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(Part II begins on page 2477)

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.

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FEDERAL REGISTER

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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.

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Title 3—The President

PROCLAMATION 4102

Adjustment of Duties on Certain Sheet Glass

By the President of the United States of America

A Proclamation

1. WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended, the President, by Proclamations No. 2761A of December 16, 1947, No. 2929 of June 2, 1951, and No. 3140 of June 13, 1956 (61 Stat. (pt. 2) 1103, 65 Stat. c12, and 70 Stat. c33), proclaimed such modifications of existing duties as were found to be required or appropriate to carry out trade agreements into which he had entered;

2. WHEREAS among the proclaimed modifications were modifications in the rates of duty on glass of the kinds which are now provided for in items 542.11 through 542.98 of the Tariff Schedules of the United States (hereinafter referred to as "sheet glass");

3. WHEREAS, pursuant to section 351(a)(1) of the Trade Expansion Act of 1962 (hereinafter "TEA") (19 U.S.C. 1981(a)(1)) and in accordance with Article XIX of the General Agreement on Tariffs and Trade (hereinafter "GATT") (61 Stat. (pt. 5) A58; 8 UST (pt. 2) 1786), the President by Proclamation No. 3967 of February 27, 1970 (35 F.R. 3975), proclaimed increased duties on imports of sheet glass in Subpart A of Part 2 of the Appendix to the Tariff Schedules of the United States (hereinafter "TSUS") which duties are scheduled to be reduced on January 31, 1972;

4. WHEREAS, pursuant to section 301(b)(1) of the TEA (19 U.S.C. 1901(b)(1)) the Tariff Commission on August 16, 1971, instituted an investigation, the report to the President on which is to be made not later than January 31, 1972, to determine whether glass of the kinds provided for in items 541.11 through 541.31, 542.11 through 542.98, 543.11 through 543.69 and 544.31 through 544.32 of the TSUS are, as a result in major part of concessions granted thereon under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious

injury to the domestic industry producing like or directly competitive products;

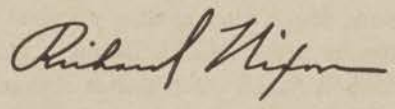
5. WHEREAS, pursuant to section 351(c)(2) of the TEA (19 U.S.C. 1981(c)(2)), after taking into account advice received from the Tariff Commission under section 351(d)(3) of the TEA (19 U.S.C. 1981(d)(3)) and after seeking advice of the Secretaries of Commerce and Labor, I have determined that the extension as hereinafter proclaimed of the increased duties currently in effect on imports of sheet glass provided for in items 923.31 through 923.75 of the TSUS from January 31, 1972 to April 30, 1972 is in the national interest;

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including section 351(c)(2) of the TEA, do proclaim that—

1. The tariff concessions on sheet glass in Part I of Schedule XX to the GATT shall be modified in part as provided for in paragraph 2 below;

2. Effective with respect to items entered, or withdrawn from warehouse, for consumption during the period commencing on the date of this proclamation and terminating at the close of January 31, 1974, so much of Subpart A of Part 2 of the Appendix to the TSUS as follows item 922.50 and precedes item 924.00 is modified to read as set out in the annex to this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of January in the year of our Lord nineteen hundred and seventy-two, and of the Independence of the United States of America the one hundred and ninety-sixth.



		Effective on and after—		
		Feb. 27, 1970	Apr. 30, 1972	Jan. 31, 1973
	Glass (including blown or drawn glass, but excluding cast or rolled glass and excluding pressed or molded glass) (whether or not containing wire netting), in rectangle, not ground, not polished and not otherwise processed, weighing over 16 oz. but not over 28 oz. per sq. ft., provided for in items 542.31–.35, inclusive, and 542.71–.75, inclusive, of part 3B of schedule 5:			
	Ordinary glass:			
	Weighing over 16 oz. but not over 28 oz. per sq. ft.:			
923.31	Measuring not over 40 united inches (item 542.31).	1.1¢ per lb	1¢ per lb	0.9¢ per lb
923.33	Measuring over 40 but not over 60 united inches (item 542.33).	1.5¢ per lb	1.3¢ per lb	1.1¢ per lb
923.35	Measuring over 60 but not over 100 united inches (item 542.35).	1.5¢ per lb	1.4¢ per lb	1.3¢ per lb
	Colored or special glass:			
	Weighing over 16 oz. but not over 28 oz. per sq. ft.:			
923.71	Measuring not over 40 united inches (item 542.71).	1.1¢ per lb. +2.5% ad val.	1¢ per lb. +2.5% ad val.	0.9¢ per lb. +2.5% ad val.
923.73	Measuring over 40 but not over 60 united inches (item 542.73).	1.5¢ per lb. +2.5% ad val.	1.3¢ per lb. +2.5% ad val.	1.1¢ per lb. +2.5% ad val.
923.75	Measuring over 60 but not over 100 united inches (item 542.75).	1.5¢ per lb. +2.5% ad val.	1.4¢ per lb. +2.5% ad val.	1.3¢ per lb. +2.5% ad val.

[FR Doc.72-1604 Filed 1-31-72;12:43 pm]

EXECUTIVE ORDER 11641

Concentration of Law Enforcement Activities Relating to Drug Abuse

The menace of drug abuse threatens to sap our Nation's strength and destroy our Nation's character. It must be combatted in a variety of ways—through international measures, through domestic law enforcement, through programs dealing with prevention, education, treatment and rehabilitation. As one critical part of this balanced and comprehensive program, we must now give special emphasis to improving law enforcement activities at all levels of government.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and laws of the United States, including section 5317 of Title 5 of the United States Code, as amended, it is hereby ordered as follows:

SECTION 1. (a) The Attorney General of the United States shall provide for the establishment within the Department of Justice of an "Office for Drug Abuse Law Enforcement."

(b) This Office shall be headed by a Director who shall have the title of Special Assistant Attorney General.

(c) The Director shall also serve as a Special Consultant to the President for Drug Abuse Law Enforcement. He shall advise the President with respect to all matters relating to the more effective enforcement by all Federal agencies of laws relating to illegal drug traffic and on methods by which the Federal Government can assist State and local governments in strengthening the enforcement of their laws relating to illegal drug traffic. He shall, as appropriate, recommend to the President plans, programs, legislation, techniques, and other measures designed to maximize at every level of government the Nation's campaign to stamp out illegal drug traffic through effective law enforcement.

(d) The Director shall be responsible for the development and implementation of a concentrated program throughout the Federal Government for the enforcement of Federal laws relating to the prevention of drug abuse and for cooperation with State and local governments in the enforcement of their drug abuse laws. The Attorney General is called upon to delegate to the Director those duties and authorities vested in him as are necessary to carry out those functions.

SEC. 2. The Director shall consult with the Director of the Special Action Office for Drug Abuse Prevention and those officials shall ensure that all steps permitted by law are being taken by Federal, State, and local governments and, to the extent feasible, by private persons and organizations, to prevent drug abuse in this Nation and elsewhere.

SEC. 3. Section 1 of Executive Order No. 11248 of October 10, 1965, as amended, is further amended by deleting "(12) Chairman, Pay

Board," and by inserting in lieu thereof "(12) Director, Office for Drug Abuse Law Enforcement."

SEC. 4. Each department and agency of the Federal Government shall, upon request and to the extent permitted by law, assist the Director of the Office for Drug Abuse Law Enforcement in the performance of functions assigned to him by or pursuant to this order, and the Director may, in carrying out those functions, utilize the services of any other agencies, Federal and State, as may be available and appropriate.

Richard Nixon

THE WHITE HOUSE,
January 28, 1972.

[FR Doc.72-1525 Filed 1-28-72;3:54 pm]

NOTE: For the text of a Presidential statement dated January 28, 1972, and issued in connection with E.O. 11641, above, see Weekly Comp. of Pres. Docs., Vol. 8, No. 5, issue of January 31, 1972.

Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

CFR CHECKLIST

1972 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes of the Code of Federal Regulations issued to date during 1972. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR unit (Rev. as of Jan. 1, 1972):

Title		Price
6		$0.35
7	Part 52	3.25
25		1.75
26	Parts:	
	30–39	1.50
	600-end	.60
27		.45

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that three additional positions of Confidential Assistant to the Commissioner, Federal Supply Service, are excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (2–1–72), subparagraph (2) of paragraph (c) of § 213.3337 is amended as set out below.

§ 213.3337 General Services Administration.

* * * * *

(c) *Federal Supply Service.* * * *

(2) Four Confidential Assistants to the Commissioner.

* * * * *

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

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

[FR Doc.72-1556 Filed 1-31-72;8:51 am]

Title 39—POSTAL SERVICE

Chapter I—United States Postal Service

MANAGEMENT OF BUILDINGS AND GROUNDS AND DISPOSAL OF SURPLUS REAL PROPERTY

Interim Regulations

CROSS REFERENCE: For a document affecting the management of buildings and grounds and disposal of surplus real property, see F.R. Doc. 72-1470, Postal Service, in the Notices Section, *infra*.

Title 7—AGRICULTURE

Chapter V—Agricultural Research Service, Department of Agriculture

PART 501—CONDUCT ON U.S. MEAT ANIMAL RESEARCH CENTER, CLAY CENTER, NEBR.

Chapter V of Title 7 of the Code of Federal Regulations is amended by adding a new Part 501, reading as follows:

Sec.
501.1 General.
501.2 Admission.
501.3 Preservation of property.
501.4 Conformity with signs and emergency directions.
501.5 Nuisances.
501.6 Gambling.
501.7 Intoxicating beverages and narcotics.
501.8 Soliciting, vending, debt collection, and distribution of handbills.
501.9 Photographs for news, advertising, or commercial purposes.
501.10 Pets.
501.11 Mobile equipment and pedestrian traffic.
501.12 Weapons and explosives.
501.13 Nondiscrimination.
501.14 Nonfederal law enforcement.
501.15 Exceptions.
501.16 Penalties and other law.

AUTHORITY. The provisions of this Part 501 issued under secs. 2, 4, 62 Stat. 281; 40 U.S.C. 318 (a), (c); sec. 103, 63 Stat. 380; 40 U.S.C. 753; sec. 205(d), 63 Stat. 389; 40 U.S.C. 486 (d); 36 F.R. 1293 and 36 F.R. 21706.

§ 501.1 General.

The rules and regulations in this part apply to all property of or under the charge or control of the U.S. Meat Animal Research Center, Clay Center, Nebr. (hereinafter referred to as the Research Center), and to all persons entering in or on such property. The Administrator, General Services Administration, has delegated to the Secretary of Agriculture, with authority to redelegate, the authority to make all the needful rules and regulations for the protection of the Research Center (36 F.R. 1293). The Secretary of Agriculture has delegated this authority to the Director of Science and Education (36 F.R. 21706) who in turn has delegated such authority to the Administrator, Agricultural Research Service (36 F.R. 21706). The rules and regulations in this part are issued pursuant to such delegations. It is the responsibility of occupant or cooperating agency to require observance of these rules and regulations.

§ 501.2 Admission.

Admission to the Research Center during "off duty" hours shall be restricted to the main arteries and any deviation therefrom by individuals shall be limited to authorized individuals who may be required to sign a register and display identification documents when requested by a guard or other authorized individuals. "Off duty" hours will be posted at the Research Center. Admission during "duty" hours when the Center is closed to the public in emergency situations will be limited to authorized individuals who may be required to sign a register and display identification documents when requested by a guard or other authorized individual.

§ 501.3 Preservation of property.

It is unlawful to willfully destroy, damage, or remove property or any part thereof. Hunting, fishing, motorcycling, using snowmobiles, and other disturbances or encroachment activities are prohibited except for official purposes.

§ 501.4 Conformity with signs and emergency directions.

Persons in and on property of the Research Center shall comply with official signs of a prohibitory or directory nature, and with the directions of authorized individuals.

§ 501.5 Nuisances.

The use of loud, abusive, or otherwise improper language, unwarranted loitering, sleeping, or assembly, the creation of any hazard to persons or things, improper disposal of rubbish, spitting, prurient prying, the commission of any obscene or indecent act, or any other unseemly or disorderly conduct, throwing articles of any kind from a building, or climbing upon any part of a building is prohibited. Further, conduct which obstructs the usual use of entrances, foyers, corridors, offices, elevators, stairways and parking lots, or which otherwise tends to impede or disturb Center employees in the performance of their duties or which otherwise impedes the general public from obtaining the administrative services provided by the Research Center is prohibited.

§ 501.6 Gambling.

Participating in games for money or other personal property, or the operation of gambling devices, the conduct of a lottery or pool, or the selling or purchasing of numbers tickets, in or on Research Center property, is prohibited.

§ 501.7 Intoxicating beverages and narcotics.

Entering Research Center property or the operating of a motor vehicle thereon, by a person under the influence of intoxicating beverages or narcotic drug, hallucinogen, marijuana, barbiturate, or amphetamine (unless prescribed by a physician) or the consumption of such beverages, or the use of any such drug or substance in or on the Research Center property, is prohibited.

§ 501.8 Soliciting, vending, debt collection, and distribution of handbills.

The soliciting of alms and contributions, commercial soliciting and vending of all kinds, the display or distribution of commercial advertising, or the collecting of private debts, in or on Research Center property, is prohibited. This section does not apply to national or local drives for funds for welfare, health, and other purposes sponsored or approved by the Agricultural Research Service, concessions, or personal notices posted by employees on authorized bulletin boards. Distribution of material such as pamphlets, handbills, and flyers or the posting of materials on bulletin boards or elsewhere, is prohibited without prior approval of authorized individuals.

§ 501.9 Photographs for news, advertising, or commercial purposes.

Except where security regulations apply, or a Federal court order or rules prohibit it, photographs for news purposes may be taken in entrances, lobbies, foyers or auditoriums when used for public meetings without prior permission. Photographs for advertising and commercial purposes may be taken only with the prior written permission of the Director, Research Center. Photographs for news, advertising, or commercial purposes may be taken in space or areas occupied by a cooperator only with the consent of the cooperator concerned and the Director, Research Center.

§ 501.10 Pets.

Animals shall be brought or allowed, as applicable, upon the Research Center only with the prior written approval of the Director, Research Center, except seeing eye dogs may be brought to the reception area serving the offices of the Director, Research Center, without prior approval.

§ 501.11 Mobile equipment and pedestrian traffic.

(a) Drivers, operators, or pilots of all equipment whether or not motorized in or on Research Center property, or within the scope of Research Center activity, shall operate in a careful and safe manner at all times and shall comply with the signals and directions of guards, special policemen, or other authorized individuals, and all posted traffic signs;

(b) The blocking of entrances, driveways, walks, railways, runways, loading platforms, or fire hydrants in or on Research Center property is prohibited;

(c) Except in emergencies, parking or landing in or on Research Center property in other than designated areas is not allowed without a permit. Parking without authority, parking in unauthorized locations or in locations reserved for other persons, or parking continuously in excess of ten hours without permission, or contrary to the direction of posted signs is prohibited. This section may be supplemented from time to time by the issuance and posting of specific traffic directives as may be required, and when so issued and posted such directives shall have the same force and effect as if made a part hereof;

(d) The operation of unlicensed gasoline powered vehicles is prohibited.

§ 501.12 Weapons and explosives.

No person while in or on Research Center property shall carry firearms, bows and arrows, darts, other dangerous or deadly weapons, or explosives, either openly or concealed, except as officially authorized, for official purposes.

§ 501.13 Nondiscrimination.

There shall be no discrimination by segregation or otherwise against any person or persons because of race, sex, religion, color, or national origin, in furnishing, or by refusing to furnish to such person or persons the use of any facility of a public nature, including all service, privileges, accommodations, and activities provided thereby on Research Center property.

§ 501.14 Non-Federal law enforcement.

Research Center special policemen may be deputized by State or local law enforcement agencies to exercise police power on property outside the Research Center. With the consent of any State or local law enforcement agency, the facilities or services of such State or local law enforcement agency may be utilized by the Research Center.

§ 501.15 Exceptions.

The Administrator, Agricultural Research Service, may in individual cases make prior, written exceptions to the rules and regulations in this part if he determines it to be not adverse to the public interest.

§ 501.16 Penalties and other law.

Whoever shall be found guilty of violating the rules and regulations in this part where the United States has and exercises exclusive or concurrent legislative jurisdiction, is subject to fine of not more than $50 or imprisonment or not more than 30 days, or both (see 40 U.S.C. 318c). Nothing contained in the rules, regulations, or penalties in this part shall be construed as abrogating or authorizing the abrogation of any other rules, regulations, penalties, or any Federal law, or any State and local laws and regulations which may be applicable.

Effective date. This part shall become effective on the date of its publication in the FEDERAL REGISTER (2–1–72).

It does not appear that public participation in this rule making proceeding would make additional relevant information available to this department. (36 F.R. 13804)

The urgency of the need for adequate security at the Research Center is such that these regulations should be made effective as soon as possible. Accordingly, under administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to these regulations are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

T. W. EDMINSTER,
Administrator,
Agricultural Research Service.

Approved:

T. M. BALDAUF,
Director, Office of
Plant and Operations.

Approved:

EDWARD M. SHULMAN,
General Counsel.

[FR Doc.72–1418 Filed 1–31–72;8:47 am]

PART 502—CONDUCT ON AGRICULTURAL RESEARCH CENTER PROPERTY, BELTSVILLE, MD.

Chapter V of Title 7 of the Code of Federal Regulations is amended by adding a new Part 502, reading as follows:

Sec.

AUTHORITY: The provisions of this Part 502 issued under secs. 2, 4, 62 Stat. 281; 40 U.S.C. 318 (a), (c); sec. 103, 63 Stat. 380; 40 U.S.C. 753; sec. 205(d), 63 Stat. 389; 40 U.S.C. 486 (d); 36 F.R. 18440 and 36 F.R. 21706.

§ 502.1 General.

The rules and regulations in this part apply to the buildings and grounds of the Agricultural Research Center, Beltsville, Md., and to any persons entering in or on such property. The Administrator, General Services Administration, has delegated to the Secretary of Agriculture,

with authority to redelegate, the authority to make all the needful rules and regulations for the protection of buildings, grounds, equipment, and experimental plants and animals of the Agricultural Research Center (36 F.R. 18440). The Secretary of Agriculture has delegated this authority to the Director of Science and Education (36 F.R. 21706) who in turn has delegated such authority to the Administrator, Agricultural Research Service (36 F.R. 21706). The rules and regulations in this part are issued pursuant to such delegations.

§ 502.2 Admission.

Admission to the Agricultural Research Center during "off duty" hours shall be restricted to the main arteries and any deviation therefrom by individuals shall be limited to atuhorized individuals who may be required to sign a register and display identification documents when requested by a Guard or other authorized individuals. "Off duty" hours will be posted at the Agricultural Research Center. Admission during "duty" hours when the Center is closed to the public in emergency situations will be limited to authorized individuals who may be required to sign a register and display identification documents when requested by a Guard or other authorized individual.

§ 502.3 Preservation of property.

It is unlawful to willfully destroy, damage, or remove property or any part thereof.

§ 502.4 Conformity with signs and emergency directions.

Persons in and on property of the Agricultural Research Center shall comply with official signs of a prohibitory or directory nature, and with the directions of authorized individuals.

§ 502.5 Nuisances.

The use of loud, abusive, or otherwise improper language, unwarranted loitering, sleeping, or assembly, the creation of any hazard to persons or things, improper disposal of rubbish, spitting, prurient prying, the commission of any obscene or indecent act, or any other unseemly or disorderly conduct, throwing articles of any kind from a building, or climbing upon any part of a building is prohibited. Further, conduct which obstructs the usual use of entrances, foyers, corridors, offices, elevators, stairways and parking lots, or which otherwise tends to impede or disturb Center employees in the performance of their duties or which otherwise impedes the general public from obtaining the administrative services provided by the Agricultural Research Center is prohibited.

§ 502.6 Hunting, fishing, camping, horseback riding.

The use of the Agricultural Research Center grounds for any form of hunting, fishing, camping, or horseback riding is prohibited. Further, the use of these grounds for unauthorized picnicking is also prohibited.

§ 502.7 Gambling.

Participating in games for money or other personal property, or the operation of gambling devices, the conduct of a lottery or pool, or the selling or purchasing of numbers tickets, in or on the Agricultural Research Center property, is prohibited.

§ 502.8 Intoxicating beverages and narcotics.

Entering Agricultural Research Center property or the operating of a motor vehicle thereon, by a person under the influence of intoxicating beverages or narcotic drug, hallucinogen, marihuana, barbiturate, or amphetamine (unless prescribed by a physician) or the consumption of such beverages, or the use of any such drug or substance in or on the Agricultural Research Center property, is prohibited.

§ 502.9 Soliciting, vending, debt collection, and distribution of handbills.

The soliciting of alms and contributions, commercial soliciting and vending of all kinds or the display or distribution of commercial advertising, or the collecting of private debts, in or on Agricultural Research Center property, is prohibited. This section does not apply to national or local drives for funds for welfare, health, and other purposes sponsored or approved by the Agricultural Research Service, concessions, or personal notices posted by employees on authorized bulletin boards. Distribution of material such as pamphlets, handbills, and flyers or the posting of materials on bulletin boards or elsewhere is prohibted without prior approval of the Director, Agricultural Research Center.

§ 502.10 Photographs by visitors or for news, advertising, or commercial purposes.

Photographs may be taken by visitors or for news purposes without prior permission. Photographs for advertising and commercial purposes may be taken at the Agricultural Research Center only with the prior written approval of the Director, Agricultural Research Center.

§ 502.11 Pets.

Pets, except seeing-eye dogs, brought upon the Agricultural Research Center property must be kept on a leash. Pets that are the property of employees residing on the Center must be inoculated for rabies in accordance with State or local laws and be kept on a leash or similarly restrained. The abandonment of unwanted animals on the Center grounds is prohibited.

§ 502.12 Vehicular and pedestrian traffic.

(a) Drivers of all vehicles whether or not motorized in or on Agricultural Research Center property shall drive in a careful and safe manner at all times and shall comply with the signals and directions of guards and all posted traffic signs;

(b) The blocking of entrances, driveways, walks, loading platforms, or fire hydrants in or on Agricultural Research Center property is prohibited;

(c) Except in emergencies, parking in or on Agricultural Research Center property in other than designated areas is not allowed without a permit. Parking without authority, parking in unauthorized locations or in locations reserved for other persons, or contrary to the direction of posted signs is prohibited. This section may be supplemented from time to time, by the issuance and posting of specific traffic directives as may be required, and when so issued and posted such directives shall have the same force and effect as if made a part hereof.

(d) The operation of unlicensed gasoline powered vehicles is prohibited.

§ 502.13 ARC airport.

Unauthorized use of the Agricultural Research Center Airport is prohibited.

§ 502.14 Weapons and explosives.

No person while in or on Agricultural Research Center property shall carry firearms, other dangerous or deadly weapons, or explosives, either openly or concealed, except as officially authorized for official purposes.

§ 502.15 Nondiscrimination.

There shall be no discrimination by segregation or otherwise against any person or persons because of race, religion, color, national origin, or sex, in furnishing, or by refusing to furnish to such person or persons the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided thereby on Arigcultural Research Center property.

§ 502.16 Exceptions.

The Administrator, Agricultural Research Service, may in individual cases, make prior, written exceptions to the rules and regulations in this part if he determines it to be not adverse to the public interest.

§ 502.17 Penalties and other law.

Whoever shall be found guilty of violating the rules and regulations in this part is subject to fine of not more than $50 or imprisonment of not more than 30 days, or both (see 40 U.S.C. 318c). Nothing contained in the rules and regulations in this part shall be construed as abrogating or authorizing the abrogation of any other regulations or any Federal law or any laws and regulations of the State of Maryland.

Effective date. This part shall become effective on the date of its publication in the FEDERAL REGISTER (2–1–72).

It does not appear that public participation in this rule making proceeding would make additional relevant information available to this department. (36 F.R. 13804)

The urgency of the need for adequate security at the Research Center is such that these regulations should be made effective as soon as possible. Accordingly,

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

T. W. EDMINSTER,
Administrator,
Agricultural Research Service.

Approved:
T. M. BALDAUF,
Director, Office of
Plant and Operations.

Approved:
EDWARD M. SHULMAN,
General Counsel.

[FR Doc.72-1391 Filed 1-31-72;8:46 am]

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

[Lemon Reg. 517, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(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 amendment 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 amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provision in paragraph (b) (1) of § 910.817 (Lemon Regulation 517, 37 F.R. 1034) during the period January 23 through January 29, 1972, is hereby amended to read as follows:

§ 910.817 Lemon Regulation 517.

* * * * *

(b) *Order.* (1) * * * 205,000 cartons.

* * * * *

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

Dated: January 27, 1972.

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

[FR Doc.72-1408 Filed 1-31-72;8:45 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

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

SUBCHAPTER A—ANIMAL WELFARE

PART 11—HORSE PROTECTION REGULATIONS

On July 1, 1971, and November 5, 1971, there were published in the FEDERAL REGISTER (36 F.R. 12586–12588 and 36 F.R. 21318–21321) notices with respect to proposed regulations relating to the protection of certain show horses against the practice of "soring," to appear as new Part 11 in Chapter I, Subchapter A, Title 9, Code of Federal Regulations. Such notices gave interested persons periods of 60 and 30 days, respectively, from the date of publication of the notices, in which to submit written data, views, and arguments concerning the proposed regulations. On December 3, 1971, there was published in the FEDERAL REGISTER (36 F.R. 23072) a notice of extension of time allowing an additional 30 days for submission of written data, views, and arguments on the proposed regulations. After due consideration of all relevant material in connection with said notices and pursuant to the Act of December 9, 1970 (Public Law 91–540; 84 Stat. 1404; 15 U.S.C. 1821–1831), a new Part 11 is hereby added to Chapter I, Subchapter A, Title 9, Code of Federal Regulations to read:

Statement of considerations. After passage of the Horse Protection Act of 1970, meetings held with various segments of the affected industry provided the Department with many divergent views and considerable factual information as to the possible methods of diagnosis of soring and enforcement of the Act. Consideration has been given to the views expressed and the following specified regulations are based on all information presently available, in an effort to effectuate the purposes of the Act in a practical manner.

One of the areas of great concern and the most frequently mentioned had to do with the scope of the Act. Since no specific breed was mentioned in the Act, much discussion was had as to what was meant by the word "horse" as used in the Act.

The Act is applicable to all breeds of horses and accordingly the regulations proposed herein would apply to all breeds.

A great deal of information has been offered regarding the use and purpose of boots. There has been considerable debate as to what constitutes protective devices. It appears that some boots used for horses have been designed to protect a specific area and are, by virtue of this design, fixed in a specific position and are truly protective devices.

Boots meeting these criteria consequently would be permitted under these regulations. Hinged boots, half fixed and half semifixed in nature, appear to be protective devices and would be permitted if there are no weights in the upper half of the boot and the boots meet other requirements. The rubber bell boot, as presently designed and used, does not seem to cause pain or extreme physical distress. The leather bell boots have received the most comment and consideration. Those containing protrusions such as the knocker boot and roll boot appear to be designed to concentrate force and weight on the most sensitive area of the foot and are classified under these regulations as soring devices. The smooth bell boot, flared enough to fit over the coronary band, riding primarily on the hoof wall when the foot is in contact with the ground would be, within certain weight limitation, acceptable under the regulations. The proposition that a horse as large as 1,200 pounds can carry more than the stipulated 16 ounces overlooks the fact that larger animals are not more immune to pain than smaller ones. Each is sensitive to punishment directed at the coronary area of the fore foot.

The prohibition of substances such as greases and dyes has received considerable attention. It is recognized that dyes would aid in changing the identity of a horse as well as acting as a camouflage to signs of soring. Colored substances as well as clear substances can act as vehicles to soring chemicals and serve as an adhesive to foreign material, and become abrasive in nature.

Horse show managers have been concerned since the Act specifies, in part, "it shall be unlawful for any person to conduct any horse show or exhibition in which there is shown or exhibited a horse which is sored." The feeling expressed was that show management would be held responsible for actions done by others. The Department is informed that management has always had the right to excuse or disqualify horses for various reasons and that this requirement of the law does not impose an unusual responsibility. Since it has frequently been said that the horse show judge is a qualified person to detect soring and is always present at every horse show, legal methods to transfer responsibility and liability to the judge within the scope of the Act were sought. This authority is not granted in the Act. However, the sponsoring organization could employ the judge or other qualified person to advise the organization so that it may fulfill its obligation to comply with the Act. No changes are made in the regulations in this respect since the originally proposed regulations would not prohibit such an arrangement.

Provisions have been made in the regulations to relieve the sponsoring organization of liability when sored horses are shown, if the sponsoring organization

obtains the services of a licensed accredited veterinarian whose duties will be to examine horses for soring and advise show management of his findings, and the show management excludes from the show or exhibition any horses identified as sored or otherwise in violation of the regulations. The regulations do not impose any liability upon the veterinarian merely because of his advisory role in providing his professional services in good faith to the sponsoring organization.

The necessity for recordkeeping was recognized by the Congress and thoroughly discussed in the House and Senate reports on the bill which became the Act. Recordkeeping provisions are incorporated in section 5(b) of the Act. The Department recognizes both the need for records to implement the Act and the burden this requirement places upon show management. Records are vital for orderly enforcement of the Act, particularly those aspects concerned with commerce. After studying comments received on earlier proposals, recordkeeping requirements in the regulations have been reduced to the minimum level deemed adequate to provide for orderly enforcement of the Act. The required information is normally available in records of a horse show or exhibition. The regulations do not require advance notification to the Department of horse shows or exhibitions. The proposed requirements for entry forms have also been omitted from the regulations in an effort to simplify the requirements under the Act. It is the Department's intention to determine during the initial phases of operation under these regulations whether or not the recordkeeping and other requirements are adequate to permit proper administration of the Department's responsibilities under the Act. If not, consideration will be given to strengthening these requirements.

Some of the comments on the proposed regulations relating to horse inspection and methods of accomplishing it, stated that eye-level inspection has been found acceptable and that there are inherent dangers if a stranger to a horse is permitted to handle the feet and legs of the horse. However, authority to inspect in any manner that the inspector deems necessary for effective enforcement of the Act is provided in the Act. To authorize inspections and then limit what can be done in the way of inspectional procedures would be self-defeating. The inspection authority must, of course, be exercised reasonably. Accordingly, the regulations provide for inspection by any means reasonably deemed necessary by the inspector.

GENERAL

Sec.
11.1 Definitions.

EXHIBITORS

11.2 Prohibitions concerning exhibitors.
11.3 Boots.
11.4 Inspection of horses.
11.5 Access to premises for inspection of horses.

HORSE SHOW OR EXHIBITION SPONSORS AND MANAGERS

11.20 Prohibitions concerning horse show or exhibition sponsors and managers.
11.21 Records required; and disposition thereof.
11.22 Inspection of records.
11.23 Access to premises for inspection of horses.
11.24 Reporting by show manager.

TRANSPORTATION

11.40 Prohibitions and requirements concerning persons involved in transportation of certain horses in commerce.

ENFORCEMENT

11.41 Violations and penalties.

AUTHORITY: The provision of this Part 11 issued under sec. 9, 84 Stat. 1406; 15 U.S.C. 1828; 29 F.R. 16210, as amended, 36 F.R. 20707.

GENERAL

§ 11.1 Definitions.

For the purposes of this part, unless the context otherwise requires, the following terms shall have the meanings assigned to them in this section. The singular form shall also import the plural and the masculine form shall also import the feminine. Words of art undefined in the following paragraphs shall have the meaning attributed to them by trade usage.

(a) "Act" means the Act of December 9, 1970 (Public Law 91–540; 84 Stat. 1404; 15 U.S.C. 1821–1831) cited as the Horse Protection Act of 1970.

(b) "Department" means the U.S. Department of Agriculture.

(c) "Administrator" means the Administrator of the Animal and Plant Health Service of the Department, or any officer or employee of said Service to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

(d) "Veterinary Services" means the office of the Animal and Plant Health Service to which is assigned responsibility for the performance of functions under the Act.

(e) "Deputy Administrator" means the Deputy Administrator for Veterinary Services or any other officer or employee of Veterinary Services to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

(f) "Veterinarian in Charge" means the Veterinary Services veterinarian who is assigned by the Deputy Administrator to supervise and perform the official work of Veterinary Services under the Act in a specified State.[1]

(g) "Veterinarian" means a graduate from a College of Veterinary Medicine who is licensed in the State in which he practices and has been accredited by the U.S. Department of Agriculture as described in § 161.1 of this title.

