended by:

1. Inserting the two new paragraphs "5 parts per million in or on alfalfa hay" and "1.25 parts per million in or on alfalfa (fresh)" before the paragraph "1 part per million * * *" and

2. Deleting the word "alfalfa" from the paragraph "1 part per million * * *".

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 Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: December 23, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-117 Filed 1-4-72;8:48 am]

[40 CFR Part 180]

O,O,-DIETHYL O-(2-DIETHYLAMINO-6-METHYL-4-PYRIMIDINYL) PHOSPHOROTHIOATE; AND ITS OXYGEN ANALOG

Proposed Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

ICI Plant Protection Ltd., Fernhurst, Haslemere, Surrey, England, has requested a tolerance of 0.02 part per million for negligible residues of the insecticide *O,O*-diethyl *O*-(2-diethylamino-6-methyl-4-pyrimidinyl phosphorothioate and its oxygen analog diethyl 2-diethylamino-6-methyl-4-pyrimidinyl phosphate in or on bananas.

The agency reports that this insecticide is useful for the purpose for which the tolerance is proposed.

Based on consideration given the data submitted and other relevant material, it is concluded that the proposed tolerance is safe and will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(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 Part 180 be amended as follows:

In § 180.3(e)(5), by alphabetically inserting in the list of cholinesterase-inhibiting pesticides a new item, as follows:

§ 180.3 Tolerances for related pesticide chemicals.

* * * * *

(e) * * *

(5) * * *

O,O-diethyl *O*-(2-diethylamino-6-methyl-4-pyrimidinyl) phosphorothioate and its oxygen analog diethyl 2-diethylamino-6-methyl-4-pyrimidinyl phosphate.	

* * * * *

2. In Subpart C, by adding a new section, as follows:

§ 180.308 *O,O*-Diethyl *O*-(2-diethylamino-6-methyl-4-pyrimidinyl) phosphorothioate and its oxygen analog; tolerances for residues.

A tolerance of 0.02 part per million is established for negligible residues of the insecticide *O,O*-diethyl *O*-(2-diethylamino-6-methyl-4-pyrimidinyl) phosphorothioate and its oxygen analog diethyl 2-diethylamino-6-methyl-4-pyrimidinyl phosphate in or on the raw agricultural commodity bananas.

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 Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: December 23, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-116 Filed 1-4-72;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 19231; FCC 71-1286]

BIOMEDICAL RADIO TELEMETRY SYSTEMS

Notice of Proposed Rule Making

Order. In the matter of amendment of Part 15 of the Commission's rules to exclude from the duty cycle requirement biomedical radio telemetry systems operating above 70 MHz, Docket No. 19231, RM-1727, RM-1739.

1. On May 19, 1971, the Commission adopted a combined notice of inquiry and notice of proposed rule making in Docket 19231, looking toward amending Part 15 to exclude biomedical telemetry devices from the duty cycle limitation in § 15.211 of the rules.

2. Several months earlier the Commission had issued waivers to Spacelabs, Inc.[1] and Laser Systems and Electronics, Inc.[2] authorizing marketing and use until June 30, 1971, of cardiac monitoring equipment which compiled with all requirements of Part 15 except the duty cycle. Authority was delegated to the staff to grant similar waivers to other manufacturers and some nine waivers were granted under this delegation. Subsequently these waivers were extended until December 31, 1971.

3. It appears that adoption of final rules in this proceeding will be delayed beyond December 31, 1971. Accordingly, subject to the conditions listed below, these waivers are now extended for biomedical equipment which does not meet the duty cycle limitation in § 15.211(a)(3) but which otherwise complies with the requirements of Part 15 for operation above 70 MHz.

(a) The biomedical telemetry device operates on a frequency above 70 MHz and meets the requirements of § 15.211(a)(1) and (2) with respect to the emission of RF energy as measured by the field strength. This does not apply to telemetering devices operating in the band 88-108 MHz and has no effect on § 15.212.

(b) Manufacturers marketing equipment under this waiver must agree to conform all such equipment to the final rules that may be adopted.

4. *Accordingly, it is ordered*, That biomedical telemetry devices manufactured by the following companies are excluded from the duty cycle limitation of § 15.211(a)(3) of Part 15 of the Commission's rules and may be marketed and used subject to the conditions set out in paragraph 3, above:

[1] Memorandum Opinion and Order, adopted September 30, 1970.

[2] Memorandum Opinion and Order, adopted October 9, 1970.

Medtronix, Inc.; New Glarus, Wis.
American Optical Corp., Medical Div.; Bedford, Mass.
Mennen-Greatbatch Electronics, Inc.; Clarence, N.Y.
Care Electronics, Inc.; Huntsville, Ala.
Spacelabs, Inc.; Washington, D.C.
Laser Systems and Electronics, Inc.; Washington, D.C.
Abbott Medical Electronics Co.; North Chicago, Ill.
Bio Sentry Telemetry, Inc.; Gardena, Calif.
section 109 of the Renegotiation Act of
Statham Instruments, Inc.; Oxnard, Calif.
Dallons Instruments; El Segundo, Calif.

5. *It is further ordered*, That this order shall continue in effect until March 15, 1972.

Adopted: December 28, 1971.

Released: December 29, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-131 Filed 1-4-72;8:49 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 715]

SUSPENSION OR REVOCATION OF CHARTER; INVOLUNTARY LIQUIDATION

Proposed Revision of Procedures

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, proposes to revise the entire Part 715 (12 CFR Part 715) as set forth below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed revision to the Administrator, National Credit Union Administration, 1325 K Street NW., Washington, DC 20456, to be received not later than February 7, 1972.

HERMAN NICKERSON, Jr.,
Administrator.

PART 715—SUSPENSION OR REVOCATION OF CHARTER, INVOLUNTARY LIQUIDATION

Subpart A—Rules and Procedures Applicable to Procedures for Suspension or Revocation of Charters and Involuntary Liquidation

Sec.
715.1 Scope.
715.2 Grounds for suspension or revocation of charter and involuntary liquidation.
715.3 Notice of intention to suspend or revoke a charter.
715.4 Order directing suspension or revocation and involuntary liquidation.

[3] Commissioners Johnson and H. Rex Lee absent.

Subpart B—Rules of Practice and Procedure Applicable to Hearings Pursuant to Subpart A Above

Sec.
715.5 Scope.
715.6 Notice of hearing.
715.7 Appearance and practice before the Administration.
715.8 Answer.
715.9 Conduct of hearings.
715.10 Rules of evidence.
715.11 Motions.
715.12 Proposed findings and conclusions and recommended decision.
715.13 Exceptions.
715.14 Briefs.
715.15 Oral argument before the Administrator.
715.16 Notice of submissions to the Administrator.
715.17 Decision of the Administrator.
715.18 Filing papers.
715.19 Service.
715.20 Copies.
715.21 Computing time.
715.22 Documents in proceedings confidential.
715.23 Formal requirements as to papers filed.

Subpart C—Procedures Applicable to Immediate Suspension of Charter; Cancellation of Charter

715.24 Scope.
715.25 Immediate suspension.
715.26 Cancellation of charter.

AUTHORITY: The provision of this Part 715 pursuant to section 120, 73 Stat. 635, 12 U.S.C. 1766.

Subpart A—Rules and Procedures Applicable to Procedures for Suspension or Revocation of Charters and Involuntary Liquidation

§ 715.1 Scope.

This subpart prescribes the grounds and procedures for the suspension or revocation of the charter of a Federal credit union and, where applicable, the placing of such Federal credit union in involuntary liquidation.

§ 715.2 Grounds for suspension or revocation of charter and involuntary liquidation.

The charter of any Federal credit union may be suspended or revoked, the Federal credit union placed in involuntary liquidation and a liquidating agent appointed therefor upon a finding by the Administrator that the Federal credit union concerned is insolvent or bankrupt, has violated any provisions of its charter, its bylaws, the Federal Credit Union Act, any Regulation issued by the Administration, or has failed to obtain share insurance in accordance with the provisions of section 201 of the Federal Credit Union Act.

§ 715.3 Notice of intention to suspend or revoke a charter.

(a) Upon a determination that one or more of the grounds listed in § 715.2 of this subpart apply to a particular Federal credit union, the Administrator shall cause to be served on that Federal credit union a notice of intention to suspend or revoke its charter and, if applicable, the intent to place such Federal credit union in involuntary liquidation. Such notice shall contain a statement of the facts which constitute the alleged grounds for suspension or revocation of the charter of the Federal credit union concerned.

(b) Upon receipt of the notice of intention to suspend or revoke its charter and not later than twenty (20) days thereafter, the Federal credit union concerned shall: (1) File with the Administrator a statement in writing setting forth the grounds and reasons why its charter should not be suspended or revoked and, where applicable, why it should not be placed in involuntary liquidation, or (2) in lieu of a written statement, it may request an oral hearing which shall be conducted in accordance with the procedures set forth in this part. This statement or request shall be accompanied by a certified copy of a resolution of the board of directors of the Federal credit union concerned authorizing such statement or request.

(c) If the Federal credit union concerned does not exercise either alternative available in paragraph (b) of this section within the time required, it shall be deemed to have admitted the facts alleged in the notice of intent to suspend or revoke and shall be deemed to have consented to the relief sought.

§ 715.4 Order directing suspension or revocation and involuntary liquidation.

(a) If, after reviewing all relevant materials or the record of the hearing as the case may be, the Administrator finds that the charter of the Federal credit union concerned should be suspended or revoked and, where applicable, the Federal credit union placed in involuntary liquidation, he shall cause to be served on the Federal credit union concerned an order directing the suspension or revocation of its charter and, where applicable, directing that it be placed in involuntary liquidation and the appointment of a liquidating agent. Such order shall contain a statement of the findings upon which the order is based. The provisions of this section are also applicable to situations arising under § 715.3(c).

(b) The Administrator shall arrive at his decision and cause such order to be served not later than forty-five (45) days after receipt of the written statement of record of the hearing as the case may be.

(c) On the receipt of a copy of the order which provides that the Federal credit union concerned be placed in involuntary liquidation, the officers and directors of that Federal credit union shall immediately deliver to the liquidating agent possession and control of all books, records, assets, and property of every description of the Federal credit union, and the liquidating agent shall proceed to convert said assets to cash, collect all debts due to said Federal credit union and to wind up its affairs in accordance with the provisions of the Federal Credit Union Act.

Subpart B—Rules of Practice and Procedure Applicable to Hearings Pursuant to Subpart A Above

§ 715.5 Scope.

This subpart prescribes the rules of practice and procedure followed by the National Credit Union Administration in hearings held pursuant to the provisions of Subpart A of this part.

§ 715.6 Notice of hearing.

(a) Immediately upon receipt of a request for an oral hearing pursuant to § 715.3(b), the Administrator shall notify, in writing, the Federal credit union making such request of the time, place, and nature of such hearing. Such hearing shall be fixed for a date not earlier than thirty (30) days nor later than sixty (60) days after service of such notice unless an earlier or later date is requested by the Federal credit union concerned and is granted by the Administrator in his discretion.

(b) Unless the Federal credit union shall appear at such hearing by a duly authorized representative, it shall be deemed to have consented to the suspension or revocation of its charter and, where applicable, the placing of said Federal credit union in involuntary liquidation.

§ 715.7 Appearance and practice before the Administration.

(a) *Power of attorney.* Any person who is a member in good standing of the bar of the highest court of any State, possession, or territory of the United States, Commonwealth, or the District of Columbia may represent a Federal credit union before the Administration upon filing with the Administrator a written declaration that he is currently qualified as provided by this paragraph, and is authorized to represent the particular Federal credit union on whose behalf he acts. Any other person desiring to appear before or transact business with the Administration in a representative capacity may be required to file with the Administrator a power of attorney showing his authority to act in such capacity, and he may be required to show to the satisfaction of the Administrator that he has the requisite qualifications.

(b) *Notice of appearance.* Attorneys and representatives of parties to proceedings shall file a written notice of appearance with the Administrator.

(c) *Summary suspension.* Contemptuous conduct at such an oral hearing shall be ground for exclusion therefrom and suspension for the duration of the hearing.

§ 715.8 Answer.

(a) *When required.* In any notice of hearing issued by the Administrator, the Administrator may direct the party or parties afforded the hearing to file an answer to the allegations contained in the notice of intention to suspend or revoke its charter, and any party to any proceeding may file an answer. Except where a different period of not less than 10 days after service of a notice of hearing is specified by the Administrator, a party directed to file an answer, or a party who elects to file an answer, shall file the same with the Administrator within 20 days after service upon him of the notice of hearing.

(b) *Requirements of answer; effect of failure to deny.* An answer filed under this section shall specifically admit, deny, or state that the party does not have sufficient information to admit or deny each allegation in the notice of intention to suspend or revoke its charter. A statement of lack of information shall have the effect of a denial. Any allegation not denied shall be deemed to be admitted. When a party intends to deny only a part or a qualification of an allegation, he shall specify so much of it as is true and shall deny only the remainder.

(c) *Effect of failure to answer.* Failure of a party to file an answer required by this section within the time provided shall be deemed to constitute a waiver of his right to appear and contest the allegations of the notice of intention to suspend or revoke its charter and to authorize the hearing officer, without further notice to the party, to find the facts to be as alleged in the notice and to file with the Administrator a recommended decision containing such findings and appropriate conclusions. The Administrator or the hearing officer may, for cause shown, permit the filing of a delayed answer after the time for filing the answer has expired.

(d) *Opportunity for informal settlement.* Any interested party may, at any time, submit to the Administrator, for consideration, written offers or proposals for settlement of a proceeding, without prejudice to the rights of the parties. No such offer or proposal, or counteroffer or proposal, shall be admissible in evidence over the objection of any party in any hearing in connection with such proceeding. The foregoing provisions of this section shall not preclude settlement of any proceeding through the regular adjudicatory process by the filing of an answer as provided in this section.

§ 715.9 Conduct of hearings.

(a) *Hearing officer.* A hearing held under the provisions of this subpart shall be before the Administrator or his designee, hereinafter referred to as the hearing officer.

(b) *Place of hearing.* A hearing provided for in this subpart shall be held in the National Credit Union Administration Regional Office having jurisdiction over the region in which the particular Federal credit union is located, unless such Federal credit union requests a different location and the Administrator, in his discretion, approves such request.

(c) *Authority of hearing officer.* All hearings governed by this part shall be conducted in accordance with the provisions of chapter 5 of title 5 of the United States Code. The hearing officer designated by the Administrator to preside at any such hearing shall have complete charge of the hearing, and he shall have the duty to conduct it in a fair and impartial manner and to take all necessary action to avoid delay in the disposition of proceedings. Such hearing officer shall have all powers necessary to that end, including the following:

(1) To administer oaths and affirmations;

(2) To receive relevant evidence and to rule upon the admission of evidence and offers of proof;

(3) To regulate the course of the hearing and the conduct of the parties and their counsel;

(4) To hold conferences for the settlement of simplification of issues or for any other proper purpose; and

(5) To consider and rule upon, as justice may require, all procedural and other motions appropriate in an adversary proceeding, except that a hearing officer shall not have power to decide any motion to dismiss the proceedings or other motion which results in final determination of the merits of the proceedings. Without limitation on the foregoing provisions of this paragraph, the hearing officer shall, subject to the provisions of this part, have all authority of section 556(c) of title 5 of the United States Code.

(d) *Prehearing conference.* The hearing officer may, on his own initiative or at the request of any party, direct counsel for all parties to meet with him at a specified time and place prior to the hearing, or to submit suggestions to him in writing, for the purpose of considering any or all of the following:

(1) Simplification and clarification of the issues;

(2) Stipulations, admissions of fact and of the contents, and authenticity of documents;

(3) Matters of which official notice will be taken; and

(4) Such other matters as may aid in the orderly disposition of the proceeding, including disclosure of the names of witnesses and of documents or other physical exhibits which will be introduced in evidence in the course of the proceeding.

Such conferences shall, at the request of any party, be recorded and at the conclusions thereof the hearing officer shall enter in the record an order which recites the results of the conference. Such order shall include the hearing officer's rulings upon matters considered at the conference, together with appropriate directions to the parties, if any; and such order shall control the subsequent course of the proceedings, unless modified at the hearing to prevent manifest injustice. Except as authorized by law, the hearing officer shall not consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate, not be responsible to or subject to the supervision or direction of any officer, employee, or agent engaged in the performance of investigative or prosecuting functions. No officer, employee, or agent engaged in the performance of investigative of prosecuting function in

any case shall, in that case or a factually related case, participate or advise in the decision of the hearing officer except as a witness or counsel in the proceedings.

(e) *Attendance at hearings.* A hearing shall ordinarily be private and shall be attended only by the parties, their representatives or counsel, witnesses while testifying, and other persons having an official interest in the proceedings: *Provided, however,* That on written request by a party or representatives of the Administrator, or on the Administrator's own motion, the Administrator, in his discretion and to the extent permitted by law, may permit other persons to attend or may order the hearing to be public.

(f) *Transcript of testimony.* Hearings shall be recorded and transcripts will be available to any party upon payment of the cost thereof, and, in the event the hearing is public, shall be furnished on similar payment to the other interested persons. A copy of the transcript of the testimony taken at any hearing, duly certified by the reporter, together with all exhibits, all papers and requests filed in the proceeding, shall be filed with the Administrator, who shall transmit the same to the hearing officer. The Administrator shall promptly serve notice upon each of the parties of such filing and transmittal. The hearing officer shall have authority to rule upon motions to correct the record.

(g) *Order of procedure.* The counsel for the Administration shall open and close.

(h) *Continuances and changes or extention of time and changes of place of hearing.* Except as otherwise expressly provided by law, the Administrator may, by the notice of hearing or subsequent order, provide time limits different from those specified in this part, and the Administrator may, on his own initiative or for good cause shown, change or extend any time limit prescribed by these rules or, with the consent of the Federal credit union afforded the hearing, change the time and place for beginning any hearing hereunder. The hearing officer may continue or adjourn a hearing from time to time and, as permitted by law or agreed to by parties, from place to place. Extensions of time for making any filing or performing any act required or allowed to be done within a specified time in the course of a proceeding may be granted by the hearing officer for good cause shown.

(i) *Call for further evidence, oral argument, briefs, reopening of hearing.* The hearing officer may call for the production of further evidence upon any issue, may permit oral argument and submission of briefs at the hearing and, upon appropriate notice, may reopen any hearing at any time prior to the certification of his recommended decision to the Administrator. The Administrator shall render his decision within forty-five (45) days after the parties have been notified pursuant to § 715.16 that the case has been submitted to the Administrator for final decision, unless within such forty-five (45) day period the Administrator shall order that such notice be set aside and the case reopened for further proceedings.

§ 715.10 Rules of evidence.

(a) Evidence: Every party shall have the right to present his case of defense by oral and documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

(b) Objections to the admission or exclusion of evidence shall be in short form, stating the grounds relied upon, and the transcript shall not include argument therein except as ordered, allowed, or requested by the hearing officer. Rulings of objections and on any other matter shall be a part of the transcript. Failure to object to admission or exclusion of evidence or to any ruling shall be considered a waiver of such objection.

(c) Official notice: All matters officially noticed by the hearing officer shall appear on the record.

§ 715.11 Motions.

(a) *In writing.* An application or request for an order or ruling not otherwise specifically provided for in this part shall be made by motion. After a hearing officer has been designated and before the filing with the Administrator of his recommended decision, such applications or requests shall be addressed to and filed with the hearing officer. At all other times motions shall be addressed to and filed with the Administrator. Motions shall be in writing, except that a motion made at a session of a hearing may be made orally upon the record unless the hearing officer directs that it be reduced to writing. All written motions shall state with particularity the order or relief sought and the grounds therefor.

(b) *Objections.* Within 5 days after service of any written motion, or within such other period as may be fixed by the hearing officer or the Administrator, any party may file a written answer or objections to such motion. The moving party shall have no right to reply, except as permitted by the hearing officer or the Administrator. As a matter of discretion, the hearing officer or the Administrator may waive the requirements of this section as to motions for extensions of time, and may rule upon such motions ex parte.

(c) *Oral argument.* No oral argument will be heard on motions except as otherwise directed by the hearing officer of the Administrator. Written memoranda or briefs may be filed with motions or answers or objections thereto, stating the points and authorities relied upon in support of the position taken.

(d) *Rulings on motions.* Except as otherwise provided in this part, the hearing officer shall rule upon all motions properly addressed to him and upon such other motions as the Administrator directs, except that if the hearing officer finds that a prompt decision by the Administrator on a motion is essential to the proper conduct of the proceeding, he may refer that motion to the Administrator for decision. The Administrator shall rule upon all motions properly submitted to him for decision;

(e) *Appeal from rulings on motions.* All motions and answers or objections thereto and rulings thereon shall become a part of the record. Rulings of a hearing officer on any motion may not be appealed to the Administrator prior to his consideration of the hearing officer's recommended decision, findings, and conclusions except by special permission of the Administrator; but they shall be considered by the Administrator in reviewing the record. Requests to the Administrator for special permission to appeal from such rulings of the hearing officer shall be filed promptly, in writing, and shall briefly state the grounds relied upon. The moving party shall immediately serve a copy thereof on every other party to the proceeding.

(f) *Continuation of hearing.* Unless otherwise ordered by the hearing officer or the Administrator, the hearing shall be continued pending the determination of any motion by the Administrator.

§ 715.12 Proposed findings and conclusions and recommended decision.

(a) *Proposed findings and conclusions by parties.* Each party to a hearing shall have a period of 15 days after service of the Administrator's notice of the filing and transmittal of the record as provided in § 715.9(f), or such further time as the hearing officer for good cause shall determine, to file with the hearing officer proposed findings of fact, conclusions of law, and orders which may be accompanied by a brief or memorandum in support thereof. Such proposals shall be supported by citation of those statutes, decisions, and other authorities which may be relevant and by page references to appropriate parts of the record. All such proposals, briefs, and memoranda shall become a part of the record.

(b) *Recommended decision and filing of record.* The hearing officer shall, within 30 days after the expiration of the time allowed for the filing of proposed findings, conclusions, and order, or within such further time as the Administrator for good cause shall determine, file with and certify to the Administrator for decision the entire record of the hearing, which shall include his recommended decision, findings of fact, conclusions of law, and proposed order, the transcript, exhibits (including on request of any of the parties any exhibits excluded from evidence or tenders of proof), exceptions, rulings, and all briefs and memoranda filed in connection with the hearing. Promptly upon such filing the Administrator shall serve upon each party to the proceeding a copy of the hearing officer's recommended decision, findings, conclusions and proposed order. The provisions of this paragraph and § 715.13 shall not apply, however, in any case where the hearing was held before the Administrator.

§ 715.13 Exceptions.

(a) *Filing.* Within 15 days after service of the recommended decision, findings, conclusions, and proposed order of the hearing officer, of such further time as the Administrator for good cause shall determine any party (other than a party who has not filed an answer in accordance with paragraphs (a) and (c) of § 715.8, unless no answer was required of such party by the Administrator) may file with the Administrator exceptions thereto or any part thereof, or to the failure of the hearing officer, supported by such brief as may appear advisable.

(b) *Waiver.* Failure of a party to file exceptions to the recommended decision, findings, conclusions, and proposed order of the hearing officer, or any portion thereof, or to his failure to adopt a proposed finding or conclusions, or to the admission or exclusion of evidence or other ruling of the hearing officer, within the time prescribed in paragraph (a) of this section, shall be deemed a waiver of objection thereto.

§ 715.14 Briefs.

(a) *Contents.* All briefs shall be confined to the particular matters in issue. Each exception or proposed finding or conclusion which is briefed shall be supported by a concise argument or by citation of such statutes, decisions or other authorities and by page references to such portions of the record or recommended decision of the hearing officer as may be relevant. If the exception relates to the admission or exclusion of evidence, the substance of the evidence admitted or excluded shall be set forth in the brief with appropriate references to the transcript.

(b) *Reply briefs.* Reply briefs may be filed with the hearing officer within 10 days after service of briefs and shall be confined to matters in original briefs of opposing parties. Further briefs may be filed only with the permission of the Administrator.

(c) *Delays.* Briefs not filed on or before the time fixed in this subpart will be received only upon special permission of the Administrator.

§ 715.15 Oral argument before the Administrator.

Upon its own initiative, or upon the written request of any party made within the time prescribed for the filing of exceptions, a brief in support thereof, or a reply brief, if any, for oral argument on the findings, conclusions, and recommended decision of the hearing officer, the Administrator, if he considers that justice will best be served, may order the matter to be set down for oral argument before him. Oral argument before the Administrator shall be recorded unless otherwise ordered by the Administrator.

§ 715.16 Notice of submission to the Administrator.

Upon filing of the record with the Administrator, and upon the expiration of the time for the filing of exceptions and all briefs, including reply briefs or any further briefs permitted by the Administrator and upon the hearing of oral argument by the Administrator if ordered by the Administrator, the Administrator shall notify the parties that the case has been submitted to him for final decision.

§ 715.17 Decision of the Administrator.

Appropriate members of the staff of the National Credit Union Administration, who are not engaged in the performance of investigative or prosecuting functions in the case, or in a factually related case, may advise and assist the Administrator in the consideration of the case and in the preparation of appropriate documents for its disposition. Copies of the decision and order of the Administrator shall be furnished to the Federal credit union concerned.

§ 715.18 Filing papers.

Recommended decisions, exceptions, briefs and other papers required to be filed with the Administrator in any proceeding shall be filed with the Administrator, National Credit Union Administration, Washington, D.C. 20456. Any such papers may be sent to the Administrator by mail but must be received in the office of the Administrator in Washington, D.C. or post marked by a post office, within the time limit for such filing.

§ 715.19 Service.

(a) *By the Administrator.* All documents or papers required to be served by the Administrator upon any party afforded a hearing shall be served by him or his duly authorized representative. Such service, except for service upon counsel for the Administration, shall be made by personal service or by registered or certified mail, addressed to the last known address as shown on the records of such party, provided that if there is no attorney or representative of record, such service shall be made upon such party at the last known address as shown on the records of the Administration. Such service may also be made in such other manner reasonably calculated to give actual notice as the Administrator may by regulation or otherwise provide. The provisions of this section are also applicable to service required in Subpart A of this part.

(b) *By the parties.* Except as otherwise expressly provided in this part, all documents or papers filed in a proceeding under this part shall be served by the party filing the same upon the attorneys or representatives of record of all other parties to the proceeding, or, if any party is not so represented, then upon such party. Such service may be made by personal service or by registered or certified mail addressed to the last known address of such parties, or their attorneys or representatives of record. All such documents or papers shall, when tendered to the Administrator or hearing officer for filing, show that such service has been made.

§ 715.20 Copies.

Unless otherwise specifically provided in the notice of heariig, an original and seven copies of all documents and papers required or permitted to be filed or served upon the Administrator under this part, except the transcript of testimony and exhibits, shall be furnished to the Administrator.

§ 715.21 Computing time.

(a) *General rule.* In computing any period of time prescribed or allowed by this part, the date of the act, event or default from which the designated period of time begin to run is not to be included. The last day so computed shall be included, unless it is a Saturday, Sunday, or legal holiday in the District of Columbia, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, nor such legal holiday. Intermediate Saturdays, Sundays, and legal holidays shall be included in the computation unless the time within which the act is to be performed is 10 days or less in which event Saturdays, Sundays, and legal holidays shall not be included.

(b) *Service by mail.* Whenever any party has the right or is required to do some act or take some proceeding, within a period of time prescribed in this part, after the service upon him of any document or other paper of any kind, and such service is made by mail, 3 days shall be added to the prescribed period from the date when the matter served is deposited in the U.S. mail.

§ 715.22 Documents in proceedings confidential.

Unless and until otherwise ordered by the Administrator, the notice of intent to suspend or revoke, the notice of hearing, the transcript, the recommended decision of the hearing officer, exceptions thereto, proposed findings or conclusions, the findings and conclusions of the Administrator and other papers which are filed in connection with any hearing shall not be made public, and shall be for the confidential use only of the Administrator, the hearing officer, the parties and appropriate authorities. The provisions of this section also apply to all papers concerned where the particular Federal credit union elects to submit a written statement under § 715.3(b)(1).

§ 715.23 Formal requirements as to papers filed.

(a) *Form.* All papers filed under this subpart shall be printed, typewritten, or otherwise reproduced. All copies shall be clear and legible.

(b) *Signature.* The original of all papers filed by the Federal credit union shall be signed by an officer thereof, and if filed by another party shall be signed by said party, or by the duly authorized agent or attorney of the Federal credit union or other party, and in all such cases shall show the signer's address. Counsel for the Administration shall sign the original of all papers filed by him.

(c) *Caption.* All papers filed must include at the head thereof, or on a title page, the name of the Administration, the name of the party, and the subject of the particular paper.

Subpart C—Procedures Applicable to Immediate Suspension of Charter; Cancellation of Charter

§ 715.24 Scope.

This subpart prescribes the procedures to be used by the National Credit Union Administration when immediate suspension of a Federal credit union's charter is necessary. Also contained is the provision for cancellation of the charter of a Federal credit union upon completion of the liquidation thereof.

§ 715.25 Immediate suspension.

(a) In any case where the Administrator shall find that a Federal credit union is insolvent or that the interest of its members require immediate action, he may order, without prior notice, the immediate suspension of the charter of the Federal credit union concerned. The Administrator shall cause to be served upon such Federal credit union a notice of suspension of its charter. Such notice shall contain a statement of the grounds for the immediate suspension. The notice shall also contain an order for the Federal credit union concerned to show cause why its charter should not be revoked and the Federal credit union placed in involuntary liquidation. The Federal credit union shall have twenty (20) days from the date of receipt of such notice and order to exercise its options as listed in § 715.3(b).

(b) Should the Federal credit union concerned fail to exercise either alternative provided in § 715.3(b) within the prescribed time, it shall be deemed to have consented to the revocation of its charter and the involuntary liquidation sought under paragraph (a) of this section.

§ 715.26 Cancellation of charter.

On the completion of the liquidation and certification by the liquidating agent that the distribution of the assets of the Federal credit union has been completed, the Administrator shall cancel the charter of the Federal credit union concerned.

[FR Doc.72-108 Filed 1-4-72;8:47 am]

RENEGOTIATION BOARD

[32 CFR Part 1467]

CONTRACTS AND SUBCONTRACTS AND SUBCONTRACTS FOR STANDARD COMMERCIAL ARTICLES OR SERVICES

Proposed Mandatory Exemption

The Renegotiation Board pursuant to section 109 of the Renegotiation Act of 1951, as amended (50 U.S.C.A., App. section 1211 et seq.), proposes to issue the following regulation not less than thirty (30) days after the date of this publication in the FEDERAL REGISTER.

Interested persons are hereby notified that any changes, to be considered, must be presented, in writing, to the Renegotiation Board, 1910 K Street NW., Washington, DC 20446, within thirty (30) days after the date of this publication in the FEDERAL REGISTER.

Written material or suggestions submitted will be available for public inspection during regular business hours in the library at the principal office of the Board, 1910 K Street NW., Washington, DC.

Dated: December 30, 1971.

RICHARD T. BURRESS,
Chairman.

Section 1467.47 *The term "article"* is amended by adding at the end thereof a new paragraph (c) to read as follows:

§ 1467.47 The term "article."

* * * * *

(c) *Modifications of an article*—(1) *Definitions.* For the purposes of this paragraph, the term "modification" means any accessory, change, or addition to an article; and the term "modified article" means an article containing one or more modifications.

(2) *Separate consideration of article and modifications.* If, notwithstanding the modifications of an article, the article and the modified article are articles of the same kind within the meaning of § 1467.51(d), a sale of the modified article will, for the purposes of section 106(e) of the Act, be deemed to consist of a sale of the article and a sale of each modification, and each such item will be considered a separate article, without regard to whether the consideration for each item is separately stated in the contract or invoice. Accordingly, the provisions of section 106(e) of the Act will be applied separately to each part of the price of the modified article, to wit, the part attributable to the article and the parts attributable to the respective modifications.

(3) *Example.* (i) A machine having both commercial and military uses is commonly sold with differing accessories, changes, and additions. The contractor's catalog or price schedule quotes separate prices for the basic machine and each such modification. The Navy buys a quantity of the basic machines plus certain of the available accessories. In addition, the position of a certain component of the machine must be slightly altered by the contractor to serve a particular Navy need.

(ii) For exemption purposes, the basic machine will be considered a separate article and the subject of a separate sale to the Government or to a commercial customer, as the case may be. Accordingly, if the statutory requirements are otherwise met, exemption may be claimed for the related portion of the contract price, either by self-application under § 1467.48 or by application on a class basis under § 1467.51, as the facts may warrant. Each accessory will likewise be considered a separate article and the subject of a separate sale and eligible for exemption in the same manner. The repositioning of the machine component does not involve the sale of an article, or the performance of a service as defined in § 1467.52, hence the portion of the contract price attributable to such work does not qualify for exemption.

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. sec. 1219)

[FR Doc.72-113 Filed 1-4-72;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 274]

[Release Nos. 33-5220, 34-9436, IC-6922]

REGISTERED INVESTMENT COMPANIES AND THEIR PORTFOLIO COMPANIES

Proposed Disclosure of Involvement; Extension of Time for Submission of Comments

The Securities and Exchange Commission has extended from December 31, 1971, until January 31, 1972, the period within which written views and comments may be submitted on the proposed amendments to Forms N-8B-1, N-8B-3, N-8B-4, N-5, and N-1Q under the Investment Company Act of 1940. The proposed amendments were announced on December 1, 1971 (Investment Company Act Release No. 6853; 36 F.R. 25434) and would require registered investment companies to discolse with greater specificity their policies on involvement in the affairs of their portfolio companies.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

JANUARY 3, 1972.

[FR Doc.72-110 Filed 1-4-72;8:47 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Information To Be Furnished With Respect to Qualified and Nonqualified Plans of Deferred Compensation; Notice of Hearing

Proposed regulations under sections 381, 401, 404, and 6033 of the Internal Revenue Code of 1954, relating to information to be furnished with respect to qualified and nonqualified plans of deferred compensation, appear in the FEDERAL REGISTER for December 18, 1971 (36 F.R. 24068).

A public hearing on the provisions of these proposed regulations will be held on Friday, January 21, 1972, at 10 a.m., e.s.t., in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC 20224.

The rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a)(3), persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rule making and who desire to present oral comments at such hearing should by January 14, 1972, submit an outline of the topics and the time they wish to devote to each topic. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by January 17, 1972. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is 25 cents ($0.25) per page, subject to a minimum charge of $1.

K. MARTIN WORTHY,
Chief Counsel.

[FR Doc.72-251 Filed 1-4-72;11:06 am]

Notices

DEPARTMENT OF AGRICULTURE

Office of the Secretary

LOUISIANA

Designation of Area for Emergency Loan

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) and section 232 of the Disaster Relief Act of 1970 (Public Law 91–606), it has been determined that in the following parish in the State of Louisiana, a natural disaster has caused a general need for agricultural credit:

PARISH

Avoyelles.

Emergency loans will not be made in the above-named parish under this designation pursuant to applications received after June 30, 1972, except subsequent loans to qualified borrowers who received initial loans under this designation.

The urgency of the need for an Emergency loan in the designated area 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 29th day of December 1971.

CLARENCE D. PALMBY,
Acting Secretary.

[FR Doc.72–106 Filed 1–4–72;8:47 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

RENE TREYVAUD AND GEOCONSULT

Order Denying Export Privileges

In the matter of Rene Treyvaud and Geoconsult, Les Bergieres, Ch. du Grey 26, Lausanne, Switzerland, respondents; Case No. 424–A.

By charging letter dated April 20, 1971, the above respondents[1] were charged with violations of the regulations issued under the Export Control Act of 1949.[2]

The charging letter was duly served on respondents in accordance with the usual procedure in such cases, and they failed to answer the charges. Pursuant to § 388.4 of the Export Control regulations they were held in default. There was an informal presentation of documentary evidence in support of the charges on behalf of the Investigations Division (now called Compliance Division) before the Compliance Commissioner. He considered the evidence and submitted to the undersigned a report which summarizes the essential evidence, considers the charges, and which includes findings of fact and conclusions. The Compliance Commissioner recommended the sanction that should be imposed.

After considering the evidence in the case, I adopt the findings of fact made by the Compliance Commissioner, as follows:

FINDINGS OF FACT

1. The respondent Geoconsult is a firm in Lausanne, Switzerland, operating as consulting geologists. The respondent Rene Treyvaud is one of the principals of said firm and acted on behalf of the firm in the transactions hereinafter described.

Charge I. 2. At the time here material Thomas H. Gifft was owner of the firm T. H. Gifft Co. of Anaheim, Calif. This firm engaged in research and manufacturing electronic equipment, including sonar and oceanographic equipment.

3. In June 1968, Geoconsult ordered from Gifft a depth recorder to be used in underwater exploration for measuring and registering seismic waves. This recorder was to be used in conjunction with certain underwater seismic equipment that Geoconsult at about the same time ordered from Geodyne Division, EG&G International, Waltham, Mass.

4. On July 15, 1968 Geodyne wrote to Geoconsult acknowledging the order for the equipment which was to be interfaced with the Gifft recorder. Certain technical specifications for the recorder were given to permit interfacing. This letter advised Geoconsult that this equipment could not be exported from the United States without a proper export license from the Department of Commerce and that it would probably take 2 weeks to process the application. This equipment did, in fact, require a validated export license for exportation from the United States to all destinations except Canada. No such license was ever applied for or obtained.

5. Pursuant to a request from Geoconsult, Geodyne arranged to have the integrated system tested in Boston Harbor on July 30, 1968. In accordance with arrangements, acceptance tests were carried out on July 30, 1968 with Treyvaud, Gifft, and an engineer from Geodyne being present. Treyvaud was satisfied with the tests.

6. On completion of the tests the equipment was turned over to Treyvaud. He said that he would make the necessary arrangements for exportation to Switzerland. Treyvaud stated that he desired to take the equipment with him to Switzerland that evening. He was informed at that time by a representative of Geodyne that a validated license was necessary for the exportation.

7. Treyvaud, accompanied by Gifft, transported the equipment from Geodyne's plant to the office of an airfreight carrier at the Logan Airport, Boston. Treyvaud made arrangements with the carrier for immediate shipment of the equipment to Switzerland. In order to effect such shipment Treyvaud had a Shipper's Export Declaration prepared in which it was stated that the commodity was not under validated license control to Switzerland and in which the symbol "C–Dest" was used indicating that the commodities were exportable to Switzerland under general license.

8. Treyvaud knew that a validated export license was required to lawfully export the equipment in question to Switzerland and he also knew that no application for such a license had been made and that such a license had not been issued.

9. Pursuant to instructions from Treyvaud the commodities in question were exported from the United States without a validated export license on July 30 or 31, 1968, and were entered into Swiss Customs on August 2, 1968.

Charge II. 10. On July 23, 1969, Geoconsult wrote to Geodyne confirming an order placed by telephone on July 11, 1969, for certain underwater seismographic equipment. The equipment required a validated export license for exportation to Switzerland. The letter expressed urgency for delivery.

11. At the request of Geoconsult, a firm in New York acted on behalf of Geoconsult to expedite the exportation. The New York firm by letter dated July 28, 1969, to Geodyne requested that the equipment be sent to a freight forwarder in New York for on-shipment to Lausanne, Switzerland.

12. By letter dated September 11, 1969, Geodyne wrote to Geoconsult advising that delivery date would be about November 1. This letter also advised Geoconsult to furnish an FC–842 (Single Transaction Statement by Consignee and Purchaser) or a Swiss Blue Import Certificate.

13. Geodyne received an FC–842 signed by Treyvaud on behalf of Geoconsult. On October 10, 1969, Geodyne submitted to the Office of Export Control an application for an export license for the commodities in question and transmitted the FC–842. OEC returned these to Geodyne with the note that a Swiss Blue Import Certificate was required for this export to Switzerland.

[1] Charges against other parties who were also named as respondents in said letter are being handled separately.

[2] This act has been succeeded by the Export Administration Act of 1969, Public Law 91–184, approved Dec. 30, 1969, 50 U.S.C. App. sec. 2401–2413. Section 13(b) of the new Act provides, "All outstanding delegations, rules, regulations, orders, licenses, or other forms of administrative action under the Export Control Act of 1949 * * * shall, until amended or revoked remain in full force and effect, the same as if promulgated under this Act."

14. On October 24, 1969, Geodyne sent the equipment to the freight forwarder in New York. The understanding was that the freight forwarder would hold the equipment until the exportation could properly be made.

15. On October 24, 1969 and again on November 20 and 25, the New York firm that was attempting to expedite the exportation sent cables to Treyvaud requesting the Swiss Blue Import Certificate.

16. The freight forwarder held the equipment until January 7, 1970. On that day Treyvaud visited the office of the freight forwarder and told one of the officials of the company that a validated license was not necessary for this exportation. On the basis of this statement a Shipper's Export Declaration was prepared in which the forwarder was shown as exporter and the consignee was shown as Treyvaud, Geneva, Switzerland.

17. In reliance on the statement of Treyvaud that a validated license was not necessary, the forwarder used a Schedule B number in the SED for geophysical and prospecting instruments that did not require a validated license. The SED showed that the goods were exportable under general license "G-Dest" and that a validated license was not necessary for exportation to Switzerland.

18. At all times here material Treyvaud knew that a validated export license was necessary to lawfully export the commodities in question from the United States to Switzerland.

19. The commodities were exported from New York to Geneva, Switzerland on January 10, 1970 consigned to Rene Treyvaud, Geneva Airport.

Based on the foregoing I have concluded that in July 1968 and again in January 1970 the respondents violated §§387.2 and 387.6 of the Export Control regulations in that they knowingly exported and caused to be exported commodities from the United States without the requisite validated export license as required by §372.1(b) of said regulations.

Having considered the record in the case and the report and recommendation of the Compliance Commission and being of the opinion that his recommendation as to the sanction that should be imposed is fair and just, and calculated to achieve effective enforcement of the law: *It is hereby ordered,*

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. Except as qualified in Part IV hereof, the respondents for a period of 2 years from the effective date of this order are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the export control regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their representatives, agents, and employees, and also to any person, firm, corporation, or other business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. Four months after the effective date hereof, without further order of the Bureau of International Commerce, the respondents shall have their export privileges restored conditionally and thereafter for the remainder of the denial period the respondents shall be on probation. The conditions of probation are that the respondents shall fully comply with all requirements of the Export Administration Act of 1969 and all regulations, licenses, and orders issued thereunder.

V. Upon a finding by the Director, Office of Export Control, or such other official as may be exercising the duties now exercised by him, that the respondents have knowingly failed to comply with the requirements and conditions of this order or with any of the conditions of probation, said official at any time, with or without prior notice to said respondents, by supplemental order, may revoke the probation of said respondents, revoke all outstanding validated export licenses to which said respondents may be parties and deny to said respondents all export privileges for a period up to 3 years. Such order shall not preclude the Bureau of International Commerce from taking further action for any violation as shall be warranted. On the entry of a supplemental order revoking respondents' probation without notice, they may file objections and request that such order be set aside, and may request an oral hearing, as provided in section 388.16 of the Export Control regulations, but pending such further proceedings, the order of revocation shall remain in effect.

VI. During the time when the respondents or other persons within the scope of this order are prohibited from engaging in any activity within the scope of part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with the respondents or other persons denied export privileges within the scope of this order, or whereby said respondents or such other persons may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for the respondents or other persons denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

This order shall become effective on January 5, 1972.

Dated: December 21, 1971.

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

[FR Doc.72-77 Filed 1-4-72;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

SAFETY AND EFFICACY REVIEW OF OVER-THE-COUNTER ANTACID DRUG PRODUCTS

Request for Data and Information

The FDA is undertaking a review of all over-the-counter (OTC) drug products currently marketed in the United States, to determine that these OTC products are safe and effective for their labeled indications. This review will utilize expert panels working with FDA personnel.

A notice of proposed rule making outlining procedures and explaining the purpose for this review is published elsewhere in this issue of the FEDERAL REGISTER.

To facilitate this review and a determination as to whether an OTC drug for human use is generally recognized as safe and effective and not misbranded under its recommended conditions of use, and to provide all interested persons an opportunity to present for the consideration of the reviewing experts the best data and information available to support the stated claims for these antacid

drug products we are inviting submission of data, published and unpublished, and other information pertinent to all active ingredients utilized in antacid products.

FDA is aware that the following active ingredients are used in antacid products:

Sodium bicarbonate.
Calcium carbonate.
Aluminum hydroxide.
Magnesium oxide.
Magnesium hydroxide.
Magnesium trisilicate.
Dihydroxyaluminum aminoacetate.