(h) "Veterinary Services representative" means any inspector employed by Veterinary Services who is designated by the Veterinarian in Charge, or any officer or employee of any State agency who is authorized by the Deputy Administrator to perform any function under the Act.

(i) "State" means a State, the District of Columbia, Commonwealth of Puerto Rico, or other possession of the United States.

(j) "Person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or other legal entity.

(k) "Horse" means any member of the species Equus caballus.

(l) Except in §§ 11.21 and 11.22, "horse show" means a public display of any horses, in competition, to which any horse was moved in commerce. In §§ 11.21 and 11.22, "horse show" means a public display of any horses in competition. Such definitions are not to be construed to include events where speed is the prime factor, nor rodeo events, parades or trail rides.

(m) Except in §§ 11.21 and 11.22, "exhibition" means a public display of any horses, singly or in groups, but not in competition, if any horse was moved to such display in commerce. In §§ 11.21 and 11.22, "exhibition" means a public display of any horses, singly or in groups, but not in competition. Such definitions are not to be construed to include events where speed is the prime factor, nor rodeo events, parades or trail rides.

(n) "Boot" means any device which encircles the lower extremity of a leg of a horse and which may be made of leather, cloth, felt, or other material.

(o) "Commerce" means commerce between a point in any State and any point outside thereof, or between points within the same State but through any place outside thereof, or within the District of Columbia, or from any foreign country to any point within the United States.

(p) "Inspection" of a horse means an examination of the horse by use of whatever means are reasonably deemed necessary by the inspector to determine whether the horse is sored. This may include, but is not limited to, visual examination, touching, use of any diagnostic device or instrument, and requiring the removal of any shoes, pads, and other equipment from the horse.

(q) "Sponsoring organization" means the Association or other persons under whose immediate auspices a horse show or exhibition is conducted.

(r) "Show manager" means the person who has been delegated primary authority for managing a horse show or exhibition by a sponsoring organization, and has accepted the responsibility involved.

(s) "Exhibitor" means the owner or other person who enters a horse in any horse show or exhibition.

(t) (1) "Sored horse" is a horse that has been subjected, after December 9, 1970, to one or more of the following for the purpose of affecting its gait:

[1] Information as to the name and address of the Veterinarian in Charge for the State concerned can be obtained by writing to the Deputy Administrator, Veterinary Services, Animal and Plant Health Service, U.S. Department of Agriculture, Hyattsville, Md. 20782.

(i) A blistering agent has been applied internally or externally to any of the legs, ankles, feet, or other parts of the horse;

(ii) Burns, cuts, bruises, or lacerations have been inflicted on the horse;

(iii) A chemical agent, or tacks or nails have been used on the horse; or

(iv) Any other cruel or inhumane method or device has been used on the horse, including but not limited to, chains or boots; which may reasonably be expected (*a*) to result in physical pain to the horse when walking, trotting, or otherwise moving, (*b*) to cause extreme physical distress to the horse, or (*c*) to cause inflammation. However, a horse given therapeutic treatment by a veterinarian, to relieve pain, lameness, or disability or to restore its normal gait, shall not be considered sored.

(2) A horse shall be considered sored if, as a result of the use of pads on the front feet or other artificial devices or means, the length of the toe does not exceed the height of the heel by 1 inch or more when measured from the ground to the hair line.

EXHIBITORS

§ 11.2 Prohibitions concerning exhibitors.

(a) It is unlawful for any person to show or exhibit, or enter for the purpose of showing or exhibiting, in any horse show or exhibition, any horse which is sored.

(b) No chains, rollers, or other device or method shall be used with respect to any horse at any horse show or exhibition if such use causes the horse to be sored.

(c) No boots other than those permitted under § 11.3 shall be used on any horse at any horse show or exhibition.

(d) Substances such as, but not limited to, greases, dyes, stains, or polishes shall not be used on the extremities, above the hoof but below the fetlock, of any horse while being shown or exhibited at any horse show or exhibition, unless the exhibitor furnishes to the Veterinary Services representative, upon his request, a certification from a veterinarian that such substance was applied for beneficial therapeutic purposes and its presence during such showing or exhibition was required for such purposes.

§ 11.3 Boots.

The only boots permitted to be used under the regulations in this part on any horse shall be:

(a) Those boots known to the industry as "fixed boots." These include types such as, but not limited to, heel boots, trotting boots, skid or sliding boots, splint boots, quarter boots, and shoeguard boots.

(b) Hinged quarter boots which meet the following requirements: The lower portion of the boot shall be firmly attached by a strap and buckle or similar humane device to the foot below the hairline. The upper half of the boot shall be fastened to the lower half in such a manner that there shall be not more than a 1-inch separation between the two halves and that such connection does not cause pain or discomfort. The upper half of the boot shall be constructed in such a way that any part in contact with the skin shall be soft, smooth, and free of projections. No attachments, weights, or other devices shall be affixed to the upper half of the boot, except that a fastening device may be used if it is so designed and used as to avoid physical pain to the horse when moving and to avoid extreme physical distress and inflammation of any part of the horse.

(c) Rubber bell boots.

(d) Leather bell boots; *Provided*, That:

(1) The inside must be smooth and free of all swellings, projections, or sharp edges;

(2) The lining must be of soft leather, felt or similar material;

(3) The boots shall not weigh in excess of 16 ounces each;

(4) The bell portion, exclusive of the soft roll on the top, shall be a minimum of 2½ inches in height.

§ 11.4 Inspection of horses.

For the effective enforcement of the Act:

(a) Each horse owner and other person having custody of any horses shall allow any Veterinary Services representative to inspect the horses in his custody at such times and places as the Veterinary Services representative may designate, while such horses are being moved in commerce or thereafter.

(b) Each horse owner and other person having custody of any horses shall allow any Veterinary Services representative, the show manager or his representative, and any veterinarian designated under § 11.20 to inspect such horses at such reasonable times and places as such inspector may require while the horses are at any horse show or exhibition.

(c) When any Veterinary Services representative, in writing, notifies the owner of any horse, or other person having custody of the horse, that inspection of such horse is required to be made after the horse has been shown or exhibited at any horse show or exhibition, such horse shall not be moved from the horse show or exhibition premises unless the owner or other custodian agrees, in writing, to make the horse available for inspection by a Veterinary Services representative at a time and location agreeable to such representative and does in fact make the horse available for such inspection.

(d) The person having custody of the horses to be inspected shall render such assistance as the inspector may reasonably request for purposes of such inspection.

§ 11.5 Access to premises for inspection of horses.

Each exhibitor shall, without fee, charge, assessment, or compensation, admit any Veterinary Services representative, the show manager, and any veterinarian designated under § 11.20, to all areas of barns, compounds, and other portions of the show grounds at any horse show or exhibition, or similar areas adjacent to the show grounds, and vans or trucks on any such grounds or areas, where any horse in his custody is located, upon the request and identification of such representative, manager, or veterinarian, for purposes of inspecting any such horse pursuant to the Act.

HORSE SHOW OR EXHIBITION SPONSORS AND MANAGERS

§ 11.20 Prohibition concerning horse show or exhibition sponsors and managers.

It is unlawful for any person to conduct any horse show or exhibition in which there is shown or exhibited any horse which is sored, unless he can establish that he has complied with the provisions of this section. No violation of this prohibition will be demed to occur if:

(a) The sponsoring organization or show manager shall identify all horses that are sored or otherwise in violation of § 11.2 and cause them to be removed from participation in any class at the horse show, prior to the tying of the class, or from exhibition before the end of the exhibition.

(b) Alternatively:

(1) The sponsoring organization shall designate a veterinarian to examine and observe all horses at the show or exhibition to determine whether any such horses are sored.

(2) The veterinarian so designated shall examine the horses entered in any class at the horse show or shown in any exhibition, in whatever way he deems necessary to determine whether any such horse is sored. He shall observe such horses while they are performing at the horse show or exhibition and shall inspect them at such other times at the show or exhibition as he deems necessary to determine whether any horse shown or exhibited was sored.

(3) The veterinarian so designated shall report, in writing, any horses which he considers are sored to the show judge and to the show manager before the class is tied or before the conclusion of the exhibition. Not later than 72 hours following the conclusion of the horse show or exhibition the veterinarian shall send to the Veterinarian in Charge for the State in which the horse show or exhibition is held a report identifying each horse considered by him to be sored.

(4) The show manager shall ascertain whether any horse is otherwise in violation of § 11.2.

(5) The show manager shall immediately cause to be removed from participation in such class at the horse show or from the exhibition all horses designated by the veterinarian as sored or otherwise known to be sored, and any horses found by the show manager to be otherwise in violation of § 11.2.

§ 11.21 Records required, and disposition thereof.

(a) The sponsoring organization for any horse show or exhibition, or the

designee of the organization shall maintain for a period of 90 days following the closing date of the horse show or exhibition, records containing:

(1) The dates and place of the horse show or exhibition;

(2) The show manager's name and address;

(3) A statement signed by an officer of the sponsoring organization that it will comply with the Act and will direct the show manager and all employees and agents of the sponsoring organization to comply with the provisions of the Act;

(4) The name and address of the veterinarian, if any, employed to make inspections under § 11.20;

(5) The name and address of each show judge;

(6) A copy of the official program, if any; and

(7) The identification of each horse and his owner, exhibitor, and home barn.

(b) The sponsoring organization for any horse show or exhibition shall furnish to any Veterinary Services representative, upon his request, the name and address of any person designated by the organization to maintain the records required by this section.

(c) The Deputy Administrator may, in specific cases, authorize a period of retention of records required by this section for less than 90 days.

§ 11.22 Inspection of records.

(a) Upon request and during ordinary business hours, or such other times as may be agreed upon, the sponsoring organization and any designee thereof shall permit any Veterinary Services representative to examine all records required to be kept by the regulations in this part and to make copies of such records. A room, table, or other facilities necessary for proper examination of the records shall be made available to the Veterinary Services representative.

§ 11.23 Access to premises for inspection of horses.

The sponsoring organization and the show manager of any horse show or exhibition shall, without fee, charge, assessment, or other compensation, provide the Veterinary Services representative upon request and after identification of the representative, with unlimited access to the grandstands and all other areas of the show or exhibition grounds and adjacent areas under their control, for purposes of inspection of horses or records as provided in this part.

§ 11.24 Reporting by show manager.

Within 72 hours following the conclusion of the horse show or exhibition, the show manager of the horse show or exhibition shall send by mail to the Veterinarian in Charge for the State where the horse show or exhibition was held, the information required by § 11.21(a)(7) for each horse that was reported as sored by the veterinarian designated under § 11.20, or was found by the show manager to be sored or otherwise in violation of § 11.2.

TRANSPORTATION

§ 11.40 Prohibitions and requirements concerning persons involved in transportation of certain horses in commerce.

(a) It is unlawful for any person to ship, transport, or otherwise move, or deliver or receive for movement, in commerce, for the purpose of showing or exhibition, any horse which such person has reason to believe is sored.

(b) Each person who ships, transports, or otherwise moves, or delivers or receives for movement, in commerce, for the purpose of showing or exhibition, any horse, shall allow and assist in the inspection of such horse as provided in § 11.4 and shall furnish to any Veterinary Services representative upon his request and in the manner requested the following information:

(1) Name and address of the horse owner and of the shipper, if different from the owner or trainer;

(2) Name and address of the horse trainer;

(3) Name and address of the carrier transporting the horse, and of the driver of the means of conveyance used;

(4) Origin of the shipment and date thereof;

(5) Destination of shipment.

ENFORCEMENT

§ 11.41 Violations and penalties.

A violation of any provision of the Act or the regulations in this part is unlawful and any person committing such a violation is subject to a civil penalty up to $1,000 or criminal penalties up to $2,000 and 6 months imprisonment for each such violation, as prescribed in section 6 of the Act.

The foregoing regulations implement the Horse Protection Act and should be made effective promptly in order to effectuate the objectives of the Act. The regulations differ in some respects from the provisions proposed in the notices of rule making. The differences are due to changes made pursuant to comments from interested persons or in the interests of clarification and consistency. It does not appear that further public participation in connection with the issuance of the regulations would make additional information available to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such further public proceedings are impracticable and unnecessary and good cause is found for making the regulations effective less than 30 days after their publication in the FEDERAL REGISTER.

Effective date. The foregoing regulations shall become effective upon publication in the FEDERAL REGISTER (2-1-72).

NOTE: The recordkeeping and reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 28th day of January 1972.

F. J. MULHERN,
Administrator,
Animal and Plant Health Service.

[FR Doc.72-1524 Filed 1-31-72;8:51 am]

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

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Areas Quarantined

Pursuant to the provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

In § 82.3, the introductory portion of paragraph (a) is amended by adding thereto the name of the State of Florida, and a new subparagraph (a)(5) relating to the State of Florida is added to read:

§ 82.3 Areas quarantined.

(a) * * *

(5) *Florida.* That portion of Dade County (city of Miami), bounded by a line beginning at the junction of Palmetto Expressway (Interstate 826) and Northwest 74th Street; thence, following Northwest 74th Street in an easterly direction to U.S. Highway 27; thence, following U.S. Highway 27 in a northwesterly direction to Palmetto Expressway (Interstate 826); thence, following Palmetto Expressway (Interstate 826) in a southerly direction to its junction with Northwest 74th Street.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended, 36 F.R. 20707)

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

The amendment quarantines a portion of Dade County, Fla. (city of Miami), because of the existence of exotic Newcastle disease. The amendment imposes certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of January 1972.

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

[FR Doc.72-1410 Filed 1-31-72;8:46 am]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1971 ed.), as amended January 22, 1971 (36 F.R. 1038), April 3, 1971 (36 F.R. 6413), May 14, 1971 (36 F.R. 8861), September 21, 1971 (36 F.R. 18716), and December 9, 1971 (36 F.R. 23356), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein as follows:

WITHIN METROPOLITAN AREA

ONE HOUR

Delete: San Juan, P.R.

TWO HOURS

Add: San Juan, P.R.

(64 Stat. 561; 7 U.S.C. 2260)

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER (2-1-72).

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Service.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of January 1972.

J. M. HEJL,
Acting Deputy Administrator,
Veterinary Services, Animal
and Plant Health Service.

[FR Doc.72-1409 Filed 1-31-72;8:46 am]

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

On November 3, 1971, there was published in the FEDERAL REGISTER (36 F.R. 21058) a notice of proposed rule making with respect to proposed amendments to the regulations relating to viruses, serums, toxins, and analogous products in Part 113 of Title 9, Code of the Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158).

After due consideration of all relevant matters, including the proposals set forth in the aforesaid notice of rule making, and the comments and views submitted by interested persons, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158), the proposed amendments of Part 113 of Subchapter E, Chapter I, Title 9, of the Code of the Federal Regulations, as contained in the aforesaid notice are hereby adopted, except that the term "Deputy Administrator" is substituted for the term "Director" in § 113.25(d), and are set forth in full herein.

1. Section 113.25(d) is amended to read:

§ 113.25 Culture media for detection of bacteria and fungi.

* * * * *

(d) A determination shall be made by the licensee for each biological product of the ratio of inoculum to medium which shall result in sufficient dilution of such product to prevent bacteriostatic and fungistatic activity. The determination may be made by tests on a representative biological product for each group of comparable products containing identical preservatives at equal or lower concentrations. Inhibitors or neutralizers of preservatives, approved by the Deputy Administrator, may be considered in determining the proper ratio.

2. Section 113.26 (a)(3) and (b)(3) are amended to read:

§ 113.26 Detection of viable extraneous bacteria and fungi in all biological products except live vaccines.

* * * * *

(a) * * *

(3) Soybean-Casein Digest Medium shall be used to test biological products for fungi; provided, that Fluid Thioglycollate Medium without beef extract shall be substituted when testing biological products containing mercurial preservatives.

(b) * * *

(3) Incubation shall be for an observation period of 14 days at 30° to 35° C. to test for bacteria and 14 days at 20° to 25° C. to test for fungi.

Effective date. Thirty days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of January 1972.

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

[FR Doc.72-1458 Filed 1-31-72;8:50 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev. of the Export Reg.; Amdt. 31]

PART 377—SHORT SUPPLY CONTROLS

Commodities Subject to Semimonthly Reporting Requirements

Part 377 is amended as set forth below.

Effective date: January 27, 1972.

RAUER H. MEYER,
Director,
Office of Export Control.

Semimonthly reports from exporters on the export of the ferrous and nickel-bearing scrap commodities listed in Supplement No. 3 to Part 377 are no longer required. Therefore, § 377.1(c)(3) and Supplement No. 3 to Part 377 are deleted.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-1963 Comp.)

[FR Doc.72-1440 Filed 1-31-72;8:49 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 72-45]

PART 12—SPECIAL CLASSES OF MERCHANDISE

Importation of Motor Vehicles and Motor Vehicle Engines

Under the provisions of title II of the Clean Air Act, as amended by the Clean Air Amendments of 1970 (42 U.S.C. 1857f-1, as amended by Public Law 91-604), the Department of Health, Education, and Welfare and the Environmental Protection Agency have promulgated regulations in 40 CFR Part 85 which prescribe standards for the control of emissions from certain motor vehicles and motor vehicle engines.

The importation into the United States of any motor vehicle or engine manufactured after the effective date of any standard which is applicable to such vehicle or engine (or which would have been applicable to such vehicle or engine had it been manufactured for importation into the United States) is prohibited by Public Law 91-604 unless the

motor vehicle or engine is covered by a certificate of conformity with such applicable standard or is exempted by the Administrator of the Environmental Protection Agency. The regulations which deal with the admission and refusal of motor vehicles and engines subject to standards promulgated under the provisions of the Clean Air Act which are offered for importation into the customs territory of the United States, are amended as follows:

ENTRY OF MOTOR VEHICLES AND MOTOR VEHICLE ENGINES UNDER THE CLEAN AIR ACT, AS AMENDED

§ 12.73 Federal motor vehicle air pollution control.

(a) *Standards prescribed by the Department of Health, Education, and Welfare or the Environmental Protection Agency.* Certain new motor vehicles and new motor vehicle engines are subject to emission standards prescribed by the U.S. Environmental Protection Agency or the Department of Health, Education, and Welfare under section 202 of the Clean Air Act, as amended (42 U.S.C. 1857f–1, sec. 6, Public Law 91–604), as set forth in regulations in 40 CFR Part 85. For purposes of this section, "motor vehicle" means any self-propelled vehicle designed for transporting persons or property on a street or highway, and "new motor vehicle" and "new motor vehicle engine" mean a motor vehicle or engine, respectively, manufactured after the effective date of a regulation issued under section 202 of the Act which is applicable to such vehicle or engine (or would have been applicable to such vehicle or engine had it been manufactured for importation into the United States).

(b) *Requirements for entry and release.* Each motor vehicle or motor vehicle engine offered for importation or imported into the customs territory of the United States shall be refused entry unless there is filed with the entry, in duplicate, a declaration verified by the importer or consignee which contains:

(1) The name and address of the importer and the consignee;

(2) The make, model, and model year of the vehicle or engine;

(3) The vehicle identification number of such vehicle, or the serial number of such engine (if not chassis mounted);

(4) The date of entry, the vessel or carrier of importation, the port or point of entry, and the entry number (where applicable);

(5) A statement that—

(i) Such 1968, 1969, or 1970 model year motor vehicle or motor vehicle engine is covered by a certificate of conformity with Federal motor vehicle emission standards; or

(ii) Such 1971 or subsequent model year motor vehicle or motor vehicle engine is covered by a certificate of conformity with Federal motor vehicle emission standards and is tagged or labeled in accordance with applicable regulations in 40 CFR Part 85; or

(iii) Such motor vehicle or motor vehicle engine is not covered by a certificate of conformity with Federal motor vehicle emission standards, is being imported solely for purposes of display and will not be sold or operated on the public streets or highways; or

(iv) Such motor vehicle or motor vehicle engine is not covered by a certificate of conformity with Federal motor vehicle emission standards, and the importer or consignee is a member of the armed forces of a foreign country on assignment in the United States, or is a member of the Secretariat of a public international organization so designated pursuant to 59 Stat. 669 (22 U.S.C. 288 (b)) on assignment in the United States or is a member of the personnel of a foreign government on assignment in the United States who comes within the class of persons for whom free entry of motor vehicles has been authorized by the Department of State, and that such vehicle or engine will not be sold in the United States; or

(v) The importer or consignee is a nonresident of the United States importing such motor vehicle or motor vehicle engine solely for personal use for a period not exceeding 1 year, and such vehicle or engine will not be sold in the United States; or

(vi) Such motor vehicle or motor vehicle engine is not covered by a certificate of conformity with Federal motor vehicle emission standards, is being imported solely for purposes of testing, and will not be sold or operated on the public streets or highways except in accordance with 40 CFR 85.201, or

(vii) Such motor vehicle or motor vehicle engine is intended solely for export; or

(viii) Such motor vehicle or motor vehicle engine is not subject to the Clean Air Act or regulations thereunder for reasons specified in the declaration; or

(ix) Such motor vehicle or motor vehicle engine is one of a class of vehicles or engines for which an application for certification of conformity is pending before the Administrator of the U.S. Environmental Protection Agency and is being imported under bond in accordance with 40 CFR 85.202 pending issuance of such certification; or

(x) Such motor vehicle or motor vehicle engine is not covered by a certificate of conformity with Federal motor vehicle emission standards but will be brought into conformity with such standards and is being imported under bond in accordance with 40 CFR 85.203; or

(xi) Neither the importer nor the consignee possess sufficient information to make any of the preceding declarations but the importer or consignee will seek to determine such information, and such motor vehicle or motor vehicle engine is being imported under bond in accordance with 40 CFR 85.204.

(c) *Release under bond.* If a declaration filed in accordance with paragraph (b) of this section states that the entry is being made under circumstances described in paragraph (b)(5) (ix), (x), or (xi) of this section, the entry shall be accepted only if the importer or consignee gives a bond on Customs Form 7551, 7553, or 7595 for the production of a declaration that the vehicle is in conformity with Federal emission standards or, in the case of an entry made under circumstances described in paragraph (b)(5)(xi) of this section, for the production of an appropriate declaration under paragraph (b)(5) (i) through (x) of this section. The bond shall be in the amount required under § 25.4(a) of this chapter. Within 90 days after such entry, or such additional period as the district director of customs may allow for good cause shown, the importer or consignee shall deliver to the district director the prescribed declaration. If the declaration is not delivered to the district director of customs for the port of entry of such vehicles or engines within 90 days of the date of entry or such additional period as may be allowed by the district director, for good cause shown, the importer or consignee shall deliver or cause to be delivered to the district director of customs those motor vehicles or motor vehicle engines which were released in accordance with this paragraph. In the event that any such motor vehicle or motor vehicle engine is not redelivered within 5 days following the date specified in the preceding sentence, liquidated damages shall be assessed in the full amount of a bond given on Form 7551. When the transaction has been charged against a bond given on Form 7553, or 7595, liquidated damages shall be assessed in the amount that would have been demanded under the preceding sentence if the merchandise had been released under a bond given on Form 7551.

(d) *Merchandise refunded entry.* If a motor vehicle or motor vehicle engine is denied entry under the provisions of paragraph (b) of this section, the district director of customs shall refuse to release the merchandise for entry into the United States and shall give notice of such refusal to the importer.

(e) *Disposition of merchandise refused entry into the United States; redelivered merchandise.* Motor vehicles or motor vehicle engines which are denied entry under paragraph (b) of this section or which are redelivered in accordance with paragraph (c) of this section and which are not exported under customs supervision within 90 days from the date of notice of refusal of admission or date of redelivery shall be disposed of under customs laws and regulations: *Provided, however,* That any such disposition shall not result in an introduction into the United States of a motor vehicle or motor vehicle engine not covered by a certificate of conformity with Federal motor vehicle emission standards.

(f) *Prohibited importations.* The importation of motor vehicles and motor vehicle engines, otherwise than in accordance with the provisions of this section, is prohibited.

(Sec. 484, 46 Stat. 722, as amended, sec. 203, 79 Stat. 993, as amended; 19 U.S.C. 1484, 42 U.S.C. 1857f–2, 1857g)

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: January 21, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

Approved: December 23, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator, Environmental Protection Agency.

[FR Doc.72–1446, Filed 1–31–72;8:51 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER C—AIR PROGRAMS

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Subpart N—Importation of Motor Vehicles and Motor Vehicle Engines

The Clean Air Amendments of 1970 (Public Law 91–604) revised the importation provisions of the Clean Air Act (42 U.S.C. 1857f–2) to prohibit the importation of any vehicle or engine unless it is covered by a certificate of conformity with Federal emission standards applicable during the model year in which it was built or unless it is exempted by the Administrator. The regulations set forth below, along with procedural regulations published in this issue of the FEDERAL REGISTER by the Bureau of Customs,[1] prescribe provisions to implement the 1970 Amendments.

These regulations comprising a new Subpart N in Part 85 are effective 30 days following publication. Since the amendments to the Act relating to imports are already in effect, the Agency finds that it is in the public interest and that good cause exists for the adoption of these regulations without prior notice or opportunity for public participation.

The Agency is undertaking a study of the operation of the regulations on importation of motor vehicles and motor vehicle engines with a view to improving the effectiveness of the regulations in preventing the importation of vehicles and engines which do not conform to Federal emission standards. Further amendments or additions to these regulations may be proposed at a later date.

A new Subpart N of Part 85 of Title 40 of the Code of Federal Regulations is added as follows:

[1] See 19 CFR 12.73, F.R. Doc. 72–1446, *supra*.

Subpart N—Importation of Motor Vehicles and Motor Vehicle Engines

Sec.
85.200 Applicability.
85.201 Admission for testing.
85.202 Admission pending certification.
85.203 Admission pending modification.
85.204 Admission pending receipt of information.
85.205 Waiver of conditions of admission.
85.206 Storage and prohibited operation or sale of vehicles or engines conditionally admitted.
85.207 Prohibited importation; penalties.

AUTHORITY: The provisions of this Subpart N issued under 42 U.S.C. 1857g, as amended by sec. 15(c)(2), Public Law 91–604; 84 Stat. 1713.

§ 85.200 Applicability.

(a) The provisions of this subpart are applicable to new motor vehicles and new motor vehicle engines which are offered for importation or imported into the United States by any person. As used in this subpart, "new motor vehicles" and "new motor vehicle engines" mean new and used motor vehicles or engines manufactured after the effective date of a regulation issued under section 202 of the Act which is applicable to such vehicles or engines (or which would have been applicable to such vehicles or engines had they been manufactured for importation into the United States). The term United States means the customs territory of the United States as defined in 19 U.S.C. 1202, and the Virgin Islands, Guam, and American Samoa.

(b) Regulations prescribing further procedures for entry of motor vehicles and motor vehicle engines into the customs territory of the United States, as defined in 19 U.S.C. 1202, are set forth in 19 CFR 12.73.

§ 85.201 Admission for testing.

A motor vehicle or motor vehicle engine offered for importation or imported pursuant to 19 CFR 12.73(b)(5)(vi), solely for purposes of testing, may be operated on the public streets or highways for a period not to exceed 1 year from the date of importation if the importer or consignee receives prior written approval of such operation from the Administrator. Requests for such approval shall be in writing, and shall briefly describe the proposed testing program, including the estimated duration of such program.

§ 85.202 Admission pending certification.

A motor vehicle or motor vehicle engine offered for importation or imported pursuant to 19 CFR 12.73(b)(5)(ix) under a declaration that it is one of a class of vehicles or engines represented by test vehicles or engines for which an application for certification of conformity with Federal motor vehicle emission standards is pending before the Administrator may be conditionally admitted into the United States, but shall be refused final admission unless:

(a) Not later than 5 days following such conditional admission the importer or consignee has submitted to the Administrator a written request that such vehicle or engine be permitted conditional admission pending certification of the test vehicle which represents the class of vehicles or engines to which such vehicle or engine belongs, which request shall contain the following :

(1) Identification of the test vehicle or engine which represents such vehicle or engine;

(2) Identification of the place where such vehicle or engine will be stored while the application for certification is pending before the Administrator: *Provided*, That such vehicle or engine shall not be stored on the premises of, or subject to access by or control of, any dealer;

(3) An acknowledgement of responsibility for the custody of the vehicle or engine while certification is pending; and

(b) The Administrator has issued the requested certificate of conformity.

§ 85.203 Admission pending modification.

Any motor vehicle or motor vehicle engine offered for importation or imported pursuant to 19 CFR 12.73(b)(5)(x) under a declaration that it is not covered by a certificate of conformity with Federal motor vehicle emission standards may be conditionally admitted into the United States, but shall be refused final admission unless:

(a) Not later than 5 days following such conditional admission, the importer or consignee has submitted to the Administrator a written request that he be allowed to modify the vehicle or engine so that it will be in conformity with applicable emission standards, which request shall contain the following:

(1) A statement, acceptable to the Administrator, that specifies the modifications which are necessary to render the vehicle or engine in conformity with a test vehicle or engine for which a certificate of conformity has been issued; or, if the vehicle or engine cannot be modified to bring it within a class of vehicles or engines represented by a test vehicle or engine for which a certificate of conformity has been issued, the request shall state that the importer or consignee will demonstrate that the vehicle or engine is in conformity with applicable emission standards by testing the vehicle or engine or causing it to be tested in accordance with test procedures prescribed in 40 CFR Part 85;

(2) The date by which the modifications will be accomplished;

(3) Identification of the place where the vehicle or engine will be stored pending a determination of conformity under this paragraph: *Provided*, That such vehicle or engine shall not be stored on the premises of, or subject to access by or control of any dealer;

(4) An acknowledgement of responsibility for the custody of the vehicle or engine while the modifications are being made and while a determination of conformity is pending;

(5) Authorization for representatives of the Environmental Protection Agency to inspect or test the vehicle or engine at any reasonable time for the purpose of making a determination of conformity; and

(b) The Administrator has issued a written determination stating that the vehicle or engine is in conformity with Federal motor vehicle emission standards.

§ 85.204 Admission pending receipt of information.

Any motor vehicle or motor vehicle engine offered for importation or imported pursuant to 19 CFR 12.73(b)(5)(xi) under a declaration that the importer or consignee does not possess sufficient information to make a knowledgeable declaration may be conditionally admitted into the United States, but shall be refused final admission unless:

(a) Not later than 5 days following such conditional admission, the importer or consignee has submitted to the Administrator a written request that such vehicle or engine be permitted entry pending receipt of sufficient information to determine whether such vehicle or engine is covered by a certificate of conformity, and what modifications or testing, if any, are required to bring the vehicle or engine into conformity with applicable emission standards, which request shall contain the following:

(1) Identification of the place where the vehicle or engine will be stored while the receipt of the information is pending: *Provided*, That such vehicle shall not be stored on the premises of or subject to access by or control of, any dealer; and

(2) An acknowledgement of responsibility for the custody of the vehicle or engine during the period; and

(b) The importer or consignee redeclares the vehicle in accordance with 19 CFR 12.73(b)(5)(i) through (x).

§ 85.205 Waiver of conditions of admission.

Upon the written request of the importer or consignee, and for good cause shown, the Administrator may waive any of the conditions of admission set forth in §§ 85.201, 85.202(a), 85.203(a), and 85.204(a), and may give written consent to admission of a vehicle or engine upon such terms and conditions as the Administrator may specify.

§ 85.206 Storage and prohibited operation or sale of vehicles or engines conditionally admitted.

A motor vehicle or engine conditionally admitted pursuant to § 85.202, § 85.203, or § 85.204 shall be stored and shall not be operated on the public highways or sold until such vehicle or engine has been granted final admission. Failure to comply with this provision shall constitute a violation of section 203(a)(1) of the Clean Air Act, as amended.

§ 85.207 Prohibited importation; penalties.

(a) The importation of any motor vehicle or motor vehicle engine otherwise than in accordance with any applicable provisions of this subpart and the bonding and entry regulations of the Bureau of Customs set forth in 19 CFR 12.73 is prohibited.

(b) Any vehicle or engine conditionally admitted pursuant to § 85.202, § 85.203, or § 85.204 and not granted final admission within 90 days of such conditional admission, or within such additional time as the Bureau of Customs may allow for good cause shown pursuant to 19 CFR 12.73(c), shall be deemed to be unlawfully imported into the United States in violation of section 203(a)(1) of the Clean Air Act unless such vehicle or engine shall have been delivered to the Bureau of Customs for export or other disposition under applicable Customs laws and regulations. Any importer or consignee who violates section 203(a)(1) of the Clean Air Act is subject to a civil penalty of not more than $10,000 for each violation. In addition to the penalty provided in the Clean Air Act, any importer or consignee who fails to deliver such vehicle or engine to the Bureau of Customs is liable for liquidated damages in the amount of the bond required by applicable Customs laws and regulations.

WILLIAM D. RUCKELSHAUS,
Administrator.

Dated: December 23, 1971.

[FR Doc.72-1489 Filed 1-31-72;8:51 am]

PART 106—PUBLIC HEARINGS UNDER THE FEDERAL WATER POLLUTION CONTROL ACT

Redesignation of Delegated Authority

Part 106 prescribes the procedures which will be followed with respect to public hearings and hearing boards created pursuant to the provisions of section 10(f) of the Federal Water Pollution Control Act (FWPCA). These procedures provide in §§ 106.2(f), 106.3(a), 106.4(e), 106.4(f), 106.5(a), 106.6, 106.8(b), 106.9, and 106.13(b) for certain actions which may be taken by the Deputy Assistant Administrator for Water Programs. Since enforcement of the FWPCA is the responsibility of the Office of the Assistant Administrator for Enforcement within the Environmental Protection Agency, the above noted references to the Deputy Assistant Administrator for Water Programs are inconsistent with the internal organization of the Agency and delegations of responsibilities by the Administrator. For this reason the amendments to Part 106 promulgated herewith will designate the "Assistant Administrator for Enforcement" in place of the "Deputy Assistant Administrator for Water Programs".

No substantive change in the regulation is being made and only agency organization and procedure will be affected by the above described redesignation. For these reasons, compliance with the notice of proposed rule making and effective date provisions of section 553 title 5 U.S.C. is impracticable, unnecessary and contrary to the public interest, and good cause exists for the adoption of the amendments to Part 106 as set forth below without further notice and public procedure.

Effective date. The amendments to Part 106 to title 40, Chapter I, as set forth below shall be effective on the date of their publication in the FEDERAL REGISTER (2-1-72).

Dated: January 26, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

Sections 106.2(f), 106.3(a), 106.4 (e) and (f), 106.5(a), 106.6, 106.8(b), 106.9, and 106.13(b) of Part 106 are hereby amended to read as follows:

§ 106.2 Definitions.

* * * * *

(f) "Assistant Administrator for Enforcement" means the Assistant Administrator for Enforcement in the Environmental Protection Agency.

* * * * *

§ 106.3 Initiation of proceedings for public hearings; appointment of Board.

(a) In any case where the Administrator finds that the conditions precedent to the calling of a public hearing under the Act exist, he will call such a hearing, and may either fix the time and place thereof, or authorize the Assistant Administrator for Enforcement to do so.

* * * * *

§ 106.4 Organization and general procedures of the Board.

* * * * *

(e) The Assistant Administrator for Enforcement shall provide for the Board such clerical and technical assistance as may be necessary.

(f) The Board shall designate an executive secretary, from personnel provided by the Assistant Administrator for Enforcement, who shall maintain and have custody of all official records and other documents pertaining to the functions of the Board, and shall perform such other duties related to its functions as the Board may prescribe.

* * * * *

§ 106.5 Notice of hearing.

(a) The Assistant Administrator for Enforcement shall issue and serve notice of hearing as herein provided and, if the time and place of the hearing have not been fixed by the Administrator, shall fix such time and place.

* * * * *

§ 106.6 Service.

Notice of hearing, findings, conclusions and recommendations of the Board, and any other documents relating to the functions of the Board, may be served by mailing a copy thereof addressed to each person or agency to be served at their respective residences, offices or place of business as ascertained by the Assistant Administrator for Enforcement or the Board, as the case may be.

§ 106.8 Parties.

* * * * *

(b) The Assistant Administrator for Enforcement shall have all the rights of a party to the hearing.

* * * * *

§ 106.9 Presentation of evidence by the Assistant Administrator for Enforcement.

The Assistant Administrator for Enforcement shall arrange for the presentation of evidence concerning the pollution, the person or persons discharging any matter causing or contributing to the pollution and remedial measures, if any, recommended by him.

§ 106.13 Final findings and recommendations.

* * * * *

(b) Upon submission of such findings, conclusions and recommendations, the Board shall be terminated and all records pertaining to its functions transferred to the custody of the Assistant Administrator for Enforcement.

* * * * *

(Sec. 10, 70 Stat. 505, 506; 33 U.S.C. 1160)

[FR Doc.72-1414 Filed 1-31-72;8:45 am]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Manpower Administration, Department of Labor

PART 614—UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEN

Schedule of Remuneration

The issuance of Executive Order 11638, 36 F.R. 24913, providing increased pay and allowances for members of the uniformed services, makes it necessary to amend § 614.19 of Title 20 of the Code of Federal Regulations, which contains the schedule of remuneration for each pay grade of ex-servicemen used in the administration of the program of unemployment compensation for ex-servicemen established by subchapter II of chapter 85 of title 5 of the United States Code (5 U.S.C. 8521–8525).

The provisions of 5 U.S.C. 553 which require notice of proposed rulemaking, public participation in their adoption, and delay in effective date are not applicable because such notice, public participation, and delay are found not to be in the public interest which in this instance requires the prompt implementation of the amended schedule of remuneration by the several State agencies administering such program. Accordingly, this change is effective upon publication in the FEDERAL REGISTER (2–1–72).

Section 614.19 of Title 20, Code of Federal Regulations, is revised to read:

§ 614.19 Schedule of remuneration.

(a) The schedule provided in this paragraph applies to first claims under the UCX program filed on or after March 5, 1972.

Pay Grades:	*Monthly rate*
1. Commissioned officer:	
0–10	$3,590
0–9	3,374
0–8	3,074
0–7	2,711
0–6	2,319
0–5	1,873
0–4	1,541
0–3	1,269
0–2	966
0–1	767
2. Warrant officer:	
W–4	$1,495
W–3	1,232
W–2	1,046
W–1	876
3. Enlisted personnel:	
E–9	$1,264
E–8	1,084
E–7	939
E–6	808
E–5	647
E–4	545
E–3	497
E–2	466
E–1	428

(b) The deletion from paragraph (a) of this section of schedules of remuneration applicable to periods of time prior to March 5, 1972, and heretofore published in 36 F.R. 22975; 36 F.R. 3465; 35 F.R. 9000; 34 F.R. 12434; 33 F.R. 10086; 33 F.R. 3635; 32 F.R. 20974; 30 F.R. 13120; 29 F.R. 13102; and 23 F.R. 8699, does not revoke such schedules.

(5 U.S.C. 8508 and 8521(a)(2))

Signed at Washington, D.C., this 21st day of January 1972.

MALCOLM R. LOVELL, Jr.,
Assistant Secretary for Manpower.

[FR Doc.72-1397 Filed 1-31-72;8:45 am]

PART 617—TEMPORARY COMPENSATION

The Emergency Unemployment Compensation Act of 1971, title II of Public Law 92–224, hereinafter the Act, provides that a State, whose unemployment compensation law is approved by the Secretary under section 3304 of the Internal Revenue Code of 1954 and contains a requirement that extended compensation be payable thereunder as provided by the Federal-State Extended Unemployment Compensation Act of 1970, title II of Public Law 91–373, may if it so desires, enter into an agreement with the Secretary whereby its State employment security agency will pay compensation under the Act to eligible individuals during periods of unemployment as specified in the Act. To implement the Act, Title 20 of the Code of Federal Regulations is hereby amended by adding thereto a new Part 617.

The provisions of 5 U.S.C. 553 which require notice of proposed rulemaking, public participation in their adoption, and delay in effective date are not applicable because notice, public participation, and delay are found not to be in the public interest. Compensation under the Act cannot be paid to unemployed workers in the absence of agreements with States and unless such agreements are entered into before January 30, 1972, the date of the beginning of the earliest week for which compensation may be paid under the Act, there will be delay in the payment of the compensation since it will not then be payable until a week after the week in which the agreement is entered into.

The regulations shall become effective on the date of their publication in the FEDERAL REGISTER (2–1–72).

As added, Part 617 reads as follows:

AUTHORITY: The provisions of this Part 617 issued under Public Law 92–224; Secretary's Order No. 7–71, dated March 10, 1971.

§ 617.1 Purpose.

These regulations are promulgated to implement the Emergency Unemployment Compensation Act of 1971, title II of Public Law 92–224 under which a State, whose unemployment compensation law is approved by the Secretary under section 3304 of the Internal Revenue Code of 1954 and contains a requirement that extended compensation be payable thereunder as provided by the Federal-State Extended Unemployment Compensation Act of 1970, title II of Public Law 91–373, may, if it so desires, enter into an agreement with the Secretary of Labor whereby its State employment security agency will pay, as agent of the Secretary, compensation under the Act to eligible individuals during periods of unemployment as specified in the Act.

§ 617.2 Definitions.

For purposes of these regulations:

(a) The term "Act" means the Emergency Unemployment Compensation Act of 1971, title II of Public Law 92–224.

(b) The term "eligible State" means a State which has entered into an agreement with the Secretary under the Act: *Provided*, That the State law is approved by the Secretary under section 3304 of the Internal Revenue Code of 1954 and contains, as of the date such agreement is entered into, a requirement that extended compensation be payable thereunder as provided by the Extended Compensation Act.

(c) The term "Extended Compensation Act" means the Federal-State Extended Unemployment Compensation Act of 1970, title II of Public Law 91–373.

(d) The term "temporary compensation" means the compensation for a temporary period provided by the Act.

(e) The terms "temporary on" and "temporary off" indicators mean the indicators determined pursuant to § 617.12.

(f) The term "temporary period of eligibility" means the weeks in an exhaustee's benefit year which begin in a temporary benefit period; and if his benefit year ends within an extended benefit period, any weeks subsequent to his benefit year which begin in a temporary benefit period.

(g) The term "week" means, for purposes of payments of temporary compensation, a week as defined in the unemployment compensation law of the individual's applicable State and, for purposes of computations of "temporary on" and "temporary off" indicators and the beginning and ending of a temporary benefit period, a calendar week.

(h) The terms, "base period," "benefit year," "compensation," "Secretary," "State," "State agency," and "State law" shall have the meanings given to them by section 205 of the Extended Compensation Act.

(i) The terms "additional compensation," "extended compensation," "regular compensation," and "eligibility period" shall have the meanings given to them by § 615.2 of this chapter.

(j) The terms national "on" and "off" indicators and State "on" and "off" indicators mean the indicators determined pursuant to § 615.13 of this chapter.

(k) The term "extended benefit period" means the period determined in accordance with § 615.15 of this chapter.

§ 617.3 Applicable State for an individual.

(a) The applicable State for an individual is the State with respect to which he most recently exhausted his right to extended compensation (including the liable State as provided in the Interstate Benefit Payment Plan and the paying State as defined in § 616.6(e) of this chapter), if such State is an eligible State.

(b) Temporary compensation is payable to an individual only by his applicable State determined pursuant to paragraph (a) of this section.

§ 617.4 Effective period.

(a) Except as provided in paragraph (b) of this chapter, temporary compensation is payable with respect to weeks of unemployment beginning after January 29, 1972, or beginning after the week in which the State enters into an agreement under the Act, if later: *Provided*, That such weeks of unemployment begin in a temporary benefit period.

(b) No temporary compensation is payable for any week of unemployment, even though such week is in a temporary benefit period, if it—

(1) Ends after June 30, 1972; or

(2) Ends after September 30, 1972, in the case of an individual who had a week ending before July 1, 1972, with respect to which temporary compensation was payable to him.

§ 617.5 Temporary benefit period.

(a) A temporary benefit period in an eligible State shall begin on the first day of the third calendar week following the week for which there is a "temporary on" indicator in that State, but in no event with a week beginning before January 30, 1972, or the week after the week in which the State enters into an agreement under the Act, if later.

(b) Except as provided in paragraph (c) of this section, a temporary benefit period in an eligible State shall end on the last day of the third calendar week after the first week for which there is a "temporary off" indicator in that State.

(c) A temporary benefit period which becomes effective in any eligible State shall continue for not less than 26 consecutive weeks, but in no event shall temporary compensation be paid for weeks after those specified in § 617.4(b).

§ 617.6 Entitlement.

(a) *Conditions.* An individual is entitled to temporary compensation for a week of unemployment which begins in his temporary period of eligibility if, with respect to such week, he is an exhaustee under § 617.7 and he meets the requirements of the unemployment compensation law of his applicable State as provided in the Act and these regulations.

(b) *Terms and conditions of State law.* Only those terms and conditions of the unemployment compensation law of an individual's applicable State which apply to claims for, and payment of, extended compensation shall apply to claims for, and payment of, temporary compensation.

(c) *Effect of prior disqualifications.* If the week of unemployment for which an individual claims temporary compensation is a week to which a disqualification for regular, extended, or additional compensation applies, or would apply but for the fact that the individual has exhausted his rights to such compensation, the individual shall not be entitled to temporary compensation for that week.

§ 617.7 Exhaustee.

(a) An individual is an exhaustee with respect to a week of unemployment if—

(1) He is an exhaustee of regular compensation under the provisions of § 615.4 (b) and (c) of this chapter; and

(2) He is an exhaustee of extended compensation; that is, he has received, prior to such week, all the extended compensation available to him under any State law (after partial or total reduction of his right to extended compensation, if any) in his most recent eligibility period, including an individual who had no extended compensation available to him because he had become an exhaustee of regular compensation as provided in § 615.4(c)(3) of this chapter or because his eligibility period under the unemployment compensation law of his applicable State ended prior to the beginning of such week; and

(3) He has no right to regular or extended compensation with respect to such week under the unemployment compensation law of his applicable State or of any other State or to payments with respect to such week under the Railroad Unemployment Insurance Act or the Trade Expansion Act of 1962, and he is not receiving any compensation with respect to such week under the unemployment compensation law of the Virgin Islands or Canada.

(b) An individual shall be deemed to be an exhaustee under paragraph (a) of this section even though—

(1) There is an appeal pending with respect to wages or employment, or both, that were not included in the original monetary determination of his regular compensation for the benefit year on which his right to extended compensation was determined; or

(2) By reason of a seasonal provision in the unemployment compensation law of his applicable State that establishes the weeks of the year in which regular compensation may be paid to individuals on the basis of wages in seasonal employment, (i) he may be entitled to regular or extended compensation, or both, with respect to future weeks of unemployment, but such compensation is not payable with respect to the week of unemployment for which he is claiming temporary compensation, and (ii) he is otherwise an exhaustee within the meaning of this section with respect to his rights to regular compensation and extended compensation under such State seasonal provision, during the portion of the year in which that week of unemployment occurs.

§ 617.8 Amount of temporary compensation.

(a) *Weekly amount*—(1) *Total unemployment.* The weekly amount of temporary compensation payable to any individual for a week of total unemployment in his temporary period of eligibility shall be equal to the amount of regular compensation (including dependents' allowances) payable to him for a week of total unemployment during his current benefit year, or if he has no current benefit year, during his most recent benefit year. If the individual had more than one weekly amount of regular compensation for total unemployment during such benefit year, the weekly amount of temporary compensation for total unemployment shall be the weekly amount specified in the unemployment compensation law of his applicable State with respect to extended compensation.

(2) *Partial unemployment.* The weekly benefit amount of temporary compensation payable for a week of less than total unemployment shall be based on the weekly benefit amount determined pursuant to subparagraph (1) of this paragraph.

(b) *Total amount: individual's temporary compensation account.* (1) The State agency shall establish a temporary compensation account for each individual who files a claim for temporary compensation in an amount equal to the lesser of—

(i) Fifty percent of the total amount of regular compensation (including dependents' allowances) payable to him during his most recent benefit year; or

(ii) Thirteen times his average weekly benefit amount of regular compensation (including dependents' allowances) payable to him with respect to his most recent benefit year. For the purposes of this subparagraph the average weekly

benefit amount shall be determined pursuant to paragraph (a)(1) of this section.

(2) If, after a temporary compensation account is established, it is determined as the result of a redetermination or appeal that the individual was entitled to more or less of regular or more or less of extended compensation with respect to his most recent benefit year, an appropriate change shall be made in the individual's temporary compensation account, and his status as an exhaustee shall be redetermined as of the new date of his exhaustion of extended compensation.

§ 617.9 No duplication.

(a) No individual shall be paid additional compensation and temporary compensation with respect to the same week. If both are payable by a State with respect to the same week, the State may pay temporary compensation instead of additional compensation with respect to the week. If temporary compensation is payable to an individual by his applicable State and additional compensation is payable to him for the same week by another State, he may elect which of the two types of compensation to claim.

(b) An individual who is entitled to both temporary compensation and a training allowance under section 203 of the Manpower Development and Training Act of 1962 with respect to a week shall be treated as he would have been treated had he been entitled to both regular compensation and such a training allowance.

§ 617.10 Recovery including restitution and offset.

(a) Except as provided in paragraph (b) of this section, overpayments of temporary compensation shall be recovered from an individual in accordance with the provisions of the unemployment compensation law of his applicable State relating to recovery of overpayments: *Provided*, That recovery by offset is effectuated only by offset against temporary compensation that subsequently becomes payable to the individual.

(b) The provisions of 5 U.S.C. 8507 shall apply to overpayments of compensation, including temporary compensation, to Federal civilian workers or exservicemen (UCFE/X) on claims filed pursuant to 5 U.S.C. chapter 85.

(c) If there is recovery of any overpayment of temporary compensation under paragraph (a) or (b) of this section, the amount restored or offset shall be credited or returned, as the case may be, to the appropriate account of the United States.

§ 617.11 Computation of rate of unemployment and 13-week exhaustion rate.

(a) "Temporary on" and "temporary off" indicators: The Secretary shall determine with respect to a State the "rate of unemployment" for the purposes of the State's "temporary on" and "temporary off" indicators. In making such determination with respect to any week he shall use the sum of the quotients obtained in computing (1) the "rate of insured unemployment" for the period consisting of such week and the immediately preceding twelve weeks, as provided in § 615.14 (b) and (c) of this chapter and (2) the thirteen-week exhaustion rate, as provided in paragraph (b) of this section.

(b) Exhaustion rate: In determining the "13-week exhaustion rate" with respect to any week for purposes of paragraph (a) of this section, the Secretary shall use a fraction, the numerator of which will be 25 percent of the number of exhaustions of regular compensation under the State law during the most recent 12 calendar months ending before the week with respect to which such rate is computed and the denominator of which will be the average monthly employment covered under the State law used for computing the rate of insured unemployment for the 13-week period consisting of the week with respect to which the exhaustion rate is computed and the immediately preceding 12 weeks. The quotient obtained is to be computed to four decimal places and is not to be otherwise rounded.

(c) After exhaustion data for any month have been used to calculate an exhaustion rate under paragraph (b) of this section, such data shall not after such use be changed for the purpose of that calculation or any similar calculation for any subsequent period.

§ 617.12 Determination of temporary indicators.

(a) There is a "temporary on" indicator in a State for a week if the Secretary determines that with respect to such State—

(1) The "rate of unemployment", as determined in accordance with § 617.11, for the period consisting of such week and the immediately preceding 12 weeks equaled or exceeded 6.5 percent; and

(2) There is a State or National "on" indicator for such week; or

(3) There is neither a State nor a National "on" indicator for such week, but

(i) Within the 52-week period ending with such week, there had been a State or National "on" indicator for a week; and

(ii) There would be a State "on" indicator for such week except that the rate of insured unemployment (not seasonally adjusted) for the period consisting of such week and the immediately preceding 12 weeks was less than 120 percent of the average of such rates (computed in accordance with § 615.14(b)(2) of this chapter) for the corresponding 13-week period in each of the preceding 2 calendar years.

(b) There is a "temporary off" indicator in a State for a week if the Secretary determines that with respect to such State the "rate of unemployment," as determined in accordance with § 617.11, for the period consisting of such week and the immediately preceding 12 weeks, was less than 6.5 percent.

(c) The Secretary shall make a determination whether there is a "temporary on" indicator or a "temporary off" indicator in any State within thirteen (13) calendar days after the end of the week for which he is making the determinations.

§ 617.13 Announcement of the beginning and ending of a temporary benefit period.

(a) The Secretary shall publish in the FEDERAL REGISTER his finding that there is a "temporary on" or a "temporary off" indicator in an eligible State and the beginning or ending date of the temporary benefit period in such State. He shall also notify appropriate news media and the heads of all State agencies of each of his findings and their effect.

(b) Whenever the head of a State agency of an eligible State is notified of the Secretary's finding that a "temporary on" indicator or a "temporary off" indicator will begin or end a temporary benefit period in his State, he shall promptly announce such finding through appropriate news media in the State. In the case of a temporary benefit period that is about to begin, the announcement shall also describe clearly which unemployed individuals may be eligible for temporary compensation during the temporary benefit period.

§ 617.14 Payments to States.

(a) *Temporary compensation.* The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each eligible State an amount equal to 100 percent of the temporary compensation paid by such State. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account in the Unemployment Trust Fund to the account of the State in such Fund; except that no such payment shall be made with respect to temporary compensation for which the State is entitled to reimbursement under the provisions of any Federal law other than the Act.

(b) *Costs of administration.* The Secretary will include in the amount granted to each State for the costs of administration of the State law such amount as he determines to be necessary for the proper and efficient administration of the Act. Sections 303(a)(8) and 303(a)(9) of the Social Security Act shall apply to such amounts.

§ 617.15 Information, reports and studies.

State agencies are required to furnish to the Secretary such information and reports and to make such studies as he finds necessary or appropriate for carrying out the purposes of the Act, including such information, reports, and studies as he finds necessary or appropriate to meet the mandate of the Congress in section 206 of the Act.

Signed at Washington, D.C., this 21st day of January 1972.

MALCOLM R. LOVELL, Jr.
Assistant Secretary for Manpower.

[FR Doc.72-1406 Filed 1-31-72;8:46 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

Saccharin and its Salts

In the FEDERAL REGISTER of June 25, 1971 (36 F.R. 12109), the Commissioner of Food and Drugs proposed removing saccharin and its salts from the generally recognized as safe (GRAS) list in § 121.101(d) (21 CFR 121.101(d)) and permitting their continued use within safe limits by adding a new regulation (§ 121.4001) providing provisional food additive status for saccharin and its salts used as sweeteners to obtain a significant reduction in the calorie value of the food. Twenty-one letters containing various comments were received in response to the proposal. These comments have been analyzed and as a result several changes have been made in the proposed regulation. In general, most of the comments agreed with the purpose of the proposal.

Seven comments were concerned with uses of saccharin for technological purposes other than calorie reduction. These technological purposes were to reduce bulk and mask flavors in vitamin and mineral preparations, to enhance the flavor of individual flavor chips used in nonstandardized bakery products, and to retain the flavor and physical properties of chewing gum. Information provided in these comments indicates that the contribution to the daily intake of the additive from these uses would be demonstrably small. Thus, the Commissioner considers it appropriate to permit these specific technological uses. Petitions will have to be filed in order to obtain authorization for additional technological uses not provided for in the regulation.

Five comments concerned the proposed limitation of saccharin to 7 milligrams per fluid ounce in beverages containing other sweeteners. This proposed limitation has been deleted in the interest of simplification and because the overall limitation of 12 milligrams per fluid ounce in beverages and fruit juices will adequately restrict the use of saccharin to safe levels during the period provided. The dry beverage bases are also included in the limitation for saccharin in beverages. The limitation is to be applied to the beverage prepared from the base according to the label directions.

A few comments were received relating to the specific wording of the other limitations. Some revisions in text have been made in the interest of clarity. Comments were made relating to the need for declaring a size of serving. Rather than attempt to establish serving sizes for commodities of varying densities, the Commissioner has decided to establish the limitation for saccharin on the basis of a serving of designated size. This will require a label statement concerning the size of a normal serving and thereby indicate the amount of saccharin in that serving.

A majority of comments concerned the labeling requirements on the basis that the statement of saccharin concentration in milligrams per fluid ounce or per serving will be in addition to the percentage statements already required by §§ 125.7 and 3.72 (21 CFR 125.7 and 3.72). No additional label declaration will be required in the case of combinations of nutrient and nonnutritive sweeteners in "diet beverages" because § 3.72, which deals with such products, presently requires the declaration of saccharin content both by percentage and by milligrams per fluid ounce. Similar declarations in the case of other foods would not appear to be an excessive labeling burden. Such joint declaration woud further assume that no future label change would be needed if either requirement were later deleted.

Several of the comments concerned the need for time in which to implement labeling changes. A reasonable time will be allowed for labeling changes by requiring that the changes be reflected in the next order of labels and, in any event, that new labels be used on all products sold after July 1, 1972.

This approval of saccharin for limited use in food is an interim measure. Studies on chronic feeding of saccharin to animals are being conducted by the Food and Drug Administration and other groups. Preliminary results indicate possible adverse effects. Should the experimental findings indicate that continued use of saccharin and its salts does involve a significant risk to the public health, action will be taken as warranted to minimize such risk. Notwithstanding this provisional regulation, it is possible that this action would include the withdrawal of approval for use of saccharin in food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended:

§ 121.101 [Amended]

1. By deleting § 121.101(d)(4).

2. By adding a new Subpart H consisting at this time of one section, as follows:

Subpart H—Food Additives Permitted in Food for Human Consumption, or in Contact With Food, for Limited Periods of Time

§ 121.4001 Saccharin, ammonium saccharin, calcium saccharin, and sodium saccharin.

The food additives saccharin, ammonium saccharin, calcium saccharin, and sodium saccharin may be safely used as sweetening agents in food in accordance with the following conditions, if the substitution for nutritive sweeteners is for a valid special dietary purpose and is in accord with current special dietary food regulations and policies or if the use or intended use is for an authorized technological purpose other than calorie reduction:

(a) Saccharin is the chemical, 1,2-benzisothiazolin-3-one-1,1-dioxide ($C_7H_5NO_3S$). The named salts of saccharin are produced by the additional neutralization of saccharin with the proper base to yield the desired salt.

(b) The food additives meet the specifications of the "Food Chemicals Codex."

(c) Authority for such use shall expire June 30, 1973, unless revised sooner.

(d) The additives are used or intended for use as a sweetening agent only in special dietary foods, as follows:

(1) In beverages, fruit juice drinks, and bases or mixes when prepared for consumption in accordance with directions, in amounts not to exceed 12 milligrams of the additive, calculated as saccharin, per fluid ounce.

(2) As a sugar substitute for cooking or table use, in amounts not to exceed 20 milligrams of the additive, calculated as saccharin, for each expressed teaspoonful of sugar sweetening equivalency.

(3) In processed foods, in amounts not to exceed 30 milligrams of the additive, calculated as saccharin, per serving of designated size.

(e) The additives are used or intended for use only for the following technological purposes:

(1) To reduce bulk and enhance flavors in chewable vitamin tablets, chewable mineral tablets, or combinations thereof.

(2) To retain flavor and physical properties of chewing gum.

(3) To enhance flavor of flavor chips used in nonstandardized bakery products.

(f) To assure safe use of the additives, in addition to the other information required by the act:

(1) The label of the additive and any intermediate mixes of the additive for manufacturing purposes shall bear:

(i) The name of the additive.

(ii) A statement of the concentration of the additive, expressed as saccharin, in any intermediate mix.

(iii) Adequate directions for use to provide a final food product that complies with the limitations prescribed in paragraphs (d) and (e) of this section.

(2) The label of any finished food product containing the additive shall bear:

(i) The name of the additive.

(ii) The amount of the additive, calculated as saccharin, as follows:

(*a*) For beverages, in milligrams per fluid ounce;

(*b*) For cooking or table use products, in milligrams per dispensing unit;

(*c*) For processed foods, in terms of the weight or size of a serving which shall be that quantity of the food containing 30 milligrams or less of the additive.

(iii) When the additive is used for calorie reduction, such other labeling as is required by Part 125 or § 3.72 of this chapter.

Any person who will be adversely affected by the foregoing order may at any

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

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (2–1–72) except for the labeling changes required by § 121.4001(f). These labeling changes must be reflected in all labels ordered after the date of publication of this order and, in any event, must be reflected in labels used on all affected products sold after July 1, 1972.

(Sec 409(d), 72 Stat. 1787; 21 U.S.C. 348(d))

Dated: January 25, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72–1518 Filed 1–31–72;8:51 am]

SUBCHAPTER C—DRUGS

PART 149a—DICLOXACILLIN

Sodium Dicloxacillin Monohydrate

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 149a is amended by establishing two new sections to provide for certification of the antibiotic drug sodium dicloxacillin monohydrate for injection, as follows:

§ 149a.2 Sterile sodium dicloxacillin monohydrate.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sterile sodium dicloxacillin monohydrate is the monohydrated sodium salt of 5-methyl-3-(2,6-dichlorophenyl)-4-isoxazolyl penicillin. It is so purified and dried that:

(i) Its potency is not less than 850 micrograms of dicloxacillin per milligram.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its moisture content is not less than 3 percent and not more than 5 percent.

(vi) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 4.5 nor more than 7.5.

(vii) Its organic chlorine content is not less than 13.0 percent and not more than 14.2 percent.

(viii) Its free chloride content is not more than 0.5 percent.

(ix) It is crystalline.

(x) It gives a positive identity test for sodium dicloxacillin monohydrate.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

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

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, moisture, pH, organic chlorine content, free chloride content, crystallinity, and identity.

(ii) Samples required:

(*a*) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Use any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay, as follows: Dissolve an accurately weighed sample in sufficient 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentartion of 5 micrograms of dicloxacillin per milliliter (estimated).

(ii) *Idometric assay.* Proceed as directed in § 141.506 of this chapter.

(iii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this chapter.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 141.4(a) of this chapter, using a solution containing 20 milligrams of dicloxacillin per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this chapter.

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

(6) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(7) *Organic chlorine content.* Proceed as directed in § 149.a1(b)(5).

(8) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

(9) *Identity.* Proceed as directed in § 141.521 of this chapter, using a 1 percent potassium bromide disc prepared as directed in paragraph (b)(1) of that section.

§ 149a.13 Sodium dicloxacillin monohydrate for injection.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sodium dicloxacillin monohydrate for injection is a dry mixture of sodium dicloxacillin monohydrate and lidocaine hydrochloride packaged for dispensing. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of dicloxacillin that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. Its moisture content is not more than 5 percent. When reconstituted as directed in the labeling, its pH is not less than 4.5 and not more than 7.5. The sodium dicloxacillin monohydrate used conforms to the standards prescribed by § 149a.2(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

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

(i) Results of tests and assays on:

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

(*b*) The batch for potency, sterility, pyrogens, safety, moisture, and pH.

(ii) Samples required:

(*a*) The sodium dicloxacillin monohydrate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 15 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—*(1) *Potency—*(i) *Sample preparation.* Reconstitute as directed in the labeling. Using a suitable hypodermic needle and syringe remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute the sample thus obtained with sufficient 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), for the microbiological agar diffusion assay or in distilled water for the iodometric assay and hydroxylamine colorimetric assay, to give a stock solution of convenient concentration.

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

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, diluting an aliquot of the stock solution with solution 1 to the reference concentration of 5 micrograms of dicloxacillin per milliliter (estimated).

(*b*) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, diluting an aliquot of the stock solution with distilled water to the prescribed concentration.

(*c*) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this chapter, except dilute an aliquot of

the stock solution with distilled water to the prescribed concentration.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 141.4(a) of this chapter, using a solution containing 20 milligrams of dicloxacillin per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this chapter, except use a test dose of 0.5 milliliter of a solution containing 4.0 milligrams of dicloxacillin.

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

(6) *pH.* Proceed as directed in § 141.503 of this chapter, using the product reconstituted as directed in the labeling.

Data supplied by the manufacturer concerning the subject antibiotic have been evaluated. Since the conditions prerequisite to providing for its certification have been complied with and since there are no points of controversy, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (2–1–72).

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: January 17, 1972.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.72–1400 Filed 1–31–72;8:46 am]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.653]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Classes of Aliens Eligible To Receive Diplomatic Visas

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended to modify the requirements for issuance of diplomatic visas to certain nonimmigrants classifiable under section 101(a)(15)(G)(iv) of the Immigration and Nationality Act.

Section 41.102 is amended by adding subparagraph (13) to paragraph (b) to read as follows:

§ 41.102 Classes of aliens eligible to receive diplomatic visas.

* * * * *

(b) A nonimmigrant alien who is classifiable under section 101(a)(15)(G)(iv) shall, if otherwise qualified, be eligible to receive a diplomatic visa if he is—

* * * * *

(13) The spouse or child of any nonimmigrant alien listed in subparagraphs (1) through (12) of this paragraph.