Interested parties are also invited to submit data on any other active antacid ingredients which they may wish to be considered.

To be considered, seven copies of the data and/or views must be submitted in the following format:

OTC DRUG REVIEW INFORMATION

I. Label(s) and all labeling.
II. A statement of the complete quantitative composition of the drug.
III. Animal safety data.
A. Individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
B. Combinations of the individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
C. Finished drug product.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
IV. Human safety data.
A. Individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports (not testimonial reports).
4. Pertinent marketing experiences that may influence a determination as to the safety of each individual active component.
B. Combinations of the individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports (not testimonial reports).
4. Pertinent marketing experiences that may influence a determination as to the safety of combinations of the individual active components.
C. Finished drug product.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports (not testimonial reports).
4. Pertinent marketing experiences that may influence a determination as to the safety of the finished drug product.
V. Efficacy data.
A. Individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports (not testimonial reports).
B. Combinations of the individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports (not testimonial reports).
C. Finished drug product.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports (not testimonial reports).
VI. A summary of the data and views setting forth the medical rationale and purpose (or lack thereof) for the drug and its ingredients and the scientific basis (or lack thereof) for the conclusion that the drug and its ingredients have been proven safe and effective for the intended use. If there is an absence of controlled studies in the material submitted, an explanation as to why such studies are not considered necessary must be included.

Data should be submitted to:

Food and Drug Administration, Bureau of Drugs, OTC Drug Products Evaluation Staff (BD–106), 5600 Fishers Lane, Rockville, Maryland 20852.

These data shall be submitted within 30 days from date of this publication.

(Federal Food, Drug, and Cosmetic Act, sec. 701; 21 U.S.C. 371)

Dated: December 30, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72–148 Filed 1–4–72;8:51 am]

Office of the Secretary

SUPPLEMENTARY MEDICAL INSURANCE FOR THE AGED

Notice of Premium Rate

Title XVIII of the Social Security Act—health insurance for the aged.

Pursuant to authority contained in section 1839(b)(2) of the Social Security Act (42 U.S.C. 1395r(b)(2)), as amended by Public Law 90–248, I hereby determine and announce that the dollar amount which shall be applicable for premiums, for purposes of section 1839(b)(2) of the Act, as amended, shall be $5.80 for months in the 12-month period beginning July 1972 and ending June 1973.

Dated: December 30, 1971.

ELLIOTT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

STATEMENT OF ACTUARIAL ASSUMPTIONS AND BASES EMPLOYED IN ARRIVING AT THE AMOUNT OF THE STANDARD PREMIUM RATE FOR THE SUPPLEMENTARY MEDICAL INSURANCE PROGRAM BEGINNING JULY 1972

This is a statement of actuarial assumptions and bases employed in arriving at $5.80 as the amount of the standard monthly premium rate for the Supplementary Medical Insurance program for the period July 1972 through June 1973.

The actuarial determination has been made on the basis of the actual operating experience under the program, projected through the year beginning July 1972. Virtually complete operating experience figures through June 30, 1971, are now available, as to the cash income and disbursements under the program, and some data is available for the early months of fiscal 1972. The premium rate, however, must be adequate to cover benefits and related administrative costs for all services performed in the period to which the premium rate is applicable. Experience on such a basis (hereafter called an "incurred" basis) is available for most components of the program through calendar 1970; that for the other components must be estimated.

Analysis of supplementary medical insurance trust fund. The balance on the SMI trust fund at the end of each of the last 3 fiscal years, the liability outstanding for benefits and related administrative costs for services performed prior to the end of that fiscal year but not yet paid for at the end of that fiscal year ("liability for incurred but unpaid services"), and the monthly premium rate in effect for each of these fiscal years are as follows:

Period ending June 30	Monthly premium rate	Fund at end of period	Liability for incurred but unpaid services
		(In millions)	*(In millions)*
1969	$4.00	$378	$928
1970	4.00	57	823
1971	5.30	290	894

The liabilities outstanding on June 30, 1971, for incurred but unpaid services, are estimated to have been $894 million, while the balance in the trust fund on the same date amounted to $290 million. Due to past deficiencies in the premium rate, the fund on June 30, 1971, was about 32 percent of this liability.

It is expected that the trust fund balance will continue to increase during fiscal year 1972. As of October 31, 1971, the fund had almost reached $385 million. By the end of June 1972 the trust fund balance is estimated to be about $490 million, about 50 percent of the liability for incurred but unpaid services then outstanding.

Analysis of past experience. Estimates of the basic premium necessary to finance both benefit payments and administrative expenses are shown below, on both a cash and an incurred basis. Under the law the premium rate must be set on an incurred basis. Cash figures must be adjusted for the estimated increase in liability for incurred but unpaid services. Monthly premium rates on both the cash and incurred bases are compared for the three most recent fiscal years with the premium rate actually charged.

Fiscal year ending June 30	Premium rate charged	Premium rate required for benefits and administrative expenses	
		Cash basis	Incurred basis
1969	$4.00	$4.07	$4.23
1970	4.00	4.47	4.56
1971	5.30	4.82	4.89

Basic estimates for future experience on an incurred basis. In estimating the cost of the program for July 1972 through June 1973, it is first necessary to project incurred results for fiscal year 1972, and then to continue the projection for 1 more year. The assumptions used for the purpose of these projections are shown below:

AVERAGE INCREASE ASSUMED OVER PREVIOUS YEAR

Calendar year	Physicians' services		Institutional services	
	Fees [1]	Number and mix [2]	Unit costs	Number and mix [2]
	Percent	*Percent*	*Percent*	*Percent*
1971	6.2	2.0	7.1	3.9
1972	2.5	2.0	4.9	4.7
1973	2.5	2.0	4.7	5.1

[1] As charged by physicians.
[2] Increase in the number of services received per capita or greater relative use of more expensive services.

The Price Commission has promulgated a guideline for physicians' services which on the average limits the increase in the price a physician receives for any service to 2½ percent per year. The Price Commission has also determined that the reasonable charge for any procedure for any physician will also be increased no more than 2½ percent per year.

Administrative expenses in fiscal 1973 are estimated to be 13 percent of benefits paid, reflecting a moderate trend to higher administrative costs per dollar of benefits paid.

On the basis of the foregoing assumptions it is now estimated that the monthly basic premium rate necessary to cover both benefit payments and administrative expenses on an incurred basis is $5.40 for fiscal year 1972, and $5.81 for fiscal year 1973. An allowance was included for the average cost of influenza or other epidemics, none of which occurred in the base period.

The $5.81 figure for fiscal year 1973 is rounded down to $5.80.

Contingency margin. There is a $0.01 deficiency arising from the rounding indicated above. The interest earnings on the trust fund (estimated to be the equivalent of about $0.06 in terms of the premium rate) are available to make up this deficiency, and to provide a very small margin for contingencies.

Recommendation and summary. Based on all available evidence and analysis, the standard premium rate for fiscal 1973 should be promulgated at $5.80 per month, up $0.20 (or about 3½ percent) from the current $5.60 rate. This recommended rate contains an estimated $0.05 margin for contingencies, when interest earnings are taken into account.

The explanation of the $0.20 increase in the standard monthly premuim rate for the new premium period can be summarized as follows:

(a) The level of physicians' fees recognized by the program is assumed to be higher in the new period, as physicians' fees increased modestly under wage-price guidelines—about $0.14.

(b) Use of more physicians' services per capita and some shift toward more expensive services—about $0.21.

(c) Increase in cost, quality, and utilization of the institutional services covered by the program—about $0.06.

These added costs would require an increase of $0.41 in the premium rate. However, the more favorable experience now projected for fiscal 1972 than was previously assumed (18 cents) and a small difference (3 cents) in the effects of rounding the premium to the nearest $0.10, hold the increase in premium to $0.20.

[FR Doc.72-208 Filed 1-4-72;8:51 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-72-138]

REGIONAL ADMINISTRATORS ET AL.

Redelegation of Authority Regarding Loan and Contract Servicing

The Redelegation of Authority to Regional Administrators et al., with respect to Loan and Contract Servicing published at 35 F.R. 16104, October 14, 1970, and amended at 36 F.R. 1488, January 30, 1971, and 36 F.R. 21539, November 10, 1971, is amended as follows:

1. In section A.1, a new paragraph k is added to read as follows:

k. To close audit findings on insured and HUD-held multifamily projects.

2. In subpart A, section 2 is deleted and a new section 2 added to read as follows:

2. Each Director, Housing Management Division, Area Office, and each Chief, Mortgages and Properties Division, HUD-FHA Insuring Office, is authorized to exercise the power and authority under section A.1, paragraphs d-k.

(Secretary's delegation of authority published at 36 F.R. 5005, Mar. 16, 1971)

Effective date. This amendment to redelegation of authority is effective September 13, 1971.

NORMAN V. WATSON,
Assistant Secretary for Housing Management.

[FR Doc.72-151 Filed 1-4-72;8:51 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-329, 50-330]

CONSUMERS POWER CO.

Notice of Availability of Applicant's Supplemental Environmental Report

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 a report entitled "Applicant's Supplemental Environmental Report on the Midland Plant, Units 1 and 2," submitted by the Consumers Power Co., has been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Grace Dow Memorial Library, 1710 West St. Andrews Road, Midland, MI 48640. The report is also being made available to the public at the Office of Planning Coordination, Executive Office of the Governor, Lewis Cass Building, Lansing, Mich. 48913.

This report discusses environmental considerations related to the proposed construction of the Midland Plant, Units 1 and 2, located in Midland County, Mich.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft detailed statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 29th day of December 1971.

For the Atomic Energy Commission.

RICHARD C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-93 Filed 1-4-72;8:45 am]

[Docket No. 70-1193]

KERR-McGEE CORP.

Determination Not To Suspend Operations Pending Completion of NEPA Environmental Review

The Kerr-McGee Corp. of Oklahoma City, Okla., holds Materials License No. SNM-1174, issued by the Atomic Energy Commission on April 2, 1970. The license authorizes the licensee to operate a plutonium plant at a site in Logan County, Okla. The plant is designed for the processing and fabrication operations associated with the manufacture of mixed plutonium-uranium oxide fuels for nuclear reactors.

In accordance with section E.3 of the Commission's regulations implementing the National Environmental Policy Act of 1969 (NEPA), Appendix D of 10 CFR Part 50, the licensee has furnished to the Commission a written statement of reasons, with supporting factual submission, why the license should not be suspended, in whole or in part, pending completion of the NEPA environmental review. This statement of reasons was furnished to the Commission on October 15, 1971, and supplemented on November 13, 1971. The Director of Regulation has considered the licensee's submission in the light of the criteria set out in section E.2 of Appendix D, and has determined, after considering and balancing the criteria in section E.2 of Appendix D, that operations at the Kerr-McGee Cimarron Plutonium Plant authorized pursuant to License No. SNM-1174 should not be suspended pending completion of the NEPA environmental review.

Further details of this determination are set forth in a document entitled "Discussion and Findings by the Division of Materials Licensing, U.S. Atomic Energy Commission, Relating to Consideration of Suspension Pending NEPA Environmental Review of the Operating License for the Kerr-McGee Cimarron Plutonium Plant, AEC Docket No. 70-1193, November 29, 1971." Pending completion of the full NEPA review, the holder of License No. SNM-1174 proceeds with operations at its own risk. The determination herein and the discussion and findings hereinabove referred to do not preclude the Commission, as a result of its ongoing environmental review, from continuing, modifying, or terminating the license or from appropriately amending the license to protect environmental values.

Any person whose interest may be affected by this proceeding, other than

the licensee, may file a request for a hearing within thirty (30) days after publication of this determination in the FEDERAL REGISTER. Such a request shall set forth the matters, with reference to the factors set out in section E.2 of Appendix D, alleged to warrant a determination other than that made by the Director of Regulation and shall set forth the factual basis for the request. If the Commission determines that the matters stated in such a request warrant a hearing, a notice of hearing will be published in the FEDERAL REGISTER.

The licensee's statement of reasons, furnished pursuant to section E.3 of Appendix D, as to why the license should not be suspended pending completion of the NEPA environmental review, and the document entitled "Discussion and Findings by the Division of Materials Licensing, U.S. Atomic Energy Commission, Relating to Consideration of Suspension Pending NEPA Environmental Review of the Operating License for the Kerr-McGee Cimarron Plutonium Plant, AEC Docket No. 70-1193, November 29, 1971," are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Carnegie Library, 402 East Oklahoma Street, Guthrie, OK 73044. Copies of the "Discussion and Findings * * *" document may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director Division of Materials Licensing.

Dated at Bethesda, Md., this 27th day of December 1971.

For the Atomic Energy Commission.

CLIFFORD K. BECK,
Acting Director of Regulation.

[FR Doc.72-103 Filed 1-4-72;8:46 am]

[Dockets Nos. 50-398, 50-399]

PACIFIC GAS AND ELECTRIC CO.

Notice of Availability of Applicant's Environmental Report

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 a report entitled "Environmental Report—Construction Permit Stage" for the Mendocino Power Plant, Units 1 and 2, submitted by the Pacific Gas and Electric Co. is being placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, in the Public Information Office of the Commission's San Francisco office at 2111 Bancroft Way, Berkeley, CA 94704, and in the Mendocino County Library, 108 West Clay Street, Ukiah, CA 95482. The report is also being made available to the public at the office of the Lieutenant Governor, Office of Intergovernmental Management, State Capitol, Sacramento, Calif. 95814.

This report discusses environmental considerations related to the proposed Mendocino Power Plant Units 1 and 2 to be located in Mendocino County, Calif.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the applicant's Environmental Report and the draft detailed statement. The summary notice will request comments from Federal agencies, State and local officials, and interested persons on the applicant's Environmental Report and the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 23d day of December 1971.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc.72-91 Filed 1-4-72;8:45 am]

[Docket No. 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN-MICHIGAN POWER CO.

Order Reconvening Evidentiary Hearings

In the matter of Wisconsin Electric Power Co. and Wisconsin-Michigan Power Co., Point Beach Nuclear Plant, Unit 2, Docket No. 50-301.

The Board by order of December 23, served notice that evidentiary hearings will reconvene on January 4, 1972, or January 6, 1972, subject to the resolution of certain conditions prior to January 4.

The hearing, when it reconvenes, will be held in the International Room of the Holiday Inn, 3801 North Manhein Road, Schiller Park, IL 60176, or such other place as may be designated. The hearing will convene at 10 a.m., c.s.t., on the first day of the reconvened session, and at such times thereafter as may be indicated.

Dated this 30th day of December 1971, at Washington, D.C.

ATOMIC SAFETY AND LICENSING BOARD,

NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.72-144 Filed 1-4-72;8:50 am]

CIVIL AERONAUTICS BOARD

[Docket No. 20826]

ALASKA SERVICE INVESTIGATION

Notice of Oral Argument Regarding Bush Routes Phase

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held before the Board on January 26, 1972, at 10 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., December 29, 1971.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-159 Filed 1-4-72;8:51 am]

ALLEGHENY AIRLINES, INC.

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

DECEMBER 29, 1971.

Notice is hereby given that the Civil Aeronautics Board on December 29, 1971, received an application, Docket No. 24088, from Allegheny Airlines, Inc. for amendment of its certificate of public convenience and necessity under Subpart M of the Board's procedural regulations for route 97 to provide nonstop service between Louisville, Ky., and Memphis, Tenn. 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] HARRY J. ZINK,
Secretary.

[FR Doc.72-155 Filed 1-4-72;8:51 am]

[Docket No. 24082; Order 71-12-123]

AMERICAN AIRLINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of December 1971.

By tariff[1] bearing a posting date of November 17, 1971, and marked to become effective January 1, 1972, American Airlines, Inc. (American) proposes to establish blocked-space general commodity container rates and charges in 52 markets, including Boston, Chicago, Dallas, Detroit, Los Angeles, New York, Newark, San Francisco, Tucson, and Washington. The proposal applies on airport-to-airport transportation of not less than five type LD-3 containers during a 7-day period, for a minimum term of 90 days, from one origin to one destination on specific flights scheduled to depart on Saturday or Sunday, or between the hours of 6 a.m. and 9 p.m. (inclusive) on Monday through Friday. The tariff is scheduled to expire on December 31, 1972.

The proposal contains a schedule of (1) basic charges per container for containers tendered pursuant to the blocked-space agreement up to a minimum weight of 1,500 pounds per container, (2) basic charges per container for containers tendered in excess of the number contracted

[1] American Airlines, Inc., Tariff CAB 265.

for pursuant to the blocked-space agreement with weight up to 1,500 pounds per container, and (3) the rate for weight in each container in excess of 1,500 pounds.[2]

The proposal results in reductions below the presently applicable standard service LD–3 general commodity rates and charges ranging from 25 to 54 percent for containers tendered under the blocked-space agreement, and from 21 to 52 percent below standard service charges for containers tendered in excess of the specified number of containers indicated in the blocked-space agreement for 9- and 18-pounds per cubic foot density traffic, respectively. The proposed rates will be substantially at the level of currently available specific commodity LD–3 container rates and charges in the same markets.

Complaints against this proposal have been filed by Braniff Airways, Inc. (Braniff) and The Flying Tiger Line Inc. (Tiger).[3] The complaints assert, inter alia, that (1) the proposed rates and charges are prima facie unjust, unreasonable, and prejudicial, and proponent has failed to establish that such rates are necessary, (2) the proposed level should not be spread to markets in which "daylight" general commodity rates are not already available, (3) the proposal substantially undercuts existing LD–3 and Type A container general commodity charges, as well as currently effective specific commodity rates and charges in the involved markets, (4) the proposed tariff is substantially similar to the blocked-space multicontainer filing recently proposed by Airlift and suspended by the Board under Order 71–11–50, dated November 12, 1971, (5) the proponent has submitted no cost justification, nor has it justified these rates and charges on promotional grounds or on value of service, (6) the tariff is based upon byproduct costing in the prime direction of traffic flow and is unreasonable, (7) the proposal violates the Board's consistent findings that multicontainer discounts unrelated to cost savings are unjustly discriminatory, and (8) that the proposed level will divert excess of prime nighttime traffic carried during daylight hours due to lack of capacity on nighttime flights.

In justification of its proposal, American asserts, among other things, that (1) the basic charge per container is at the same level as the existing minimum charge for specific commodity rated traffic, and the rates are reasonably related to currently available type LD–3 container general commodity rates and charges, (2) American must publish rates competitive with currently effective TWA "daylight" LD–3 charges, (3) rates and charges subject to a space commitment must be lower than those without such restriction, (4) the proposal will increase utilization of wide-bodied aircraft, whose belly load factors averaged only 16.6 percent during the first 6 months of 1971, (5) the proposed level will be competitive with surface freight and divert such traffic, (6) the proposed rate level is offset by cost savings achieved through scheduling and efficient use of personnel due to regular and consistent use of space, and (7) the impact of self-dilution is minimized since most freight traffic moves at night in narrow-bodied all-cargo aircraft and not in wide-bodied aircraft.

The Board, in its decision in Docket 22340, Container Rates for B–747 Aircraft Proposed by Continental Air Lines, Inc., Order 71–7–156, found that discounts for shipments of 10 or more containers proposed by the carrier were unjustly discriminatory because they were not justified by cost of service, value of service, or promotional considerations. In Order 71–11–50, November 12, 1971, the Board suspended pending investigation a proposal by Airlift International Inc., to establish reduced blocked-space rates for two or more containers per day.[4]

American's proposal involves significant discounts for the tender of at least five containers per week, but the carrier has not shown that the amount of the discount is reasonably related to the savings that may accrue to it.

Consistent with the above orders and upon consideration of all relevant factors, the Board finds that American's proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated and suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the rates, charges and provisions of American Airlines, Inc.'s CAB No. 265 and rules, regulations, or practices affecting such rates, charges and provisions are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates, charges, and provisions, and rules, regulations, or practices affecting such rates, charges, and provisions;

2. Pending hearing and decision by the Board, American Airlines, Inc.'s CAB No. 265 is suspended and its use deferred to and including March 30, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaints filed by Braniff Airways, Inc., in Docket 24030 and The Flying Tiger Line Inc., in Docket 24032, are dismissed except to the extent granted herein;

4. The proceeding herein designated Docket 24082, be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated;

5. The motion of American Airlines, Inc., to accept a late-filed answer to the complaint is denied; and

6. Copies of this order shall be filed with the tariff and served upon American Airlines, Inc., Braniff Airways, Inc., and The Flying Tiger Line Inc., which are hereby made parties to Docket 24082.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–157 Filed 1–4–72;8:51 am]

[2] American's type LD–3 containers are subject to a maximum gross weight of 2,830 pounds when carried in B–747 aircraft and 3,500 pounds when carried in a DC–10 aircraft.

[3] Braniff, on December 2, 1971, requested leave to file a late complaint against the involved tariff. However, previously, on November 23, Tiger requested and obtained an extension of the complaint due date from November 29 to December 3, 1971. American's answer to the Tiger complaint was filed after the 6-day period allowed by the Board's procedural regulations (14 CFR 302.505) and its motion to accept the answer will be denied.

[4] In a series of other orders, the Board suspended multicontainer proposals essentially on the ground that discounts below the single container rates were not justified by an indication of lower costs, Orders 70–7–1, 70–7–29, and 71–1–53.

[Docket No. 22916]

AMERICAN-WESTERN MERGER CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held before the Board on February 16, 1972, at 10 a.m., local time, in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., December 29, 1971.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72–158 Filed 1–4–72;8:51 am]

[Order 71–12–114]

COMPANIA MEXICANA DE AVIACION, S.A.

Order Regarding Petition for Review

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of December 1971.

Under authority delegated by the Board's regulations, 14 CFR 385.15, the Chief, Tariffs Section, on July 9, 1971, rejected tariff revisions containing youth and senior-citizen fares between Los Angeles and Acapulco/Mexico City and from Chicago and Miami to Mexico City filed on behalf of CMA pursuant to an order from the government of Mexico. The tariff revisions were rejected because they were not received at least 45 days before the proposed effective date, as required by the bilateral agreement between the United States and Mexico.

CMA, by petition of July 19, 1971, requested that the Board review the staff's action in rejecting the proposed fares and that (1) the rejection be rescinded,

(2) the tariff pages containing the proposed fares be permitted to become effective, and (3) the Tariffs Section be instructed to apply the same tariff notice filing requirements to any United States-Mexico tariff filing whether made by a Mexican or United States carrier. In support of its petition CMA contends that (1) it is unfair and discriminatory to require it to file on 45 days' notice, but to permit U.S. carriers to file on 30 days' notice, and (2) the staff did not act within the proper scope of its delegated authority in rejecting a tariff for reasons of noncompliance with the United States-Mexico bilateral Air Transport Agreement.

The Mexican Government subsequently amended its order so as to delete senior-citizen fares and to exclude Miami from the points covered. CMA thereafter sought and was granted special tariff permission to establish Los Angeles-Acapulco/Mexico City youth fares effective July 13, 1971, on 1 day's notice and Chicago-Mexico City fares effective August 17, 1971, on 5 days' notice. Accordingly, the petition is moot and will be dismissed.

Despite our dismissal of the petition, we believe it appropriate to comment on the issues raised. Although section 403 of the Federal Aviation Act requires only 30 days' notice of tariff changes, the U.S.-Mexican bilateral agreement (Agreement, with Schedule, between the United States of America and Mexico as amended—Article 11 thereof), provides that carriers of each country will file tariffs with the aeronautical authorities of the other government on 45 days' notice unless shorter notice is permitted. In addition, CMA's permit includes the standard condition that the permit shall be subject to "all applicable provisions of any treaty, convention, or agreement affecting international air transportation * * * to which the United States and Mexico shall be parties." Thus, the tariff filed by CMA on less than 45 days' notice was properly rejected as inconsistent with its permit condition incorporating the bilateral requirement. However, there is no similar requirement that U.S. air carriers file tariffs with the U.S. Government on 45 days' notice and hence no basis for rejection of tariffs filed on 30 days' notice. The Board further considers that it is within the authority delegated to the staff to reject tariffs not filed in accordance with bilateral and permit conditions.

Accordingly, it is ordered, That:

1. The petition of CMA is dismissed.

2. A copy of this order be served upon Compania Mexicana de Aviacion, S.A.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-160 Filed 1-4-72;8:51 am]

[Docket No. 20993; Order 71-12-92]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Rates

Issued under delegated authority December 21, 1971.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 and part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA). The agreement, which was adopted at the North Atlantic cargo rate conference in Geneva for early effectiveness commencing January 15, 1972, has been assigned CAB agreement number 22855.

The agreement would revalidate the application/substantiation form for North Atlantic specific commodity rates and would amend such form for the purpose of enabling carriers to request exceptions to resolutions which otherwise govern minimum charges (Resolution 501) and cargo having a low density (Resolution 502).

We propose herein to approve the agreement. In the current absence of a basic rate agreement governing charges for the carriage of North Atlantic cargo, the subject agreement is merely pro forma, inasmuch as it was adopted in the early stages of the Geneva Conference in anticipation that such conference would reach accord on a North Atlantic rate structure, including specific commodity rates which the subject agreement is intended to accommodate.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolution, which is incorporated in Agreement CAB 22855, is adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
22855	590a	Application/Substantiation Form for Specific Commodity Rates (Expedited).	1/2 (North Atlantic).

Accordingly, it is ordered, That:

Action on Agreement CAB 22855 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-156 Filed 1-4-72;8:51 am]

[Docket No. 22617]

WTC AIR FREIGHT

Notice of Oral Argument Regarding Revised Aggregate Rates

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held before the Board on February 9, 1972, at 10 a.m., local time, in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., December 29, 1971.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-161 Filed 1-4-72;8:51 am]

ENVIRONMENTAL PROTECTION AGENCY

E. I. DU PONT DE NEMOURS & CO., INC.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1212) has been filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, proposing establishment of a tolerance (40 CFR Part 180) for residues of the fungicide benomyl (methyl 1-(butylcarbamoyl) - 2 - benzimidazolecarbamate) in or on the raw agricultural commodity strawberries at 5 parts per million.

The analytical method proposed in the petition for determining residues of the fungicide is that of H. L. Pease and J. A. Gardiner, "Journal of Agricultural and Food Chemistry," vol. 17, pp. 267-270 (1969).

Dated: December 23, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-119 Filed 1-4-72;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[SS-084-72]

JEFF CLARK, JR.

Order to Cease and Desist

In the matter of Cease and Desist Order to be directed against Jeff Clark, Jr., 18890 Fenelon, Detroit, MI 48234.

PRELIMINARY STATEMENT

1. On September 3, 1971, the Commission, by the Chief, Safety and Special

Radio Services Bureau, released an Order directing Jeff Clark, Jr., to show cause why he should not be ordered to cease and desist from unauthorized operation of radio transmitting apparatus on citizens radio channels, pursuant to section 312 (b) and (c) of the Communications Act of 1934, as amended. The Order directed Clark to appear and give evidence in respect thereto at a hearing.

2. The Order alleged that subsequent to the revocation of his license for citizens radio station KDP-2596 on August 4, 1971, for numerous violations of the Commission's rules, Clark has continued to operate citizens radio transmitting equipment in violation of section 301 of the Communications Act of 1934, as amended. It was also alleged that Clark's unlicensed transmissions would be in violation of numerous rules of the Commission if he were licensed.

3. The procedural rights of Clark, including the right to a hearing, or, in lieu thereof, to submit a written statement were detailed in the Order to Show Cause. No response was made to the Order to Show Cause nor did Clark request a hearing or submit a written statement. Accordingly, on October 6, 1971, the Acting Chief Hearing Examiner ordered the proceeding terminated and certified the matter to the Commission for disposition in accordance with § 1.92 of the Commission's rules.

FINDINGS OF FACT

4. On February 12, 1971, Jeff Clark, Jr., of 18890 Fenelon, Detroit, MI, was issued an Order to Show Cause (SS-191-71) why his license for citizens radio station KDP-2596 should not be revoked for numerous violations of the Commission's rules governing the Citizens Radio Service and for prior unlicensed operation. Personnel of the Commission's Detroit office had monitored Clark's radio transmissions and by close-in direction finding techniques conclusively established that they were coming from his residence. They had also attempted to inspect Clark's station on May 18 and September 15, 1970, but on both occasions, Clark refused to permit it. On the latter date, the Commission personnel were accompanied by uniformed police officers. The violations observed included transmissions with excessive power, use of an overheight antenna, hobby-type communications, failure to identify properly, interstation communications on an intrastation frequency and transmissions exceeding the time limitations.

5. Despite written notice of these violations by the Detroit office, Clark continued operating almost daily in violation of the Commission's rules. When no reply was received to the Order to Show Cause and in light of the continuing violations, and Order of Revocation was released on June 30, 1971, revoking Clark's citizens radio station license effective August 4, 1971 (SS-191-71).

6. Since the effective date of revocation, Clark has continued to transmit illegal radiocommunications of the type mentioned in paragraph 4, above, on an almost daily basis, in violation of section 301 of the Communications Act of 1934, as amended, which expressly prohibits operation of radio transmitting apparatus by anyone unless he is licensed under the provisions of the Act.

7. In addition, numerous items of official correspondence from the Commission have been mailed to Clark. If sent by certified mail, they have either been refused or unclaimed. Several pieces of correspondence sent by regular mail to him have been returned unopened, or, if opened, in another envelope without comment.

CONCLUSIONS

In view of the foregoing, it is concluded that Clark has repeatedly and wilfully violated and will continue to violate section 301 of the Communications Act of 1934, as amended, by transmitting radiocommunications over his citizens radio apparatus. His transmissions are of such a nature as to threaten the utility of the Citizens Radio Service for those using the service for the purposes intended. There is no basis in the record of this case for any action other than the issuance of a cease and desist order to be directed against Clark.

Accordingly, pursuant to section 312 (b) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules: *It is ordered*, this 21st day of October 1971, That Jeff Clark, Jr., cease and desist from further unauthorized operation of radio transmitting apparatus.

It is further ordered, That a copy of this order to cease and desist be served upon the licensee at his last known address as shown in the caption.

Adopted: October 21, 1971.

Released: October 21, 1971.

Chief, Safety and Special Radio Services Bureau.

[SEAL] J. RUSSEL SMITH,
Chief, Legal, Advisory and Enforcement Division.

NOTE: Within 30 days from the release date of this Order to Cease and Desist, a petition for reconsideration thereof by the Chief of the Safety and Special Radio Services Bureau or a petition for review thereof by the Commission en banc may be filed. (See sections 5(d)(4) and 405 of the Communications Act of 1934, as amended, and §§ 1.101, 1.102, 1.104, 1.106, and 1.115 of the Commission's rules.) Neither a petition for reconsideration nor for review of staff action will postpone automatically the effective date of this Order to Cease and Desist; but a stay or postponement of the effect of the action ordered herein may be ordered by the Commission or the staff, as appropriate.

[FR Doc.72-129 Filed 1-4-72;8:49 am]

[SS-143-72]

DONALD E. PALMER

Order to Cease and Desist

In the matter of cease and desist order to be directed against Donald E. Palmer, 7306 Lugo Street, Southgate, CA 92080.

PRELIMINARY STATEMENT

1. On September 29, 1971, the Commission, by the Chief, Safety and Special Radio Services Bureau, released an order directing Donald E. Palmer, to show cause why he should not be ordered to cease and desist from unauthorized operation of radio transmitting apparatus, pursuant to section 312 (b) and (c) of the Communications Act of 1934, as amended. The order directed Palmer to appear and give evidence in respect thereto at a hearing.

2. The order alleged that subsequent to the revocation of his license for citizens radio station KCW-2842 on September 7, 1971, for numerous violations of the Commission's rules, Palmer has continued to operate citizens radio transmitting equipment in violation of section 301 of the Communications Act of 1934, as amended. It was also alleged that Palmer's unlicensed transmissions would be in violation of numerous rules of the Commission if he were licensed. In addition it was alleged that Palmer is also transmitting on a frequency allocated for the exclusive use of the U.S. Government.

3. The procedural rights of Palmer, including the right to a hearing, were detailed in the order to show cause. The order to show cause was mailed by Certified Mail—Return Receipt Requested to Palmer's last known address as shown in the caption and was delivered on October 4, 1971. No response was made to the order to show cause nor did Palmer request a hearing or submit a written statement. Accordingly, on November 3, 1971, the Chief Hearing Examiner ordered the proceeding terminated and certified the matter to the Commission for disposition in accordance with § 1.92 of the Commission's rules.

FINDINGS OF FACT

4. On April 7, 1971, Donald E. Palmer of 7306 Lugo Street, Southgate, CA, was issued an order to show cause (SS-246-71) why his license for citizens radio station KCW-2842 should not be revoked for numerous violations of the Commission's rules governing the Citizens Radio Service. Personnel of the Commission's Los Angeles office had monitored Palmer's radio transmissions and by close-in direction finding techniques conclusively established that they were coming from his residence, and on one occasion, from his car. They had also attempted to inspect Palmer's station on September 22 and 26, and November 30, 1970, but on all three occasions, it was not permitted. The violations observed included use of an overheight antenna, hobby-type communications, failure to identify properly, interstation communications on an intrastation frequency and transmissions exceeding the time limitations.

5. Despite written notice of these violations by the Los Angeles office, Palmer continued operating almost daily in violation of the Commission's rules. In addition to the violations mentioned above, Palmer began transmitting extensively on the frequency 26.800 MHz, a frequency

assigned for the exclusive use of the U.S. Government. When no reply was received to the order to show cause and in light of the continuing violations, an order of revocation was released on August 2, 1971, revoking Palmer's citizens radio station license effective September 7, 1971 (SS–246–71).

6. Since the effective date of revocation, Palmer has continued to transmit illegal radiocommunications of the type mentioned in paragraphs 4 and 5, above, on an almost daily basis, in violation of section 301 of the Communications Act of 1934, as amended, which expressly prohibits operation of radio transmitting apparatus by anyone unless he is licensed under the provisions of the Act.

7. In addition, numerous items of official correspondence from the Commission have been mailed to Palmer by certified mail as well as by regular mail. There has been no response to this correspondence.

CONCLUSIONS

In view of the foregoing, it is concluded that Palmer has repeatedly and wilfully violated and will continue to violate section 301 of the Communications Act of 1934, as amended, by transmitting radiocommunications over his citizens radio apparatus. His transmissions on Citizens Radio Service frequencies are of such a nature to threaten the utility of the Citizens Radio Service for those using the Service for the purposes intended. Moreover, his transmissions on a U.S. Government frequency, adversely affects the use of such frequency for official communications and cannot be tolerated. There is no basis in the record of this case for any action other than the issuance of a cease and desist order to be directed against Palmer.

Accordingly, pursuant to section 312 (b) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules: *It is ordered,* This fifth day of November, 1971, that Donald E. Palmer cease and desist from further unauthorized operation of radio transmitting apparatus.

It is further ordered, That a copy of this order to cease and desist be served upon the licensee at his address as shown in the caption and also to 11617 Clarkman, Santa Fe Springs, CA 90670.

Adopted: November 5, 1971.

Released: November 5, 1971.

Chief, Safety and Special Radio Services Bureau.

[SEAL] J. RUSSEL SMITH,
Chief, Legal, Advisory and Enforcement Division.

NOTE: Within 30 days from the release date of this order to cease and desist, a petition for reconsideration thereof by the Chief of the Safety and Special Radio Services Bureau or a petition for review thereof by the Commission en banc may be filed. (See sections 5(d)(4) and 405 of the Communications Act of 1934, as amended, and §§ 1.101, 1.102, 1.104, 1.106, and 1.115 of the Commission's rules.) Neither a petition for reconsideration nor for review of staff action will postpone automatically the effective date of this order to cease and desist; but a stay or postponement of the effect of the action ordered herein may be ordered by the Commission or the staff, as appropriate.

[FR Doc.72–130 Filed 1–4–72;8:49 am]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on February 10, 1972, the following application by station KOPO for increase in daytime power of its class IV standard broadcast station, will be considered as ready and available for processing:

BP–19117 KOPO, Tucson, Ariz.
KOPO Broadcasting Co., Inc.
Has: 1450 kc., 250 w., U.
Req: 1450 kc., 250 w., 1 kw.–LS, U.

The purpose of this notice is not to invite applications which may conflict with the listed application, but to apprise any party in interest who desires to file pleadings concerning the application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, of the necessity of complying with § 1.580(i) of the Commission's rules governing the time of filing and other requirements relating to such pleadings.

Adopted: December 27, 1971.

Released: December 28, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[FR Doc.72–132 Filed 1–4–72;8:49 am]

[Report No. 576]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

DECEMBER 27, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

3538–C2–AL–(2)–72—Bluegrass Radiotelephone, consent to assignment of license from Guy P. McSweeney and Richard L. Plessinger, doing business as Bluegrass Radiotelephone, Assignor, to Guy P. McSweeney, doing business as Radio Telephone Service, Assignee. Stations: KIY761, Lexington, Ky., and KRH665, Lexington, Ky. (one-way).

3540–C2–P–72—General Telephone Co. (New), for a new two-way station to be located at 6706 212th SW., Lynnwood, WA, to operate on frequency 454.400 MHz.

3566–C2–P–72—Morris Communications, Inc. (KIY731), for additional facilities to operate on frequency 454.100 MHz located at Paris Mountain, Lake Circle Drive, 6 miles north of Greenville, S.C.

3567–C2–P–(2)–72—RCA Alaska Communications, Inc. (KWA670), to change the antenna system and relocate facilities operating on 152.54 and 152.60 MHz to Tin City AF Radome, 105 miles from Nome and 51 miles from Teller, Alaska.

3580–C2–P–72—Metro Fone Communications, Inc. (KRS655), replace transmitter operating on 152.180 MHz located at 4659 Stinson Boulevard NE., Columbia Heights, MN.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

3579–C2–P–72—Joseph N. Thomason, doing business as Auto Page Northwest (KLF622), relocate facilities operating on 152.24 MHz to Inspiration Point, 2.75 miles south of Kennewick, Kennewick, Wash.

3641–C2–P–72—Hopkinton Telephone Co. (KCI302), for additional facilities to operate on 152.72 MHz located at Gould Hill, approximately 1 mile east of Contoocook, N.H.

3642–C2–TC–72—Answering Service of Trenton, Inc., consent to transfer of control from Gertrude Kaufman, Transferor, to Ira Magod, Transferee. Station: KED352, Trenton, N.J.

3643–C2–P–72—Intrastate Radio Telephone, Inc. of San Francisco (KMA833), for additional facilities to operate on 454.125 MHz at location No. 4: San Bruno Peak, near South San Francisco, Calif.

RURAL RADIO SERVICE

3565–C1–P/L–72—Mountain States Telephone & Telegraph Co. (New), for a new rural subscriber station to be located at the Meteor Crater Museum Building, 19 miles west of Winslow, Ariz., to operate on 157.77 and 158.01 MHz communicating with station KON915, Flagstaff, Ariz.

3568–C1–P–72—RCA Alaska Communications, Inc. (New), for a new rural subscriber station to be located at village store located at East End of Brevig Mission, Alaska, to operate on 157.80 and 157.86 MHz.

3569–C1–P–72—RCA Alaska Communications, Inc. (New), for a new rural subscriber station to be located at Diomede (Ignaluk) Village Public Building, Little Diomede Island, Alaska, to operate on 157.80 and 157.86 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE

(INFORMATIVE: Applicant, MCI-North Central States, Inc., is modifying its original proposal for Specialized Common Carrier Radio Service between Chicago, Ill., and Minneapolis, Minn., and points in between, by filing the 13 new applications listed below.)

3552–C1–P–72—MCI-North Central States, Inc. (New), Site 3, Coates, Minn. C.P. for a new station 8.7 miles northwest of Coates, Minn., at latitude 44°47'17", longitude 93°11'50". Frequencies 6197.2 MHz on azimuth 25°31' toward St. Paul, Minn., and 6256.5 MHz on azimuth 139°30' toward Hampton, Minn.

3553–C1–P–72—MCI-North Central States, Inc. (New), Site 4, Hampton, Minn. C.P. for a new station 0.5 mile east-northeast of Hampton, Minn., at latitude 44°36'40", longitude 92°59'09". Frequencies 5974.8 MHz on azimuth 319°38' toward Coates, Minn., and 5974.8 MHz on azimuth 194°11' toward Nerstrand, Minn.

3554–C1–P–72—MCI-North Central States, Inc. (New), Site 5, Nerstrand, Minn. C.P. for a new station 0.5 mile west of Nerstrand, Minn., at latitude 44°20'26", longitude 93°04'52". Frequencies 6226.9 MHz on azimuth 14°07' toward Hampton, Minn., and 6197.2 MHz on azimuth 173°59' toward Merton, Minn.

3555–C1–P–72—MCI-North Central States, Inc. (New), Site 6, Merton, Minn. C.P. for a new station 5.8 miles east of Merton, Minn., at latitude 44°08'49", longitude 93°03'10". Frequencies 5974.8 MHz on azimuth 354°00' toward Nerstrand, Minn., and 5945.2 MHz on azimuth 102°51' toward Mantorville, Minn.

3556–C1–P–72—MCI-North Central States, Inc. (New), Site 7, Mantorville, Minn. C.P. for a new station 1.6 miles north-northeast of Mantorville, Minn., at latitude 44°05'38", longitude 92°43'58". Frequencies 6197.2 MHz on azimuth 283°04' toward Merton, Minn., and 6197.2 MHz on azimuth 132°29' toward Rochester R, Minn.

3557–C1–P–72—MCI-North Central States, Inc. (New), Site 10, Chatfield, Minn. C.P. for a new station 4.9 miles northwest of Chatfield, Minn., at latitude 43°54'08", longitude 92°16'14". Frequencies 6226.9 MHz on azimuth 287°07' toward Rochester R, Minn., and 6197.2 MHz on azimuth 106°56' toward Arendahl, Minn.

3558–C1–P–72—MCI-North Central States, Inc. (New), Site 13, Fargo, Wis. C.P. for a new station 0.2 mile southwest of Fargo, Wis., at latitude 43°27'14", longitude 90°57'25". Frequencies 5945.2 MHz on azimuth 303°18' toward Caledonia, Minn., and 5974.8 MHz on azimuth 98°13' toward Boaz, Wis.

3559–C1–P–72—MCI-North Central States, Inc. (New), Site 17, Middleton, Wis. C.P. for a new station 4 miles south of Middleton, Wis., at latitude 43°02'07", longitude 89°30'24". Frequencies 11,665.0, 11,265.0 MHz on azimuth 66°50' toward Madison, Wis., and 11,665.0, 11,265.0 MHz on azimuth 15°29' toward Waunakee, Wis.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

3560–C1–P–72—MCI-North Central States, Inc. (New), Site 20, Watertown, Wis. C.P. for a new station 3.8 miles southeast of Watertown, Wis., at latitude 43°07'58", longitude 88°40'28". Frequencies 6197.2 MHz on azimuth 286°06' toward Waterloo, Wis., and 6197.2 MHz on azimuth 137°39' toward North Prairie, Wis.

3561–C1–P–72—MCI-North Central States, Inc. (New), Site 22, Hales Corners, Wis. C.P. for a new station 12270 West Belott Road, Hales Corners, WI at latitude 42°57'56", longitude 88°04'05". Frequencies 6197.2 MHz on azimuth 269°29' toward North Prairie, Wis., and 6226.9 MHz on azimuth 160°52' toward Franksville, Wis., and 10,735.0, 11,135.0 MHz on azimuth 56°39' toward Milwaukee, Wis.

3562–C1–P–72—MCI-North Central States, Inc. (New), Site 24, Franksville, Wis. C.P. for a new station 2.6 miles southwest-south of Franksville, Wis., at latitude 42°44'41", longitude 87°57'51". Frequencies 5974.8 MHz on azimuth 340°57' toward Hales Corners, Wis., and 5945.2 MHz on azimuth 183°48' toward Antioch, Ill., and 10,735.0, 11,135.0 MHz on azimuth 97°38' toward Racine, Wis.

3563–C1–P–72—MCI-North Central States, Inc. (New), Site 26, Antioch, Ill. C.P. for a new station 4.6 miles east of Antioch, Ill., at latitude 42°29'40", longitude 87°59'12". Frequencies 6197.2 MHz on azimuth 03°47' toward Franksville, Wis., and 6226.9 MHz on azimuth 168°20' toward Libertyville, Ill.

3564–C1–P–72—MCI-North Central States, Inc. (New), Site 27, Libertyville, Ill. C.P. for a new station 0.6 mile southeast of Libertyville, Ill., at latitude 42°15'35", longitude 87°55'17". Frequencies 5974.8 MHz on azimuth 348°22' toward Antioch, Ill., and 5945.2 MHz on azimuth 142°42' toward Chicago North, Ill., and 11,665.0, 11,265.0 MHz on azimuth 34°16' toward Waukegan, Ill.