* * * * *

Effective date. These amendments shall become effective upon publication in the FEDERAL REGISTER (2–1–72).

The provisions of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

[SEAL] BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs.

JANUARY 19, 1972.

[FR Doc.72–1417 Filed 1–31–72;8:47 am]

Title 29—LABOR

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

PART 1904—RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES

Statistical Reporting Program

On page 22589 of the FEDERAL REGISTER November 25, 1971, notice of proposed rule making was published concerning a proposed statistical reporting program under the Williams-Steiger Occupational Safety and Health Act of 1970. Interested persons were given 20 days within which to submit written comments, suggestions, or objections regarding the proposed regulations. After consideration of all such relevant matter as was presented by interested persons the proposed rule is hereby adopted without change and is set forth below.

This amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 26th day of January 1972.

GEOFFREY H. MOORE,
Commissioner, Bureau of Labor Statistics.

Part 1904 is amended by adding §§ 1904.20—1904.22 reading as follows:

STATISTICAL REPORTING OF OCCUPATIONAL INJURIES AND ILLNESSES

§ 1904.20 Description of statistical program.

(a) Section 24 of the Act directs the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, to develop and maintain a program of collection, compilation, and analysis of occupational safety and health statistics. The Commissioner of the Bureau of Labor Statistics has been subdelegated this authority by the Secretary of Labor. The program shall consist of periodic surveys of occupational injuries and illnesses. For the immediate future, such surveys shall cover all nonfarm employments with a few limited exclusions such as government and mining.

(b) The sample design encompasses probability procedures, detailed stratification by industry and size, and a systematic selection within strata. Stratification and sampling will be carried out by State and other jurisdictions in order to provide the most efficient sample for eventual State estimates. Some industries will be sampled more heavily than others depending on the injury rate level based on previous experience. Nationally, the survey should produce adequate estimates for most four-digit Standard Industrial Classification (SIC) industries in manufacturing and for three-digit SIC classification in nonmanufacturing. In participating States where the sample size has been supplemented significantly, comparable estimates are possible.

§ 1904.21 Duties of employers.

Upon receipt of an Occupational Injuries and Illnesses Survey Form, OSHA No. 103, the employer shall promptly complete the form in accordance with the instructions contained therein, and return it in accordance with the aforesaid instructions.

§ 1904.22 Effect of State plans.

Nothing in any State plan approved under section 18(c) of the Act shall affect the duties of employers to submit statistical report forms under § 1904.21.

(Secs. 8(g), 24, 84 Stat. 1600, 1615; 29 U.S.C. 657, 673; Secretary's Order No. 12–71, 36 F.R. 8754)

[FR Doc.72–1442 Filed 1–31–72;8:49 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Office of Oil and Gas, Department of the Interior

[Oil Import Reg. 1 (Revision 5) Amdt. 40]

OI REG. 1—OIL IMPORT REGULATION

Canadian Imports—Districts I–IV

There appeared in the FEDERAL REGISTER for December 22, 1971 (36 F.R. 24229) a proposal to provide for allocations of Canadian imports for the allocation period January 1, 1972, through December 31, 1972. Careful consideration was given to all of the comments on the proposal which were received. A considerable number of respondents objected to the proposed exclusion of 1971 Oil Import Appeals Board grants from the 1972 allocation base. After a careful review of the comments and other pertinent considerations, a determination was made to include in the allocation base, to which a 2-year growth factor is applied, Canadian imports which a person imported during the period January 1, 1971, through December 31, 1971, pursuant to a decision of the Oil Import Appeals Board and to retain the exclusion of any other Canadian imports which a person imported in lieu of "offshore" imports. However, the fact that 1971 Oil Import Appeals Board grants

have been included in the allocation base for 1972 should not be interpreted as an assurance that 1972 Oil Import Appeals Board grants will be included in any future allocation base.

Section 29A of Oil Import Regulation 1 (Revision 5) is amended to permit the making of additional partial allocations pending the making of regular allocations under the new section 29. Because regular allocations should be made promptly, the effective date of new section 29 should not be delayed. The amendment to section 29A must take effect at once, if disruptions in the operations of plants are to be avoided. Accordingly, this Amendment 40 shall become effective immediately.

Oil Import Regulation 1 (Revision 5) is amended as set forth below.

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

I Concur:

G. A. LINCOLN,
Director, Office of Emergency Preparedness.

1. A new section 29, reading as follows, is added to Oil Import Regulation 1 (Revision 5).

Sec. 29 Canadian Imports—Districts I–IV—1972.

(a) As used in this section, the term "Canadian imports" means imports from Canada of crude oil which has been produced in Canada and unfinished oils which have been derived from crude oil or natural gas produced in Canada and which have been transported into the United States by overland means or over waterways other than ocean waterways.

(b) To be eligible for an allocation of imports under paragraph (d) or (e) of this section, a person must have in Districts I–IV a facility capable of processing Canadian imports.

(c) The Director shall, in accordance with the provisions of paragraphs (d) and (e) of this section, make allocations for the allocation period January 1, 1972, through December 31, 1972, of not to exceed 540,000 average barrels daily of Canadian imports into Districts I–IV. Licenses issued under such allocations shall permit the entry or withdrawal from warehouse for consumption of Canadian imports only.

(d) (1) The Director shall first make allocations of Canadian imports to eligible applicants who received allocations of such imports for the period January 1, 1971, through December 31, 1971, either from the Administrator, Oil Import Administration, under paragraph (d) or paragraph (e) of section 23 or from the Oil Import Appeals Board under section 21. Each such applicant shall be entitled to an allocation of Canadian imports equal to 1.075 times the total of the allocations of such imports, expressed in barrels daily (less the amount of such allocations relinquished to the Administrator), which he received for the period January 1, 1971, through December 31, 1971, from the Administrator under paragraph (d) and (p) or paragraph (e) and (p) of section 23 and from the Oil Import Appeals Board under section 21. No Canadian imports for which a license was issued by the Administrator, Oil Import Administration, pursuant to paragraph (m) of section 29 as added by amendments 21 and 25 (35 F.R. 10296, 18258) or for which a license was issued by the Administrator pursuant to the provisions of paragraph (m) of section 23 shall be regarded as constituting a part of, or as having been imported pursuant to, an allocation made under paragraph (d), (e), or (p) of section 23.

(2) If an applicant entitled to an allocation under subparagraph (1) of this paragraph would receive a larger allocation under paragraph (e) of this section, he shall be given the larger allocation, unless the applicant elects to receive an allocation under this paragraph (d).

(e) (1) Each eligible applicant shall be entitled to an allocation of Canadian imports equal to the total of the facility suballocations made to such person for each facility listed by the applicant in his application. The Director shall make a facility suballocation for a particular facility according to the following formula:

$$\frac{\text{Eligible applicant's qualified inputs to a particular facility}}{\text{Total qualified inputs to all facilities listed in applications of all eligible applicants}} \times \text{Quantity of Canadian imports not allocated under paragraph (d)}$$

As used in the formula, "qualified inputs" means refinery inputs to refinery capacity, and petrochemical plant inputs to facilities other than refinery capacity, made during the 12-month period ending September 30, 1971.

(2) With respect to new or reactivated refinery capacity or petrochemical plants in Districts I–IV, the Director may make suballocations in accordance with, and subject to, the provisions of section 25 of this regulation, except that the facility suballocations shall be computed according to the formula set forth in subparagraph (1) of this paragraph (e). Subparagraphs (3) and (4) of paragraph (b) of section 25 shall have no application with respect to inputs estimated for the purposes of a facility suballocation. Paragraph (d) of section 25 shall be applicable only with respect to future allocations of Canadian imports.

(3) A person who receives an allocation under this paragraph (e) shall not receive an allocation under paragraph (d) of this section.

(f) An allocation made to a person under paragraph (d) or (e) of this section shall supersede any partial allocations of Canadian imports made to that person for the allocation period. Licenses issued to a person under a partial allocation shall be charged against the allocation made to that person under paragraph (d) or (e).

(g) A person receiving an allocation under paragraph (d) of this section must process in his facilities a quantity of Canadian imports equal to at least 50 percent of that allocation. A person receiving an allocation under paragraph (e) of this section must process in each facility for which a facility suballocation is made a quantity of Canadian imports equal to at least 50 percent of that facility suballocation. For the purposes of this paragraph, blending by mechanical means does not constitute processing.

(h) If a person who receives an allocation of Canadian imports under this section fails to import the total quantity of imports specified in the allocation, or if he fails to process all such imports (and domestic oil received in exchange for such imports) in his facilities before March 1, 1973, or if he fails to meet the requirement of paragraph (g) of this section, then any allocation of Canadian imports, or any allocation for Districts I–IV to which such person may otherwise be entitled under section 9, 10, or 25 of this regulation, for the first allocation period beginning after January 1, 1973, shall be reduced by the Director by the amount of Canadian imports which such person has failed to import, or by the amount of Canadian imports and exchanged oil which such person has failed to process in his facilities before March 1, 1973, or by the amount of Canadian imports by which he failed to meet the requirements of paragraph (g), except that the Director need not make such a reduction to the extent that (1) such person demonstrates to the satisfaction of the Director that such failures were without such person's fault and were beyond his control, or (2) such person, in writing, relinquishes all or part of an allocation made under this section and returns to the Director, on or before May 1, 1972, licenses issued thereunder.

(i) A person to whom an allocation is made by the Director under this section shall report and certify in writing to the Director, Office of Oil and Gas, Department of the Interior, Washington, D.C. 20240, not later than March 15, 1972, (1) the total quantity of Canadian imports which that person imported during the period January 1, 1971, through December 31, 1971, pursuant to an allocation made under section 23 of this regulation, and (2) the quantity of such imports that were processed in his facilities before March 1, 1972. The amount so reported and certified shall be subject to verification by the Director. If a person to whom an allocation is made under this section fails to file by March 15, 1972, the written report and certification required by this paragraph, the Director shall suspend all licenses issued under an allocation made under this section until the written report and certification are received.

(j) An allocation made pursuant to this section shall not be sold, assigned, or otherwise transferred. Each person who imports Canadian imports under an allocation made pursuant to this section shall process such imports (or oil received in an exchange) only in the facilities set forth in his application.

(k) A person who imports Canadian imports under an allocation made pursuant to this section may exchange not to exceed 50 percent of such imports for domestic crude oil or domestic unfinished oils. A proposed agreement for each such

exchange must be reported to the Director before any action involved in the exchange is taken. Each such exchange must be effected on a ratio of not less than 1 barrel of domestic oil for each barrel of Canadian imports.

(l) If a person holds an allocation of Canadian imports under this section and if he also holds an allocation of imports under section 9, 10, or 25 for the allocation period January 1, 1972 through December 31, 1972, he may obtain from the Director a license which will permit him to import Canadian imports in a quantity not exceeding the total amount of his allocation made under section 9, 10, or 25. Such a license shall be charged against, and imports under such a license shall be deemed to have been made pursuant to, the allocation made under section 9, 10, or 25.

(m) Under the provisions of section 1A of Proclamation 3279, as amended, "entries for consumption of crude oil or unfinished oils transported by pipeline may be made until midnight January 15, 1973, under any license authorizing such imports from Canada" into Districts I–IV for the period January 1, 1972 through December 31, 1972.

(n) An application for an allocation under this section shall be made by letter or telegram to the Director, Office of Oil and Gas, Department of the Interior, Washington, D.C. 20240. Applications must be received by the Director within seven (7) days after the publication of this section 29 in the FEDERAL REGISTER. An application must contain the following information, which shall be certified by an officer of the applicant:

(1) The nature of each of the applicant's facilities in which Canadian imports will be processed.

(2) The location of each such facility.

(3) The total barrels of qualified inputs (as defined in subparagraph (1) of paragraph (e) of this section) for each such facility during the year ending September 30, 1971.

An officer of an applicant shall also certify in his application that, if an allocation of Canadian imports is made to the applicant under this section, the applicant will process all such imports (and all oil exchanged for such imports) in such facilities before March 1, 1973.

2. The second sentence of paragraph (b) of section 29A (Canadian Imports—Partial Allocations—1972) of Oil Import Regulation 1 (Revision 5), 36 F.R. 25098, is amended to read as follows:

Sec. 29A Canadian Imports—Partial Allocations—1972.

* * * * *

(b) * * * The partial allocation shall not exceed 75 percent of the amount of the allocation received by that person under paragraph (d) or (e) of section 23. * * *

3. Section 29A of Oil Import Regulation 1 (Revision 5) is revoked as of March 1, 1973. Licenses issued under partial allocations made pursuant to section 29A shall remain in force.

[FR Doc.72-1508 Filed 1-28-72;1:25 pm]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-73—FEDERAL SUPPLY SCHEDULE PROGRAM

Subpart 5A-73.1—Production and Maintenance

FEDERAL SUPPLY SCHEDULE PROVISIONS

Section 5A-73.113(a) is revised as follows:

§ 5A-73.113 Requirements in excess of maximum order limitations.

(a) Federal Supply Schedule provisions:

(1) Whenever a Maximum Order Limitation provision is contained in a Federal Supply Schedule solicitation, the resultant Schedule shall include both the Maximum Order Limitation provision (see § 5A-73.112) and the applicable Requirements in Excess of Maximum Order Limitations provision set forth in (a) (1) and (2), below. The provision in this (a)(1) is not applicable to Schedules for tapes (EDP and instrumentation (wide and intermediate band)) and tabulating cards. Schedules for these items are to contain the provision set forth in (a)(2), below. None of the following provisions are applicable to Schedules for FSC Group 65, Part I, Sections A and B, Drugs and Pharmaceutical Products, and FSC Group 89, Part I, Subsistence, which are assigned to the Veterans Administration.

REQUIREMENTS IN EXCESS OF MAXIMUM ORDER LIMITATIONS

(a) Except as provided below, agencies included under (a) of the Scope of Contract provision, including the Department of Defense where the requirement falls within DOD-GSA Interagency Purchase Assignments, shall forward purchase requests for items included herein which exceed the applicable maximum order limitation to *the GSA regional office which serves* the consignee. Agencies included under (b) of the Scope of Contract provision may, at their option, forward such purchase requests to the GSA regional office which serves the consignee for purchase action.

(b) In accordance with FPMR § 101-26.106, and whenever feasible, agencies should consolidate their requirements so as to take advantage of price savings available through separate procurement of quantities which exceed the maximum order limitation. Agencies which periodically consolidate requirements for one or more items included in this Schedule at an agency headquarters office (national, regional, State, bureau, etc.) and the total requirement exceeds the maximum order limitation may either:

(1) Arrange for the office executing the Schedule to make a separate contract for use by the agency in placing delivery orders (direct order/expediting/payment by requiring agency), or

(2) Submit requisitions for the total requirement to the GSA regional office serving the agency headquarters office.

(2) The following provisions shall be used in schedules for FSC Group 58, Part V, Section C, Instrumentation Tape (wide and intermediate band); FSC Group 74, Part XI, ½-Inch-Wide EDP Tape; and FSC Group 75, Part VIII, Section A, Tabulating Cards.

REQUIREMENTS IN EXCESS OF MAXIMUM ORDER LIMITATIONS

(a) Except as provided below, agencies included under (a) of the Scope of Contract provision shall forward purchase requests for items included herein which exceed the applicable maximum order limitation to *General Services Administration (FPN), Washington, DC 20406.* Agencies included under (b) of the Scope of Contract provision may, at their option, forward such purchase requests to the above office.

(b) In accordance with FPMR § 101-26.106, and whenever feasible, agencies should consolidate their requirements so as to take advantage of price savings available through separate procurement of quantities which exceed the maximum order limitation. Agencies which periodically consolidate requirements for one or more items included in this Schedule at an agency headquarters office (national, regional, State, bureau, etc.) shall, when the total requirement exceeds the maximum order limitation, forward such purchase requests to the office referred to in (a), above.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c) and 41 CFR 5-1.101(c))

Effective date. These regulations are effective on the date shown below.

Dated: January 18, 1972.

M. S. Meeker,
Commissioner,
Federal Supply Service.

[FR Doc.72-1395 Filed 1-31-72;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 33—SPORT FISHING

Quivira National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (2-1-72).

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

KANSAS

QUIVIRA NATIONAL WILDLIFE REFUGE

Sport fishing on the Quivira National Wildlife Refuge, Stafford, Kans., is permitted only on the areas designated by signs as open to fishing. These open

areas, comprising 990 acres, are delineated on maps available at refuge headquarters, Stafford, Kans., 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) Open season for sport fishing on the refuge extends from May 1, 1972 to September 30, 1972, inclusive.

(2) Fishing will be with closely attended rod(s) and line(s) only.

(3) The use of boats is not permitted. One-man floater tubes may be used.

(4) Overnight camping is not permitted.

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 September 30, 1972.

CHARLES R. DARLING,
Refuge Manager, Quivira National Wildlife Refuge, Stafford, Kans.

JANUARY 25, 1972.

[FR Doc.72-1396 Filed 1-31-72;8:45 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Changes in Customs Region 1

A survey of the operations of Customs Region 1 indicates that activities in certain ports in the St. Albans, Vt., district do not warrant their maintenance as separate ports of entry. In addition to the above, in order to provide better Customs service in Norton, Vt., it is considered desirable to convert the existing Customs station of Norton, Vt., to the status of a Customs port of entry. The proposed changes will result in a more efficient use of Customs personnel and facilities without impairing service to the public.

Therefore, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order 10289, September 17, 1951 (3 CFR Ch. 11), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 7 (34 F.R. 15846), it is proposed to make the following changes in the organization of Region 1:

1. To revoke the designations of Island Pond, Vt., and Newport, Vt., as Customs ports in the St. Albans, Vt., Customs district.

2. To revoke the designation of Norton, Vt., as a Customs station under the supervision of the Port of Island Pond, Vt.

3. To designate Norton, Vt., as a port of entry in the St. Albans, Vt., Customs district with boundaries coextensive with the corporate limits of the city of Norton, Vt.

4. To designate Island Pond, Vt., and Newport, Vt., as Customs stations under the supervision of the Port of St. Albans, Vt.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Washington, D.C. 20226. To insure consideration of such communications, they must be received in the Bureau not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs Regulations (19 CFR 103.3(b)) at the Bureau of Customs, Washington, D.C., during regular business hours.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

JANUARY 20, 1972.

[FR Doc.72-1447 Filed 1-31-72;8:50 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1926]

SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Cranes and Derricks; Use of Boom Angle Indicators, Load Indicators, Weight-Moment Indicators, Overload Protective Devices

On September 28, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER at page 19083 containing proposed occupational safety and health standards under section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593) and section 107 of the Construction Safety Act (40 U.S.C. 333). The proposed standards included amendments to § 1518.550(a)(3) (subsequently redesignated and hereafter referred to as § 1926.550(a)(3)) of Title 29, Code of Federal Regulations, concerning the use of boom angle indicators, load indicators, weight-moment indicators and overload protection devices on cranes and derricks. In response to the notice, interested persons submitted written comments on the proposals. Oral presentations were received at public hearings held on November 10 and 11, 1971, in Washington, D.C.

The Advisory Committee on Construction Safety and Health was consulted pursuant to the authority of 29 CFR 1911.18(b). After considering various questions raised at the hearing on § 1926.550(a)(3), as proposed, the Advisory Committee recommended that the record be reopened to receive comments from interested persons on the issue of feasibility of the proposed standards for cranes and derricks, particularly with regard to the field experience and field testing of boom angle indicators, load indicators, weight-moment indicators, and overload protective devices in construction work. (See 36 F.R. 25431, December 31, 1971.)

Several interested persons have subsequently requested that the record be kept open for a longer period of time so as to allow them to adequately prepare their comments on the above-described question. On January 20, 1972, the Advisory Committee again met to advise the Assistant Secretary, among other things, on whether the request for more time should be granted. The Committee recommended that more time be given. The recommendation of the Advisory Committee is accepted, and notice is hereby given that the record will remain open until May 1, 1972, so that interested persons may submit written data, views, and arguments on the above-described issue. Submissions may be mailed to the Office of Safety and Health Standards, Room 305, 400 First Street NW., Washington, DC 20210.

Signed at Washington, D.C., this 26th day of January 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-1403 Filed 1-31-72;8:46 am]

Office of Labor-Management and Welfare Pension Reports

[29 CFR Part 460]

DESCRIPTION OF EMPLOYEE WELFARE OR PENSION BENEFIT PLANS

Proposed Additional Reporting Requirements

Pursuant to sections 5, 6, and 8 of the Welfare and Pension Plans Disclosure Act, as amended, 72 Stat. 997, 76 Stat. 35, 29 U.S.C. 301 et seq. administrators of any welfare or pension benefit plan subject to the Act are required to publish a description of the plan. However, under the existing reporting scheme the Department of Labor has become aware of the fact that many plan participants and beneficiaries of pension plans have difficulty in comprehending the terms of the plan, and their rights as set out in the basic documents under which the plan is established and operated, and which constitute part of the description of the plan. Consequently, many plan participants and beneficiaries are misinformed and mislead as to their rights.

Accordingly, it is proposed herewith to amend the regulations governing the filing of plan descriptions, and the plan description form (Form D-1), to require, with respect to pension plans, additional information which will furnish a comprehensive description of the provisions of plans in a manner calculated to be understood by the average participant or beneficiary. More particularly, the amended plan description will require information as to the eligibility requirements to participate under the plan, the vesting provisions, source(s) and amount of contributions, the benefits provided under the plan, the method by which benefits are computed, procedures to be followed in presenting claims for benefits, and for appealing denial of claims,

effect of suspension or termination of contributions, effect of merger or termination of the plan, the provisions governing administration of the plan, a description of the management and investment of plan funds, and other provisions relating to the rights or obligations of participants or beneficiaries.

It is proposed also, that administrators of pension plans who have previously filed a plan description will be required to file a new plan description, or file an amendment to the plan description previously filed, in order that the information referred to herein will be available to participants and beneficiaries of such plans.

Additionally, it is proposed to require administrators of pension benefit plans to notify participants that copies of the description of the plan, and the latest annual report required by section 7 of the Act, are available for examination by any participant or beneficiary at the principal office of the plan, and that a copy of the plan description and an adequate summary of the latest annual report will be mailed to a participant or beneficiary on written request. Whenever such plan is amended it is also proposed that administrators must notify participants as to the subject of the amendment(s), that the amendment(s) will be available in the principal office, and will be mailed on written request.

Interested persons are invited to submit written data, views, or comments regarding the proposed rule to the Assistant Secretary of Labor for Labor-Management Relations, U.S. Department of Labor, Washington, D.C. 20210, within 30 days of publication of this notice in the FEDERAL REGISTER.

Copies of the amendatory material to the Form D–1 may be obtained by writing to the Office of Public Information, U.S. Department of Labor, Washington, D.C. 20210. All written materials or suggestions submitted in response to this notice of proposed rule making will be available for public inspection in Room 401, American National Bank Building, 8701 Georgia Avenue, Silver Spring, MD, during regular business hours.

Accordingly, it is proposed herewith to amend 29 CFR Part 460 as follows:

1. The Authority for issuing Part 460 is amended to read as follows:

AUTHORITY: The provisions of this Part 460 issued under sections 5, 6, 7, 8, 72 Stat. 999, 1000, 1002, 76 Stat. 36, 37; 29 U.S.C. 304, 305, 306, 307; Secretary's Order 16–68 (33 F.R. 15574).

2. A new § 460.1a is hereby added to 29 CFR Part 460 to read as follows:

§ 460.1a Notification of availability of plan descriptions and annual reports.

The administrator of any employee pension benefit plan subject to the Welfare and Pension Plans Disclosure Act shall notify the participants of such plan in writing that pursuant to the provisions of section 8 of the Act, participants or beneficiaries are entitled to examine copies of the description of the plan and the latest annual report at the principal office of the plan. Such notice shall identify the location of such office, and the hours during which such reports will be available for examination, and indicate that a copy of the description of the plan and an adequate summary of the annual report will be delivered to a plan participant or beneficiary upon receipt of a written request therefor by the administrator of the plan. Whenever such plan is amended the plan administrator shall cause participants to be notified in writing as to the subject of the amendment(s), and that a copy of the amendments(s) will be made available for examination at the principal office of the plan, or upon written request delivered to a participant or beneficiary.

3. Section 460.2 is amended by designating the existing section as paragraph (a) and adding a paragraph (b) to read as follows:

§ 460.2 Content of reports—signature or certification.

* * * * *

(b) In addition the administrator of each pension benefit plan shall, as part of the Form D–1[1] and in accordance with the instructions contained in the form, file a comprehensive description of the provisions of the plan relating to the eligibility requirements to participate under the plan; vesting provisions, including conditions under which vested benefits may be divested; sources of contributions, amount, periods when due, whether by check off or direct payment; benefits provided under the plan and the method by which they are computed; procedures to be followed in presenting claims for benefits and for appealing denial of claims; the effect of suspension or termination of contributions; the effect of merger or termination of the plan; details as to the administration of the plan; a description of the management and investment of plan funds; and other provisions which relate to the rights or obligations of participants or beneficiaries under the plan. Such information shall be written in a manner calculated to be understood by the average participant or beneficiary. If plan booklets are distributed to participants or beneficiaries such booklets should include the information provided for in this paragraph.

4. Section 460.5 is hereby amended by changing the heading of the section and by adding a new paragraph (c) as follows:

§ 460.5 Filing plan description amendments.

* * * * *

(c) Administrators of pension plans who have previously submitted a plan description pursuant to § 460.2 but which does not include a description of the plan as provided for in paragraph (b) of § 460.2 shall submit a revised description of the plan containing information provided for in paragraph (b) of § 460.2 on revised Form D–1 incorporating all current information required therein, or shall submit an addendum to the Form D–1 originally filed, containing the information required under paragraph (b) of § 460.2 and questions 13 and 14 of the Form D–1 as revised. Such new description or such addendum shall be submited to the Office of Labor-Management and Welfare-Pension Reports, U.S. Department of Labor, Washington, D.C. 20210, within 120 days after the effective date of this paragraph.

[1] Filed as part of the original document.

Signed at Washington, D.C., this 27th day of January 1972.

W. J. USERY, Jr.,
Assistant Secretary of Labor for Labor-Management Relations.

[FR Doc.72–1415 Filed 1–31–72;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 135]

ANTIBIOTIC AND SULFONAMIDE DRUGS IN ANIMAL FEEDS

Proposed Statement of Policy

In April, 1970 the Commissioner of Food and Drugs established a Task Force of scientists to undertake a comprehensive review of the use of antibiotic drugs in animal feeds. The scientists included ten specialists on infectious diseases and animal science from the Food and Drug Administration (FDA), the National Institutes of Health, the U.S. Department of Agriculture, and the Center for Disease Control and five representatives from universities and industry.

The Task Force was established on the recommendation of the FDA Science Advisory Committee following its review of a report issued by the Government of Great Britain on the use of antibiotics in veterinary medicine and animal husbandry. The British study, known as the Swann Committee Report, recommended that antibiotics should be divided into "feed" antibiotics and "therapeutic" antibiotics and that only those antibiotics not used for treatment of diseases in man should be allowed in animal feeds at the so-called growth promotion level.

The Food and Drug Administration has been studying the effects of low-level feeding of antibiotics to animals for a number of years, has held symposia, and has consulted with outside experts to review the nonmedical uses of antibiotics in animal feeds. The results of these studies and other documentation formed the background for the Task Force deliberations.

The Task Force concluded that the current conditions relating to its study are:

1. The use of antibiotic and sulfonamide drugs, especially in growth promotant and subtherapeutic amounts, favors the selection and development of single and multiple antibiotic resistant and R-factor bearing bacteria.

2. Animals which have received either subtherapeutic and /or therapeutic amounts of antibiotic and sulfonamide drugs in feeds may serve as a reservoir of antibiotic resistant pathogens and nonpathogens. These reservoirs of pathogens can produce human infections.

3. The prevalence of multiresistant R-factor bearing pathogenic and nonpathogenic bacteria in animals has increased and has been related to the use of antibiotics and sulfonamide drugs.

4. Organisms resistant to antibacterial agents have been found on meat and meat products.

5. There has been an increase in the prevalence of antibiotic and sulfonamide resistant bacteria in man.

The Task Force identified three primary areas of concern, human health hazard, animal health hazard, and antibiotic effectiveness. Guidelines for establishing criteria were developed which must be considered with regard to the addition of growth promotant or subtherapeutic levels of antibacterial agents to animal feeds.

Based upon extensive documentation the Task Force concluded that:

1. Human illnesses and death have been reported due to both antibiotic-sensitive and antibiotic-resistant bacteria of animal origin. Food-producing animals constitute a major reservoir of certain bacteria (e.g., Salmonella) pathogenic for man. Evidence suggests that the use of certain antibiotics in food-producing animals promotes an increase in the animal reservoir of Salmonella through promotion of cross-colonization and infection, prolongation of the carrier state, and relapse of disease. Furthermore, the use of some antibiotics in animals produces a marked increase in the prevalence of R-factor containing bacteria which may be transmissible to man's enteric flora. These observations lead to the logical conclusion, though not fully documented, that such practices give rise to a human health hazard.

2. The continuous feeding of certain antibiotics to animals has been reported to compromise the treatment of certain animal diseases. Additional information is needed to quantitate the extent of this problem. Epidemiological and controlled challenge studies are needed to determine the relationship of the use of antibiotics in animal feeds and the subsequent treatment of diseases in animals which have been fed antibiotics.

3. The categorization of antibiotics into those for human and those for animal use should be based on scientific evaluations of the efficacy of each use and the impact that the use will have on all aspects of the public health. Such categorization must not result in compromising the availability of effective antimicrobials for humans or animals. However, it is the consensus of the Task Force that it would be highly desirable that in the future, a group of antibacterial agents be reserved exclusively for human use.

4. Limiting the types of antibiotics permitted in animal feeds is a step toward controlling the numbers of microorganisms resistant to antibiotics. Research is needed to investigate methods for improving weight gain and feed efficiency with drug agents and animal husbandry practices which do not cause the development of organisms resistant to antimicrobials.

5. When drug withdrawal times are not adhered to, antibiotic residues may be present in meat and meat products.

The Task Force therefore recommended that the following restrictions be placed into effect regarding the use of antibacterial agents in animal feeds at growth promotion and subtherapeutic levels:

1. Antimicrobial agents used in human clinical medicine that fail to meet the criteria based upon the guidelines referred to above be prohibited from use in animal feeds by the following dates: Tetracyclines, streptomycin, dihydrostreptomycin, sulfonamides and penicillins in poultry by January 1, 1973, and in swine, cattle, and sheep by July 1, 1973; all other antimicrobial agents used in human clinical medicine and approved for use in animal feeds by December 31, 1973.

2. Following the dates indicated, tetracycline, streptomycin, dihydrostreptomycin, neomycin, spectinomycin, penicillins, and the sulfonamides shall be reserved for therapy unless they meet the criteria established on the basis of the Task Force's guidelines in regard to the safety and efficacy for growth promotion or any subtherapeutic use; and furthermore, these antimicrobials, when used at therapeutic levels and for short-term treatments be administered only by or on the order of a licensed veterinarian.

3. That antibiotics which select for bacteria resistant to the antibiotics most critically needed for therapy of man and animals be prohibited from use in animal feeds. In this category at the present time are: chloramphenicol, semisynthetic penicillins, gentamicin, and kanamycin. Other antibiotics which have proven to be effective and essential for the therapy of certain animal diseases and which select for R-factor medicated multiple resistance be available for short-term use at therapeutic levels but only by a veterinarian or on his prescription.

4. That labeling for medicated feeds be required to state the amount of antibiotic in the final feed for all levels including growth levels.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343–51; 21 U.S.C. 360b, 371(a)) and under the authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 135 be amended by adding thereto the following new section:

§ 135.109 Antibiotic and sulfonamide drugs in animal feeds.

(a) The Commissioner will propose to revoke currently permitted uses of subtherapeutic and/or growth promotant uses of antibacterial agents in feeds, whether granted by approval of new animal drug applications, master files and/or antibiotic or food additive regulations, when such drugs are also used in human clinical medicine, unless data are submitted which establish their safety and effectiveness under specific criteria based on the guidelines contained in the Report of the FDA Task Force on the Use of Antibiotics in Animal Feeds.

(b) Within 30 days following the effective date of this regulation any person interested in retaining approval of tetracyclines, streptomycin, dihydrostreptomycin, sulfonamides, and penicillins for use in poultry after January 1, 1973, or in swine, cattle, and sheep after July 1, 1973, or of all other such approved antibiotics after December 31, 1973, shall satisfy the Commissioner in writing that studies adequate and appropriate to meet the prescribed criteria have been undertaken. Progress reports shall be filed on such studies every January 1 and July 1 until completion.

(c) Following implementation of the requirements of paragraphs (a) and (b) of this section:

(1) Those antibacterial drugs which fail to meet the prescribed criteria will be reserved for high-level, short-term use and shall be used only by or on the order of a licensed veterinarian.

(2) Animal feeds containing antibacterial drugs permitted to remain in use for growth promotion and/or subtherapeutic purposes shall be labeled to include a statement of the quantity of such drugs in finished feeds.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: January 25, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72–1416 Filed 1–31–72; 8:46 am]

Social and Rehabilitation Service

[45 CFR Parts 220, 222]

SERVICE PROGRAMS FOR FAMILIES AND CHILDREN AND FOR AGED, BLIND, OR DISABLED PERSONS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations define organizational separation of services from assistance payments and require States to develop plans for and to implement such separation.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing

to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, within a period of 30 days from date of publication of this notice in the FEDERAL REGISTER. Comments received will be available for public inspection in Room 5121 of the Department's offices at 330 C Street SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (Area code 202–963–7361.)

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Dated: January 3, 1972.

PHILIP J. RUTLEDGE,
Acting Administrator,
Social and Rehabilitation Service.

Approved: January 21, 1972.

ELLIOT L. RICHARDSON,
Secretary.

1. Section 220.9 of Part 220 of Title 45 of the Code of Federal Regulations is amended by adding paragraphs (c) and (d) as set forth below:

§ 220.9 Delivery and utilization of services.

* * * * *

(c) *Separation of services from assistance payments.* The State plan must also provide:

(1) For the development of a plan for separation of services from assistance payments and for the establishment of a separated service system, which will accord with guidelines issued by the Social and Rehabilitation Service and will be submitted no later than July 1, 1972 to the SRS Regional Commissioner for approval;

(2) For statewide operation of the approved separation plan no later than January 1, 1973; and

(3) For submittal of status reports on the progress of separation on or before October 15, 1972, and on or before January 15, 1973.

(d) *Definitions.* (1) "Separation of services from assistance payments" means the administration and operation of the services function independently from the administration and operation of the financial assistance function.

(i) There must be a single State administrator under the approved State plan with responsibility for the services and assistance payments functions; however, there must be separate lines of authority for the services function and for the assistance payments function at each administrative level.

(ii) There may be a common administrator and common facilitating services at each administrative level.

(2) The "services function" is defined as the carrying out of those activities described in Subparts A and B of this part and included in the approved State plan for AFDC which the agency provides in order to enable an individual, family, or groups of individuals to overcome barriers to achievement of their objectives which are consonant with goals of the public social services program.

(3) The "assistance payments function" is defined as the staff activities and payments, the purpose of which is basic maintenance, i.e., furnishing the income to which an individual or family is entitled under the approved State plan for AFDC for meeting day-to-day ongoing living costs and special needs. It includes the complete process of determining initial and continuing eligibility for medical care and for food programs. It also includes maintaining the case in assistance payment or certification status.

2. Section 222.27 of Part 222 of Title 45 of the Code of Federal Regulations is amended by adding paragraph (c) and (d) as set forth below:

§ 222.27 Delivery and utilization of services.

* * * * *

(c) *Separation of services from assistance payments.* The State plan must also provide:

(1) For the development of a plan for separation of services from assistance payments and for the establishment of a separated service system, which will accord with guidelines issued by the Social and Rehabilitation Service and will be submitted no later than July 1, 1972, to the SRS Regional Commissioner for approval;

(2) For statewide operation of the approved separation plan no later than January 1, 1973; and

(3) For submittal of status reports on the progress of separation on or before October 15, 1972, and on or before January 15, 1973.

(d) *Definitions.* (1) "Separation of service from assistance payments" means the administration and operation of the services function independently from the administration and operation of the financial assistance function.

(i) There must be a single State administrator under the approved State plan with responsibility for the services and assistance payments functions; however, there must be separate lines of authority for the services function and for the assistance payments function at each administrative level.

(ii) There may be a common administrator and common facilitating services at each administrative level.

(2) The "services function" is defined as the carrying out of those activities described in Subparts A, B, and C of this part and included in the approved State plan for OAA, AB, APTD, or AABD which the agency provides in order to enable an individual, family, or groups of individuals to overcome barriers to achievement of their objectives which are consonant with goals of the public social services program.

(3) The "assistance payments function" is defined as the staff activities and payments, the purpose of which is basic maintenance, i.e., furnishing the income to which an individual is entitled under the approved State plan for OAA, AB, APTD, or AABD for meeting day-to-day ongoing living costs and special needs. It includes the complete process of determining initial and continuing eligibility for medical care and for food programs. It also includes maintaining the case in assistance payment or certification status.

[FR Doc.72-1411 Filed 1-31-72;8:46 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGFR 72-12]

SAN JUAN HARBOR, P.R.

Proposed Barge Anchorage Grounds

The Coast Guard is considering amending the anchorage regulations to establish a barge anchorage grounds in San Juan Harbor, P.R. The proposed barge anchorage ground is located northeast of Anegado Channel and southeast of San Antonio Channel off Isla Grande.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Seventh Coast Guard District, Room 1018, Federal Building, 51 Southwest First Avenue, Miami, FL 33130. Each person submitting comments should include his name and address, identify this notice (CGFR 72-12), and give reasons for any recommended change in the proposal. Copies of all written comments received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District will forward any comments received before March 4, 1972, and his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that § 110.240 be amended to read as follows:

§ 110.240 San Juan Harbor, P.R.

(a) *The anchorage grounds.* * * *

(4) *Barge anchorage ground.* Beginning at a point on the edge of Anegado Channel at latitude 18°27'18.8'' N., longitude 66°06'37.3'' W.; thence to latitude 18°27'23'' N., longitude 66°06'43.1'' W.; thence to latitude 18°27'30'' N., longitude 66°06'43'' W.; thence to latitude 18°27'-42.2'' N., longitude 66°06'24.2'' W.; thence to latitude 18°27'20'' N., longitude 66°06'32.9'' W.; thence to the point of beginning.

(b) *The regulations.* * * *

(4) No barge may remain in the barge anchorage ground described in paragraph (a)(4) of this section for more than 48 hours without a permit from the Captain of the Port.

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937; 33 U.S.C. 471, 49 U.S.C.

1655(g)(1)(A); 49 CFR 1.46(c)(1), 33 CFR 1.05-1(c)(1) (36 F.R. 19160))

Dated: January 26, 1972.

By direction of the Commandant.

J. M. AUSTIN,
Captain, U.S. Coast Guard, Deputy Chief, Office of Marine Environment and Systems.

[FR Doc.72-1424 Filed 1-31-72;8:47 am]

[33 CFR Part 110]

[CGFR 72-11]

NEENAH HARBOR, NEENAH, WIS.

Proposed Special Anchorage Areas

The Coast Guard is considering amending the anchorage regulations to establish a special anchorage area in Neenah Harbor, Neenah, Wis. The proposed special anchorage area is adjacent to Riverside Park and south of the main shipping channel. In special anchorage areas, vessels under 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, OH 44199. Each person submitting comments should include his name and address, identifying the notice (CGFR 72-11) and give any reasons for any recommended change in the proposal. Copies of all submissions received will be available for examination by interested persons at the office of the Commander, Ninth Coast Guard District.

The Commander, Ninth Coast Guard District will forward any comments received before March 4, 1972, and his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in light of comments received.

In consideration of the foregoing, it is proposed to amend Title 33 of the Code of Federal Regulations by adding a new § 110.79a to read as follows:

§ 110.79a Neenah Harbor, Neenah, Wis.

The area of Neenah Harbor south of the main shipping channel beginning at a point bearing 117.5°, 1,050 feet from the point where the southeasterly side of the First Street/Oak Street Bridge crosses the south shoreline of the river; thence 254°, 162 feet; thence 146°, 462 feet; 164°, 138 feet; 123°, 367 feet; 68°, 400 feet; 44°, 400 feet; thence 320°, 107 feet; thence 283°, 1,054 feet to the point of beginning.

NOTE: An ordinance of the city of Neenah, Wis., requires approval of the Neenah Police Department for the location and type of individual moorings placed in this special anchorage area.

(Rule 9, 28 Stat. 647, as amended, 33 U.S.C. 258; sec. 6(g)(1)(C), 80 Stat. 937, 49 U.S.C. 1655(g)(1)(C); 49 CFR 1.46(c)(3) (36 F.R. 19160))

Dated: January 26, 1972.

By direction of the Commandant.

J. M. AUSTIN,
Captain, U.S. Coast Guard, Deputy Chief, Office of Marine Environment and Systems.

[FR Doc.72-1423 Filed 1-31-72;8:47 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 529]

[No. 72-33]

FEDERAL HOME LOAN BANK SYSTEM

Nondiscrimination in Federally Assisted Programs

JANUARY 4, 1972.

Resolved, that the Federal Home Loan Bank Board considers it desirable to amend Subchapter B of Chapter V of Title 12, CFR, by adding new regulations, pursuant to recommendations of the interagency committee for uniform Title VI regulations, to effectuate the provisions of title VI of the Civil Rights Act of 1964. Due to the fact that these regulations are required to conform to those of the other Federal agencies there is necessarily some overlap between these regulations and the regulations in Part 528, Nondiscrimination in Lending and Employment, which were recently proposed by this Board under different statutory authority. It should be noted that these new regulations would apply only to programs of Federal financial assistance administered by the Board (such as the Housing Opportunities Allowance Program).

Accordingly, the Federal Home Loan Bank Board proposes to amend said Subchapter B by adding thereto a new Part 529 to read as follows:

PART 529—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Sec.

AUTHORITY: The provisions of this Part 529 issued under sec. 602, Public Law 88-352, 78 Stat. 252; 42 U.S.C. 2000d-1; sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071.

§ 529.1 Purpose.

The purpose of this part is to effectuate the provisions of title VI of the Civil Rights Act of 1964 (hereafter referred to as the Act) to the end that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Federal Home Loan Bank Board.

§ 529.2 Definitions.

Unless the context requires otherwise, as used in this part—

(a) "Applicant" means a person who submits an application, request, or plan required to be approved by the Board, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and "application" means such an application, request, or plan.

(b) "Board" means the Federal Home Loan Bank Board or, except in § 529.10 (e), any person to whom it has delegated its authority in the matter concerned.

(c) "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(d) "Federal financial assistance" includes:

(1) Grants and loans of Federal funds;

(2) The grant or donation of Federal property and interests in property;

(3) The detail of Federal personnel;

(4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and

(5) Any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(e) "Primary recipient" means any recipient that is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(f) "Program" includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training, health, welfare, rehabilitation, housing, or other services, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities), or for the provision of facilities for furnishing services, financial aid or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made

available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(g) "Recipient" may mean any State, territory, possession, the District of Columbia, or Puerto Rico, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal financial assistance is extended, directly or through another recipient, for any program (including any successor, assignee, or transferee thereof), but such term does not include any ultimate beneficiary under any such program.

§ 529.3 Application of this part.

This part applies to any program for which Federal financial assistance is authorized under a law administered by the Board, including the federally assisted programs and activities listed in Appendix A to this part. It also applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the effective date of this part pursuant to an application approved before that effective date. This part does not apply to:

(a) Any Federal financial assistance by way of insurance or guaranty contracts;

(b) Money paid, property transferred, or other assistance extended under any such program before the effective date of this part;

(c) Any assistance to any individual who is the ultimate beneficiary under any such program; or

(d) Any employment practice, under any such program, of any employer, employment agency, or labor organization, except to the extent described in § 529.4 (c).

The fact that a program or activity is not listed in Appendix A to this part shall not mean, if title VI of the Act is otherwise applicable, that such program is not covered. Other programs under statutes now in force or hereafter enacted may be added to Appendix A to this part.

§ 529.4 Discrimination prohibited.

(a) *General.* No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program to which this part applies.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on the grounds of race, color, or national origin—

(i) Deny a person any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject a person to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat a person differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet in order to be provided any service, financial aid, or other benefit provided under the program; or

(vi) Deny a person an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program.

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of persons to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of persons to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.

(3) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part.

(4) As used in this section, the services, financial aid, or other benefits provided under a program receiving Federal financial assistance include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(5) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

(6) This part does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of practices or impediments which have restricted the availability of, or participation in, the program or activity receiving Federal financial assistance, on the grounds of race, color, or national origin. Where previous discriminatory practice or usage tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this part applies, the applicant or recipient has an obligation to take reasonable action to remove or overcome the consequences of the prior discriminatory practice or usage, and to accomplish the purposes of the Act.

(c) *Employment practices.* (1) Where a primary objective of a program of Federal financial assistance to which this part applies is to provide employment, a recipient or other party subject to this part shall not, directly or through contractual or other arrangements, subject a person to discrimination on the grounds of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, hiring, firing, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay or other forms of compensation or benefits, selection for training or apprenticeship, use of facilities, and treatment of employees). Such recipient shall take affirmative action to insure that applicants are employed, and employees are treated during employment, without regard to their race, color, or national origin. The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Part III of Executive Order 11246 or any Executive order which supersedes it.

(2) Where a primary objective of the Federal financial assistance is not to provide employment, but discrimination on the grounds of race, color, or national origin in the employment practices of the recipient or other persons subject to the regulation tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program to which this regulation applies, the provisions of subparagraph (1) of this paragraph shall apply to the employment practices of the recipient or other persons subject to the regulation, to the extent necessary to assure equality of opportunity to, and nondiscriminatory treatment of, beneficiaries.

(d) *Location of facilities.* A recipient may not make a selection of a site or location of a facility if the purpose of that selection, or its effect when made, is to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this rule applies, on the grounds of race, color, or national origin; or if the purpose is to, or its effect when made will,

substantially impair the accomplishment of the objectives of this part.

§ 529.5 **Assurances required.**

(a) *General.* Every application for Federal financial assistance to carry out a program to which this part applies and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by, an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. Every program of Federal financial assistance shall require the submission of such an assurance. In the case where the Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended to the program. In the case where the assistance is sought for the construction of a facility or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith. The Board shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(b) *Real property.* In the case where Federal financial assistance is provided in the form of a transfer of real property, structures, or improvements thereon, or interest therein, from the Federal Government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. Where no transfer of property or interest therein from the Federal Government is involved, but property is acquired or improved under a program of Federal financial assistance, the recipient shall agree to include such covenant in any subsequent transfer of such property. When the property is obtained from the Federal Government, such covenant may also include a condition coupled with a right to be reserved by the Board to revert title to the property in the event of a breach of the covenant where, in the discretion of the Board, such a condition and right of reverter is appropriate to the program under which the real property is obtained and to the nature of the grant and the grantee. In such event if a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on such property for the purposes for which the property was transferred, the Board may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as it deems appropriate, to subordinate such right of reversion to the lien of such mortgage or other encumbrance.

§ 529.6 **Compliance information.**

(a) *Cooperation and assistance.* The Board shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the Board timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Board may determine to be necessary to enable it to ascertain whether the recipient has complied or is complying with this part. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

(c) *Access to sources of information.* Each recipient shall permit access by the Board during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution, or person and this agency, institution, or person fails or refuses to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the Board finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

§ 529.7 **Conduct of investigations.**

(a) *Periodic compliance reviews.* The Board shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person who believes himself or any specific class of persons to be subjected to discrimination prohibited by this part may by himself or by a representative file with the Board a written complaint. A complaint must be filed not later than 90 days after the date of the alleged discrimination, unless the time for filing is extended by the Board.

(c) *Investigations.* The Board will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation will include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the Board will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 529.8.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph, the Board will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

§ 529.8 **Procedure for effecting compliance.**

(a) *General.* If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to, (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with § 529.5.* If an applicant fails or refuses to furnish an

assurance required under § 529.5 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section, Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Board shall not be required to provide assistance in such a case during the pendency of the administrative proceedings under such paragraph. However, the Board shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to an application approved prior to the effective date of this part.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating, or refusing to grant or continue Federal financial assistance shall become effective until—

(1) The Board has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means;

(2) There has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part;

(3) The action has been approved by the Board pursuant to § 529.10(e); and

(4) The expiration of 30 days after the Board has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance with title VI of the Act by any other means authorized by law shall be taken by this Board until—

(1) The Board has determined that compliance cannot be secured by voluntary means;

(2) The recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance; and

(3) The expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days, additional efforts shall be made to persuade the recipient or other person to comply with the regulation and to take such corrective action as may be appropriate.

§ 529.9 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 529.8(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the Board that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under § 602 of the Act and § 529.8(c) and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Board in Washington, D.C., at a time fixed by the Board unless it determines that the convenience of the applicant or recipient or of the Board requires that another place be selected. Hearings shall be held before the Board, or at its discretion, before a hearing examiner appointed in accordance with § 3105 of title 5, United States Code, or detailed under § 3344 of title 5, United States Code.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Board shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with sections 554 through 557 of title 5, United States Code, and in accordance with Part 509 of the general regulations of the Federal Home Loan Bank Board in this chapter (12 CFR Part 509), to the extent said Part 509 is consistent with this Part 529, and with such other regulations that may be necessary or appropriate for the conduct of hearings pursuant to this Part 529.

(2) Technical rules of evidence do not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly, repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more programs to which this part applies, or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under title VI of the Act, the Board may, by agreement with such other departments or agencies, where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules or procedures not inconsistent with this part. Final decisions in such cases, insofar as this regulation is concerned, shall be made in accordance with § 529.10.

§ 529.10 Decisions and notices.

(a) *Procedure on decisions by hearing examiner.* If the hearing is held by a hearing examiner, the hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the Board for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Where the initial decision is made by the hearing examiner, the applicant or recipient may, within 30 days after the mailing of such notice of initial decision, file with the Board his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the Board may, on its own motion, within 45 days after the initial decision, serve on the applicant or recipient a notice that it will review the decision. Upon the filing of such exceptions or of notice of review, the Board shall review the initial decision and issue its own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall, subject to paragraph (e) of this section, constitute the final decision of the Board.

(b) *Decisions on record or review by the Board.* Whenever a record is certified to the Board for decision or it reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or whenever the Board conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with it briefs or other written statements of its contentions and a written copy of the final decision of the Board shall be sent to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 529.9, a decision shall be made by the Board on the record and a written copy of such decision shall be sent to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing examiner or the Board shall set forth his or its ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the

applicant or recipient has failed to comply.

(e) *Approval by Board.* Any final decision by an official of the Board, other than the Board itself, which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part or the Act, shall promptly be transmitted to the Board itself, which may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such programs to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the Board that it will fully comply with this part.

(g) *Post termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the Board to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of subparagraph (1) of this paragraph. If the Board determines that those requirements have been satisfied, it shall restore such eligibility.

(3) If the Board denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes the Board to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record in accordance with rules or procedures issued by the Board. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of subparagraph (1) of this paragraph. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

§ 529.11 Judicial review.

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

§ 529.12 Effect on other regulations.

(a) Nothing in this part supersedes any of the following (including future amendments thereof): (1) Executive Order 11246 (3 CFR, 1965 Supp., p. 167) and regulations issued thereunder or (2) any other orders, regulations, or instructions, insofar as such orders, regulations, or instructions prohibit discrimination on the grounds of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

(b) Forms and instructions: The Board shall issue and promptly make available to all interested persons forms and detailed instructions and procedures for effectuating this part as applied to programs to which this part applies and for which it is responsible.

(c) Supervision and coordination: The Board may from time to time assign to officials of the Board, or to officials of other departments or agencies of the Government with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of title VI of the Act and this part (other than responsibility for final decision as provided in § 529.10), including the achievement of effective coordination and maximum uniformity within the Board and within the Executive Branch of the Government in the application of title VI and this part to similar programs and in similar situations. Any action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this paragraph shall have the same effect as though such action had been taken by this Board.

APPENDIX A

ACTIVITIES TO WHICH THIS PART APPLIES

1. Use by a member institution of a Federal Home Loan Bank of funds the interest charges on which have been adjusted pursuant to the Housing Opportunity Allowance Program (Public Law 91-351, July 24, 1970, section 101).

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by March 3, 1972, as to whether this proposal should be adopted, rejected or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.72-1419 Filed 1-31-72;8:48 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 101, 104, 105, 141, 260]

[Docket No. R-437]

ACCOUNTING TREATMENT AND RELATED REPORTING FOR NATURAL GAS COMPANIES AND PUBLIC UTILITIES AND LICENSEES

Notice of Proposed Rule Making

JANUARY 24, 1972.

Investment tax credit under Revenue Act of 1971 amending the Internal Revenue Code of 1954; accounting treatment for public utilities and licensees and related reporting for Natural Gas Companies and public utilities and licensees.

Pursuant to 5 U.S.C. 553, the Commission gives notice it proposes to amend, effective for the reporting year 1972:

A. Certain accounts in the Uniform System of Accounts for Class A and Class B Public Utilities and Licensees, prescribed by Part 101, Chapter I, Title 18, CFR.

B. Certain accounts in the Uniform System of Accounts for Class C Public Utilities and Licensees, prescribed by Part 104, Chapter I, Title 18, CFR.

C. Certain accounts in the Uniform System of Accounts for Class D Public Utilities and Licensees, prescribed by Part 105, Chapter I, Title 18, CFR.

D. Certain schedule pages of FPC Form No. 1, Annual Report for Electric Utilities and Licensees and Others (Class A and Class B), prescribed by § 141.1, Chapter I, Title, 18, CFR.

E. Certain schedule pages of FPC Form No. 1-F, Annual Report for Public Utilities and Licensees (Class C and Class D), prescribed by § 141.2, Chapter I, Title 18, CFR.

F. Certain schedule pages of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B), prescribed by § 260.1, Chapter I, Title 18, CFR.

G. Certain schedule pages of FPC Form No. 2-A, Annual Report for Natural Gas Companies (Class C and Class D), prescribed by § 260.2, Chapter I, Title 18, CFR.

Essentially, these amendments to the Uniform Systems of Accounts for Public Utilities and Licensees, propose a means for accounting for investment tax credits (Job Development Investment Credit) generated by the Revenue Act of 1971, when such amounts are not passed on to customers. It is believed the provisions for investment tax accounting already embodied in the Uniform System of Accounts are presently adequate in all other cases.

The proposed amendments to the Annual Report Forms No. 1 and 1-F for Public Utilities and Licensees are made to allow reporting below-the-line of investment tax credits when such credits are not passed on to customers.

Additionally, proposed amendments to the Annual Report Forms, No. 1 and No. 1-F for Public Utilities and Licensees and Annual Report Forms No. 2 and No.

2–A for Natural Gas Companies are made to allow the reporting of the new 4 percent tax credit provision of the Act.

The proposed amendments to the Commission's Uniform System of Accounts under the Federal Power Act and FPC Forms No. 1 and No. 1–F would be issued under authority granted the Federal Power Commission by the Federal Power Act, particularly sections 3, 4, 301, 304, and 309 (41 Stat. 1063–1066, 1353; 46 Stat. 798; 49 Stat. 838, 839, 840, 841, 854, 855, 856, 858, 859; 61 Stat. 501; 16 U.S.C. 796, 797, 825, 825c, 825h).

The proposed amendments to the Commission's FPC Forms No. 2 and No. 2–A would be issued under the authority granted the Federal Power Commission by the Natural Gas Act, particularly sections 8, 10, and 16 (52 Stat. 825, 826, 830 (1938); 15 U.S.C. 717g, 717i, 717o).

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than March 10, 1972, data, views, comments or suggestions, in writing, concerning the proposed amendments to the Uniform Systems of Accounts and the proposed revised report forms. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed revisions in the report forms pursuant to 44 U.S.C. 3501–3511 may, at the same time, submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Policy, Office of Management and Budget, Washington, D.C. 20503. Submissions to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications in regard to the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed revisions in the Uniform Systems of Accounts and the report forms.

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

(A) The following are proposed amendments to the Uniform System of Accounts for Class A and Class B, Public Utilities and Licensees, in Part 101, Title 18 of the Code of Federal Regulations:

1. In the text of Balance Sheet account "255, Accumulated Deferred Investment Tax Credits", revise paragraphs A and B so that they will read as follows:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

255 Accumulated deferred investment tax credits.

A. This account shall be credited with all investment tax credits deferred by companies which have elected to follow deferral accounting, partial or full, rather than recognizing in the income statement the total benefits of the tax credit as realized. After such election, a company may not transfer amounts from this account, except as authorized herein and in accounts 411.3, Investment Tax Credit Adjustments, and 420, Investment Tax Credits, or with approval of the Commission.

B. Where the company's accounting provides that investment tax credits are to be passed on to customers, this account shall be debited and Account 411.3 credited with a proportionate amount determined in relation to the average useful life of electric utility property to which the tax credits relate or such lesser period of time as may be adopted and used by the company. If, however, the deferral procedure provides that investment tax credits are not to be passed on to customers, the proportionate restorations to income shall be credited to Account 420.

* * * * *

2. In the chart of the Income Accounts add a new account "420, Investment Tax Credits" immediately following account "411.5, Investment Tax Credit Adjustments, Nonutility Operations". As so amended, the chart of accounts will read as follows:

Income Accounts

(Chart of Accounts)

* * * * *

2. OTHER INCOME AND DEDUCTIONS

* * * * *

C. TAXES APPLICABLE TO OTHER INCOME AND DEDUCTIONS

* * * * *

420 Investment tax credits.

* * * * *

3. In the text of the Income Accounts amend account "411.3, Investment Tax Credit Adjustments" and add a new account entitled "420, Investment Tax Credits" immediately following account "419, Interest and Dividend Income." As so amended the text of the Income Accounts will read as follows:

Income Accounts

1. UTILITY OPERATING INCOME

* * * * *

411.3 Investment tax credit adjustments.

A. This account shall be debited with the total amount of investment tax credits used in calculating the reported current year's income taxes which are charged to account 409, Income Taxes, except to the extent that all or part of such credits are to be passed on to customers currently, either as a result of the election of the company, or a directive of a state regulatory commission as defined in the Federal Power Act. Under these latter circumstances that part or all of such credits passed on to customers would be treated solely as a reduction in income taxes for the year and no entries would be necessary.

1. When a company is using deferral accounting for all or any part of the investment tax credit allowed for the current year, account 255, Accumulated Deferred Investment Tax Credits, shall be credited with an equal amount of the investment tax credits debited to this account.

2. When a company's accounting does not provide for deferral of all or any part of the tax credits and such credits are not to be passed on to customers, account 420, Investment Tax Credits, shall be credited with the same amount of the investment tax credit debited to this account.

B. When a company which has deferred all or part of its investment tax credits passes on to its customers all or a part of such deferred credits, either as a result of its election to do so or at the direction of a State commission, it shall credit this account and debit account 255, with such amounts passed on in the current year, provided, however, that the amounts shall be allocated proportionately over the average useful life of the property to which the tax credits relate or such lesser period as may be adopted and consistently used by the company.

C. When deferral accounting for all or any part of investment tax credits is adopted, a company may change the apportionment of the annual amortization between this account and account 420 in accordance with the above instructions provided that the total annual amortization credit is calculated on a consistent basis such as over the average useful life of the property to which tax credits relate or over a lesser period of time as may be adopted and consistently used by the company.

D. This account shall be maintained according to the subaccounts 411.4 and 411.5 inclusive, as shown below.

* * * * *

2. OTHER INCOME AND DEDUCTIONS

420 Investment tax credits.

This account shall be credited as follows with investment tax credit amounts not passed on to customers:

(a) By amounts equal to debits to account 411.3, Investment Tax Credit Adjustments, for investment tax credits used in calculating income taxes for the year when the company's accounting provides for nondeferral of all or a portion of such credits; and

(b) By amounts equal to debits to account 255, Accumulated Deferred Investment Tax Credits, for proportionate amounts of tax credit deferrals allocated over the average useful life of the property to which the tax credits relate, or such lesser period of time as may be

adopted and consistently used by the company.

PART 104—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C PUBLIC UTILITIES AND LICENSEES

(B) The following are proposed amendments to the Uniform System of Accounts for Class C, Public Utilities and Licensees, in Part 104, Title 18 of the Code of Federal Regulations:

1. In the text of Balance Sheet account "255, Accumulated Deferred Investment Tax Credits", revise paragraphs A and B so that they will read as follows:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

255 Accumulated deferred investment tax credits.

A. This account shall be credited with all investment tax credits deferred by companies which have elected to follow deferral accounting, partial or full, rather than recognizing in the income statement the total benefits of the tax credit as realized. After such election, a company may not transfer amounts from this account, except as authorized herein and in accounts 411.3, Investment Tax Credit Adjustments, and 420, Investment Tax Credits, or with approval of the Commission.

B. Where the company's accounting provides that investment tax credits are to be passed on to customers, this account shall be debited and account 411.3 credited with a proportionate amount determined in relation to the average useful life of electric utility property to which the tax credits relate or such lesser period of time as may be adopted and used by the company. If, however, the deferral procedure provides that investment tax credits are not to be passed on to customers, the proportionate restorations to income shall be credited to account 420.

* * * * *

2. In the chart of the Income Accounts add a new account "420, Investment Tax Credits" immediately following account "411.5, Investment Tax Credit Adjustments, Nonutility Operations." As so amended the chart of accounts will read as follows:

Income Accounts

(Chart of Accounts)

* * * * *

2. OTHER INCOME AND DEDUCTIONS

* * * * *

C. TAXES APPLICABLE TO OTHER INCOME AND DEDUCTIONS

* * * * *

420 Investment tax credits.

* * * * *

3. In the text of the Income Accounts amend account "411.3, Investment Tax Credit Adjustments" and add a new account entitled "420, Investment Tax Credits" immediately following account "419, Interest and Dividend Income." As so amended the text of the Income Accounts will read as follows:

Income Accounts

1. UTILITY OPERATING INCOME

* * * * *

411.3 Investment tax credit adjustments.

A. This account shall be debited with the total amount of investment tax credits used in calculating the reported current year's income taxes which are charged to account 409, Income Taxes, except to the extent that all or part of such credits are to be passed on to customers currently, either as a result of the election of the company, or a directive of a State regulatory commission as defined in the Federal Power Act. Under these latter circumstances that part or all of such credits passed on to customers would be treated solely as a reduction in income taxes for the year and no entries would be necesary.

1. When a company is using deferral accounting for all or any part of the investment tax credit allowed for the current year, account 255, Accumulated Deferred Investment Tax Credits, shall be credited with an equal amount of the investment tax credits debited to this account.

2. When a company's accounting does not provide for deferral of all or any part of the tax credits and such credits are not to be passed on to customers, account 420, Investment Tax Credits, shall be credited with the same amount of the investment tax credit debited to this account.

B. When a company which has deferred all or part of its investment tax credits passes on to its customers all or a part of such deferred credits, either as a result of its election to do so or at the direction of a State commission, it shall credit this account and debit account 255, with such amounts passed on in the current year, provided, however, that the amounts shall be allocated proportionately over the average useful life of the property to which the tax credits relate or such lesser period as may be adopted and consistently used by the company.

C. When deferral accounting for all or any part of investment tax credits is adopted, a company may change the apportionment of its annual amortization between this account and account 420 in accordance with the above instructions provided that the total annual amortization credit is calculated on a consistent basis such as over the average useful life of the property to which tax credits relate or over a lesser period of time as may be adopted and consistently used by the company.

D. This account shall be maintained according to the subaccounts 411.4 and 411.5 inclusive, as shown below.

* * * * *

2. OTHER INCOME AND DEDUCTIONS

* * * * *

420 Investment tax credits.

This account shall be credited as follows with investment tax credit amounts not passed on to customers:

(a) By amounts equal to debits to account 411.3, Investment Tax Credit Adjustments, for investment tax credits used in calculating income taxes for the year when the company's accounting provides for nondeferral of all or a portion of such credits; and,

(b) By amounts equal to debits to account 255, Accumulated Deferred Investment Tax Credits, for proportionate amounts of tax credit deferrals allocated over the average useful life of the property to which the tax credits relate, or such lesser period of time as may be adopted and consistently used by the company.