3572–C1–P–72—Southwestern Bell Telephone Co. (KAD26), location: Third and Oakley Streets, Topeka, KS. Latitude 39°03'46" N., longitude 95°42'56" W. To replace transmitter and change frequency 6062.5 MHz to 11,685 MHz toward Topeka, Kans. (KTWU–TV).

3573–C1–P–72—American Telephone & Telegraph Co. (KQA67), location: 2.2 miles northeast of Richfield, Ohio. Latitude 41°15'43" N., longitude 81°36'19" W. To add frequency 3830 MHz toward Akron, Ohio.

3574–C1–P–72—The Mountain States Telephone & Telegraph Co. (KPC70), location: Mingus Mountain, 7.5 miles south of Jerome, Ariz. Latitude 34°41'12" N., longitude 112°06'59" W. Frequencies: 11,365 and 11,525 MHz toward Sedona, Ariz. via passive reflector.

3575–C1–P–72—The Mountain States Telephone & Telegraph Co. (New), a new station at 1 Smith Road, Sedona, AZ. Latitude 34°52'08" N., longitude 111°45'45" W. Frequencies: 10,915 and 11,075 MHz toward Mingus Mountain, Ariz., via passive reflector.

1599–C1–P–72—American Telephone & Telegraph Co. (KRR69), location: 70 South State Street, Salt Lake City, UT. Frequencies: 11,425 and 11,585 MHz toward Salt Lake City, Utah. Resubmitted.

1600–C1–P–72—American Telephone & Telegraph Co. (KOB26), location: 3100 Kennedy Drive, Salt Lake City Junction, UT. Latitude 40°45'06" N., longitude 111°48'03" W. Frequencies: 11,015 and 10,935 MHz toward Salt Lake City, Utah. Resubmitted.

1601–C1–P–72—American Telephone & Telegraph Co. (KNE66), location: 9.2 miles northwest of Kelso, Calif. Latitude 35°06'14" N., longitude 115°46'33" W. Frequency: 3730 MHz toward Cima, Calif. Resubmitted.

1602–C1–P–72—American Telephone & Telegraph Co. (KNB54), location: 4.5 miles east of Cima, Calif. Latitude 35°14'12" N, longitude 115°25'22" W. Frequency: 3770 MHz toward Beer Bottle, Nev. Resubmitted.

1603–C1–P–72—American Telephone & Telegraph Co. (KPM79), location: Beer Bottle, 10.4 miles southeast of Jean, Nev. Latitude 35°37'41" N., longitude 115°16'24" W. Frequency: 3730 MHz toward Arden, Nev. Resubmitted.

1604–C1–P–72—American Telephone & Telegraph Co. (KPM78), location: Arden, 9.3 miles east of Sloan, Nev. Latitude 35°56'50" N., longitude 115°02'55" W. Frequency: 3770 MHz toward Arrow Canyon, Nev. Resubmitted.

1605–C1–P–72—American Telephone & Telegraph Co. (KPM77), location: Arrow Canyon, 12.4 miles southwest of Moapa, Nev. Latitude 36°33'35" N., longitude 114°47'56" W. Frequency: 3730 MHz toward Mormon Mesa, Nev. Resubmitted.

1606–C1–P–72—American Telephone & Telegraph Co. (KPM76), location: 12.5 miles northwest of Mesquite, Nev. Latitude 36°53'47" N., longitude 114°17'23" W. Frequency: 3770 MHz toward Santa Clara, Utah. Resubmitted.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

1607–C1–P–72—American Telephone & Telegraph Co. (KPM75), location: 9.5 miles west-southwest of Santa Clara, Utah. Latitude 37°06′08″ N., longitude 113°49′31″ W. Frequency: 3730 MHz toward Enterprise, Utah. Resubmitted.

1608–C1–P–72—American Telephone & Telegraph Co. (KPM74), location: 5 miles southeast of Enterprise, Utah. Latitude 37°30′48″ N., longitude 113°39′15″ W. Frequency: 3770 MHz toward Lund, Utah. Resubmitted.

1609–C1–P–72—American Telephone & Telegraph Co. (KPM73), location: 7.5 miles north of Lund, Utah. Latitude 38°06′51″ N., longitude 113°24′30″ W. Frequency: 3730 MHz toward Milford, Utah. Resubmitted.

1610–C1–P–72—American Telephone & Telegraph Co. (KPM72), location: 6 miles southeast of Milford, Utah. Latitude 38°21′39″ N., longitude 112°54′24″ W. Frequency: 3770 MHz toward Cricket Mountain, Utah. Resubmitted.

1611–C1–P–72—American Telephone & Telegraph Co. (KPM71), location: 9 miles north-northeast of Black Rock, Utah. Latitude 38°50′06″ N., longitude 112°52′42″ W. Frequency: 3730 MHz toward Meadow, Utah. Resubmitted.

1612–C1–P–72—American Telephone & Telegraph Co. (KPM70), location: 1.5 miles northeast of Meadow, Utah. Frequency: 3770 MHz toward Scipio, Utah. Latitude 38°53′59″ N., longitude 112°22′29″ W. Resubmitted.

1613–C1–P–72—Americn Telephone & Telegraph Co. (KMJ86), location: 434 South Grand Avenue, Los Angeles, CA. Latitude 34°03′02″ N., longitude 118°15′08″ W. Frequency: 3990 MHz toward Corona Del Mar, Calif. Resubmitted.

1614–C1–P–72—American Telephone & Telegraph Co. (KNL24), location: 3.5 miles east of Corona Del Mar, Calif. Latitude 33°36′20″ N., longitude 117°48′35″ W. Frequency: 3950 MHz toward Los Angeles and San Clemente, Calif. Resubmitted.

1615–C1–P–72—American Telephone & Telegraph Co. (KNL25), location: 2 miles northeast of San Clemente, Calif. Latitude 33°26′37″ N., longitude 117°35′15″ W. Frequency: 3990 MHz toward Corona Del Mar and San Marcos, Calif. Resubmitted.

1616–C1–P–72—American Telephone & Telegraph Co. (KNL26), location: 3.5 miles northeast of San Marcos, Calif. Latitude 33°11′05″ N., longitude 117°07′44″ W. Frequency: 3950 MHz toward San Clemente and Julian. Calif. Resubmitted.

1617–C1–P–72—American Telephone & Telegraph Co. (KTO86), location: 5.6 miles north of Julian, Calif. Latitude 33°09′33″ N., longitude 116°36′53″ W. Frequency: 3990 MHz toward San Marcos, and 4070 MHz toward Salton, Calif. Resubmitted.

1618–C1–P–72—American Telephone & Telegraph Co. (KNL28), location: Salton, 9.5 miles north-northeast of Ocotillo, Calif. Frequency: 4030 MHz toward Julian and Brawley, Calif. Latitude 33°16′48″ N., longitude 116°05′04″ W. Resubmitted.

1619–C1–P–72—American Telephone & Telegraph Co. (KNL29), location: 1.4 miles west-southwest of Brawley, Calif. Latitude 32°58′41″ N., longitude 115°33′19″ W. Frequency: 4070 MHz toward Salton and Glamis, Calif. Resubmitted.

1620–C1–P–72—American Telephone & Telegraph Co. (KNL30), location: 14.8 miles east-northeast of Glamis, Calif. Frequency: 4030 MHz toward Brawley, Calif., and Castle Dome Mountain, Ariz. Latitude 33°03′07″ N., longitude 114°49′36″ W. Resubmitted.

1621–C1–P–72—American Telephone & Telegraph Co. (KPW93), location: Castle Dome Mountain, 29 miles south of Quartzsite, Ariz. Latitude 33°14′23″ N., longitude 114°15′32″ W. Frequency: 4070 MHz toward Glamis, Calif., and Quartzsite, Ariz. Resubmitted.

1622–C1–P–72—American Telephone & Telegraph Co. (KPW94), location: 15.2 miles southeast of Quartzsite, Ariz. Latitude 33°28′32″ N., longitude 114°05′16″ W. Frequency: 4030 MHz toward Castle Dome Mountain and Salome, Ariz. Resubmitted.

1623–C1–P–72—American Telephone & Telegraph Co. (KPW95), location: 17 miles south-southeast of Salome, Ariz. Latitude 33°32′38″ N., longitude 113°33′41″ W. Frequency: 4070 MHz toward Quartzsite and Aguila, Ariz. Resubmitted.

1624–C1–P–72—American Telephone & Telegraph Co. (KPW96), location: 18 miles south-southeast of Aguila, Ariz. Latitude 33°41′28″ N., longitude 113°05′35″ W. Frequency: 4030 MHz toward Salome and Morristown, Ariz. Resubmitted.

1625–C1–P–72—American Telephone & Telegraph Co. (KPW97), location: 11 miles northeast of Morristown, Ariz. Latitude 33°57′21″ N., longitude 112°28′34″ W. Frequency: 4070 MHz toward Aguila and Cave Creek, Ariz. Resubmitted.

1626–C1–P–72—American Telephone & Telegraph Co. (KPW98), location: 6.2 miles east of Cave Creek, Ariz. Latitude 33°50′54″ N., longitude 111°49′56″ W. Frequency: 4030 MHz toward Morristown and Apache Junction, Ariz. Resubmitted.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

1627–C1–P–72—American Telephone & Telegraph Co. (KPV21), location: 7.5 miles northwest of Apache, Ariz. Latitude 33°29′39″ N., longitude 111°38′26″ W. Frequency: 4070 MHz toward Cave Creek and 5974.8 MHz toward Chandler Heights, Ariz. Resubmitted.

1628–C1–P–72—American Telephone & Telegraph Co. (WDE88), location: Chandler Heights, 5 miles northwest of Chandler, Ariz. Latitude 33°14′05″ N., longitude 111°43′28″ W. Frequency: 6226.9 MHz toward Apache Junction and Sacaton, Ariz. Resubmitted.

1629–C1–P–72—American Telephone & Telegraph Co. (WDE87), location: 7 miles southeast of Casa Grande, Ariz. Latitude 33°03′01″ N., longitude 111°49′22″ W. Frequency: 5974.8 MHz toward Chandler Heights and Casa Grande, Ariz. Resubmitted.

1630–C1–P–72—American Telephone & Telegraph Co. (WAD44), location: 4 miles west of Casa Grande, Ariz. Latitude 32°51′57″ N., longitude 111°49′42″ W. Frequency: 6226.9 MHz toward Sacaton, Ariz., and 6256.5 MHz and 6375.2 MHz toward Florence, Ariz. Resubmitted.

1631–C1–P–72—American Telephone & Telegraph Co. (WAD43), location: 6 miles southwest of Florence, Ariz. Latitude 32°57′54″ N., longitude 111°26′19″ W. Frequency 6004.5 and 6123.1 MHz toward Casa Grande and Miami, Ariz. Resubmitted.

1632–C1–P–72—American Telephone & Telegraph Co. (WAD42), location: 7 miles south-southeast of Miami, Ariz. Latitude 33°17′55″ N., longitude 110°50′28″ W. Frequencies: 6256.5 and 6375.2 MHz toward Florence and Seneca, Ariz. Resubmitted.

1633–C1–P–72—American Telephone & Telegraph Co (WAD41), location: 7 miles southwest of Seneca, Ariz. Latitude 33°39′37″ N., longitude 110°33′39″ W. Frequencies: 6004.5 and 6123.1 MHz toward Miami and McNary, Ariz. Resubmitted.

1634–C1–P–72—American Telephone & Telegraph Co. (WAD40), location: 3 miles west-southwest of McNary, Ariz. Latitude 34°03′43″ N., longitude 109°54′20″ W. Frequencies: 6256.5 and 6375.2 MHz toward Seneca and Greer, Ariz. Resubmitted.

1635–C1–P–72—American Telephone & Telegraph Co. (WAD39), location: 6.2 miles northwest of Greer, Ariz. Latitude 34°02′57″ N., longitude 109°34′00″ W. Frequencies: 6004.5 and 6123.1 MHz toward McNary, Ariz., and toward Red Hill, N. Mex. Resubmitted.

1636–C1–P–72—American Telephone & Telegraph Co. (WAD45), location: 6.4 miles southwest of Red Hill, N. Mex. Latitude 34°10′54″ N., longitude 108°57′48″ W. Frequencies: 6256.5 and 6375.2 MHz toward Greer, Ariz., and Quemado, N. Mex. Resubmitted.

1637–C1–P–72—American Telephone & Telegraph Co. (WAD38), location: 6.7 miles southwest of Quemado, N. Mex. Latitude 34°18′24″ N., longitude 108°36′09″ W. Frequencies: 6004.5 and 6123.1 MHz toward Red Hill, and Datil, N. Mex. Resubmitted.

1638–C1–P–72—American Telephone & Telegraph Co. (WAD37), location: 9.7 miles northwest of Datil, N. Mex. Latitude 34°15′00″ N., longitude 107°57′15″ W. Frequencies: 6256.5 and 6375.2 MHz toward Quemado and Magdalena, N. Mex. Resubmitted.

1639–C1–P–72—American Telephone & Telegraph Co. (WAD36), location: 12.5 miles southwest of Magdalena, N. Mex. Latitude 34°02′15″ N., longitude 107°26′45″ W. Frequencies: 6004.5 and 6123.1 MHz toward Datil and La Joya, N. Mex. Resubmitted.

1640–C1–P–72—American Telephone & Telegraph Co. (WAD35), location: 10.5 miles west-northwest of La Joya, N. Mex. Latitude 34°23′44″ N., longitude 107°00′42″ W. Frequencies: 6256.5 and 6375.2 MHz toward Magdalena and Las Nutrias, N. Mex. Resubmitted.

1641–C1–P–72—American Telephone & Telegraph Co. (WAD34), location: 4.2 miles southeast of Las Nutrias, N. Mex. Latitude 34°25′17″ N., longitude 106°42′29″ W. Frequencies: 6004.5 and 6123.1 MHz toward La Joya and Los Lunas, N. Mex. Resubmitted.

1642–C1–P–72—American Telephone & Telegraph Co. (KKW32), location: 4.8 miles west of Los Lunas, N. Mex. Latitude 34°47′50″ N., longitude 106°49′10″ W. Frequencies: 6256.5 and 6375.2 MHz toward Las Nutrias, N. Mex., and 6345.5 MHz toward Scholle, N. Mex. Resubmitted.

1643–C1–P–72—American Telephone & Telegraph Co. (WDE89), location: 2.2 miles southwest of Scholle, N. Mex. Latitude 34°24′27″ N., longitude 106°27′03″ W. Frequencies: 6093.5 MHz toward Los Lunas and Mountainair, N. Mex. Resubmitted.

1644–C1–P–72—American Telephone & Telegraph Co. (WDE90), location: 2.5 miles east-northeast of Mountainair, N. Mex. Latitude 34°30′18″ N., longitude 106°11′54″ W. Frequency: 6345.5 MHz toward Scholle and Pedernal, N. Mex. Resubmitted.

1645–C1–P–72—American Telephone & Telegraph Co. (WDE91), location: 4 miles north-northwest of Pedernal, N. Mex. Latitude 34°40′48″ N., longitude 105°41′15″ W. Frequency: 6093.5 MHz toward Mountainair and Carnero, N. Mex. Resubmitted.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

1646–C1–P–72—American Telephone & Telegraph Co. (WDE92), location: 3.3 miles south-southeast of Carnero, N. Mex. Latitude 34°34'24" N., longitude 105°20'54" W. Frequency: 6345.5 MHz toward Pedernal and Cardenas, N. Mex. Resubmitted.

1647–C1–P–72—American Telephone & Telegraph Co. (WDE93), location: Cardenas, 5.5 miles north-northwest of Buchanan, N. Mex. Latitude 34°30'12" N., longitude 104°49'30" W. Frequency: 6345.5 MHz toward Pedernal and Cardenas, N. Mex. Resubmitted.

1648–C1–P–72—American Telephone & Telegraph Co. (WDE94), location: 3.5 miles north of Taiban, N. Mex. Latitude 34°29'36" N., longitude 104°00'21" W. Frequency: 6345.5 MHz toward Cardenas and Field, N. Mex. Resubmitted.

1649–C1–P–72—American Telephone & Telegraph Co. (WDE96), location: 0.7 mile northeast of Field, N. Mex. Latitude 34°38'05" N., longitude 103°33'25" W. Frequency: 6093.5 MHz toward Taiban and Broadview, N. Mex. Resubmitted.

1650–C1–P–72—American Telephone & Telegraph Co. (WDE97), location: Broadview, 4.1 miles northwest of Hollene, N. Mex. Latitude 34°42'48" N., longitude 103°05'25" W. Frequency: 6345.5 MHz toward Field, N. Mex., and Black, Tex. Resubmitted.

1651–C1–P–72—American Telephone & Telegraph Co. (WDE98), frequency: 6093.5 MHz toward Broadview, N. Mex., and Nazareth, Tex. Location: 5.7 miles south-southeast of Black, Tex. Latitude 34°36'47" N., longitude 102°34'10" W. Resubmitted.

1652–C1–P–72—American Telephone & Telegraph Co. (WDE95), location: 10.3 miles north-northeast of Nazareth, Tex. Latitude 34°41'10" N., longitude 102°02'58" W. Frequency: 6286.2 MHz toward Black, Tex., and 6345.5 MHz toward Wayside, Tex. Resubmitted.

1653–C1–P–72—American Telephone & Telegraph Co. (KLN81), location: 2 miles north-northwest of Wayside, Tex. Latitude 34°49'27" N., longitude 101°33'36" W. Frequency: 6152.8 MHz toward Nazareth, Tex. Resubmitted.

3542–C1–P–72—The Chesapeake & Potomac Telephone Co. of West Virginia (KYJ69), location: 2.5 miles northwest of Rainelle, W. Va. Latitude 37°58'52" N., longitude 80°49'20" W. To add frequency: 11,365 MHz toward Layland, W. Va.

3543–C1–P–72—The Chesapeake & Potomac Telephone Co. of West Virginia (KXR62), location: 3.9 miles north of Layland, W. Va. Latitude 37°55'38" N., longitude 80°58'14" W. To add frequency 11,115 MHz toward Beckley, W. Va.

3544–C1–P–72—General Telephone Co. of Florida (KJD20), location: 2.8 miles north of Knights, Fla. Latitude 28°06'56" N., longitude 82°08'52" W. To add frequency: 3970 MHz toward Tampa, Fla.

3636–C1–P–72—General Telephone Co. of Wisconsin (New), a new station at Woodruff, Wis. Latitude 45°53'19" N., longitude 89°36'34" W. Frequency: 6404.8 MHz toward Rhinelander, Wis., and 6375.2 MHz toward Lac du Flambeau, Wis.

3637–C1–P–72—General Telephone Co. of Wisconsin (New), a new station located at Lac du Flambeau, Wis. Latitude 45°58'31" N., longitude 89°53'06" W. Frequency: 6152.8 MHz toward Clear Lake, Wis., and 6123.1 MHz toward Manitowish Waters, Wis.

3638–C1–P–72—The Mountain States Telephone & Telegraph Co. (KPV91), location: Bainville Junction, 7.2 miles north-northeast of Bainville, Mont. Latitude 48°14'16" N., longitude 104°11'14" W. To change points of communication to Plentywood Junction, Mont., via passive reflector on frequencies 5945.2 and 6063.8 MHz.

3639–C1–P–72—The Mountain States Telephone & Telegraph Co. (KPX85), location: 115 West Second Avenue, Plentywood, MT. Latitude 48°46'18" N., longitude 104°33'25" W. To add frequencies 6226.9 and 6345.5 MHz toward Bainville, Mont. via passive reflector.

3679–C1–P–72—The Mountain States Telephone & Telegraph Co. (KYJ78), location: 13.6 miles southwest of Rawlins, Wyo. Latitude 41°38'15" N., longitude 107°23'11" W. To add frequency 6271.4 MHz toward Encampment, Wyo. via passive reflector.

3680–C1–P–72—The Mountain States Telephone & Telegraph Co. (New), a new station at the Corner of Freeman Avenue and Fifth Street, Encampment, WY. Latitude 41°12'31" N., longitude 106°47'26" W. Frequency: 6019.3 MHz toward Separation Peak, Wyo. via passive reflector.

3681–C1–P–72—Pacific Northwest Bell Telephone Co. (KPE30), location: 8.7 miles west-southwest of Ritzville, Wash. latitude 47°04'32" N., longitude 118°32'58" W. Frequency: 2120.4 MHz toward Odessa, Wash. via passive reflector.

3682–C1–P–72—Pacific Northwest Bell Telephone Co. (New), a new station located south side of Marjorie Avenue between Fourth and Fifth, Odessa, WA. Latitude 47°20'03" N., longitude 118°41'20" W. Frequency: 2170.4 MHz toward Ritzville, Wash. via passive reflector.

21 C.P. Applications To Be Part of a Proposed Data Communications Service Across the United States

3615–C1–P–72—Data Transmission Co. (New), a new station located at 260 Sheridan Avenue, Palo Alto, CA. Latitude 37°25'36" N., longitude 122°08'23" W. Frequency 6404.8H MHz on azimuth 144°59' toward Tomita Hill, Calif.

3616–C1–P–72—Data Transmission Co. (New), a new station located 1.8 miles southwest of Casitas Springs, Calif. Latitude 34°20'58" N., longitude 119°20'08" W. Frequency 6093.5V MHz on azimuth 289°00' toward Broadcast Peak, Calif., and 6197.2H MHz on azimuth 78°53' toward Piru, Calif.

3617–C1–P–72—Data Transmission Co. (New), a new station located 1.6 miles northwest of Piru, Calif. Latitude 34°26'00" N., longitude 118°48'48" W. Frequency 5945.2H MHz on azimuth 259°11' toward Casitas Springs, Calif., 6152.8V MHz on azimuth 76°56' toward Sierra Pelona, Calif., and 11,525V MHz on azimuth 108°51' toward Mt. Lukens, Calif.

3618–C1–P–72—Data Transmission Co. (New), a new station (Sierra Pelona), located 7 miles southwest of Palmdale, Calif. Latitude 34°32'36" N., longitude 118°14'00" W. Frequency 6404.8V MHz on azimuth 257°16' toward Piru, and 6404.8H MHz on azimuth 104°12' toward Mescal Creek.