PART 105—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS D PUBLIC UTILITIES AND LICENSEES

(c) The following are proposed amendments to the Uniform System of Accounts for Class D, Public Utilities and Licensees, in Part 105, Title 18 of the Code of Federal Regulations:

1. In the text of Balance Sheet account "255, Accumulated Deferred Investment Tax Credits" revise paragraphs A and B so that they will read as follows:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

255 Accumulated deferred investment tax credits.

A. This account shall be credited with all investment tax credits deferred by companies which have elected to follow deferral accounting, partial or full, rather than recognizing in the income statement the total benefits of the tax credit as realized. After such election, a company may not transfer amounts from this account, except as authorized herein and in accounts 411.3, Investment Tax Credit Adjustments, and 420, Investment Tax Credits, or with approval of the Commission.

B. Where the company's accounting provides that investment tax credits are to be passed on to customers, this account shall be debited and Account 411.3 credited with a proportionate amount determined in relation to the average useful life of electric utility property to which the tax credits relate or such lesser period of time as may be adopted and used by the company. If, however, the deferral procedure provides that investment tax credits are not to be passed on to customers, the proportionate restorations to income shall be credited to account 420.

* * * * *

2. In the chart of the Income Accounts add a new account "420, Investment Tax Credits" immediately following account "411.5, Investment Tax Credit Adjustments, Nonutility Operations." As so amended the chart of accounts will read as follows:

Income Accounts

(Chart of Accounts)

* * * * *

2. OTHER INCOME AND DEDUCTIONS

* * * * *

C. TAXES APPLICABLE TO OTHER INCOME AND DEDUCTIONS

* * * * *

420 Investment tax credits.

* * * * *

3. In the text of the Income Accounts amend account "411.3, Investment Tax Credit Adjustments" and add a new account entitled "420, Investment Tax Credits" immediately following account "419, Interest and Dividend Income." As so amended the text of the Income Accounts will read as follows:

Income Accounts

1. UTILITY OPERATING INCOME

* * * * *

411.3 Investment tax credit adjustments.

A. This account shall be debited with the total amount of investment tax credits used in calculating the reported current year's income taxes which are charged to account 409, Income Taxes, except to the extent that all or part of such credits are to be passed on to customers currently, either as a result of the election of the company, or a directive of a state regulatory commission as defined in the Federal Power Act. Under these latter circumstances that part or all of such credits passed on to customers would be treated solely as a reduction in income taxes for the year and no entries would be necessary.

1. When a company is using deferral accounting for all or any part of the investment tax credit allowed for the current year, account 255, Accumulated Deferred Investment Tax Credits, shall be credited with an equal amount of the investment tax credits debited to this account.

2. When a company's accounting does not provide for deferral of all or any part of the tax credits and such credits are not to be passed on to customers, account 420, Investment Tax Credits, shall be credited with the same amount of the investment tax credit debited to this account.

B. When a company which has deferred all or part of its investment tax credits passes on to its customers all or part of such deferred credits, either as a result of its election to do so or at the direction of a State commission, it shall credit this account and debit account 255, with such amounts passed on in the current year, provided, however, that the amounts shall be allocated proportionately over the average useful life of the property to which the tax credits relate or such lesser period as may be adopted and consistently used by the company.

C. When deferral accounting for all or any part of investment tax credits is adopted, a company may change the apportionment of its annual amortization between this account and account 420 in accordance with the above instructions provided that the total annual amortization credit is calculated on a consistent basis such as over the average useful life of the property to which tax credits relate or over a lesser period of time as may be adopted and consistently used by the company.

D. This account shall be maintained according to the subaccounts 411.4 and 411.5 inclusive, as shown below.

* * * * *

2. OTHER INCOME AND DEDUCTIONS

* * * * *

420 Investment tax credits.

This account shall be credited as follows with investment tax credit amounts not passed on to customers:

(a) By amounts equal to debits to account 411.3, Investment Tax Credit Adjustments, for investment tax credits used in calculating income taxes for the year when the company's accounting provides for nondeferral or all or a portion of such credits; and,

(b) By amounts equal to debits to account 255, Accumulated Deferred Investment Tax Credits, for proportionate amounts of tax credit deferrals allocated over the average useful life of the property to which the tax credits relate, or such lesser period of time as may be adopted and consistently used by the company.

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

(D) Effective for the reporting year 1972, it is proposed to amend certain schedule pages of FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B), prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachments A and B hereto.[1]

(E) Effective for the reporting year 1972, it is proposed to amend certain schedule pages of FPC Form No. 1–F, Annual Report for Public Utilities and Licensees (Class C and Class D), prescribed by § 141.2, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachments D and E hereto.[1]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

(F) Effective for the reporting year 1972, it is proposed to amend certain schedule pages of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B), prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachments B and C hereto.[1]

(G) Effective for the reporting year 1972, it is proposed to amend certain schedule pages of the FPC Form No. 2–A, Annual Report for Natural Gas Companies (Class C and Class D), prescribed by § 260.2, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachments E and F hereto.[1]

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–1439 Filed 1–31–72;8:49 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 432]

POWER OUTPUT OF AMPLIFIERS UTILIZED FOR HOME ENTERTAINMENT PRODUCTS

Notice of Opportunity to Submit Data, Views, and Arguments Regarding Amendment and Revision of the Proposed Trade Regulation Rule

Notice is hereby given that the Federal Trade Commission pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq., having previously initiated proceedings to promulgate a trade regulation rule concerning power output of amplifiers utilized for home entertainment products. (36 F.R. 379), received written comments and information, conducted public hearings on April 13 and 14, 1971 and considered the record thereby produced, now provides opportunity for interested persons to submit data, views, and arguments regarding the following amended and revised proposed rule on the subject:

Sec.
432.1 Scope.
432.2 Required disclosures.
432.3 Optional disclosures.
432.4 Prohibited disclosures.
432.5 Liability for violation.

AUTHORITY: The provisions of this Part 432 issued under 38 Stat. 717, as amended; 15 U.S.C. 41–58.

§ 432.1 Scope.

(a) Except as provided in paragraph (b) of this section, this part shall apply whenever any power output (in watts or otherwise), power band or power frequency response, or distortion capability or characteristic is represented, either expressly or by implication, in connection with the advertising, sale, or offered for sale, in commerce as "commerce" is defined in the Federal Trade Commission Act, of sound power amplification equipment manufactured or sold for home entertainment purposes, such as for example, radios, record and tape players, radiophonograph and/or tape

[1] Filed as part of the original document.

combinations, component audio amplifiers and the like.

(b) Representations shall be exempt from this part if all representations of performance characteristics referred to in paragraph (a) of this section clearly and conspicuously disclose a manufacturer's rated power output and that rated output does not exceed two (2) watts (per channel or total).

(c) It is an unfair method of competition and an unfair or deceptive act or practice within the meaning of section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. section 45(a)(1)) to violate any applicable provision of this part.

§ 342.2 Required disclosures.

Whenever any direct or indirect representation is made of the power output, power band or power frequency response, or distortion characteristics of sound power amplification equipment, the following disclosures shall be made clearly, conspicuously, and more prominently than any other representations or disclosures permitted under this part:

(a) The manufacturer's rated minimum sine wave continuous RMS power output, in watts, per channel (if the equipment is designed to amplify two or more channels simultaneously)—

(1) For each load impedance required to be disclosed in paragraph (b) of this section, when measured with resistive load or loads equal to such (nominal) load impedance or impedances, and

(2) Measured with all associated channels fully driven to rated per channel power;

(b) The load impedance or impedances, in ohms, for which the manufacturer intends the equipment to be used by the consumer;

(c) The manufacturer's rated power band or power frequency response, in Hertz (Hz), for each rated power output required to be disclosed in paragraph (a)(1) of this section; and

(d) The manufacturer's rated percentage of maximum total harmonic distortion at any power level from 250 mw. (.25 watts) to the rated power output, for each such rated power output and its corresponding rated power band or power frequency response.

§ 432.3 Optional disclosures.

Other operating characteristics and technical specifications not required in § 432.2 may be disclosed, provided:

(a) Any other power output is rated by the manufacturer, is expressed in minimum watts per channel, and such power output representation(s) comply with the provisions of § 432.2(a)(1) through (d); except that if a peak or other instantaneous power rating, such as music power or peak power, is represented under this section, the maximum percentage of total harmonic distortion (see § 432.2(d)) may be disclosed only at such rated output; and provided further that

(b) All disclosures or representations made under this section are less conspicuously, and prominently made than the disclosures required in § 432.2; and

(c) The rating and testing methods or standards used in determining such representations are disclosed, are well known and generally recognized by the industry at the time the representation or disclosure is made, are neither intended nor likely to deceive or confuse the consumer, and are not otherwise likely to frustrate the purpose of this part.

NOTE 1: For the purpose of paragraph (b) of this section, optional disclosures will not be considered less prominent if they are either bold faced or are more than two-thirds the height of the disclosures required by § 432.2.

NOTE 2: Use of the asterisk in effecting any of the disclosures required by § 432.2 and permitted by § 432.3 shall not be deemed conspicuous disclosure.

§ 432.4 Prohibited disclosures.

No performance characteristics to which this Part applies shall be represented or disclosed if they are not obtainable as represented or disclosed when the equipment is operated by the consumer in the usual and normal manner without the use of extraneous aids.

§ 432.5 Liability for violation.

If the manufacturer, or in the case of foreign made products, if the importer or domestic sales representative of a foreign manufacturer, of any product covered by this part furnishes the information required or permitted under this part, then any other seller of the product shall not be deemed to be in violation of § 432.4 due to his reliance upon or transmittal of the written representations of the manufacturer or importer if such seller has been furnished by the manufacturer, importer, or sales representative, a written certification attesting to the accuracy of the representations to which this part applies, and provided further that such seller is without actual knowledge of the violation contained in said written certification.

Interested persons, including consumers and other members of the public, are hereby invited to file written data, views, and arguments concerning amendment and revision of the proposed rule, addressed to: Assistant Director for Rules and Guides, Bureau of Consumer Protection, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, DC 20580, on or before March 2, 1972. Such persons are urged to express approval or disapproval or to recommend further modification, and to make statements as full as they wish.

Statements submitted as provided above will be available for examination during regular business hours in the Commission's first floor office of Legal and Public Records, Room 130. All such statements will be considered by the Commission before final action is taken in this matter.

Issued: February 1, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-1600 Filed 1-31-72;11:26 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

RAILROAD PASSENGER VEHICLES FROM CANADA

Withholding of Appraisement Notice

Information was received on September 18, 1970, that railroad passenger vehicles from Canada were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of December 5, 1970, on page 18549. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of railroad passenger vehicles from Canada is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

STATEMENT OF REASONS

The information before the Bureau tends to indicate that the probable basis of comparison for fair value purposes will be between purchase price and the adjusted home market price of such or similar merchandise.

Preliminary analysis suggests that purchase price will probably be calculated by deducting from the delivered, per car, duty-paid price, the included transportation, insurance and brokerage charges and the appropriate U.S. duty. Adjustments will be made for the appropriate Canadian sales taxes and import duties normally imposed by the country of exportation which will not be collected by reason of exportation of the merchandise to the United States.

The adjusted home market price will probably be calculated on the delivered per car price of such or similar merchandise sold in Canada. Deductions will be made for transportation, brokerage and insurance charges. Appropriate adjustments will be made for differences in warranty and finance costs. Adjustments will also be made for differences in the merchandise compared, including additions for differences in the Canadian Federal Sales Taxes paid on home market sales and remitted upon exportation of the merchandise and for the drawback of Canadian customs duties imposed only upon the merchandise exported to the United States.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than adjusted home market price.

Customs officers are being directed to withhold appraisement of railroad passenger vehicles from Canada in accordance with § 153.48, Customs regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 10 calendar days from the date of publication of this notice in the FEDERAL REGISTER.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(b), Customs Regulations, shall become effective upon publication in the FEDERAL REGISTER (2–1–72). It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: Jauuary 28, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72–1557 Filed 1–31–72;9:14 am]

Office of the Secretary

[Dept. Circular; Public Debt Series No. 1–72]

5¾ PERCENT TREASURY NOTES OF SERIES E–1976

Offering of Notes

JANUARY 27, 1972.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers notes of the United States, designated 5¾ percent Treasury Notes of Series E–1976, at par, in exchange for the following securities maturing February 15, 1972:

(1) 4¾ percent Treasury Notes of Series A–1972;

(2) 7½ percent Treasury Notes of Series C–1972; or

(3) 4 percent Treasury Bonds of 1972, in amounts of $1,000 or multiples thereof. The amount of this offering will be limited to the amount of eligible securities tendered in exchange. The books will be open until 5 p.m., local time, February 2, 1972, for the receipt of subscriptions.

2. In addition, holders of the securities enumerated in Paragraph 1 of this section are offered the privilege of exchanging all or any part of them for 6⅜ percent Treasury Bonds of 1982, which offering is set forth in Department Circular, Public Debt Series—No. 2–72, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes will be dated February 15, 1972, and will bear interest from that date at the rate of 5¾ percent per annum, payable on a semiannual basis on May 15 and November 15, 1972, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1976, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the prinicpal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1 million. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing U.S. notes.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Department of the Treasury are authorized to act as official agencies.

2. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, and to allot less than

the amount of notes applied for when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, all subscriptions will be allotted in full.

IV. *Payment.* 1. Payment for the face amount of notes allotted hereunder must be made on or before February 15, 1972, or on later allotment, and may be made only in a like face amount of securities of the issues enumerated in paragraph 1 of section I hereof, which should accompany the subscription. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made with securities in bearer form, coupons dated February 15, 1972, should be detached and cashed when due. When payment is made with registered securities, the final interest due on February 15, 1972, will be paid by issue of interest checks in regular course to holders of record on January 14, 1972, the date the transfer books closed.

V. *Assignment of registered securities.* 1. Registered securities tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Department of the Treasury governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The securities must be delivered at the expense and risk of the holder. If the notes are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 5¾ percent Treasury Notes of Series E–1976"; if the notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 5¾ percent Treasury Notes of Series E–1976 in the name of _____"; if notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 5¾ percent Treasury Notes of Series E–1976 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN B. CONNALLY,
Secretary of the Treasury.

[FR Doc.72–1515 Filed 1–31–72;8:51 am]

[Department Circular Public Debt Series No. 2–72]

6⅜ PERCENT TREASURY BONDS OF 1982

Offering of Bonds

JANUARY 27, 1972.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers bonds of the United States, designated 6⅜ percent Treasury Bonds of 1982, at par, in exchange for the following securities, singly or in combinations aggregating $1,000 or multiples thereof:

(1) 4¾ percent Treasury Notes of Series A–1972, dated February 15, 1967, due February 15, 1972;

(2) 7½ percent Treasury Notes of Series C–1972, dated August 17, 1970, due February 15, 1972;

(3) 4 percent Treasury Bonds of 1972, dated November 15, 1962, due February 15, 1972;

(4) 7¾ percent Treasury Notes of Series C–1974, dated August 15, 1970, due February 15, 1974, with a cash payment of $53.21583 per $1,000 to subscribers;

(5) 4⅛ percent Treasury Bonds of 1974, dated January 15, 1965, due February 15, 1974, with a cash payment of $14.40167 per $1,000 to the United States;

(6) 7¼ percent Treasury Notes of Series D–1974, dated November 15, 1970, due May 15, 1974, with a cash payment of $47.56228 per $1,000 to subscribers; or

(7) 4¼ percent Treasury Bonds of 1974, dated May 15, 1964, due May 15, 1974, with a cash payment of $15.04946 per $1,000 to the United States. Interest will be adjusted on the securities due in 1974 as of February 15, 1972. Payments on account of accrued interest and cash adjustments will be made as set forth in Section IV hereof. In addition, the Secretary of the Treasury offers the bonds to natural persons in their own right for cash, not to exceed $10,000 to any one person. The books will be open until 5 p.m., local time, February 2, 1972, for the receipt of subscriptions.

2. In addition, holders of the securities maturing on February 15, 1972, enumerated in paragraph 1 of this section are offered the privilege of exchanging all or any part of them for 5¾ percent Treasury Notes of Series E–1976, which offering is set forth in Department Circular, Public Debt Series—No. 1–72, issued simultaneously with this circular.

3. *Optional recognition of gain or loss for Federal income tax purposes on securities due in 1974.* Pursuant to the provisions of section 1037(a) of the Internal Revenue Code of 1954, the Secretary of the Treasury hereby declares that gain or loss for Federal income tax purposes upon the exchange with the United States of the securities due in 1974 enumerated in paragraph 1 of this section solely for the 6⅜ percent Treasury Bonds of 1982 may be recognized either—

(1) In the taxable year of the exchange, or

(2) In the taxable year of disposition or redemption of the new obligations. In the case of either option, any gain realized on the exchange to the extent that money (other than as an interest adjustment) is received by the security holder in connection with the exchange must be recognized as gain for the taxable year of the exchange.

II. *Description of bonds.* 1. The bonds will be dated February 15, 1972, and will bear interest from that date at the rate of 6⅜ percent per annum, payable semiannually on August 15, 1972, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature February 15, 1982, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1 million. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing U.S. bonds.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Only the Federal Reserve Banks and the Department of the Treasury are authorized to act as official agencies. Banking institutions generally may submit subscriptions for account of customers, provided the names of customers subscribing for cash are set forth in such subscriptions. Others than banking institutions will not be permitted to enter cash subscriptions except for their own account.

2. Cash subscriptions, which may not exceed $10,000 from any one person, must be accompanied by payment of 10 percent of the face amount of bonds applied for.

3. Banking institutions in submitting cash subscriptions for customers will be required to certify that they have no beneficial interest in any such subscriptions.

4. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, and to allot less than the amount of bonds applied for when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, all subscriptions will be allotted in full.

IV. *Payment.* 1. Payment for the face amount of bonds allotted hereunder in exchange for securities of the issues enumerated in paragraph 1 of section I hereof, must be made on or before February 15, 1972, or on later allotment, and may be made only in a like face amount of such securities, which should accompany the subscription. On cash subscriptions payment at par and accrued interest, if any, for bonds allotted hereunder, must be completed on or before February 15, 1972, in cash or other funds fully collectible by that date. In every case where full payment is not completed, the payment with the application up to 10 percent of the amount of bonds allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Payment will not be deemed to have been completed where registered bonds are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. Payments due to subscribers (paragraphs 3 and 5 below) will be made by check or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District, following acceptance of the securities surrendered. In the case of registered securities, the payment will be made in accordance with the assignments thereon. Payments due from subscribers (paragraphs 4 and 6 below) should accompany the subscription.

2. *4¾ percent notes of Series A–1972, 7½ percent of notes of Series C–1972 and 4 percent bonds of 1972.* When payment is made with securities in bearer form, coupons dated February 15, 1972, should be detached and cashed when due.[1]

3. *7¾ percent notes of Series C–1974.* When payment is made with notes in bearer form, coupons dated August 15, 1972, and all subsequent coupons, must be attached (February 15, 1972, coupons should be detached [1]) to the notes when surrendered. The cash payment of $53.21583 per $1,000 will be paid to subscribers.

4. *4⅛ percent bonds of 1974.* When payment is made with bonds in bearer form, coupons dated August 15, 1972, and all subsequent coupons, must be attached (February 15, 1972, coupons should be detached [1]) to the bonds when surrendered. The cash payment of $14.40167 per $1,000 due the United States must be paid by subscribers.

5. *7¼ percent notes of Series D–1974.* When payment is made with notes in bearer form, coupons dated May 15, 1972, and all subsequent coupons, must be attached to the notes when surrendered. Accrued interest from November 15, 1971, to February 15, 1972 ($18.32418 per $1,000), plus the cash payment ($47.56228 per $1,000), a total of $65.88646 per $1,000 will be paid to subscribers.

6. *4¼ percent bonds of 1974.* When payment is made with bonds in bearer form, coupons dated May 15, 1972, and all subsequent coupons, must be attached to the bonds when surrendered. Accrued interest from November 15, 1971, to February 15, 1972 ($10.74176 per $1,000), will be credited, the cash payment ($15.04946 per $1,000) due the United States will be charged, and the difference of $4.30770 per $1,000 must be paid by subscribers.

V. *Assignment of registered securities.* 1. Registered securities tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Department of the Treasury governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The securities must be delivered at the expense and risk of the holder. If the bonds are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 6⅜ percent Treasury Bonds of 1982"; if the bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 6⅜ percent Treasury bonds of 1982 in the name of ----------"; if bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 6⅜ percent Treasury Bonds of 1982 in coupon form to be delivered to ----------".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN B. CONNALLY,
Secretary of the Treasury.

[FR Doc.72–1516 Filed 1–31–72;8:51 am]

[1] Interest due on Feb. 15, 1972, on registered securities will be paid by issue of interest checks in regular course to holders of record on Jan. 14, 1972, the date the transfer books closed.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[I–4795]

IDAHO

Notice of Offer of Lands

JANUARY 24, 1972.

1. Pursuant to the provisions of the Act of May 31, 1962 (76 Stat. 89), the following lands, found upon survey to be omitted lands of the United States, will be offered for sale:

BOISE MERIDIAN, IDAHO

T. 6 N., R. 39 E.,
Sec. 4, lots 10 and 11;
Sec. 9, lots 10, 11, and 14;
Sec. 17, lot 17;
Sec. 19, lot 11;
Sec. 20, lot 9.

The area described aggregate 69.95 acres.

2. Plats of survey were filed in the Land Office, Boise, Idaho, at 10 a.m. on January 5, 1970.

3. Persons claiming a preference right in accordance with the provisions of the Act, must file with the Idaho State Office, Room 334, Federal Building, 550 West Fort Street, Boise, ID 83702, before April 3, 1972, a notice of their intention to apply to purchase all or part of the lands as qualified preference right claimants.

4. The Act grants a preference right to purchase the above lands to any citizens of the United States (including corporations, partnership, firm, or other legal entity having authority to hold title to lands in the State of Idaho) who, in good faith, under color of title or claiming as a riparian owner has, prior to March 30, 1961, placed valuable improvements upon, reduced to cultivation, or occupied any of the lands so offered for sale, or whose ancestors or predecessors in interest have taken such action.

5. The lands are determined to be suitable for sale and will be sold at their fair market value subject to:

(a) Qualified preference right claims.

(b) A reservation to the United States of all the coal, oil, gas, shale, phosphate, potash, sodium, native asphalt, solid and semisolid bitumen and bitumen rock, including oil-impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried.

(c) A reservation of 100-foot strip of land along the river banks of the lots bordering the Snake River for use of the public for access and recreation.

6. This offer is to allow preference right claimants the opportunity to establish their priority and file their claims.

No final sale or disposition of the land will be made, in accordance with the suspension policy of March 16, 1971, unless a preference claimant expresses a desire to proceed under the existing law and regulations.

This action is taken to expedite the processing of claims once pending legislation is completed.

RICHARD H. PETRIE,
Chief,
Division of Technical Services.

[FR Doc.72-1421 Filed 1-31-72;8:47 am]

[Montana 20539]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 24, 1972.

The Forest Service, U.S. Department of Agriculture, has filed application M 20539 for the withdrawal of national forest lands described below from mineral location and entry under the mining laws but not from leasing under the mineral leasing laws, subject to existing valid claims.

The applicant desires the land for the protection of an existing public campground in the Lewis and Clark National Forest, Mont.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, MT 59101.

The Department's regulation (43 CFR 2351.4(c)) provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for the purpose other than the applicant's to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

LEWIS AND CLARK NATIONAL FOREST

Wood Lake Campground

T. 19 N., R. 9 W., unsurveyed, but probably will be when surveyed:
Sec. 6, W½NW¼SW¼NE¼, SW¼SW¼NE¼, SE¼NE¼NW¼, E½SW¼NE¼NW¼, NE¼SE¼NW¼, E½NW¼SE¼NW¼, N½SE¼SE¼NW¼, S½NW¼NE¼SE¼, N½SW¼NE¼SE¼, NE¼NW¼SE¼, N½NW¼NW¼SE¼, and N½SE¼NW¼SE¼.

The areas aggregate 80 acres in Lewis and Clark County, Mont.

ROLAND F. LEE,
Chief, Branch of
Lands and Minerals Operations.

[FR Doc.72-1422 Filed 1-31-72;8:47 am]

National Park Service

WHITE SANDS NATIONAL MONUMENT, N. MEX.

Suitability as Wilderness; Public Hearing

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132), and in accordance with departmental procedures as identified in 43 CFR 19.5 that a public hearing will be held beginning at 1 p.m. on April 1, 1972, at the Alamogordo City Hall, 511 10th Street, Alamogordo, NM, for the purpose of receiving comments and suggestions as to the suitability of lands within White Sands National Monument for designation as wilderness. The monument is located in Otero County, N. Mex.

A packet containing a draft master plan, a map depicting the roadless area studied, and providing additional information about the suitability study, may be obtained from the Superintendent, White Sands National Monument, Post Office Box 458, Alamogordo, NM 88310, or from the Director, Southwest Region, National Park Service, Old Santa Fe Trail, Post Office Box 728, Santa Fe, NM 87501.

A topographic map of the area studied for its suitability or nonsuitability as wilderness is available for review in the above offices and in Room 1013 of the Department of the Interior Building at 18th and C Streets NW., Washington, DC.

Interested individuals, representatives of organizations, and public officials are invited to express their views in person at the aforementioned public hearing, provided they notify the Hearing Officer, in care of the Superintendent, White Sands National Monument, Post Office Box 458, Alamogordo, NM 88310, by March 29 of their desire to appear. Those not wishing to appear in person may submit written statements on the suitability study to the Hearing Officer, at that address for inclusion in the official record, which will be held open for 30 days following conclusion of the hearing.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

(1) Governor of the State or his representative.
(2) Members of Congress.
(3) Members of the State Legislature.
(4) Official representative of the county in which the national monument is located.
(5) Officials of other Federal agencies or public bodies.
(6) Organizations in alphabetical order.
(7) Individuals in alphabetical order.
(8) Others not giving advance notice, to the extent there is remaining time.

Dated: January 20, 1972.

THOMAS FLYNN,
Deputy Director,
National Park Service.

[FR Doc.72-1310 Filed 1-31-72;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

POVERTY CREEK UNIT PLAN

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Poverty Creek Unit Plan, USDA-FS-ES(Adm) 72-17.

The environmental statement concerns proposed management of Poverty Creek drainage, Blacksburg Ranger District, Jefferson National Forest in Montgomery County, Va.

This draft environmental statement was filed with CEQ January 19, 1972.

Copies are available for inspection during regular working hours at the following locations:

Room 3230, Forest Service, USDA, South Agriculture Building, Washington, D.C. 20250.
Forest Service—Southern Region, 1720 Peachtree Road NW., Room 806, Atlanta, GA 30309.
Jefferson National Forest, Carlton Terrace Building, 920 Jefferson Street NW., Roanoke, VA 24016.
Forest Service, Blacksburg Ranger District, Blacksburg, Va. 24060.

A limited number of single copies are available upon request to T. A. Schlapfer, Regional Forester, 1720 Peachtree Road NW., Atlanta, GA 30309.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151 for $3 each. Please refer to the name and number of environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Mr. T. A. Schlapfer, U.S. Forest Service, 1720 Peachtree Road NW., Atlanta, GA 30309. Comments must be received within 30 days of the date of publication of this notice in order to be considered in the preparation of the final environmental statement.

THOMAS C. NELSON,
Deputy Chief, Forest Service.

JANUARY 26, 1972.

[FR Doc.72-1459 Filed 1-31-72;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 10732; Docket No. FDC-D-255; NDA 10-732 etc.]

CERTAIN DRUGS CONTAINING OXYPHENISATIN ACETATE

Notice of Withdrawal of Approval of New Drug Applications

On September 30, 1971, there was published in the FEDERAL REGISTER (36 F.R. 19184) a notice of opportunity for hearing (DESI 10732) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the following new drug applications, on the grounds that the drugs are not shown to be safe for use under the conditions of use upon the basis of which the applications were approved:

NDA No.	Drug name	Applicant and address
11-352	Dialose Plus Capsules (oxyphenisatin acetate, dioctyl sodium sulfosuccinate and sodium carboxymethylcellulose).	The Stuart Co., Division of Atlas Chemical Industries, Inc., 3360 East Foothill Blvd., Pasadena, CA 99109.
10-982	Noloc Capsules (oxyphenisatin acetate and dioctyl sodium sulfosuccinate).	Dumas-Wilson and Co., Division Mallinckrodt Chemical Works, 3600 North Second St., St. Louis, MO 63147.
10-732	Isadoxol Tablets (oxyphenisatin acetate and dioctyl sodium sulfosuccinate).	G. F. Harvey Co., Inc., 90-101 Saw Mill River Rd., Yonkers, NY 10701.
11-040	Octylan Compound Tablets (oxyphenisatin acetate, dioctyl potassium sulfosuccinate, and methylcellulose).	Don Baxter, Inc., 1015 Grandview Ave., Glendale, CA 91201.

In addition to the above-listed drugs, all of which involve oxyphenisatin acetate and are for oral use, the notice of September 30, 1971, also included two rectally administered drugs containing oxyphenisatin base (NDA's 11-370 and 12-587). In response to the notice, information concerning the rectally administered drugs has been received and is being reviewed. Upon completion of that review, the Commissioner's conclusions concerning rectally administered oxyphenisatin base will be published in the FEDERAL REGISTER.

The Stuart Co., holder of NDA 11-352, by letter of November 4, 1971, has waived the opportunity for a hearing, advising that the preparation in question no longer contains oxyphenisatin acetate.

Mallinkrodt Chemical Works, by letter of October 7, 1971, has waived the opportunity for a hearing concerning NDA 10-982, stating that marketing of the drug was discontinued in 1968.

Neither G. F. Harvey Co., Inc., holder of NDA 10-732, nor any other interested person, has filed a written appearance of election concerning that NDA as provided by said notice. The failure to file such an appearance is construed as an election by such persons not to avail themselves of the opportunity for a hearing.

Approval of NDA 11-040, held by Don Baxter, Inc., was withdrawn August 6, 1971 (36 F.R. 14493), along with a large number of others involving drugs which had been discontinued or never marketed.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds that new evidence of clinical experience, not contained in the new drug applications or not available to the Commissioner until after the applications were approved, evaluated together with the evidence available to him when the applications were approved, reveals that the drugs are not shown to be safe for use under the conditions of use upon the basis of which the applications were approved.

Therefore, pursuant to the foregoing finding, approval of new-drug applications Nos. 10-732, 10-982, and 11-352, and all amendments and supplements applying thereto is withdrawn effective on the date of publication hereof in the FEDERAL REGISTER (2-1-72).

Dated: January 21, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-1399 Filed 1-31-72;8:46 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-317, 50-318]

BALTIMORE GAS AND ELECTRIC CO.

Notice of Availability of Applicant's Environmental Report and AEC Draft Detailed Statement on Environmental Considerations

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 reports entitled "Applicant's Environmental Report—Construction Permit Stage, November 16, 1970," and "Applicant's Supplemental Environmental Report on the Calvert Cliffs Plant, Units 1 and 2, November 8, 1971" (collectively "the report"), submitted by Baltimore Gas and Electric Co. are available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Calvert County Library, Prince Frederick, Md. 20678. The report is also being made available to the public at the Office of the Regional Planning Council, Mount Vernon Medical Building, 701 St. Paul Street, Baltimore, MD 21202, and at the Office of State Planning, 301 West Preston Street, Baltimore, MD 21201.

This report discusses environmental considerations related to the proposed issuance of operating licenses for the Calvert Cliffs Nuclear Plant, Units 1 and 2, located in Calvert County, Md.

The report has been analyzed by the Commission's Division of Radiological and Environmental Protection and a draft detailed statement on the environmental considerations related to the proposed issuance of operating licenses for the Calvert Cliffs Plant, Units 1 and 2, dated January 20, 1972, has been prepared and has been made available for public inspection at the locations designated above. Copies of the Commission's January 20, 1972 draft detailed statement on the environmental considerations may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection. This statement supersedes the March 10, 1971, draft detailed statement for which a notice of availability was published in the FEDERAL REGISTER on March 17, 1971 (36 F.R. 5150).

Interested persons may, within thirty (30) days from date of publication of

this notice in the FEDERAL REGISTER, submit comments on the proposed action, the report, and the draft detailed statement for the Commission's consideration. Federal and State agencies are being provided with copies of the report and the draft detailed statement (local agencies may obtain these documents on request) and, when comments thereon of the Federal, State, and local officials are received, they will be made available for public inspection at the above-designated locations. Comments on the draft detailed statement on environmental considerations from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection.

Dated at Bethesda, Md., this 27th day of January 1972.