3619–C1–P–72—Data Transmission Co. (New), a new station (Mescal Creek), located 7 miles east of Valyermo, Calif. Latitude 34°26'50" N., longitude 117°46'44" W. Frequency 6152.8V MHz on azimuth 284°27' toward Sierra Pelona, and 6152.8V MHz on azimuth 78°33' toward Sidewinder Mountain, Calif.

3620–C1–P–72—Data Transmission Co. (New), a new station (Sidewinder Mountain), located 10 miles northeast of Apple Valley, Calif. Latitude 34°34'11" N., longitude 117°02'04" W. Frequency 6404.8V MHz on azimuth 258°58' toward Mescal Creek, and 6404.8V MHz on azimuth 144°23' toward Onyx, Calif.

3621–C1–P–72—Data Transmission Co. (New), a new station (Onyx), located 8 miles southeast of Sugarloaf, Calif. Latitude 34°11'30" N., longitude 116°42'32" W. Frequency 6152.8V MHz on azimuth 324°34' toward Sidewinder Mountain, and 6152.8H MHz on azimuth 131°04' toward Mecca Hills, Calif.

3622–C1–P–72—Data Transmission Co. (New), a new station (Mecca Hills), located 2 miles southwest of Cactus City, Calif. Latitude 33°39'27" N., longitude 115°58'43" W. Frequency 6404.8H MHz on azimuth 311°28' toward Onyx, and 6404.8H MHz on azimuth 90°11' toward Desert Center, Calif.

3623–C1–P–72—Data Transmission Co. (New), a new station located at 5 miles southwest of Desert Center, Calif. Latitude 33°39'18" N., longitude 115°27'11" W. Frequency 6152.8H MHz on azimuth 270°28' toward Mecca Hills, Calif., and 6152.8V MHz on azimuth 93°50' toward McCoy, Calif.

3624–C1–P–72—Data Transmission Co. (New), a new station (McCoy), located 10 miles west of Blythe, Calif. Latitude 33°36'53" N., longitude 114°46'09" W. Frequency 6404.8V MHz on azimuth 274°13' toward Desert Center, Calif., and 6404.8V MHz on azimuth 97°07' toward Cunningham Mountain, Ariz.

3625–C1–P–72—Data Transmission Co. (New), a new station (Cunningham Mountain), located 14.5 miles east of Blythe, Calif. Latitude 33°34'13" N., longitude 114°21'01" W. Frequency 6152.8V MHz on azimuth 277°20' toward McCoy, Calif., and 6152.8V MHz on azimuth 45°32' toward Midway, Ariz.

3626–C1–P–72—Data Transmission Co. (New), a new station located 7 miles east-southeast of Midway, Ariz. Latitude 34°02'54" N., longitude 113°45'49" W. Frequency 6404.8V MHz on azimuth 225°51' toward Cunningham Mountain, and 6404.8H MHz on azimuth 86°59' toward Pete Smith Peak.

3627–C1–P–72—Data Transmission Co. (New), a new station (Pete Smith Peak), located 12 miles north-northeast of Gladden, Ariz. Latitude 34°03'56" N., longitude 113°21'18" W. Frequency 6152.8H MHz on azimuth 121°26' toward White Tank Mountain, and 6152.8H MHz on azimuth 267°13' toward Midway.

3628–C1–P–72—Data Transmission Co. (New), a new station (Thompson Peak), located 15 miles north of Mesa, Ariz. Latitude 33°38'39" N., longitude 111°48'41" W. Frequency 6152.8V MHz on azimuth 270°37' toward White Tank Mountain, 11,385V MHz on azimuth 126°56' toward Florence Junction, and 6093.5H MHz on azimuth 235°14' toward Phoenix.

3629–C1–P–72—Data Transmission Co. (New), a new station located 5.6 miles north of Florence Junction, Ariz. Latitude 33°20'15" N., longitude 111°19'37" W. Frequency 10,775V MHz on azimuth 307°12' toward Thompson Peak, and 6404.8V MHz on azimuth 115°25' toward Ray, Ariz.

21 C.P. Applications To Be Part of a Proposed Data Communications Service Across the United States—Continued

3630–C1–P–72—Data Transmission Co. (New), a new station located 2.6 miles north-northeast of Ray, Ariz. Latitude 33°11'15" N., longitude 110°57'11" W. Frequency 6152.8V MHz on azimuth 295°38' toward Florence Junction, 6093.5V MHz on azimuth 119°55' toward Buford Hill, Ariz.

3631–C1–P–72—Data Transmission Co. (New), a new station (Buford Hill), located 5.3 miles east of Klondyke, Ariz. Latitude 32°50'13" N., longitude 110°14'08" W. Frequency 6404.8H MHz on azimuth 300°18' toward Ray, and 6404.8V MHz on azimuth 100°03' toward Thatcher, Ariz.

3632–C1–P–72—Data Transmission Co. (New), a new station (Thatcher), located 9 miles northeast of Stafford, Ariz. Latitude 32°46'30" N., longitude 109°49'35" W. Frequency 6152.8V MHz on azimuth 280°16' toward Buford Hill, and 6152.8H MHz on azimuth 100°00' toward Duncan, Ariz.

3633–C1–P–72—Data Transmission Co. (New), a new station (Hueco Mountain), located 25 miles east of El Paso, Tex. Latitude 31°52'59" N., longitude 105°55'13" W. Frequency 6093.5V MHz on azimuth 284°48' toward Anthony Gap, and 6152.8V MHz on azimuth 113°57' toward Black Mountain, Tex.

3634–C1–P–72—Data Transmission Co. (New), a new station (Black Mountain), located 11.5 miles south-southwest of Salt Flat, Tex. Latitude 31°35'38" N., longitude 105°09'57" W. Frequency 6404.8V MHz on azimuth 294°21' toward Hueco Mountain, and 6345.5V MHz on azimuth 109°24' toward Delaware Ranch, Tex.

3635–C1–P–72—Data Transmission Co. (New), a new station (Delaware Ranch), located 24.2 miles north of Plateau, Tex. Latitude 31°24'54" N., longitude 104°34'40" W. Frequency 6152.8V MHz on azimuth 289°42' toward Black Mountain, Tex., and 6152.8H MHz on azimuth 127°09' toward Levinson, Tex.

The following Applicants proposes to establish omnidirectional facilities for the provision of common carrier "Subscriber-Programmed" television service.

3541–C1–P–72—Delta Valley Radiotelephone Co., Inc. (New), a new station at 3502 Kroy Way, Sacramento, CA. Latitude 38°32'37" N., longitude 121°25'21" W. Frequencies: 2152.325 MHz (Visual) and 2150.200 MHz (Aural), toward various receiving points of system and 2158.500 MHz (Visual) and 2154.000 MHz (Aural), toward various receiving points of system.

3613–C1–P–72—Western Tele-Communications, Inc. (New), a new station at 2 miles southwest of Golden, Colo. (Denver). Latitude 39°43'54" N., longitude 105°14'58" W. Frequencies: 2152.325 MHz (Visual) and 2150.200 MHz (Aural), toward various receiving points of system and 2158.500 MHz (Visual) and 2154.000 MHz (Aural), toward various receiving points of system.

3614–C1–P–72—Alfred E. Anscombe (New), a new station at Rand Building, Washington and Broadway, Buffalo, NY. Latitude 42°53'10" N., longitude 78°52'26" W. Frequencies: 2152.325 MHz (Visual) and 2150.20 MHz (Aural), toward various receiving points of system and 2158.50 MHz (Visual) and 2154.00 MHz (Aural), toward various receiving points of system.

3678–C1–P–72—Century Cable Communications, Inc. (New), a new station at 926 J Street, Sacramento, CA. Latitude 38°34'49" N., longitude 121°29'34" W. Frequencies: 2152.325 MHz (Visual) and 2150.20 MHz (Aural), toward various receiving points of system and 2158.50 MHz (Visual) and 2154.00 MHz (Aural), toward various receiving points of system.

INFORMATIVE: It appears that the following Applications may be mutually exclusive and subject to the Commission's Rules regarding ex parte presentations, by reasons of potential electrical interference.

California

Microband Corp. of America (New), File No. 1977–C1–P–72.
Microwave Transmission Corp. (New), File No. 2814–C1–P–72.
Delta Valley Radiotelephone Co., Inc. (New), File No. 3541–C1–P–72.

Colorado

Western Tele-Communications, Inc. (New), File No. 3613–C1–P–72.
Tekkom, Inc. (New), File No. 1986–C1–P–72.
Microband Corp. of America (New), File No. 2274–C1–P–72.

New York

Alfred E. Anscombe (New), File No. 3614–C1–P–72.
Microband Corp. of America (New), File No. 978–C1–P–72.
Eastern Microwave, Inc. (New), File No. 3086–C1–P–72.

Major Amendments

2868–C1–P–70—MCI-North Central States, Inc. (New), Site 1, Minneapolis, Minn. Change proposed station location to a new station at Seventh and Marquette Avenue, Minneapolis, MN. Change proposed station location to latitude 44°58'34", longitude 93°16'16". Correct azimuths and frequencies to 11,665.0, 11,265.0, MHz on azimuth 102°52' toward St. Paul, Minn. Delete Cannon Falls, Minn., as a point of communication. Delete frequencies 5989.7, 6108.3 MHz.

2869–C1–P–70—MCI-North Central States, Inc. (New), Site 2, St. Paul, Minn. Change proposed station location to a new station at Fourth and Minnesota Streets, St. Paul, MN at latitude 44°56'48", longitude 93°05'26". Correct azimuths and frequencies to 10,735.0, 11,135.0, MHz toward Minneapolis, Minn. on azimuth 283°00' and 5945.2 MHz on azimuth 205°36' toward Coates, Minn. Delete Rochester R, Minn. as a point of communication. Delete frequencies 6182.4, 6301.0 MHz and 6212.0, 6330.7 MHz.

2870–C1–P–70—MCI-North Central States, Inc. (New), Site 8, Rochester R, Minn. Change proposed station location to a new station 4.2 miles southwest of Rochester, Minn. at latitude 43°57'35", longitude 92°31'49". Correct frequencies and azimuths to 5945.2 MHz on azimuth 312°38' toward Mantorville, Minn., 5974.8 MHz on azimuth 106°56' toward Chatfield, Minn. and 11,665.0, 11,265.0, MHz on azimuth 36°17' toward Rochester, Minn. Delete Cannon Falls, Arendahl, and Rochester, Minn. as points of communication. Delete frequencies 5960.0H, 6078.6H MHz and 5989.7, 6108.3, MHz, 11,015.0, 11,175.0 MHz.

2871–C1–P–70—MCI-North Central States, Inc. (New), Site 9, Rochester, Minn. C.P. for a new station at 20 Second Avenue SW., Rochester, MN., at latitude 44°01'24", longitude 92°27'56". Correct frequencies and azimuths to 10,735.0, 11,135.0 MHz on azimuth 216°19' toward Rochester R, Minn. Delete frequencies 11,625.0, 11,305.0 MHz.

2872–C1–P–70—MCI-North Central States, Inc. (New), Site 11, Arendahl, Minn. Change proposed station location to 0.2 mile south of Arendahl, Minn. at latitude 43°49'19", longitude 91°54'32". Correct frequencies and azimuths to 5945.2 MHz on azimuth 287°11' toward Chatfield, Minn. and 5974.8 MHz on azimuth 112°23' toward Caledonia, Minn. Delete Rochester and Freeburg, Minn., as points of communication. Delete frequencies 6241.7, 6360.3 MHz and 6212.0, 6330.7 MHz.

2873–C1–P–70—MCI-North Central States, Inc. (New), Site 12, Caledonia, Minn. Change proposed station location to 3.6 miles northeast of Caledonia, Minn., at latitude 43°40'36", longitude 91°25'34". Correct frequencies and azimuths to 6226.9 MHz on azimuths 292°43' toward Arendahl, Minn., and 6197.2 MHz on azimuth 122°59' toward Fargo, Wis. Delete Sylvan, Wis., as a point of communication and frequencies 6019.3, 6137.9 MHz and 5989.7, 6108.3 MHz.

2874–C1–P–70—MCI-North Central States, Inc. (New), Site 14, Boaz, Wis. Change proposed station location to 5.1 miles north-northeast of Boaz, Wis., at latitude 43°24'18", longitude 90°30'05". Correct frequencies and azimuths to 6226.9 MHz on azimuth 278°32' toward Fargo, Wis., and 6197.2 MHz on azimuth 93°19' toward Leland, Wis. Delete Freeburg and North Freedom, Wis., as points of communication. Delete frequencies 6241.7, 6360.3 MHz and 6212.0, 6330.7 MHz.

2875–C1–P–70—MCI-North Central States, Inc. (New), Site 15, Leland, Wis. Change proposed station location to 3 miles north-northeast of Leland, Wis., at latitude 43°22'47", longitude 89°56'13". Correct azimuths and frequencies to 5945.2 MHz on azimuth 273°42' toward Boaz, Wis., and 5974.8 MHz on azimuth 113°46' toward Waunakee, Wis. Delete Sylvan and Sun Prairie, Wis., as points of communication. Delete frequencies 6019.3, 6137.9 MHz and 5989.7, 6108.3 MHz.

2876–C1–P–70—MCI-North Central States, Inc. (New), Site 16, Waunakee, Wis. Change proposed station location to 2 miles northeast of Waunakee, Wis. at latitude 43°13'04", longitude 89°26'15". Correct azimuths and frequencies to 6226.9 MHz on azimuth 294°07' toward Leland, Wis., and 6197.2 MHz on azimuth 91°22' toward Waterloo, Wis., and 10,735.0, 11,135.0 MHz on azimuth 195°32' toward Middleton, Wis. Delete North Freedom, Lake Mills, and Madison, Wis., as points of communication. Delete frequencies 6241.7, 6360.3 MHz, 6212.0, 6330.7 MHz, and 11,305.0, 11,625.0 MHz.

Major Amendments—Continued

2877–C1–P–70—MCI-North Central States, Inc. (New), Site 18, Madison, Wis. Change proposed station location to 222 West Washing Street, Madison, WI, at latitude 43°04′22″, longitude 89°23′13″. Correct frequencies and azimuths to 10,735.0, 11,135.0 MHz on azimuth 246°55′ toward Middleton, Wis. Delete Sun Prairie, Wis., as a point of communication. Delete frequencies 11,015, 11,175.0 MHz.

2878–C1–P–70—MCI-North Central States, Inc. (New), Site 19, Waterloo, Wis. Change proposed station location to 3.2 miles northwest of Waterloo, Wis., at latitude 43°12′37″, longitude 89°02′39″. Correct frequencies and azimuths to 5945.2 MHz on azimuth 271°38′ toward Waunakee, Wis., and 5974.8 MHz on azimuth 105°51′ toward Watertown, Wis. Delete Sun Prairie and Wales, Wis., as points of communication. Delete frequencies 5960.0, 6078.6 MHz and 5989.7, 6108.3 MHz.

2879–C1–P–70—MCI-North Central States, Inc. (New), Site 21, North Prairie, Wis. Change proposed station location to 3.2 miles northwest of North Prairie, Wis., at latitude 42°-57′44″, longitude 88°27′47″. Correct frequencies and azimuths to 5945.2 MHz on azimuth 317°48′ toward Watertown, Wis., and 5945.2 MHz on azimuth 89°12′ toward Hales Corners, Wis. Delete Lake Mills and Milwaukee, Wis., as points of communication. Delete frequencies 6241.7, 6360.3 MHz and 6212.0, 6330.7 MHz.

2880–C1–P–70—MCI-North Central States, Inc. (New), Site 23, Milwaukee, Wis. Station location 1009 North Jackson, Milwaukee, WI, at latitude 43°02′39″, longitude 87°54′18″. Correct azimuths and frequencies to 11,665.0, 11,265.0 MHz on azimuth 236°45′ toward Hales Corners, Wis. Delete Wales and Racine, Wis., as points of communication. Delete frequencies 5960.0, 6078.6 MHz and 5989.7, 6108.3 MHz.

2881–C1–P–70—MCI-North Central States, Inc. (New), Site 25, Racine, Wis. Change proposed station location to 610 Main Street, Racine, WI, at latitude 42°43′36″, longitude 87°46′59″. Correct frequencies to 11,665.0, 11,265.0 MHz on azimuth 277°46′ toward Franksville, Wis. Delete Milwaukee, Wis., and Waukegan, Ill., as points of communication. Delete frequencies 6241.7, 6360.3 MHz and 6212.0, 6330.7 MHz.

2882–C1–P–70—MCI-North Central States, Inc. (New), Site 28, Waukegan, Ill. C.P. for new station 4 South Genesee, Waukegan, IL, at latitude 42°21′33″, longitude 87°49′48″. Correct frequencies and azimuths to 10,735.0, 11,135.0 MHz on azimuth 214°20′ toward Libertyville, Ill. Delete Racine, Wis., and Des Plaines, Ill., as points of communication. Delete frequencies 5960.0, 6078.6 MHz and 5974.8, 6093.5 MHz.

2048–C1–P–71—MCI-North Central States, Inc. (New), Site 29, Chicago North, Ill. Change proposed station location to 1791 West Howard Street, Chicago North, IL, at latitude 42°-01′08″, longitude 87°40′32″. Correct frequencies to 11,665.0, 11,265.0 MHz on azimuth 161°54′ toward Chicago, Ill., and 6197.2 MHz on azimuth 322°51′ toward Libertyville, Ill. Delete Waukegan, Ill., as a point of communication. Delete frequencies 6226.9, 6345.5 MHz and 11,425.0 MHz.

2883–C1–P–70—MCI-North Central States, Inc. (New), Site 30, Chicago, Ill. Change proposed station location to the John Hancock Building, Chicago, Ill., at latitude 41°53′56″, longitude 87°37′24″. Correct frequencies to 10,735.0, 11,135.0 MHz on azimuth 342°01′ toward Chicago North, Ill. Delete Des Plaines, Ill., as a point of communication. Delete frequencies 10,775.0, 11,015.0 MHz.

2928–C1–P–70—Data Transmission Co. (New), change station location to Tomita Hill, 3.3 miles east of Aldercroft Heights, Calif., latitude 37°09′37″ N., longitude 121°54′24″ W. Change frequencies to 6152.8 MHz on azimuth 325°07′ toward Palo Alto and 6152.8 MHz on azimuth 141°04′ toward Fremont Peak, Calif. Delete point of communication at San Bruno Mountain. Change antennas to UHX12–59D toward Palo Alto and to UHX10–59D toward Fremont Peak.

2929–C1–P–70—Data Transmission Co. (New), a new station at Fremont Peak, 10 miles northeast of Salinas, Calif. Employ frequency 6375.2 MHz on azimuth 321°19′ toward a new point of communication at Tomita Hill. Delete point of communication at Mount Chual.

2933–C1–P–70—Data Transmission Co. (New), a new station located at Broadcast Peak, 10 miles northwest of Goleta, Calif. Change frequency to 6345.5 MHz on azimuth 108°39′ toward Casitas Springs, a new point of communication. Delete point of communication at Frazier Mountain.

Major Amendments—Continued

2935–C1–P–70—Data Transmission Co. (New), a new station at Mount Lukens, 3.5 miles north of LaCrescenta, Calif. Change frequencies to 10,795 MHz on azimuth 289°11′ toward a new point of communication at Piru, to 10,795 MHz on azimuth 205°44′ toward Los Angeles, Calif. Delete points of communication at Frazier Mountain and Modjeska Peak.

2936–C1–P–70—Data Transmission Co. (New), a new station located at 5900 Wilshire Boulevard, Los Angeles, CA. Change frequency to 11,525 MHz on azimuth 25°40′ toward Mount Lukens, using antenna HPX8–107.

2945–C1–P–70—Data Transmission Co. (New), change location to 7.5 miles west-northwest of Waddell, Ariz., latitude 33°38′55″ N., longitude 112°32′40″ W. Change frequencies to 6404.8 MHz on azimuth 301°53′ toward Pete Smith Peak, a new point of communication. Frequency 6404.8 MHz on azimuth 90°13′ toward a new point of communication at Thompson Peak. Delete points of communication at Oatman Mountain, Mount Ord, and Phoenix.

2946–C1–P–70—Data Transmission Co. (New), a new station at Clarendon and Central Avenue, Phoenix, AZ. Change frequency to 6345.5 MHz on azimuth 55°05′ toward a new point of communication, Thompson Peak. Delete point of communication at White Tank Mountain.

468–C1–P–71—Data Transmission Co. (New), a new station located at 6.7 miles southwest of Duncan, Ariz. Change frequencies to 6375.2 MHz on azimuth 98°17′ toward Jacks Mountain, and 6404.8 MHz on azimuth 280°20′ toward Thatcher. Delete point of communication at Lonestar Mountain.

2950–C1–P–70—Data Transmission Co. (New), a new station located at Jacks Mountain, 15.5 miles southwest of Silver City, N. Mex. Change frequency to 6152.8 MHz on azimuth 278°42′ toward Duncan.

2952–C1–P–70—Data Transmission Co. (New), change location to Aden Hills, 3.5 miles northeast of Aden, N. Mex., latitude 32°11′25″ N., longitude 107°05′28″ W.

2953–C1–P–70—Data Transmission Co. (New), a new station at Anthony Gap, 4.3 miles east of Anthony, N. Mex. Change frequency to 6345.5 MHz on azimuth 104°29′ toward a new point of communication at Hueco Mountain. Delete point of communication at Escondida Tank.

2957–C1–P–70—Data Transmission Co. (New), a new station at 2 miles east of Levinson, Tex. Employ frequency 6404.8 MHz on azimuth 307°24′ toward a new point of communication at Delaware Ranch. Delete point of communication at Corral Peak.

2973–C1–P–70—Data Transmission Co. (New), a new station located at Santa Rita, 1.7 miles southwest of Best, Tex. Use frequency 6152.8 MHz on azimuth 20°21′ toward a new point of communication at Windmill Flats. Delete point of communication at Magruder Ranch.

472–C1–P–71—Data Transmission Co. (New), change station location to Windmill Flats, 17 miles south of Garden City, Tex., latitude 31°36′24″ N., longitude 101°28′06″ W. Transmit frequency 6404.8 MHz on azimuth 200°26′ toward Santa Rita. Transmit frequency 6404.8 MHz on azimuth 81°30′ toward Sterling City using antenna HP8–59D.

473–C1–P–71—Data Transmission Co. (New), a new station at 13 miles south of Sterling City, Tex. Employ frequency 6152.8H MHz on azimuth 261°45′ toward Windmill Flats, a new point of communication. Delete Magruder Ranch as a point of communication.

475–C1–P–71—Data Transmission Co. (New), change location to 0.8 mile northwest of Norton, Tex., latitude 31°52′58″ N., longitude 100°07′57″ W.

478–C1–P–71—Data Transmission Co. (New), a new station located at 2 miles northnortheast of Sipe Springs, Tex. Employ frequency 6404.8H MHz on azimuth 48°53′ toward a new point of communication at Twin Mountains. Delete point of communication at Lingleville.

479–C1–P–71—Data Transmission Co. (New), change station location to Twin Mountains, 7.4 miles west-northwest of Huckaby, Tex., latitude 32°22′47″ N., longitude 98°24′57″ W. Transmit frequency 6152.8H MHz on azimuth 229°05′ toward Sipe Springs. Transmit frequency 6152.8V MHz on azimuth 85°31′ toward Tolar. Delete point of communication at Comanche Peak.

480–C1–P–71—Data Transmission Co. (New), change station location to Tolar, 4.5 miles south of Granbury, Tex., latitude 32°24′31″ N., longitude 97°58′11″ W. Transmit frequency 6404.8V MHz on azimuth 265°45′ toward Twin Mountains. Transmit frequency 6404.8H MHz on azimuth 36°46′ toward Weatherford. Delete points of communication at Lingleville and Burleson.

Major Amendments—Continued

2984–C1–P–70—Data Transmission Co. (New), change location to 7 miles south-southeast of Weatherford, latitude 32°40'21'' N., longitude 97°44'11'' W. Transmit frequency 6152.8H MHz on azimuth 216°54' toward Tolar a new point of communication. Transmit frequency 6063.8V MHz on azimuth 129°02' toward Primrose a new point of communication. Delete point of communication at Burleson.

2985–C1–P–70—Data Transmission Co. (New), change station location to Primrose, 4.5 miles north-northeast of Godley, Tex., latitude 32°30'10'' N., longitude 97°29'23'' W. Transmit frequency 6404.8V MHz on azimuth 309°10' toward Weatherford. Change frequency 6404.8H on azimuth 82°29' toward Cedar Hill. Delete point of communication at Comanche Peak.

2986–C1–P–70—Data Transmission Co. (New), change location to 2 miles south-southwest of Cedar Hill, latitude 32°33'35'' N., longitude 96°58'16'' W. Change frequency to 6152.8H MHz on azimuth 262°45' toward Primrose, a new point of communication. Change frequency to 6034.2H on azimuth 18°46' toward Dallas. Delete point of communication at Burleson.

2987–C1–P–70—Data Transmission Co. (New), change location to 7220 North Stemmons Freeway, Dallas, TX, latitude 32°49'04'' N., longitude 96°52'02'' W. Change frequency to 6404.8H MHz on azimuth 198°50' toward Cedar Hill. (All other particulars same as reported on Public Notices dated Dec. 15, 1969 and Aug. 3, 1970.)

INFORMATIVE: Western Tele-Communications, Inc., is amending 13 of its 26 applications proposing specialized common carrier service between San Diego, Calif., and Seattle, Wash., and intermediate points. The applications were filed on February 6, 1970 and appeared on Public Notice on February 16, 1970, FCC Report No. 479. Subsequent amendments appeared on Public Notice on July 19, 1971, FCC Report No. 553, July 26, 1971, Report No. 554, and August 30, 1971, Report No. 559.

4267–C1–P–70—Western Tele-Communications, Inc. (New), station location: Elsinore Peak, 4.5 miles south of Elsinore, Calif. Change frequency to 6167.6V MHz towards Toro Peak, azimuth 95°42'.

4268–C1–P–70—Western Tele-Communications, Inc. (New), station location: Santa Catalina, 2.5 miles west-northwest of Avalon, Calif. Change frequencies to 6241.7H and 6360.3H MHz towards Saddle Peak, azimuth 341°27'.

4269–C1–P–70—Western Tele-Communications, Inc. (New), station location: Saddle Peak, 3.5 miles north-northeast of Malibu Beach, Calif. Change frequency to 4050V MHz towards Los Angeles, azimuth 117°17' and change frequencies to 5989.7H and 6108.3H MHz towards Santa Catalina, azimuth 161°18'.

4270–C1–P–70—Western Tele-Communications, Inc. (New), station location: 8801 Bellanca Avenue, Los Angeles, CA. Change frequency to 3750H MHz towards Saddle Peak, azimuth 297°26'.

4271–C1–P–70—Western Tele-Communications, Inc. (New), station location: 950 Stockton Street, San Francisco, CA. Change frequency to 6093.5H MHz towards Mount Vaca, azimuth 20°32'.

4272–C1–P–70—Western Tele-Communications, Inc. (New), station location: Mount Vaca, 8 miles northwest of Vacaville, Calif. Change frequency to 6345.5H MHz towards San Francisco, azimuth 200°43'.

4279–C1–P–70—Western Tele-Communications, Inc. (New), station location: Soda Mountain, 15 miles southeast of Ashland, Oreg. Change frequency to 6256.5H MHz towards Mount Bradley, azimuth 171°27'.

4280–C1–P–70—Western Tele-Communications, Inc. (New), station location: King Mountain, 19 miles north-northeast of Grants Pass, Oreg. Change polarization of frequency 6093.5 MHz to vertical towards Soda Mountain, azimuth 138°30'.

4281–C1–P–70—Western Tele-Communications Inc. (New), station location: Harness Mountain, 13.6 miles northeast of Southerlin, Oreg. Change polarization of frequency 6345.5 MHz to vertical towards Blanton Heights, azimuth 359°04'.

4383–C1–P–70—Western Tele-Communications Inc. (New), station location: Vineyard Hill, 3.8 miles north of Corvallis, Oreg. Change coordinates to latitude 44°38'47'' N., longitude 123°16'11'' W.

4386–C1–P–70—Western Tele-Communications, Inc. (New), station location: 511 Southwest 10th Avenue, Portland, OR. Change frequency to 11445V MHz towards Scappoose, azimuth 319°26'.

Major Amendments—Continued

4288–C1–P–70—Western Tele-Communications, Inc. (New), station location: Capitol Peak, 11.5 miles west-southwest of Olympia, Wash. Change polarization of frequency 6241.7 MHz to vertical toward Tacoma, azimuth 59°26'.

4290–C1–P–70—Western Tele-Communications, Inc. (New), station location: Corner of 15th and K Streets, Tacoma, WA. Change frequency to 6137.9V MHz towards Capitol Peak, azimuth 239°57'.

6116–C1–P–71—Southwestern Bell Telephone Co. Change frequencies 6204.7H, 6323.3H, 11,405V, and 11,565V MHz on azimuth 312°48' to read: 6256.5V MHz.

6117–C1–P–71—Southwestern Bell Telephone Co. Change frequencies 5952.6H, 11,115V, 6071.2H, and 10,955V MHz on azimuth 132°39' to read: 6004.5H MHz and frequencies 6056.4V and 10,755H MHz on azimuth 4°51' to read: 6004.5V MHz.

6118–C1–P–71—Southwestern Bell Telephone Co. Change frequencies 6308.4V and 11,685H MHz on azimuth 184°51' to read: 6256.5H MHz and frequencies 6323.3V and 11,405H MHz on azimuth 9°01' to read: 6256.5 MHz.

6119–C1–P–71—Southwestern Bell Telephone Co. Change frequencies 6071.2V and 10,955V MHz on azimuth 189°04' to read: 6004.5H MHz, and frequencies 6056.4H and 10,755V MHz on azimuth 344°32' to read: 6004.5 MHz.

6120–C1–P–71—Southwestern Bell Telephone Co. Change frequencies 6308.7H and 11,685V MHz on azimuth 164°29' to read: 6256.5H MHz and frequencies 6323.3H and 11,405V MHz on azimuth 329°38' to read: 6256.5V MHz.

6121–C1–P–71—Southwestern Bell Telephone Co. Change frequencies 6071.2H and 10,955V MHz on azimuth 149°35' to read: 6004.5H MHz and frequencies 6056.4V and 10,755H MHz on azimuth 305°05' to read: 6004.5V MHz.

6122–C1–P–71—Southwestern Bell Telephone Co. Change frequencies 6308.4V and 11,685H MHz on azimuth 124°51' to read: 6256.5 MHz and frequencies 6323.3V and 11,405H MHz on azimuth 331°58' to read: 6256.5V MHz.

6123–C1–P–71—Southwestern Bell Telephone Co. Change frequencies 6071.2V and 10,955V MHz on azimuth 151°55' to read: 6004.5H MHz. (All other particulars to remain the same as reported on Public Notice dated May 10, 1971.)

8426–C1–P–70—Telephone Utilities Services Corp. (New), for specialized (data) microwave station at Alvin, Tex., latitude 29°31'04'' N., longitude 95°17'41'' W. Amended to change the frequency on azimuth 314°40' (toward Houston) to 6315.9 MHz and the frequency on azimuth 54°58' (toward Baytown) to 6197.2 MHz. Other particulars as in Public Notices of June 29, 1970 and July 26, 1971.

Corrections

3355–C1–P–72—Pilot Butte Transmission Co., Inc. (KPK29), change identity of signals to KSL–TV, KCPX–TV, KUED–TV, and KUTV of Salt Lake City, Utah for delivery to a master antenna television system in Little America, Wyo. All other particulars same as reported in Public Notice dated December 13, 1971.

1828–C1–P–72—Nebraska Consolidated Communications Corp. (New), add frequencies 6197.2V, 6286.2H, 6315.9V, 6345.5V, and 6404.8H MHz on azimuth 203°13'. All other particulars the same as reported on Public Notice, Report No. 565, dated October 12, 1971.

[FR Doc.72–5 Filed 1–4–72;8:45 am]

FEDERAL MARITIME COMMISSION

BAKKE STEAMSHIP CORP.

Withdrawal of Order for Production of Documents

Withdrawal of order for the production of documents by Bakke Steamship Corporation, agents for Tokai Shipping Co., Ltd. (Tokai Line).

Settlement has been reached on the alleged violations by Tokai Line of section 18(b) which were the subject of the section 21 order served on July 16, 1971, upon Bakke Steamship Corp., agent for Tokai Line.

Accordingly, the issues in this case have now become moot.

It is ordered, That said section 21 order as extended is hereby withdrawn.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–145 Filed 1–4–72;8:50 am]

[Independent Ocean Freight Forwarder License No. 123]

BRITO FORWARDING CO.

Order of Revocation

By letter dated November 17, 1971, Brito Forwarding Co., Post Office Box 450, Brownsville, TX 78520, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 123 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before December 14, 1971.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

John L. Brito, doing business as Brito Forwarding Co., has failed to furnish a surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated September 29, 1970);

It is ordered, That the Independent Ocean Freight Forwarder License of Brito Forwarding Co. be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Brito Forwarding Co. be and is hereby revoked effective December 14, 1971.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon John L. Brito, doing business as Brito Forwarding Co.

AARON W. REESE,
Managing Director.

[FR Doc.72-146 Filed 1-4-72;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. CS72-460, etc.]

TOMMY H. ATKINS ET AL.

Notice of Applications for "Small Producer" Certificates [1]

DECEMBER 22, 1971.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications 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 January 13, 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 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.

MARY B. KIDD,
Acting Secretary.

Docket No.	Date filed	Name of Applicant
CS72-460	12- 2-71	Tommy H. Atkins, 1405 Cherry Laurel St., Norman, OK 73069.
CS72-461	12- 2-71	Thomas E. Berry, et al., Post Office Box 528, Stillwater, OK 74074.
CS72-462	12- 2-71	D. Nealy, c/o Powers Operating Co., 1816 Guaranty Bank Plaza, Corpus Christi, Tex. 78401.
CS72-463	12- 6-71	T. J. Jackson, Post Office Box 812, Roswell, NM 88201.
CS72-464	12- 6-71	George Etz, Sr., 2003 17th St., Lubbock, TX 79401.
CS72-465	12- 6-71	Olivia W. Etz, 2003 17th St., Lubbock, TX 79401.
CS72-466	12- 6-71	George Etz, Jr., 1122 La Vista Dr., McAllen, TX 78501.
CS72-467	12- 6-71	George Etz, Jr., Trustee for Benjamin Cole Etz and George H. Etz III, 1122 La Vista Dr., McAllen, TX 78501.
CS72-468	12- 6-71	Bonnie R. Etz, Post Office Box 1992, Roswell, NM 88201.
CS72-469	12- 6-71	Alva N. Etz II, Post Office Box 1992, Roswell, NM 88201.
CS72-470	12- 6-71	Robert W. Etz, Post Office Box 1992, Roswell, NM 88201.
CS72-471	12- 6-71	James B. Bauchman, Post Office Box 231, Seguin, TX 78155.
CS72-472	12- 6-71	John A. Bauchman, Post Office Box 231, Seguin, TX 78155.
CS72-473	12- 6-71	Jane W. Blumberg, Post Office Box 231, Seguin, TX 78155.
CS72-474	12- 6-71	Leila Bauchman Goddard, Post Office Box 231, Seguin, TX 78155.
CS72-475	12- 6-71	Estate of Hilda B. Weinert, Post Office Box 231, Seguin, TX 78155.
CS72-476	12- 6-71	E. A. Tapp Estate, Post Office Box 231, Seguin, TX 78155.
CS72-477	12- 6-71	Albert B. Fay, 515 Houston Avenue, Houston, TX 77007.
CS72-478	12-6-71	Equity Oil Co., 806 American Oil Bldg., Salt Lake City, Utah 84101.
CS72-479	12-6-71	Cummins & Walker Oil Co., Inc., Post Office Box 718, Corpus Christi, TX 78403.
CS72-480	12-7-71	W. L. Pickens, 800 Preston Bank Bldg., Dallas, Tex. 75225.
CS72-481	12-6-71	Lenoir M. Josey, Inc. (Operator), et al., 504 Waugh Dr., Houston, TX 77019.
CS72-482	12-7-71	Butler-Johnson, Inc., Post Office Box 306, Shreveport, LA 71162.
CS72-483	12-8-71	Antares Oil Corp., 801 Patterson Bldg., Denver, Colo. 80202.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[FR Doc.72-52 Filed 1-4-72;8:45 am]

[Dockets Nos. RI72-159, etc.]

GULF OIL CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject To Refund [1]

DECEMBER 23, 1971.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in appendix A below.

The proposed changed rates and charges 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 hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their 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, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements 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. Each 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 supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

MARY B. KIDD,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

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 subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI72-159	Gulf Oil Corp	190	[1] 10	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex. (San Juan Basin).	$21,151	11-26-71		1-27-72	15.2869	21.33	RI69-708.
	do	202	7	do	34,446	11-26-71		1-27-72	15.2869	21.33	RI69-708.
	do	351	[2] 11	do	14,926	11-26-71		1-27-72	15.2869	21.33	RI70-1962.
	do	150	13	Bisti Lower Gallup Field, San Juan County, N. Mex. (San Juan Basin).	242	11-26-71		1-27-72	15.2869	21.33	RI69-709.
	do	348	8		[3]	11-26-71		1-27-72	15.2869	21.33	RI71-502.
	do	38	6	Blanco Mesa Verde Field, San Juan County, N. Mex. (San Juan Basin).	1,602	11-26-71		1-27-72	15.2886	21.33	RI69-708.
	do	47	9	Ballard Pictured Cliffs Field, Rio Arriba County, N. Mex. (San Juan Basin).	5,980	11-26-71		1-27-72	13.2486	21.33	RI69-708.
RI72-160	Hunt Oil Co	68	1	El Paso Natural Gas Co., Leases in Eddy County, N. Mex. (Permian Basin).	6,050	12- 6-71		[10] 2- 6-72	[4] [5] 24.5	[5] 30.0	
RI72-161	Northern Natural Gas Producing Co.	25	[6] 19	El Paso Natural Gas Co., Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex. (San Juan Basin).	1,424	12- 3-71		7-11-72	14.2343	29.23	RI69-856.
	do	26	[7] 18	do	20,854	12- 3-71		7-11-72	14.2343	29.23	RI69-432.
	do	27	[6] 19	do	29,246	12- 3-71		7-11-72	14.2343	29.23	RI69-432.
RI72-162	Hunt Industries	9	1	El Paso Natural Gas Co., Brown Bassett Field, Terrell County, Tex. (Permian Basin).	312	12- 9-71		2- 9-72	[4] [8] 21.52	[8] 22.0	

*Pressure base is 15.025 p.s.i.a., unless otherwise stated.
[1] Not applicable to production from acreage added by Supplements Nos. 4 and 5.
[2] Not applicable to production from acreage added by Supplement No. 4.
[3] Gas presently being used in field operations.
[4] Initial rate under Mitchell type certificate.
[5] Pressure base is 14.65 p.s.i.a.
[6] Does not include gas from acreage added by Supplements Nos. 3, 4, and 5.
[7] Does not include gas from acreage added by Supplements Nos. 2, 3, and 4.
[8] 22-cent base rate minus downward B.t.u. adjustment.
[9] Contract does not include downward B.t.u. adjustment which was required in the temporary certificate issued in Docket No. CI71-707.
[10] Or 1 day after date of first deliveries, whichever is later.

The proposed increases for sales to El Paso in San Juan Basin are based on favored-nation clauses which were allegedly activated indirectly by Aztec Oil & Gas Co.'s unilateral rate increase to 29.23 cents which became effective subject to refund in Docket No. RI71-744 on August 1, 1971. The purchaser, El Paso Natural Gas Co. and Southern California Gas Co. are expected to protest these favored-nation increases on the basis that they are not contractually authorized. In view of the contractual problem presented, the hearings herein shall concern themselves with the contractual basis for these favored-nation filings, as well as the justness and reasonableness of the proposed increased rates. Gulf has fractured its proposed increases to 21.33 cents per Mcf and has waived its right to file for a higher rate for a period of 1 year from the date of filing unless the Commission establishes a higher area rate for the San Juan Basin or El Paso and Gulf agree to a higher contract rate during such period. A 1-day suspension is therefore appropriate for Gulf's increases.[1] Since Northern's proposed rates exceed the corresponding rate filing limitations imposed in southern Louisiana, they should be suspended for 5 months.

The initial rates for the sales involved here by Hunt Oil Co. and Hunt Industries are authorized under Mitchell type certificates. A 1-day suspension period is therefore appropriate for their rate increases.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

In view of all the facts and circumstances in this case, the Commission's action herein of permitting the subject rate increases to become effective, subject to refund, at the expiration of the respective suspension periods ordered herein pending Commission determination of the justness and reasonableness of such increased rates is consistent with the Economic Stabilization Act of 1970, as amended, and regulations existing thereunder.

[1] See order issued December 17, 1971, in Amoco Production Co., Docket No. RI72-70.

[FR Doc.72-37 Filed 1-4-72;8:45 am]

FEDERAL RESERVE SYSTEM

CPC INTERNATIONAL, INC.

Nonbanking Activities

CPC International, Inc., Englewood Cliffs, N.J., has applied, pursuant to section 4(d) of the Bank Holding Company Act (12 U.S.C. 1843(d)), for an exemption from the provisions of the Act limiting the nonbanking activities of a bank holding company. Applicant controls Argo State Bank, Summit, Ill.

Under section 4(d), the exemption may be granted "(1) to avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or communities involved, or (2) to avoid forced sales of small locally owned banks to purchasers not similarly representative of community interests, or (3) to allow retention of banks that are so small in relation to the holding company's total interests and so small in relation to the banking market to be served as to minimize the likelihood that the bank's powers to grant or deny credit may be influenced by a desire to further the holding company's other interests."

Interested persons may express their views on this matter. The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any request for a hearing on this matter should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

Any views or requests for a hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 31, 1972.

Board of Governors of the Federal Reserve System, December 29, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-121 Filed 1-4-72;8:48 am]

MILTON HERSHEY SCHOOL AND SCHOOL TRUST

Nonbanking Activities

Milton Hershey School and School Trust, Hershey, Pa., has applied, pursuant to section 4(d) of the Bank Holding Company Act (12 U.S.C. 1843(d)), for an exemption from the provisions of the act limiting the nonbanking activities of a bank holding company. Applicant controls The Hershey National Bank, Hershey, Pa.

Under section 4(d), the exemption may be granted "(1) to avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or communities involved, or (2) to avoid forced sales of small locally owned banks to purchasers not similarly representative of community interests, or (3) to allow retention of banks that are so small in relation to the holding company's total interests and so small in relation to the banking market to be served as to minimize the likelihood

that the bank's powers to grant or deny credit may be influenced by a desire to further the holding company's other interests."

Interested persons may express their views on this matter. The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Philadelphia. Any request for a hearing on this matter should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

Any views or requests for a hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 31, 1972.

Board of Governors of the Federal Reserve System, December 29, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-122 Filed 1-4-72;8:48 am]

MINNESOTA MINING AND MANUFACTURING CO.

Nonbanking Activities

Minnesota Mining and Manufacturing Company, St. Paul, Minn., has applied, pursuant to section 4(d) of the Bank Holding Company Act (12 U.S.C. 1843 (d)), for an exemption from the provisions of the act limiting the nonbanking activities of a bank holding company. Applicant controls Eastern Heights State Bank of St. Paul, St. Paul, Minn.

Under section 4(d), the exemption may be granted "(1) to avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or communities involved, or (2) to avoid forced sales of small locally-owned banks to purchasers not similarly representative of community interests, or (3) to allow retention of banks that are so small in relation to the holding company's total interests and so small in relation to the banking market to be served as to minimize the likelihood that the bank's powers to grant or deny credit may be influenced by a desire to further the holding company's other interests."

Interested persons may express their views on this matter. The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any request for a hearing on this matter should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

Any views or requests for a hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 31, 1972.

Board of Governors of the Federal Reserve System, December 29, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-123 Filed 1-4-72;8:48 am]

POSTAL SERVICE

MAIL RECLASSIFICATION

Notice of Public Meeting

The U.S. Postal Service will hold a public forum on mail reclassification on January 17, 1972, at 9:30 a.m. The meeting will be held in the Departmental Auditorium, north side of Constitution Avenue between 12th and 14th Streets, NW., Washington, D.C.

The Postal Reorganization Act requires submission of a proposed mail classification schedule to the Postal Rate Commission by January 20, 1973. (See 39 U.S.C. 3623, which became effective on Jan. 20, 1971, 36 F.R. 785.) In developing its proposals, the Postal Service is seeking the views of business mailers and the general public. Business mailers have regular opportunities for dialogue with the Postal Service through the Mailers' Technical Advisory Committee, the more than 500 Postal Customer Councils throughout the country, and the annual National Postal Forum in Washington, D.C. The January 17 meeting is intended specifically to give private citizens the opportunity to offer suggestions for reclassification of postal products.