For the Atomic Energy Commission.

DANIEL R. MULLER,
Acting Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-1504 Filed 1-31-72;8:51 am]

[Docket No. 70-1292]

NUCLEAR FUEL SERVICES, INC.

Notice of Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulation in 10 CFR Part 50, Appendix D, notice is hereby given that a copy of a report entitled "Environmental Report—Fuels Fabrication Plant, West Valley, N.Y.," submitted by Nuclear Fuel Services, Inc., revised December 1971, is being placed for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC. A copy of the report is also being placed for public inspection in the State Clearinghouse, New York State Office of Planning Coordination, 488 Broadway, Albany, NY; the Regional Clearinghouse, Southern Tier West Regional Planning Board, 303 Court Street, Little Valley, NY; and in the Memorial Library of Little Valley, Main Street, Little Valley, N.Y.

The report discusses environmental considerations involved in Nuclear Fuel Services' application for a materials license to possess and use special nuclear material for operation of its fuels fabrication plant at West Valley, N.Y. Comments on the report may be submitted by interested persons to the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

After the report has been reviewed by the Commission's regulatory staff, a Draft Detailed Statement on environmental considerations related to the proposed activity will be prepared. Upon completion of the Draft Detailed Statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of the availability of the applicant's environmental report and 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 made available when received.

Dated at Bethesda, Md., this 21st day of January, 1972.

For the Atomic Energy Commission.

S. H. SMILEY,
Director, Division of Materials Licensing.

[FR Doc.72-1392 Filed 1-31-72;8:45 am]

[License No. 29-13180-02E]

WING CORP.

Notice of Issuance of Byproduct Material License

Please take notice that the Atomic Energy Commission has, pursuant to § 32.26 of 10 CFR Part 32, issued License No. 29-13180-02E to the Wing Corp., 215 Highland Avenue, Westmont, NJ 08108, which authorizes the distribution of ionization fire detectors, Models IC/SF, IC/SFD, 3464, 3464D, and 3466, to persons exempt from the requirements for a license pursuant to § 30.20 of 10 CFR Part 30.

1. The devices are designed to detect incipient fires by responding to the products of combustion produced by thermal decomposition of building materials or contents prior to the appearance of visible smoke, flame or appreciable heat. The sensitive element of each device is an ionization chamber in which air flowing into the chamber is made conductive by alpha particles emitted by americium-241.

2. The byproduct material incorporated in all detector models in americium oxide contained in Model A-001 foils manufactured by Nuclear Radiation Developments, Inc. The maximum activity contained in any one unit is 35 microcuries.

3. Each exempt unit will have a label identifying the manufacturer (Wing Corp.) and the byproduct material (americium-241) contained in the unit. The manufacturer states that Models IC/SF and IC/SFD will be distributed only to the military services. Models 3464, 3464D, and 3466 which will be distributed to others in addition to the military will also bear a label recommending that the unit be returned to the Wing Corp. for disposal.

A copy of the license and a safety evaluation containing additional information, prepared by the Division of Materials Licensing, is available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. Requests for copies of the license or the safety evaluation should be addressed to the Director of Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., January 24, 1972.

For the Atomic Energy Commission.

RICHARD E. CUNNINGHAM,
Acting Director, Division of Materials Licensing.

[FR Doc.72-1393 Filed 1-31-72;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24114]

CHINA AIRLINES, LTD.

Notice of Prehearing Conference and Hearing

Renewal and amendment of foreign air carrier permit authorizing service between points in China, intermediate points, and Honolulu, Hawaii; Los Angeles and San Francisco, Calif.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 29, 1972, at 10 a.m. (local time) in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Edward T. Stodola.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before February 17, 1972.

Dated at Washington, D.C., January 26, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-1451 Filed 1-31-72;8:50 am]

[Docket No. 20993; Order 72-1-89]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Rates

Issued under delegated authority January 25, 1972.

By Order 72-1-14, dated January 6, 1972, action was deferred, with a view toward eventual approval, on an agreement adopted by the Traffic Conferences of the International Air Transport Association (IATA). The agreement would have the effect of extending, for a further period of effectiveness, the levels of certain cargo rates and related charges prevailing prior to October 1, 1971, which was the intended effectiveness date of increased rates and charges reflected in an agreement reached at the Singapore worldwide cargo rate conference and on which action by the Board is pending.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period, and the tentative conclusions in Order 72-1-14 with respect to

the subject agreement will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22827 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-1450 Filed 1-31-72;8:50 am]

NOVO CORP. AND NOVO INTERNATIONAL CORP.

Notice of Proposed Approval of Application

Application of Novo Corp. and Novo International Corp. for approval pursuant to section 408 of the Federal Aviation Act of 1958, as amended, Docket 23959.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of this notice within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., January 26, 1972.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER OF APPROVAL

Issued under delegated authority. Application of Novo Corp. and Novo International Corp., Docket 23959, for approval pursuant to section 408 of the Federal Aviation Act of 1958, as amended.

Pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act) Novo Corp. (Novo) and Novo International Corp. (Novo International) request that the Board approve Novo's acquisition of control over Novo International Airfreight (Far East) S.A. (Novo Far East).

Novo is a diversified company that controls, among other entities, two indirect air carriers, Novo Airfreight Corp. (Novo Airfreight) and Novo International, the second applicant.[1] Novo wishes to extend its forwarding operations into the Far East by entering upon a joint enterprise with Everett Steamship Corp., S.A. (Everett), a company presently engaged in forwarding activities in that area.

To this end Novo and Everett have agreed upon the following arrangements. A new corporation, Novo Far East has been organized under the laws of Panama to carry on those air freight activities presently conducted by Everett. These include air freight forwarding, clearing and distribution in Japan, Hong Kong, the Philippines and the Republic of Korea.[2] Novo and Everett will share an equal interest in Novo Far East; 50 percent of the issued and outstanding capital shares in return for a capital contribution of $50,000 each. In addition, Everett will transfer to the new corporation all of its business properties and assets, except cash and accounts receivable, so that Novo Far East may continue Everett's operations as a going concern. In return for the value thus contributed by Everett, Novo will pay to Everett $50,000 and certain shares of Novo's own capital stock. Novo Far East will be directed by a six-man board with three representatives selected by Novo and three by Everett. The agreement between the parties states that the management of Far East will be the responsibility of Novo; and further that Novo International will not conduct air freight forwarding operations in the areas where Novo Far East is active.[3]

In support of their request applicants state that Novo is not presently engaged in air freight forwarding in the Far East and that the agreement with Everett will allow it to expand its activities while at the same time benefiting from the existing goodwill and market identity of Everett's operations.

Upon consideration of the foregoing, it is concluded that Novo is a person controlling an air carrier within the meaning of section 408 of the Act. It also appears that Novo Far East, upon consummation of the agreements between Novo and Everett, will be engaged in a phase of aeronautics and that control of Novo Far East by Novo is subject to section 408(a)(6) of the Act. However, it is concluded that the application does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation does not result in creating a monopoly, and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, nor does the public interest require one.[4] The control relationships are similar to others which have been approved by the Board and do not present any new substantive issues.[5] The arrangement appears to provide Novo with an opportunity to expand its international freight operations by use of an established market identity, without any effect on the manner in which its U.S.-based international forwarder, Novo International, conducts its outbound operations. Therefore, it appears that the conditions of section 408 of the Act have been met and that approval of this application will not be inconsistent with the public interest.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved without a hearing under the third proviso of section 408(b) of the Act.

Accordingly, it is ordered, That:

The control of Novo International Airfreight (Far East) S.A. by the Novo Corp. be and it hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-1448 Filed 1-31-72;8:49 am]

[1] Novo Airfreight acts as a domestic air freight forwarder pursuant to Part 296 of the Board's economic regulations and Novo International conducts international operations pursuant to Part 297. See, Novo International Corp., Order 71-5-107, May 21, 1971.

[2] The new corporation will maintain its own offices and conduct busines in its own name in Hong Kong and Manila. In Japan, Novo Far East will act as subagent for Everett which does business there as Everett Air Cargo Service. Everett's activities in the Republic of Korea are presently conducted through Everett Air Korea Ltd., a Korean corporation in which Everett has a 49 percent interest. These activities will continue to be conducted by the Korean corporation, but Everett will transfer its 49 percent interest to Novo Far East.

[3] Furthermore, applicants have advised that neither Novo nor Novo International will perform outbound air freight forwarding services to the United States from the countries covered by the agreement between Novo and Everett, so long as such service is provided by Novo Far East or its related companies.

[4] Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished to the Attorney General in accordance with section 408(b) of the Act.

[5] Wings and Wheels Express, Inc., Order 71-7-60, July 9, 1971; Del Monte Corp., Order 71-6-90, June 16, 1971; Emery Air Freight Corp., Order 71-5-88, May 18, 1971.

[Docket No. 24024]

PIAIR LTD.

Notice of Postponement of Hearing Regarding Foreign Air Carrier Permit

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding has been postponed from February 8, 1972, to March 8, 1972, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 26, 1972.

[SEAL] HENRY WHITEHOUSE,
Hearing Examiner.

[FR Doc.72-1452 Filed 1-31-72;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11227, etc.; FCC 72-61]

CITY OF NEW YORK MUNICIPAL BROADCASTING SYSTEM, ET AL.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of City of New York Municipal Broadcasting System (WNYC) New York, N.Y., Docket No. 11227, File No. BSSA-266; for special service authorization to operate additional hours from 6 a.m., e.s.t., to sunrise, New York, N.Y., and from sunset, Minneapolis, Minn., to 10 p.m., e.s.t.

City of New York Municipal Broadcasting System (WNYC) New York, N.Y., Docket No. 17588, File No. BP-16148. Has: (a) 830 kc., 1 kw., DA, L-WCCO, Class II; and

(b) Special Service Authorization to operate additional hours from 6 a.m., e.s.t., to sunrise, New York, N.Y., and from sunset, Minneapolis, Minn., to 10 p.m., e.s.t. Requests: 830 kc., 50 kw., DA-2, Specified Hours (6 a.m., e.st., to 10 p.m., e.s.t.).

Midwest Radio-Television, Inc. (WCCO) Minneapolis, Minn., Docket No. 19403, File No. BP-19151. Has: 830 kc., 50 kw., U, Class I-A. Request: Construction permit to change transmitter site and install new antenna system, for construction permits.

1. The Commission has under consideration the matters of record in the proceedings had on the above-captioned applications of the city of New York Municipal Broadcasting System (WNYC) since the application for a construction permit for the 50-kilowatt operation was consolidated for hearing with the previously designated application for a special service authorization on July 12, 1967 (8 FCC 2d 1047; 10 RR 2d 885); the above-captioned application of Midwest Radio-Television, Inc. (WCCO) tendered for filing on August 9, 1971, and amended on December 14, 1971; a petition to dismiss the WCCO application filed by WNYC, WCCO's opposition to WNYC's petition and WNYC's reply. WNYC filed a further petition to dismiss the WCCO application as amended.[1]

2. WNYC's construction permit application provided for in the Commission's report and order of September 13, 1961, in the clear channel proceedings, 31 FCC 565, 21 RR 1801, was filed in response to the Commission's order of October 24, 1963, City of New York Broadcasting System (WNYC), 1 RR 2d 463. As indicated above, the construction permit application was consolidated for hearing with the WNYC request for special service authorization in 1967. WCCO is a party respondent in that proceeding. During the 4-year period since the WNYC applications were consolidated, prehearing conferences have been held, and the Commission and the Review Board have amended and enlarged the issues originally specified by the Commission. City of New York Municipal Broadcasting System (WNYC), 11 FCC 2d 287, 12 RR 2d 189 (1968); City of New York Municipal Broadcasting System (WNYC), 29 FCC 2d 244, 21 RR 2d 1050 (1971). The hearing is to commence on a date to be fixed by the Hearing Examiner.

3. The crucial question to be resolved in the WNYC hearing is the impact of the WNYC proposal on the presently licensed operation of WCCO. By the application tendered in August and recently amended in December, WCCO seeks authority to move to a different transmitter site and to erect a new antenna which will increase WCCO's radiation from the presently authorized 1762 mv/m to 2170 mv/m. The increased efficiency is to be achieved by the use of a so-called "Franklin antenna". The antenna will consist of two vertical dipoles centered one-fourth and three-fourths wavelength above the ground. In other words, the structure will consist, in effect, of two half-wave antennas one stacked on the other. As a result of the greater antenna efficiency, there will be a significant increase in WCCO's coverage. According to WNYC, the use of the proposed antenna would achieve the same coverage that would be achieved by an increase in power from the present 50 kilowatts to approximately 75 kilowatts using the present antenna system.

4. The proposed increased radiation of WCCO will not only increase WCCO's coverage but would also increase the interference which would be caused to the proposed 50-kilowatt operation of WNYC. According to WNYC, the nighttime limit imposed by the present operation of WCCO on the WNYC proposal is 10.7 mv/m (10.78 mv/m according to the Commission's estimate), and the nighttime limit resulting from the proposed operation from the site first proposed would be 13.5 mv/m (13.75 mv/m according to the Commission's estimate). By letter of November 24, 1971, counsel for WCCO advised the Commission that opposition to the construction at the site then proposed had developed and that WCCO contemplated amending to a different site from which WCCO would limit the WNYC proposal to the 12.7 mv/m contour. The amendment has now been received, and the Commission's examination of the amendment indicates that WCCO's proposal would limit WNYC to approximately the 12.93 mv/m contour.

5. In requesting that the WCCO application be dismissed, WNYC urges that WCCO has not presented any basis as to why the proposed site change and radiation pattern with a resulting substantial increase in coverage at a cost of $583,355 does not constitute a major change and thus barred by the interim criteria governing the acceptance of standard broadcast applications (AM freeze), Note 2 to § 1.571 of the Commission's rules adopted July 17, 1968, 13 FCC 2d 866, 13 RR 2d 1667, 33 F.R. 10343. It appears to be WNYC's position that because a power of 75 kilowatts would be required to produce the proposed radiation pattern with the present antenna, the WCCO application is for a power increase and therefore a major change within the purview of the Commission's policy statement concerning standard broadcast applications adopted April 14, 1970, 23 FCC 2d 811, 18 RR 2d 1763. WNYC alleges that no other Class I-A station operates with a nondirectional radiation as high as 2170 mv/m.[2] WNYC further states that the WCCO proposal would vitally affect the issues to be tried in the WNYC proceeding.

6. In opposition, WCCO argues that the Commission's rules provide that Class II stations (such as WNYC) are subject to such interference as may be received from a Class I station (§ 73.21(a)(2)) and that Commission precedent holds that a Class II station is not entitled to protection from Class I stations, citing Storer Broadcasting Co. (WJBK, Detroit, Mich.), 1 FCC 2d 1594, 6 RR 2d 675 (1965). WCCO disputes WNYC's contention that the proposed WCCO opreation would affect the issues in the pending hearing proceeding. WCCO asserts that the issues in the hearing would require no change and urges expeditious authorization of the WCCO change in order that the evidence to be adduced in the hearing may be presented on the basis of WCCO's modified operation.

7. In reply, WNYC reiterates its position, complains of the disruption in the hearing proceeding as a result of the WCCO application and takes issue with WCCO's assertion that no change in the issues would be necessary.

8. As contended by WCCO, its application is the type that is traditionally regarded as a minor change. However, we have never been confronted with a proposal for a minor change which would have so significant an impact on a pending hearing proceeding. Moreover, there are several factors concerning the WCCO application which require explanation. For example, in the preparation of the WCCO application the WNYC applications were completely ignored. In the recent amendment filed after WNYC requested its dismissal, WCCO continues to ignore WNYC. There is no explanation of why, after the WNYC construction permit application had been in hearing for over 4 years, WCCO chose to inject a further complication into the WNYC proceeding at this time. As WCCO implies, the Commission's allocation standards afford considerable flexibility to dominant Class I stations not enjoyed by other classes of stations, but there is a point at which public interest considerations require close scrutiny of proposals of Class I stations. Cf. Columbia Broadcasting System, Inc. (WCAU), 10 FCC 2d 908 (1967). Another factor ignored by WCCO is that, while the authorized operation of WCCO does not interfere with adjacent channel, Class I-A station WHAS, Louisville, Ky. (840 kc., 50 kw., U), the proposed operation of WCCO will interfere with WHAS (see section 73.183(w) of the rules), and we could not grant WCCO's application without according WHAS its legal rights under section 316 of the Communications Act. A third material factor in the WCCO application is the increased overlap of 1 mv./m. contours between WCCO and commonly owned station WDSM, Superior, Wis. (710 kc., 5 kw., DA-N, U),[3] thus raising an additional public interest question under § 73.35(a) of the Commission's rules.

[1] The further petition is opposed by a pleading filed Jan. 12, 1972, by WCCO.

[2] The efficiency of KDKA, Pittsburgh, Pa., is 2100 mv/m or slightly less than WCCO's proposed efficiency.

[3] WCCO and WDSM are among the holdings of the Cowles-Ridder broadcasting and publishing interests.

9. In view of the foregoing, it is apparent that WCCO's application cannot be summarily granted, as suggested by WCCO. At the same time, it is also apparent that, despite the lateness of the WCCO application, we cannot simply refuse to consider it on its merits. It is properly a "minor change" application under § 1.571 of the rules. Therefore, the "freeze" on the filing of "minor change" applications does not apply.[4] On the other hand, WCCO's application is clearly mutually exclusive with the WNYC proposals which have been in hearing status since 1967, and is not entitled to consideration with those applications unless we waive our cutoff procedures to permit such consideration. Although we deplore the tardiness of WCCO in filing its application, since the taking of evidence in the hearing has not yet begun, we believe the public interest would be best served by permitting full consideration of the WNYC and WCCO proposals in a single proceeding. Therefore, we will deny WNYC's petition to dismiss the WCCO application, waive our cutoff rule, accept WCCO's application, and consolidate it into the WNYC proceeding. One ground urged by WNYC in support of its request to reject the WCCO application was the added burden the WCCO proposal would place on WNYC in presenting its case in the hearing. Under the circumstances, we expect WCCO to carry the major burden of showing the mutual effect on the proposed WCCO radiation on WNYC and on WCCO as well.

10. It has not yet been determined whether the antenna structure proposed by WCCO would constitute a menace to air navigation. Therefore, an issue on that matter will be specified.

11. A corporation related to the licensee of WCCO is Cowles Florida Broadcasting, Inc., licensee of station WESH–TV, Daytona Beach, Fla. A hearing is now in progress on the application for renewal of the license of WESH–TV, Cowles Florida Broadcasting, Inc., Docket No. 19168. Among the questions to be resolved in that proceeding is the effect on the licensee's qualifications of certain alleged practices engaged by related publishing companies and any grant of the WESH–TV renewal has been made subject to the outcome of litigation in various jurisdictions involving Cowles Communications, Inc., WESH–TV's parent company, as well as other Cowles Communications subsidiaries. Accordingly, any grant of the WCCO application will be appropriately conditioned.

12. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the WCCO proposal presents a serious conflict with the WNYC proposals, the WCCO application will be consolidated for hearing in the proceeding on the WNYC applications on the issues specified below.

[4] Similarly, the 30-day withholding period following notice of acceptance of the application provided in section 1.580(b) of the rules is inapplicable.

13. *Accordingly, it is ordered,* That the petition to dismiss the application of Midwest Radio-Television, Inc., filed by the City of New York Municipal Broadcasting System is denied; the cutoff provisions of §§ 1.227(b)(1) and 1.591(b) are waived and the application of Midwest Radio-Television, Inc., is accepted, and, pursuant to section 309(e) of the Communications Act of 1934, as amended, is consolidated for hearing in the proceeding on the applications of the City of New York Municipal Broadcasting System, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which may be expected to gain or lose primary service from the proposed (a) daytime, and (b) presunrise and postsunset, operation of WNYC and the availability of other primary service to such areas and populations.

(2) To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of WCCO and the availability of other aural primary (1 mv/m or greater in the case of FM) service to such areas and populations.

(3) To determine whether the proposals of the City of New York Municipal Broadcasting System would cause objectionable interference to station WCCO, or any other standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary and secondary service to such areas and populations.

(4) To determine whether the proposed operation of WCCO would cause objectionable interference to station WHAS, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other aural primary service (1 mv/m or greater in the case of FM) and secondary service to such areas and populations.

(5) To determine the extent to which the proposed operation of WCCO results in increased overlap of the 1 mv/m contours of stations WDSM, Superior, Wis., and WCCO.

(6) To determine whether, in the light of the interference that woud be received, the proposed 50 kw. nighttime operation of station WNYC would be consistent with the Commission's rules, and, if not, whether circumstances exist that would warrant a waiver of that section.

(7) To determine whether the 50 kw. proposal of the City of New York Municipal Broadcasting System would seriously prejudice future consideration of the 820-, 830-, and 840-kc. Class I–A channels.

(8) To determine whether the 50 kw. transmitter site proposed by the City of New York Municipal Broadcasting System is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

(9) To determine whether the City of New York Municipal Broadcasting System will be able to adjust and maintain the 50 kw. directional antenna system as proposed in the instant application.

(10) To determine the type and character of the program service proposed to be rendered by station WNYC and whether and to what extent WNYC's daytime and nighttime proposed programing would serve special needs and requirements of the populations and areas proposed to be served.

(11) To determine whether or not there is any unusual and temporary need for the requested special service authorization, and if there is, the nature and extent thereof.

(12) To determine whether the City of New York Municipal Broadcasting System has adequately ascertained the needs and interests of the new areas proposed to be served by its 50 kw. application.

(13) To determine whether, and to what extent, WNYC–FM can be utilized to meet presunrise and postsunset needs and requirements of the areas proposed to be served by its 50 kw. proposal and by the proposal contained in its application for extension of SSA.

(14) To determine whether there is a reasonable possibility that the tower height and location proposed by WCCO would constitute a menace to air navigation.

(15) To determine whether or not a grant of any of the proposals would tend towards a fair, efficient, and equitable distribution of radio service among the several States and communities as contemplated by section 307(b) of the Communications Act of 1934, as amended.

(16) To determine which of the proposals would best serve the public interest.

(17) To determine, in light of the evidence adduced with respect to the foregoing issues, which, if any, of the applications should be granted.

14. *It is further ordered,* That the specification of issues herein shall supersede the specification of issues in all previous orders of the Commission and the Review Board in this proceeding.

15. *It is further ordered,* That the burden of proceeding with the introduction of evidence and the burden of proof with respect to issues 2, 4, 5, and 14 shall, pursuant to section 309(e) of the Communications Act of 1934, as amended, be upon Midwest Radio-Television, Inc.

16. *It is further ordered,* That WHAS, Inc., licensee of station WHAS, Louisville, Ky., and the Federal Aviation Administration are made parties to the proceeding.

17. *It is further ordered,* That any grant of the application of Midwest Radio-Television, Inc., will be subject to the following condition:

This authorization is without prejudice to whatever action the Commission may deem appropriate as a result of the proceeding on the application of Cowles Florida Broadcasting Inc., Docket No. 19168, and as a result of the pending

proceedings involving Cowles Communications, Inc., instituted by the Federal Trade Commission, the States of Wisconsin, California, and Michigan, and the Pennsylvania litigation involving Mutual Readers League, Inc., a subsidiary of Cowles Communications, Inc.

18. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the parties respondent, pursuant to § 1.221(c) of the Commission's rules, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.[5]

19. *It is further ordered,* That Midwest Radio-Television, Inc., shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: January 19, 1972.

Released: January 25, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[6]

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

[FR Doc.72-1453 Filed 1-31-72;8:50 am]

FEDERAL MARITIME COMMISSION

NORTH ATLANTIC MEDITERRANEAN FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elliott B. Nixon, Esq., Burlingham Underwood & Lord, 25 Broadway, New York, NY 10004.

Agreement No. 9548-4, among the member lines of the above named Conference, modifies Article XIII of the basic agreement by forming two new separate Rate Committees to France and Italy, respectively, with authority to establish freight rates, subject to certain limitations as spelled out in the agreement.

Dated: January 25, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.72-1443 Filed 1-31-72;8:49 am]

SEATRAIN TERMINALS OF CALIFORNIA, INC., AND PORT OF OAKLAND, CALIFORNIA

Notice of Agreement Filed

Notice of agreement filed by:

Mr. J. Kerwin Rooney, Port Attorney, Port of Oakland, 66 Jack London Square, Post Office Box 2064, Oakland, CA 94607.

By order dated February 4, 1971, the Commission approved Agreements Nos. T-2479 and T-2480 between the Port of Oakland, Calif. (Port) and Seatrain Terminals of California, Inc. (Seatrain), which provided for the sale of terminal facilities to the Port and the lease-back of the property to Seatrain on a long-term lease. An amendment to each agreement was subsequently approved on March 24, 1971. The approved agreements provide for certain improvements and additional construction which have now been agreed upon and filed with the Commission as an Agreement on Additional Improvements. The improvements include (1) dredging of a berth; (2) extension of the existing wharf; and (3) necessary utilities, fencing, lighting, and office facilities. Since, in our opinion, the contemplated improvements constitute an updating of the agreements, the Commission believes they should be brought to the attention of the public and notice is, therefore, being published herewith.

Interested parties may inspect and obtain a copy of the Agreement on Additional Improvements at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y.; New Orleans, La.; and San Francisco, Calif. Comments on the agreement may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement, and the statement should indicate that this has been done.

Dated: January 27, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.72-1444 Filed 1-31-72;8:49 am]

K AND S FORWARDERS ET AL.

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

K & S Forwarders, 590 Lycaste, Detroit, MI 48214.
Officers:
Michael T. Bukowski, Partner.
Gary L. Clements, Partner.

Traffic Enterprises, Inc., 32 East Alisal Street, Salinas, CA 93901.
Officers:
Donald R. Costa, President.
Robert D. Allen, Vice President.
James R. Brandon, Secretary-Treasurer.

Pandair Freight, Ltd., Suite No. 4, 167-43 148th Avenue, Jamaica, NY 11434.
Officers:
A. R. L. Escombe, Chairman.
Derek Spice, Managing Director.
T. W. R. White, Secretary.

Jerry Friedland, 22 Roberta Lane, Syosset, NY 11791.

Luther, Palafox, & Associates, Inc., Centre City Building, Suite 1107, 233 A Street, San Diego, CA 92101.
Officers:
D. Richard Luther, President.
Diane M. Luther, Vice President-Secretary.
Haidee A. Palafox, Vice President-Treasurer.
Sharon Elaine Czull, Third Vice President.
Carmine J. Bua, Board of Director.

A. L. Bryan d.b.a. Bryan Forwarding Co., 3410 Turner Drive, Houston, TX.

Dated: January 25, 1972.

By the Commission.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.72-1445 Filed 1-31-72;8:49 am]

[5] Since both WNYC and WCCO are already parties to this proceeding, additional appearances by the applicants need not be filed.

[6] Commissioners Bartley and H. Rex Lee absent. Commissioner Johnson concurring in the result.

FEDERAL POWER COMMISSION

[Docket Nos. RP71-7, etc.]

ALABAMA-TENNESSEE NATURAL GAS CO.

Order Granting Motion for Consolidation and Accepting for Filing Substitute Original Tariff Sheets

JANUARY 21, 1972.

On October 27, 1971, Alabama-Tennessee Natural Gas Co. filed in Docket No. RP72-62 a petition for a declaratory order of the Commission to resolve a controversy between the company and its customer the city of Florence, Ala., concerning the correct interpretation of the service agreement between Alabama-Tennessee and Florence dated June 11, 1965. The disputed portion of the service agreement reads as follows:

This contract shall continue in force and effect until September 1, 1971, with respect to 9,460 Mcf of gas per day, it being understood, that nothing contained in paragraph 1 of Article I, or any other paragraph hereof, shall require Buyer to purchase said 9,460 Mcf of gas per day from Seller after September 1, 1971, and until November 1, 1985, with respect to 2,020 Mcf of gas per day and shall then continue in force and effect until terminated by either Buyer or Seller by giving 12 months prior written notice thereof to the other specifying the termination date.

It is the Company's position that its obligation to Florence was reduced to 2,020 Mcf per day effective September 1, 1971, and that all volumes taken since then by Florence in excess of 2,020 per day are subject to the unauthorized overrun penalties prescribed in its currently effective tariff. This tariff is in effect subject to modification in Docket No. RP71-7, now before the Commission for decision. The city of Florence filed its answer to the petition for a declaratory order on November 24, 1971, and Alabama-Tennessee replied thereto on December 6, 1971. Florence contends that the June 11, 1965, service agreement remains in full force and effect until terminated by either party upon 12 months prior written notice. Under this interpretation Florence is entitled to receive the full maximum daily volume of 11,480 Mcf without penalty.

By Commission order issued April 30, 1965, in Docket No. CP65-197 (33 FPC 905), Alabama-Tennessee was authorized to deliver to Florence a maximum daily volume of 11,480 Mcf. This fact is not disputed by the parties.

On November 17, 1971, Alabama-Tennessee filed in Docket No. RP72-73 substitute tariff sheets effecting a modification in the overrun penalty provision of its currently effective tariff. These revised tariff sheets are proposed to be substituted for those currently in effect as of March 17, 1971, in Docket No. RP71-7. Under the revised penalty provisions, overrun volumes would be determined by reference to FPC authorized volumes rather than contract volumes as interpreted by Alabama-Tennessee. No party has expressed opposition to the Company's proposed substitution of tariff sheets.

By its motion filed on December 16, 1971, the staff requests the Commission to consolidate Docket Nos. RP72-62 and RP72-73 with Docket No. RP71-7 for purposes of decision. The staff argues that the issues in Dockets RP72-62 and RP72-73 are directly related to those in RP71-7, and that no further evidentiary hearings are required in any of the dockets prior to Commission decision. The staff also supports the proposed substitution of tariff sheets in Docket No. RP72-73 since this procedure will eliminate further penalty billing of Florence by Alabama-Tennessee for any volumes up to 11,480 Mcf per day. No party has indicated opposition to the staff's proposals.

The Commission finds:

It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that the above-entitled proceedings be consolidated for purposes of decision, and that the substitute tariff sheets filed by Alabama-Tennessee on November 11, 1971, in Docket No. RP72-73 be accepted for filing, as hereinafter ordered.

The Commission orders:

(A) The proceedings in Docket Nos. RP72-62 and RP72-73 are hereby consolidated with the proceeding in Docket No. RP71-7 for purposes of decision.

(B) Alabama-Tennessee's substitute original Sheets Nos. 8, 9, and 12 to its FPC Gas Tariff, Second Revised Volume No. 1, are hereby accepted for filing effective as of March 17, 1971, subject to the Commission's ultimate determination herein.

(C) The requirements of § 154.22 of the Commission's regulations are waived for purposes of accepting the subject tariff sheets for filing.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1426 Filed 1-31-72;8:47 am]

[Docket No. RP72-97]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Proposed Changes in Rates and Charges

JANUARY 24, 1972.

Take notice that Algonquin Gas Transmission Co. (Algonquin), on January 12, 1972, tendered for filing proposed changes in its FPC Gas Tariff, Original Volumes Nos. 1 and 2.[1] The proposed rate changes would increase Algonquin's revenues from jurisdictional sales and services by $192,219 annually. The nature of the filing is set forth in the Company's transmittal letter as follows:

The rate increase reflected in the foregoing revised tariff sheets is filed to compensate only for an increase in purchased gas cost. Such increase in the cost of purchased gas results from the rate increase filed by Algonquin's sole supplier, Texas Eastern Transmission Corp. (Texas Eastern), on or about January 7, 1972, and proposed to become effective on February 25, 1972. Texas Eastern's rate increase gives effect to the inclusion in its rate base of the second half of an advance payment for gas to Mobil Oil Corp. and is in accordance with the provisions of Article V of the Stipulation and Agreement dated January 21, 1971, approved by Commission order issued March 24, 1971, in Texas Eastern Docket Nos. RP70-29 et al.

It is proposed that the foregoing revised tariff sheets be permitted to become effective on February 25, 1972, or such other date as the underlying increase rates proposed by Texas Eastern become effective. To this end it is requested that the notice requirements of § 154.22 be waived to the extent necessary as permitted by § 154.51.

Reference is made to the rate increase filing made by Algonquin on November 15, 1971, in Docket No. RP72-70, and particularly to Algonquin's cost of service contained therein. There has been no material change in Algonquin's facilities, sales volumes, and cost of service other than cost of gas since the above referred to prior rate increase was filed.