Individuals who are unable to attend the meeting may submit written suggestions to the Director, Office of Sales, U.S. Postal Service, Post Office Box 603, Washington, DC 20044.

The foregoing notice was published earlier in the daily issue of December 22, 1971 (36 F.R. 24246).

LOUIS A. COX,
Solicitor.

[FR Doc.72-112 Filed 1-4-72;8:47 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 861 (Class B)]

MISSOURI

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of December 1971, because of the effects of certain disasters damage resulted to business and residence property located in the State of Missouri;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Greene County, Mo., suffered damage or destruction resulting from a tornado on December 14, 1971.

OFFICE

Small Business Administration Regional Office, 911 Walnut Street, Kansas City, MO 64106.

2. A temporary office will be established in Greene County, Mo., address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to June 30, 1972.

Dated: December 16, 1971.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.72-124 Filed 1-4-72;8:48 am]

TARIFF COMMISSION

SHEET GLASS

Report to the President

The U.S. Tariff Commission today released a report to the President on the results of an investigation conducted under section 351(d)(3) of the Trade Expansion Act of 1962 pertaining to sheet glass. In February 1970, following an "escape clause" investigation by the Tariff Commission in which the Commission split 3-3 as to whether imports of sheet glass were causing injury to the domestic industry, the President continued the modified escape-clause rates applicable to certain sheet glass (i.e., to window glass), that had been in effect since January 11, 1967. The Presidential proclamation continuing these rates provides for their termination in three annual stages, the first to take place on January 31, 1972.

Under the provisions of section 351(d)(3), the Commission, under specified conditions, is required to advise the President of its judgment as to the probable economic effect of the termination of escape-clause rates of duty on the industry concerned. In the report, the Commission indicated that in its opinion, the termination of the first stage of the current modified escape-action rates of duty on imported window glass would impair the efforts of the domestic industry producing sheet glass to achieve viable operations. Commissioners Leonard and Young did not participate in the decision.

The report released today contains statistical data and other information on developments in the sheet glass industry.

Some of the material reported to the President may not be made public since it includes information that would disclose certain operations of individual firms. Such information, therefore, has been omitted from the report released to the public.

Copies of the public report (TC Publication 449) are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, DC 20436.

By direction of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.72-111 Filed 1-4-72;8:47 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

DECEMBER 30, 1971.

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.

FD 12131, Boston and Providence Railroad Corp. Reorganization now assigned January 4, 1972, at Washington, D.C., postponed indefinitely.

MC 70083, Sub 19, Drake Motor Lines, assigned January 19, 1972, MC 116763 Sub 190, Carl Subler Trucking, assigned January 13, 1972, MC 127957 Sub 2, Dominick Spinelli, doing business as Direct Way Auto Shippers, assigned January 11, 1972, MC 135544, Harley-Davidson of Miami & Orlando, assigned January 17, 1972, will be held in the Du Pont Plaza Hotel, 300 Biscayne Boulevard Way, Miami, FL.

FD 26525, Chicago, Milwaukee, St. Paul & Pacific Railroad Co.—Trackage Rights—Louisville & Nashville Railroad Co. between Bedford Ind. and New Albany, Ind., also over Kentucky & Indiana Terminal, Railroad Co., between New Albany, Ind. and Louisville, Ky., assigned January 24, 1972, FD 26526, Chicago, Milwaukee, St. Paul & Pacific Railroad Co., Assumption of Obligation and Liability, assigned January 24, 1972, FD 26887, Chicago, Milwaukee, St. Paul & Pacific Railroad Co. and Kentucky & Indiana Railroad Co., Joint Use of Terminal—Louisville, Ky. assigned January 24, 1972, MC 126537, Sub 23, Kent I. Turner, Kenneth E. Turner and Ervin I. Turner, a partnership doing business as Turner Expediting Service, assigned January 19, 1972, will be held in Room 829, Federal Building, 600 Federal Place, Louisville, KY.

MC 127689 Sub 42, Pascagoula Drayage Co., Inc., now being assigned February 25, 1972, at New Orleans, La., in a hearing room to be designated later.

MC 100666 Sub 188, Melton Truck Lines, Inc., now being assigned February 25, 1972, at New Orleans, La., in a hearing room to be designated later.

MC 128404 Sub 3, Blackwood Crane & Truck Service, Inc., assigned January 24, 1972, at Atlanta, Ga., will be held in Room 556, Federal Office Building, 275 Peachtree Street NE.

MC 51146 Sub 212, Schneider Transport & Storage, Inc., assigned January 26, 1972, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree Street, Atlanta, GA.

MC 133220 Sub 3, Record Truck Line, Inc., assigned January 27, 1972, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree Street.

MC 103926 Sub 26, W. T. Mayfield Sons Trucking Co., assigned for hearing January 31, 1972, at Atlanta, Ga., will be held in Room 556, Federal Office Building, 275 Peachtree Street NE., Atlanta, GA.

No. FF-359, Auto Trip USA, Inc., Freight Forwarder Application assigned January 17, 1972, MC-C-7287, AAACon Auto Transport, Inc., Investigation and Revocation of Certificate, assigned January 17, 1972, MC-C-7287 Sub 1, AAACon Auto Transport, Petition for Declaratory Order assigned January 17, 1972, will be held in Room 1510, Federal Office Building, 51 Southwest First Street, Miami, FL.

MC 107295 Sub 543, Pre-Fab Transit Co., now being assigned January 31, 1972, in Room 305, 1252 West Peachtree Street NW., Atlanta, GA.

MC 133470 Sub 4, S. J. Durrance Co., Inc., now being assigned February 1, 1972, in Room 305, 1252 West Peachtree Street NW., Atlanta, GA.

MC 107515 Sub 780, Refrigerated Transport Co., Inc., now being assigned February 2, 1972, in Room 305, West Peachtree Street NW., Atlanta, GA.

MC 129054 Sub 11, Gilder Trucking Co., now being assigned February 3, 1972, in Room 305, West Peachtree Street NW., Atlanta, GA.

MC 51146 Sub 232, Schneider Transport & Storage, Inc., assigned January 17, 1972, at Chicago, Ill., postponed indefinitely.

MC-F-11094, Navajo Freight Lines, Inc.—Investigation of Control—Garrett Freight Lines, Inc., MC-F-11198, Navajo Freight Lines, Inc.—Control—Garrett Freight Lines, Inc., continued to February 8, 1972, in Room 1430, Federal Building, 1961 Stout Street, Denver, CO.

No. 34543 Increased Suburban Fares—New Jersey and New York Railroad Co. and Erie Lackawanna Railroad Co., now being assigned February 15, 1972, at New York, N.Y., in a hearing room to be designated later.

MC 89684 Sub 78, Wycoff Co., Inc., now being assigned February 28, 1972, in Room 314, Annex Building, 135 South State Street, Salt Lake City, UT.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-143 Filed 1-4-72;8:50 am]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 30, 1971.

Protests to the granting of an application must be prepared in accordance with § 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. 42329—*Grain products between points in Indiana and points in southern territory,* filed by M. B. Hart, Jr., Agent (No. A6290), for and on behalf of Louisville and Nashville Railroad Co. and Seaboard Coast Line Railroad Co. Rates on grain products, in carloads, as described in the application, between L&N points in Indiana, on the one hand, and L&N points in southern territory, also SCL points in Alabama, Florida, and Georgia, on the other.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Supplement 6 to Southern Freight Association, Agent, tariff I.C.C. S-999. Publication is scheduled to become effective February 9, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-137 Filed 1-4-72;8:49 am]

[Notice 36]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 30, 1971.

The following letter-notices of proposals 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 operation 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. 601), GREYHOUND LINES, INC. (Western Division), 371 Market Street, San Francisco, CA 94106, filed December 17, 1971. 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 a deviation route as follows: From junction unnumbered highway and U.S. Highway 101 (San Lucas Junction) over U.S. Highway 101 to junction unnumbered highway (San Ardo Junction), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From San Francisco,

Calif., over U.S. Highway 101 to junction unnumbered highway (Santa Rita Junction), thence over ununmbered highway to junction U.S. Highway 101 (Sherwood Park Junction, Salinas), thence over U.S. Highway 101 to junction unnumbered highway (North Gonzales Junction), thence over unnumbered highway via Gonzales to junction U.S. Highway 101 (South Gonzales Junction), thence over U.S. Highway 101 to junction unnumbered highway (San Lucas Junction), thence over unnumbered highway to junction U.S. Highway 101 (San Ardo Junction), thence over U.S. Highway 101 to junction unnumbered highway (North Bradley Junction), thence over unnumbered highway to junction U.S. Highway 101 (Camp Roberts Junction), thence over U.S. Highway 101 to San Luis Obispo, Calif., and return over the same route.

No. MC-1515 (Deviation No. 602), GREYHOUND LINES, INC. (Western Division), 371 Market Street, San Francisco, CA 94106, filed December 21, 1971. 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 a deviation route as follows: From junction Interstate Highway 80, U.S. Highway 30-S and Interstate Highway 80-N (Echo Junction, Utah), over Interstate Highway 80-N to junction U.S. Highway 30-S (Devil's Slide Interchange), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From the Wyoming-Utah State line over Interstate Highway 80 to junction U.S. Highway 30-S (Echo Junction), thence over U.S. Highway 30-S to junction Interstate Highway 80-N (Devil's Slide Interchange), thence over Interstate Highway 80-N to Salt Lake City, Utah (connects with Wyoming Route 1).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-139 Filed 1-4-72;8:50 am]

[Notice 41]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 30, 1971.

The following letter-notices of proposals 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-33641 (Deviation No. 37), IML FREIGHT, INC., 2175 South 3270 West, Post Office Box 2277, Salt Lake City, UT 84110, filed December 21, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Los Angeles, Calif., over California Highway 99 (also over Interstate Highway 5) to Sacramento, Calif., thence over U.S. Highway 30 (Interstate Highway 80) to Winnemucca, Nev., thence over U.S. Highway 95 to the junction of Idaho Highway 55 near Marshing, Idaho, thence over Idaho Highway 55 to junction U.S. Highway 30 near Nampa, Idaho, thence over U.S. Highway 30 to Boise, Idaho, 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 Los Angeles, Calif., over U.S. Highway 66 to Barstow, Calif., thence over U.S. Highway 91 to Brigham City, Utah, thence over U.S. Highway 30-S to Burley, Idaho, thence over U.S. Highway 30 to Boise, Idaho, and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-140 Filed 1-4-72;8:50 am]

[Notice 104]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 30, 1971.

The following publications 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.

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.

MOTOR CARRIERS OF PROPERTY

No. MC 115162 (Sub-No. 230) (Republication), filed May 24, 1971, published in the FEDERAL REGISTER issue of June 17, 1971, and republished this issue. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). An order of the Commission, Operating Rights Board, dated November 29, 1971, and served December 17, 1971, 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 urethane, urethane products, roofing and roofing materials, insulating materials, composition board, and gypsum products and materials used in the installation thereof except (a) chemicals and (b) commodities, in bulk, from the plantsite and storage facilities of the Celotex Corp., at Charleston, Ill., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Oklahoma, and Texas, restricted to the transportation of traffic originating at the plantsite and storage facilities of the Celotex Corp. at Charleston, Ill. 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 the 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.

No. MC 134387 (Sub-No. 4) (Republication), filed May 27, 1971, published in the FEDERAL REGISTER issue of June 24, 1971, and republished this issue. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, CA 90280. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. The modified procedure has been followed in this proceeding, and an order of the Commission, Operating Rights Board, dated November 29, 1971, and served December 27, 1971, 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 (1) metal cans and can ends, from points in Orange County, Calif., to Sparks, Nev., and to points in Clark County, Nev.; and (2) empty glass containers, from points in Orange County, Calif., to points in Maricopa County, Ariz. That the holding by applicant of the certificate authorized to be issued in this proceeding and of the permits issued in No. MC-127952 and various subs thereunder, will be consistent with the public interest and the national transportation policy, subject

to the right of the Commission, which is hereby expressly reserved to impose such terms, conditions, or limitations in the future as it may find necessary to insure that applicant's operations shall conform to the provisions of section 210 of the Interstate Commerce Act. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a 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 pleading setting forth in precise detail the manner in which it has been so prejudiced.

APPLICATIONS 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 2234 (Sub-No. 2), filed December 8, 1971. Applicant: SEAVER'S EXPRESS, INC., 25 East Main Street, Milford, MA 01757. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving points in Massachusetts as intermediate and off-route points in connection with applicant's authorized regular route authority under MC 2234. NOTE: The instant application is a matter directly related to MC–F 11397 published in the FEDERAL REGISTER issue of December 15, 1971. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 108382 (Sub-No. 13), filed December 7, 1971. Applicant: SHORT FREIGHT LINES, INC., 459 South River Road, Bay City, MI 48706. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Regular route: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving points in Ohio as off-route points in connection with presently authorized regular route service at Elmore, Ohio. Restriction: Service is restricted against commercial zone points located outside of Ohio. (2) Irregular route: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Elmore, Ohio, on the one hand, and, on the other, points in Ohio. Restriction: Service is restricted against commercial zone points located outside of Ohio. NOTE: The instant application is a matter directly related to MC–F 11396 published in the FEDERAL REGISTER issue of December 15, 1971. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

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–11412. Authority sought for purchase by GARDINER'S EXPRESS, INC., mailing address: Post Office Box MR1, Hammonton, NJ 08037, of a portion of the operating rights and property of RICH'S EXPRESS, INC., Old Delsea Drive, Malaga, N.J. 08328, and for acquisition by WILLIAM JACOBS, Moss Mill Road, Mullica Township, N.J. 08037, of control of such rights through the purchase. Applicant's attorneys: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306, and J. Raymond Clark, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Operating rights sought to be transferred: *General commodities*, except those of unusual value, livestock dairy products as defined by the Commission, alcoholic beverages, 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, as a *common carrier* over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in Cumberland, Gloucester, and Salem Counties, N.J. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, and New York. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11413. Authority sought for control by NATIONAL CITY LINES, INC., 2598 74th Street, Post Office Box 10127, Lubbock, TX 79408, of HOWARD SOBER, INC., 2400 West St. Joseph Street, Post Office Box 1288, Lansing, MI 48904. Applicants' attorneys: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, MI 48226, and Albert F. Beasley, 1015 Investment Building, 1511 K Street NW., Washington, DC 20005. Operating rights sought to be controlled: Motor vehicles and accessories, as a *common carrier*, over irregular routes, from, to, and between all points in the United States (except Alaska and Hawaii), with certain restrictions, as more specifically described in Docket No. MC–8989 and sub-numbers 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. NATIONAL CITY LINES, INC., holds no authority from this Commission. However, it is affiliated with (1) AUTOMOBILE CARRIERS, INC., 3401 North Dort Highway, Flint, MI 48501, (2) T.I.M.E.–DC, INC., Post Office Box 2550, Lubbock, TX 79408, and (3) JANESVILLE AUTO TRANSPORT COMPANY, 1263 South Cherry Street, Post Office Box 959, Janesville, WI, which are authorized to operate as *common carriers* in (1) Michigan, Nebraska, Alabama, Illinois, Georgia, Indiana, Iowa, Missouri, Tennessee, Ohio, Wisconsin, and Kentucky, (2) Texas, Oklahoma, New Mexico, New Jersey, Arizona, California, Tennessee, Kansas, Massachusetts, Rhode Island, Connecticut, Arkansas, Kentucky, Maryland, Ohio, Georgia, Missouri, Virginia, Illinois, Indiana, Pennsylvania, New York, Alabama, West Virginia, Oregon, Washington, Colorado, Wyoming, Utah, Idaho, Nebraska, and Michigan, and (3) Wisconsin, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, Colorado, Idaho, Kansas, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11414. Authority sought for merger into ASSOCIATED FREIGHT LINES, 841 Folger Avenue, Berkeley, CA 94710, of the operating rights of LAS VEGAS TANK LINES, INC., doing business as LAS VEGAS TRUCK LINE, 3900 Oquendo Avenue, Las Vegas, NV 89103, and for acquisition by JOHN A. PIFER, also of Berkeley, Calif., of control of such rights through the transaction. Applicants' attorney: Marvin Handler, 405 Montgomery Street, Suite 1400, San Francisco, CA 94104. Operating rights sought to be merged: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Lakeview, Calif., and junction unnumbered highway and Interstate Highway 15, near Nipton, Calif., between Los Angeles, Calif., and Las Vegas, Nev., serving all intermediate points, serving as off-route points those in that part of California and Nevada within 50 miles of Nipton, Calif., including Nipton, and the off-route points within the Los Angeles Basin Territory; *ore and ore concentrates, machinery, supplies and equipment used or useful in mining, including particularly petroleum products in containers, coal, and lumber*, between Searchlight, Nev., Nipton, Calif., Oatman, Ariz., and Boulder City, Nev., serving the intermediate and off-route points in Nevada within 25 miles of Searchlight, Nev.; *mines ores*, from Searchlight, Nev., to Chloride, Ariz., serving the intermediate point of Nelson, Nev., and the off-route points within 5

miles of the described route, for pickup only; *petroleum and petroleum products*, as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, over irregular routes, between Las Vegas, Nev., and the Nevada Test Site near Mercury, Nev., from Las Vegas, Nev., and points within 10 miles thereof to points in Arizona and Utah. ASSOCIATED FREIGHT LINES, is authorized to operate as a *common carrier* in California. Application has not been filed for temporary authority under section 210a(b). NOTE: Pursuant to order dated January 27, 1970, in MC-F-10465 transferee acquired control of transferor.

No. MC-F-11415. Authority sought for control by WHEATON VAN LINES, INC., 2525 East 56th Street (Post Office Box 55191), Indianapolis, IN 46205, of HAWAIIAN VAN & STORAGE CO., LTD., 601 Middle Street, Honolulu, HI 96819, and for acquisition by E. S. WHEATON, also of Indianapolis, Ind., of control of HAWAIIAN VAN & STORAGE CO., LTD., through the acquisition by WHEATON VAN LINES, INC. Applicants' attorney: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Operating rights sought to be controlled: In pending docket No. MC-127631 Sub-1 TA, household goods, as defined by the Commission, as a common carrier over irregular routes, between points in Hawaii, restricted to the handling of traffic originating at or destined to out-of-State points; thereby negating the restrictions in the first ordering paragraph herein. WHEATON VAN LINES, INC., is authorized to operate as a *common carrier* in Arkansas, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, Wisconsin, Colorado, Florida, Kansas, District of Columbia, Alabama, Delaware, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Virginia, New Hampshire, Maine, Vermont, Massachusetts, Connecticut, Rhode Island, California, Nevada, Arizona, New Mexico, Wyoming, Idaho, Utah, Washington, Montana, Oregon, North Dakota, and South Dakota. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-141 Filed 1-4-72;8:50 am]

[Notice 106]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 30, 1971.

The following publications 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.

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 amendments will be entertained after the date of this publication.

No. MC 52709 (Sub-No. 315) (Republication), filed October 29, 1971, published FEDERAL REGISTER, issue of December 16, 1971, and republished this issue. Applicant: RINGSBY TRUCK LINES, INC., 5773 South Prince Street, Post Office Box 192, Littleton, CO 80120. Applicant's representative: Robert P. Tyler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in cargo vans and/or containers and empty cargo vans and containers, between ports of entry located in California, Oregon, and Washington, on the one hand, and, on the other, points in the continental United States, restricted to shipments having a prior or subsequent movement by water or air. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. The purpose of this republication is to include the hearing information. Hearing: January 17, 1972, Miyako Hotel, Post and Laguna Street, San Francisco, CA.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-142 Filed 1-4-72;8:50 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

DECEMBER 30, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. L-14769 filed November 23, 1971. Applicant: WEISS TRANSPORTATION CO., INC., 14660 Sherwood Court, Oak Park, MI. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *new furniture and new household appliances* from Detroit to various points of delivery in the State of Michigan with return of damaged or refused shipments to Detroit, including transporting of said commodities delivered to Detroit by common carrier for a predetermined destination in Michigan. Both intrastate and interstate authority sought.

HEARING: February 9, 1972, 9:30 a.m., Michigan Public Service Commission, 525 West Ottawa Street, Seven Story State Office Building, Lansing, MI 48913. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Michigan Public Service Commission, Department of Commerce, Lansing, Mich. 48913, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-138 Filed 1-4-72;8:50 am]

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

5 CFR

	Page
890	7

7 CFR

	Page
510	69
722	7
730	8
812	9
814	9
907	10
910	70
PROPOSED RULES:	
730	19
966	81
980	81
1004	20
1207	81
1430	20

9 CFR

	Page
PROPOSED RULES:	
327	85

10 CFR

	Page
PROPOSED RULES:	
110	92

12 CFR

	Page
201	11
702	70
PROPOSED RULES:	
715	95

14 CFR

	Page
39	11, 12, 70
71	13, 71
75	13, 71
97	71
225	72
PROPOSED RULES:	
71	21, 91

17 CFR

	Page
240	73
PROPOSED RULES:	
274	99

18 CFR

	Page
PROPOSED RULES:	
141	22

19 CFR

	Page
PROPOSED RULES:	
Ch. I	19

20 CFR

	Page
PROPOSED RULES:	
405	89

21 CFR

	Page
121	14, 74
135c	14
135e	74
135f	14
148m	15
PROPOSED RULES:	
27	20
130	85

22 CFR

	Page
41	15

24 CFR

	Page
200	75
222	76

26 CFR

	Page
12	16
PROPOSED RULES:	
1	19, 99

30 CFR

	Page
75	17

32 CFR

	Page
270	77
PROPOSED RULES:	
1467	99

35 CFR

	Page
5	77

39 CFR

	Page
235	77

40 CFR

	Page
180	78
PROPOSED RULES:	
180	92–94

41 CFR

	Page
101–17	78
103–40	17

43 CFR

	Page
PUBLIC LAND ORDERS:	
1932 (amended by PLO 5147)	18
4582 (modified by PLO 5149)	18
4962 (see PLO 5149)	18
5081 (see PLO 5149)	18
5147	18
5148	18
5149	18

46 CFR

	Page
390	16

47 CFR

	Page
PROPOSED RULES:	
15	94

50 CFR

	Page
28	79
33	79, 80

LIST OF FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	*Date*
1–62	Jan. 4
63–123	5