Inasmuch as the rate increase proposed herein by Algonquin is a tracking increase being filed to compensate only for an increase in cost of gas, the Commission is respectfully requested herewith to grant whatever special permission or waivers of compliance with any parts of its Rules and Regulations necessary to effectuate this proposal.

The above-mentioned tariff sheets are being posted in accordance with § 154.16 of the Federal Power Commission's regulations under the Natural Gas Act by mailing a copy of this filing to each of Algonquin's authorized purchasers and interested State commissions as shown on the attached list and by making it available for public inspection during normal working hours at Algonquin's General Office in Boston, Mass.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 16, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The Company's application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1427 Filed 1-31-72;8:47 am]

[1] Volume No. 1:
Twenty-fifth Revised Sheet No. 5.
Twenty-fifth Revised Sheet No. 10.
Twenty-sixth Revised Sheet No. 11-A.
Twenty-sixth Revised Sheet No. 12.
Twenty-fifth Revised Sheet No. 14.
Twenty-second Revised Sheet No. 15-J.
Volume No. 2:
Twenty-sixth Revised Sheet No. 4.
Twenty-third Revised Sheet No. 57.

[Dockets Nos. RP72-4 and RP72-55]

COLORADO INTERSTATE GAS CO.

Notice of Proposed Stipulation and Agreement of Settlement

JANUARY 25, 1972.

Take notice that Colorado Interstate Gas Co. (CIG), a division of Colorado Interstate Corp., on January 10, 1972, submitted for the Commission's acceptance and approval in Docket No. RP72-4, et al., a proposed stipulation and agreement of settlement, together with a summary of the cost of service on which the proposed settlement is based. The stipulation and agreement would resolve all issues in these proceedings and generally provides for specified reduced rates and for refunds in these proceedings.

The stipulation and agreement, inter alia, provides that: (1) CIG will file revised tariff sheets reflecting the settlement rates, as set forth in Appendix A to the agreement, to be effective as of January 1, 1972; (2) CIG shall refund to its jurisdictional customers any revenues which it has collected in excess of the settlement rates; (3) CIG shall flow-through to its jurisdictional customers the appropriate share of refunds it receives from suppliers related to gas purchases made during the period specified; (4) CIG shall be entitled to increase its rates to reflect rate increases of its suppliers and is required to reduce its rates to reflect supplier rate reductions in accordance with the purchase gas cost adjustments and advance payment adjustments provisions, as contained in Appendix B to the agreement; (5) with certain exceptions CIG shall not file for an increase in its jurisdictional rates which will become effective, after suspension under section 4(e) of the Natural Gas Act, prior to October 1, 1972; (6) CIG, during the term of the agreement, shall compute its allowance for depreciation for Federal and State income tax purposes by use of the "flow-through method of accounting" and the settlement rates reflect the flow-through to CIG's customers of the tax benefits of liberalized depreciation.

Copies of the filing were served on all parties to these proceedings, Colorado Interstate's jurisdictional customers and the Public Utilities Commission of Colorado.

Answers or comments relating to the proposed stipulation and agreement of settlement may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before February 10, 1972.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1428 Filed 1-31-72;8:48 am]

[Docket No. CP72-177]

EL PASO NATURAL GAS CO.

Notice of Application

JANUARY 24, 1972.

Take notice that on January 13, 1972, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, TX 79978, filed in Docket No. CP72-177, an application pursuant to section 7(b) of the Natural Gas Act for permission for and approval of the abandonment of certain natural gas facilities and services in Texas and New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests permission for the approval of the abandonment of a 125-horsepower portable field compressor unit which was utilized to compress casinghead gas from the Bedford Field, Andrews County, Tex., and was inadvertently removed and scrapped; of two taps serving Pioneer Natural Gas Co. (Pioneer) in Castro and Lamb Counties, Tex.; of two taps serving Jal Gas Co. (Jal) in Lea County, N. Mex.; and of certain measuring facilities in Potter County, Tex., which were used for a limited term delivery of natural gas to Colorado Interstate Gas Co. Applicant states that Pioneer and Jal have advised that gas service through the subject taps is no longer needed. Applicant estimates the total cost of the removal of the facilities to be abandoned at $1,550. Applicant expects no interruption, reduction of, or termination in natural gas service presently rendered by applicant to any of its customers as a consequence of the proposed abandonment.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 14, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1429 Filed 1-31-72;8:48 am]

[Docket No. CP72-178]

EL PASO NATURAL GAS CO.

Notice of Application

JANUARY 24, 1972.

Take notice that on January 13, 1972, El Paso Natural Gas Co. (applicant), filed in Docket No. CP72-178, an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(a) of the regulations under said Act, for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1972, and the operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to construct, during the calendar year 1972, and to operate up to a maximum total of 10,000 compressor brake horsepower and related appurtenances on its Lea County, N. Mex., dry gas field gathering system in order to offset declining reservoir pressure in Lea County, and to construct and operate related auxiliary facilities such as waste heat boilers, gas cooling equipment and modifications of station piping facilities. Applicant estimates the cost of the proposed facilities to be $3,400,000 which will be financed from use of working funds supplemented, as necessary, by short-term borrowings.

Applicant states that the purpose of the proposed facilities is to permit the continued production of natural gas from the Lea County, N. Mex., area in quantities sufficient to maintain the present daily output capablity of applicant's existing Lea County facilities and to insure the required availability of the Lea County gas supply for the 1972-73 heating season.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 14, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the

Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1430 Filed 1-31-72;8:48 am]

[Project 2354]

GEORGIA POWER CO.

Notice of Application for Change in Land Rights

JANUARY 26, 1972.

Public notice is hereby given that application for approval of the conveyance of an easement to Westco Telephone Co. for placement of an underwater telephone cable, has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Georgia Power Co. (correspondence to Mr. I. S. Mitchell III, Vice President and Secretary, Georgia Power Co., 270 Peachtree Street, Post Office Box 4545, Atlanta, GA 30302) in Project No. 2354, located in Rabun, Habersham, and Stephens Counties, Ga., and Oconee County, S.C., on the Tallulah and Tugalo Rivers. The project land to be conveyed is in Rabun County, Ga.

The application seeks Commission approval of a proposed conveyance of an easement to Westco Telephone Co. for placement of an underwater telephone cable which is 0.81 inches in diameter and which would cross approximately 1,247 feet of Lake Rabun (Mathis Development of the North Georgia Project) at elevation 1,689.6 feet M.S.L. Service would be provided to Westco's prospective customers on the southern shore of Lake Rabun by placement of the cable.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 4, 1972, file with the Federal Power Commission, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1431 Filed 1-31-72;8:48 am]

[Docket No. E-7696]

GULF STATES UTILITIES CO., ET AL.

Notice of Rate Schedule Filing

JANUARY 21, 1972.

Take notice that on October 12, 1971, Gulf States Utilities Co. (Gulf States) filed an interconnection agreement dated August 3, 1971. The interconnection agreement is an interim agreement and is filed as an initial rate schedule. The parties to the agreement are Gulf States, Central Louisiana Electric Co., Inc. (Central), Louisiana Power and Light Co. (Louisiana), all hereinafter referred to as "companies," and Louisiana Electric Cooperative, Inc. (LEC).

The proposed agreement establishes an interconnection between the companies and LEC to provide, among other things, for the sale and purchase of the output of LEC's 200,000-kw. steam electric generating plant located near New Roads, La.

The agreement proposes that the companies will provide power and energy for testing and startup for the New Roads plant, receiving in return the test energy generated. When the New Roads plant is ready for commercial operation, and beginning on the first of the month subsequent thereto, the companies will schedule the plant's operation and will receive the entire output into their systems.

The companies will reimburse the LEC for its costs of depreciation, interest, operation and maintenance, taxes, general costs, and fuel. The companies will share the cost and benefits as follows: Central—6 percent, Gulf States—53 percent, Louisiana—41 percent. Gulf States is designated the operating agent for the companies.

On September 13, 1971, the companies began furnishing power for testing and startup for the New Roads plant. The plant is expected to be ready for commercial operation by March 1, 1972.

The term of the proposed agreement is for the period between the date of acceptance for filing by the Commission and midnight December 31, 1972, or until canceled by the LEC upon 30 days notice. The parties expect to complete long-term power coordination by the December 31, 1972, date. The parties request the proposed agreement be accepted for filing at the earliest possible date.

Any person desiring to be heard or to make any protest with any reference to said application should on or before February 10, 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 or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1432 Filed 1-31-72;8:48 am]

[Docket No. E-7700]

NEW ENGLAND POWER CO.

Notice of Application for Increase in Resale Power Rates and Petition for Emergency Relief

JANUARY 24, 1972.

Take notice that on January 14, 1972, New England Power Co. filed in Docket No. E-7700 a proposed general increase in its resale power rates and a petition for emergency relief requesting that the proposed increased rates be made effective on February 14, 1972, after a one day suspension and subject to refund, and that §§ 1.7(b), 35.13(b) (4)(i) and (5)(i) of the Commission's rules and regulations under the Federal Power Act be waived. The proposed increased rates would increase NEPCO's 1971 revenues by approximately $11 million or 6.5 percent.

NEPCO states it is in a deteriorating financial condition, and that recent operating experience has compounded its financial problems and necessitated bringing the subject petition for emergency relief. NEPCO states the requested rate increase is required as a result of its current inability to issue long-term debt due to the inadequacy of its earnings under the interest coverage restrictions in its existing bond indentures.

Section 35.13(b) (4)(i) and (5)(i) of the Commission's regulations provide that a public utility filing for a rate increase shall file detailed cost of service data and supporting testimony 60 days prior to the requested effective date. NEPCO requests waiver of these regulations and asks that it be permitted to file its cost of service and testimony on an actual 1971 test year basis on April 14, 1972. The company states that it cannot prepare the necessary information in the detail required prior to April 14, 1972, and at the same time is not in a position to wait until 60 days after April 14, 1972, for rate relief.

Any person desiring to be heard or to protest the subject petition of New England Power Co. should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 1, 1972. Protests will be considered by the

Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The company's petition is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1433 Filed 1-31-72;8:48 am]

[Project 1553]

NEW JERSEY ZINC CO.

Notice of Issuance of Annual License

JANUARY 26, 1972.

On June 12, 1970, the New Jersey Zinc Co., licensee for Fall Creek Hydroelectric Plant, Project No. 1553 located on Fall Creek in Eagle County, Colo., filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6).

The license for Project No. 1553 was issued effective June 28, 1950, for a period ending June 28, 1970. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to the New Jersey Zinc Co. for continued operation and maintenance of Project No. 1553.

Take notice that an annual license is issued to the New Jersey Zinc Co. (licensee) under section 15 of the Federal Power Act for the period June 29, 1971, to June 28, 1972, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Fall Creek Hydroelectric Plant, Project No. 1553, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1434 Filed 1-31-72;8:48 am]

[Docket No. E-7300]

PACIFIC POWER & LIGHT CO.

Notice of Application

JANUARY 27, 1972.

Take notice that Pacific Power & Light Co. (applicant), incorporated under the laws of the State of Maine and qualified to do business as a foreign corporation in the States of Washington, California, Idaho, Montana, and Wyoming, with its principal place of business at Portland, Oreg., filed an application in Docket No. E-7300 on January 26, 1972, for a supplemental order, pursuant to section 202(e) of the Federal Power Act, authorizing applicant to resume the transmission of electric energy from the United States to Canada.

By the Commission order issued September 30, 1966, in Docket No. E-7300 (36 FPC 706), applicant was authorized to transmit electric energy from the United States to Canada in an amount not in excess of 500 million kw.-hr. per year at a transmission rate not to exceed 170,000 kw. over certain 230 kv. and 500 kv. facilities of Bonneville Power Administration (BPA) located at the international border between the United States and Canada near Blaine, Wash., and covered by BPA's Presidential Permit, as amended, Docket No. IT-5959. The order recited that the exported energy would be sold by applicant to British Columbia Hydro and Power Authority (B.C. Hydro), Vancouver, Province of British Columbia, Canada, and would be delivered by BPA to B.C. Hydro at the point near Blaine where BPA's facilities interconnect with those of B.C. Hydro. The export authorization granted to applicant by the order expired April 30, 1969, in accordance with the provisions thereof.

Applicant now seeks authorization to export electric energy in an amount not in excess of 10,000 megawatt hours per week at a transmission rate not to exceed 100 megawatts over BPA's facilities, including those referred to above, on a "when and if available" basis, as determined by applicant, for the purpose of alleviating emergency outages or maintenance conditions on B.C. Hydro's electric system. Applicant proposes to sell the exported energy to B.C. Hydro at rates and charges which will not be in excess of six mills per kw.-hr. Applicant represents that the proposed exportation of energy will not jeopardize any firm load carrying capability of applicant or other entity under the Pacific Northwest Coordination Agreement.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 4, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1471 Filed 1-31-72;8:50 am]

[Docket No. CP69-85]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Petition To Amend

JANUARY 25, 1972.

Take notice that on January 17, 1972, Transcontinental Gas Pipe Line Corp. (petitioner), Post Office Box 1396, Houston, TX 77001, filed in Docket No. CP-69-85, a petition to amend the order of the Commission heretofore issued in said docket pursuant to section 7(c) of the Natural Gas Act on November 1, 1968 (40 FPC 1206), so as to increase the volume of natural gas which petitioner is authorized to transport for Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner is currently authorized to transport for Tennessee up to a maximum volume of natural gas of 70,000 Mcf per day for delivery to Public Service Electric and Gas Co. (Public Service). Petitioner states that Tennessee has advised that from time to time it anticipates having available for delivery to Public Service volumes of gas over and above the presently authorized transportation maximum. Petitioner seeks authorization to increase the maximum volume of natural gas which applicant may transport for Tennessee to a total of 145,000 Mcf per day on a "best efforts" basis until April 1, 1973, and year to year thereafter.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 18, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1435 Filed 1-31-72;8:48 am]

[Docket No. CP72-182]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND TEXAS GAS TRANSMISSION CORP.

Notice of Joint Application

JANUARY 26, 1972.

Take notice that on January 18, 1972, Transcontinental Gas Pipe Line Corp. (Transco), Post Office Box 1396, Houston, TX 77001, and Texas Gas Transmission Corp. (Texas Gas), 3800 Frederica Street, Owensboro, KY 42301, filed in Docket No. CP72-182, a joint application, as supplemented on January 19, 1972, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas between applicants and the construction of facilities necessary to effectuate such exchange, all as more fully

set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they have entered into an agreement whereby Transco will deliver up to a maximum of 15,000 Mcf of natural gas per day to Texas Gas in the Simon Pass Field, St. Martin Parish, La., in exchange for an equivalent volume to be delivered to Transco by Texas Gas in the Dog Lake Field, Terrebonne Parish, La. Transco proposes to construct the necessary facilities for such exchange except for certain tap and flange facilities which Texas Gas will install on its existing transmission line. Transco plans to finance the entire facilities, which are estimated to cost $260,000, from funds on hand.

Applicants state that the purpose of the proposed exchange is to avoid the necessity of costly and difficult construction by Transco of pipeline facilities to bring natural gas, which it purchases from Occidental Sales Co., from the Simon Pass Field to its existing transmission facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 22, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1436 Filed 1-31-72;8:48 am]

FEDERAL RESERVE SYSTEM

AFFILIATED BANK CORP.

Order Approving Acquisition of Bank

Affiliated Bank Corp., Madison, Wis., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Middleton Shores Bank, Middleton, Wis. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant is the 11th largest banking organization in Wisconsin, controlling two banks with aggregate deposits of $93 million, representing 0.9 percent of the total commercial bank deposits in the State. (All banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved through December 31, 1971.) Bank, with deposits of $0.8 million, is the smallest of 31 banks in the revelant banking market which is approximated by the Madison SMSA and holds less than 0.1 percent of deposits in commercial banks in that market. Both of applicant's present banking subsidiaries compete in this market, and applicant is the second largest banking organization in that market, controlling 15 percent of market deposits. There is no significant existing competition between Bank and either of applicant's subsidiaries since Bank was recently formed by officers and directors of applicant. Due to the number of banks in the intervening areas, and Wisconsin's branching law, which effectively prohibits applicant's present subsidaries and Bank from branching into the primary service area of each other, there appears to be little likelihood that significant competition between Bank and applicant would develop in the future even if the Board denied the application and, as applicant has indicated, control of Bank were to be sold to local residents. Consummation of the proposed acquisition would not eliminate existing or potential competition nor have adverse effects on any competing bank.

The banking needs of the community are being satisfactorily served at this time. Considerations relating to the convenience and needs of the communities to be served are consistent with approval. Considerations relating to financial and managerial resources and future prospects as they relate to applicant, its subsidiaries, and Bank, are regarded as satisfactory, and are consistent with approval. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] January 25, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1425 Filed 1-31-72;8:47 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. E-21]

REVISED POLICY ON REPORTING DISCREPANCIES IN SHIPMENTS

To Heads of Federal Agencies.

1. *Purpose.* This regulation (1) requires the use of revised Standard Form 361, July 1971, Discrepancy in Shipment Report (Short Title DISREP); (2) prescribes the use of new Standard Form 363, Discrepancy in Shipment Confirmation (Short Title DISCON), and new Standard Form 364, Report of Item Discrepancy (ROID); and (3) provides guidelines for their use under certain conditions to report discrepancies in shipments from or directed by GSA or the Department of Defense (DOD).

2. *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER (2-1-72).

3. *Expiration date.* This regulation expires October 31, 1972, unless sooner revised or superseded. Prior to that date, this regulation will be codified, as appropriate, in the permanent regulations of GSA appearing in Title 41 CFR, Public Contracts and Property Management.

4. *Applicability.* The provisions of this regulation apply to all executive agencies.

5. *Background.* An interagency task group was established in January 1969 to review and recommend improvements in the procedures and forms used in processing reports of discrepancies in shipments. The task group visited with and circulated questionnaires to a representative number of civilian and military shipping and receiving activities to identify the elements of the reporting procedures and forms needing simplification or improvement to increase efficiency and effectiveness. As a result, Standard Form 361 has been revised and restricted to use in reporting transportation-type discrepancies. In this connection, new Standard Form 363 was developed for use in conjunction with or in lieu of (as

[1] Voting for this action: Chairman Burns and Governors Robertson, Maisel, Brimmer, and Sheehan. Absent and not voting: Governors Mitchell and Daane.

appropriate) the revised Standard Form 361. Also, the new Standard Form 364 was developed for use in reporting shipping-type discrepancies which are no longer reportable on the revised Standard Form 361. The terms "transportation-type discrepancies" and "shipping-type discrepancies" are defined in the glossary shown as part 7 of attachment A to this regulation.

6. *Reporting requirements*—a. *Transportation-type discrepancies.* The revised Standard Form 361 and/or new Standard Form 363, as appropriate, shall be prepared in accordance with the procedures in attachments A and B [1] to report the following transportation-type discrepancies:

(1) Any variation in quantity or condition of material received from that shown on the covering bill of lading.

(2) Material delivered without a bill of lading.

(3) Other discrepancies or deficiencies in transportation when discrepant material is not involved.

b. *Shipping-type discrepancies.* Standard Form 364 shall be prepared in accordance with the procedures contained in attachment C [1] to report any variation in quantity or condition of material received from that shown on the authorized shipping document, which is not a result of a transportation-type discrepancy.

7. *Adjustments*—a. GSA will adjust billings resulting from overcharges or undercharges or from discrepancies in shipments from or directed by GSA in accordance with the dollar limitation cited below:

(1) When GSA pays the transportation charges:

(a) Transportation-type discrepancies in shipments to consignees in the conterminous United States (48 contiguous States and the District of Columbia) when the total value or cost of repairs of the items involved on a single bill of lading exceeds $15.

(b) Transportation-type discrepancies in international air or ocean shipments when the error is made by GSA or if the shipment moves on a through Government bill of lading in accordance with the dollar limitation cited in (a), above.

(2) Regardless of who pays the transportation charges: Shipping-type discrepancies and lost or damaged parcel post shipments when the value of the difference involved exceeds $10 per line item.

b. Regardless of who pays the transportation charges, billing adjustments to agencies and claims against carriers will not be processed by GSA on transportation-type discrepancies in international air or ocean shipments which are the fault of a carrier except as otherwise provided in subparagraph a(1)(b), above. The receiving agency shall process such claims against carriers in accordance with the instructions contained in FPMR 101–40.710.

[1] Attachments A, B, and C hereto are filed with the original document.

c. GSA will not honor requests for adjustments unless the report of discrepancy is submitted within the following time frames, except when extenuating circumstances or high dollar value warrants special consideration:

(1) Conterminous U.S. shipments—120 days from date of shipment.

(2) Foreign military sales (FMS) shipments—1 year after date of shipment or billing, whichever is later.

(3) Export (except FMS) shipments—180 days from date of shipment.

8. *Replacement or reshipment of material.* When a discrepancy exists and the material involved is still required, ordering activities shall submit a new requisition except when material was purchased by GSA for direct delivery shipment from a vendor or manufacturer. These cases will be handled on a case-by-case basis and GSA will advise ordering activities of the action being taken.

9. *Availability of forms.* The forms specified in this temporary regulation are stock items and are available from GSA under normal requisitioning procedures. The following information is furnished for requisitioning purposes.

Form No.	Federal stock No.	Unit of issue
Standard Form 361	7540 965 2403	PD (Pad).
Standard Form 363	7540 165 6557	PD.
Standard Form 364	7540 159 4442	PD.

NOTE: Each unit of issue (PD) consists of 100 forms, carbon interleaved. The standard shipping carton contains 60 pads.

10. *Agency comments.* Comments concerning the effect or impact of this regulation on agency operations or programs should be submitted to the General Services Administration (FF), Washington, D.C. 20406, no later than July 31, 1972, for consideration and possible incorporation into the permanent regulation.

11. *Effect on other issuances.* This regulation supersedes FPMR 101–26.307 as it applies to reporting discrepancies in shipments for which GSA pays the transportation charges.

ROD KREGER,
Acting Administrator of General Services.

JANUARY 24, 1972.

[FR Doc.72–1420 Filed 1–31–72;8:47 am]

POSTAL SERVICE

BUILDINGS AND GROUNDS AND SURPLUS REAL PROPERTY

Management and Disposal; Interim Regulations

The following regulations are adopted as interim regulations of the U.S. Postal Service. Similar interim regulations were placed in effect on July 1, 1971, but were inadvertently rescinded, effective January 1, 1972 (36 F.R. 12451; 23216). The Postal Service has been following these regulations since July 1, 1971.

(39 U.S.C. 401, 410, 2008(c))

LOUIS A. COX,
General Counsel.

1. Part 101–19—Management of Buildings and Grounds, of Title 41, Code of Federal Regulations, except Subpart 101–19.4—Standard Practices for Financing, and § 101–19.313 *Penalties and other law,* shall apply, as modified below, to the management of buildings and grounds owned and leased by the Postal Service. Financing of the operation and maintenance of buildings and grounds occupied jointly by the Postal Service and other agencies shall be provided for by agreements between the other occupying agencies, or the General Services Administration, and the Postal Service.

The authorities and responsibilities vested in the General Services Administration and the Administrator of General Services by Part 101–19 with regard to Government-owned and Government-leased buildings and grounds are vested hereby in the U.S. Postal Service with regard to Postal Service-owned and Postal Service-leased buildings and grounds. Any reference in Part 101–19 to "GSA", "General Services Administration", or "Administrator" shall be construed in a manner consistent with the preceding sentence for the purpose of applying Part 101–19 to Postal Service-owned and -leased buildings and grounds. Any reference in Part 101–19 to "Federal" building(s) or to "building(s)", shall be construed to mean "Postal Service" building(s).

2. The sections listed below contained in Subpart 101–47.3—Surplus Real Property Disposal, Subpart 101–47.4—Management of Excess and Surplus Real Property, and Subpart 101–47.49—Illustrations, of Title 41, Code of Federal Regulations, shall apply, except as noted, to the management and disposal of surplus real property by the Postal Service:

Sec.	
101–47.303–3	Studies.
101–47.303–4	Appraisal.
101–47.304–1	Publicity.
101–47.304–2	Soliciting cooperation of local groups.
101–47.304–3	Information to interested persons.
101–47.304–4	Invitation for offers.
101–47.304–5	Inspection.
101–47.304–6	Submission of offers.
101–47.304–7	Advertised disposals.
101–47.304–8	Report of identical bids.
101–47.304–9	Negotiated disposals; except that paragraph (a)(5) shall not apply.
101–47.304–10	Disposals by brokers.
101–47.304–11	Documenting determinations to negotiate.
101–47.304–12	Explanatory statements; except that subsections (d), (e), and (f) shall not apply.
101–47.305–1	General.
101–47.305–2	Equal offers.
101–47.305–3	Notice to unsuccessful bidders.
101–47.306–1	Negotiations.
101–47.307–1	Form of deed or instrument of conveyance.

Sec.	
101–47.307–2	Conditions in disposal instruments.
101–47.309	Disposal of leases, permits, licenses, and similar instruments.
101–47.310	Disposal of structures and improvements on Government-owned land.
101–47.312	Non-Federal interim use of property.
101–47.313–1	Disposal of easements to owner of servient estate.
101–47.313–2	Grants of easements in or over Government property.
101–47.400	Scope of subpart.
101–47.401–1	Policy.
101–47.401–2	Definitions.
101–47.401–5	Improvements or alterations.
101–47.4911	Outline for explanatory statements for negotiated sales.
101–47.4913	Outline for protection and maintenance of excess and surplus real property.

The authorities and responsibilities vested in the General Services Administration and the Administrator of General Services under the above-listed sections are vested in the U.S. Postal Service for the purpose of applying the sections to the management and disposal of surplus real property by the Postal Service. Any reference in the sections to "GSA", "General Services Administration", "Administrator", "disposal agency", "head of the disposal agency", or "holding agency", shall be construed, for the purpose of applying the sections to the management and disposal of surplus real property by the Postal Service, to refer to the U.S. Postal Service. Any reference in the sections to "surplus real property" shall be construed, for the purpose of applying the sections to the management and disposal of real property by the Postal Service, to include any property of the Postal Service which is determined to be excess to the needs of the Postal Service.

[FR Doc.72–1470 Filed 1–31–72;8:50 am]

VETERANS ADMINISTRATION

NEW VA HOSPITAL, LOMA LINDA, CALIF.

Notice of Availability of Draft Environmental Statement

Notice is hereby given that a draft document entitled "Draft Environmental Statement for a New 630-Bed Veterans Administration Hospital, Loma Linda, Calif." dated January 14, 1972, has been prepared as required by the National Environmental Policy Act of 1969. This project consists of 510 Medical, Surgical, and Neuropsychiatric beds and 120 Nursing Home Care beds. This hospital will replace the beds lost through the earthquake destruction of the Veterans Administration Hospital at San Fernando, Calif. The site is one-half mile east of Loma Linda University Hospital. The draft statement discusses the environmental impact of our hospital in that location. The document is being placed for public examination in the Veterans Adminstration office in Washington, D.C.

Persons wishing to examine a copy of the document may do so at the following office:

Mr. Arthur W. Farmer, Assistant Chief Medical Director for Administration and Facilities, Room 600, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420.

Single copies of the draft statement may be obtained on request to the above office.

Dated: January 25, 1972.

[SEAL] DONALD E. JOHNSON,
Administrator.

[FR Doc.72–1441 Filed 1–31–72;8:49 am]

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary of Labor's Order No. 3–72]

ASSOCIATE DEPUTY UNDER SECRETARY OF LABOR FOR INTERNATIONAL AFFAIRS AND DEPUTY ASSISTANT SECRETARY FOR TRADE AND ADJUSTMENT POLICY

Redelegation of Authority Regarding International Labor Activities

1. *Purpose.* This order delegates authorities and assigns responsibilities for international labor activities to the Associate Deputy Under Secretary for International Affairs and the Deputy Assistant Secretary for Trade and Adjustment Policy.

2. *Background.* Secretary's Order No. 51–69, dated September 16, 1969, delegates authority to the Deputy Under Secretary of Labor for International Affairs for directing and carrying out the Department's international labor activities. To assist the Deputy Under Secretary with his responsibilities, redelegation of authority and assignment of responsibility are made as follows.

3. *Authorities and responsibilities of Associate Deputy Under Secretary for International Affairs.* Under policy guidance of the Deputy Under Secretary, the Associate performs the following duties:

a. Supervises all offices and units within the Bureau of International Labor Affairs.

b. Assists the Deputy Under Secretary in the development and implementation of: International labor policies and programs under the Foreign Service Act and related Executive orders; negotiated agreements with State Department, AID, and other governmental and nongovernmental agencies under the Foreign Assistance Act and Mutual Education and Cultural Exchange Act; foreign economic policy and trade adjustment assistance under the Trade Expansion Act and related legislation and Executive orders; and all other statutes and regulations authorizing Department of Labor participation in international labor, manpower, and trade programs.

c. Develops policies and programs for conduct of international labor activities in the Department and coordinates them with other agencies and nongovernmental organizations.

d. Provides guidance to international programs of other Administrations and Offices in the Department of Labor.

e. Serves as United States or departmental representative at ILO sessions and other international meetings and conferences as assigned by the Deputy Under Secretary.

f. Acts for the Deputy Under Secretary in his absence.

4. *Authorities and responsibilities of Deputy Assistant Secretary for Trade and Adjustment Policy.* Under policy guidance of the Deputy Under Secretary, and the Associate Deputy Under Secretary, the Deputy Assistant Secretary performs the following duties:

a. Develops and coordinates for the Deputy Under Secretary international activities in the Department connected with foreign economic policies and programs.

b. Assists the Deputy Under Secretary and the Associate Deputy Under Secretary in carrying out assigned responsibilities in connection with the Trade Expansion Act and related legislation and Executive orders.

c. Directs departmental participation in interagency and international textile programs pursuant to Executive Order 11052 and related orders.

d. Through the Deputy Under Secretary and the Associate Deputy Under Secretary provides policy guidance for the program work of ILAB in areas of foreign economic policy and trade.

e. Acts in Trade and Adjustment Policy matters for the Deputy Under Secretary in the absence of both the Deputy Under Secretary and the Associate Deputy Under Secretary.

5. *Directives affected.* Except for the addition of paragraph 4e above, this order is identical to Secretary's Order No. 2–72, January 7, 1972, which is hereby canceled.

6. *Effective date.* This order is effective immediately.

Signed at Washington, D.C., this 26th day of January 1972.

DONALD M. IRWIN,
Deputy Under Secretary for International Affairs.

[FR Doc.72–1404 Filed 1–31–72;8:45 am]

UTICA CUTLERY CO.

Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of December 17, 1971, the U.S. Tariff Commission made a report of the results of its investigation (TEA–W–120) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance submitted on behalf of workers of the Utica Cutlery Co. located in Utica, N.Y. In this report the Commission unanimously found that articles like or directly competitive with stainless steel table flatware of the type

produced by the Utica Cutlery Co. (in its plants in Utica and New York Mills, N.Y.) are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of this company.

Upon receipt of the Tariff Commission's affirmative finding, the Department, through the Director of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation. Following this, the Director made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation, 34 F.R. 18342; 36 F.R. 24848; 29 CFR 90.5). In the recommendation, he noted that imports of products like or directly competitive with stainless steel table flatware of the type produced by the Utica Cutlery Co. had increased substantially following the termination of tariff quotas in October 1967. In an attempt to remain competitive the company imported stainless steel table flatware and acquired the line of a defunct manufacturer that had served another market. However, the company continued to suffer losses. There was a significant drop in the employment level of the firm during the first 6 months of 1968 as imports increased. Employment rose slightly in 1970 due to the acquisition of the additional flatware line. Labor force reductions attributable to increased imports began in March 1971 and have continued through the present date. After due consideration, I make the following certification:

All hourly and salaried workers of the Utica Cutlery Co. plants located at Utica and New York Mills, N.Y., who became unemployed or underemployed after January 1, 1968 and before June 8, 1968, and who became or will become unemployed or underemployed after March 25, 1971, are eligible to apply for adjustment assistance under title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 21st day of January 1972.

EDWARD B. PERSONS,
Associate Deputy Under Secretary for International Affairs.

[FR Doc.72-1398 Filed 1-31-72;8:45 am]

WEST VIRGINIA

Notice of Availability of Extended Unemployment Compensation

The Federal-State Extended Unemployment Compensation Act of 1970, title II of Public Law 91-373, establishes a program of extended unemployment compensation payable when unemployment is high (according to indicators set forth in the law) to unemployed workers who have received all of the regular compensation to which they are entitled. Pursuant to section 203(b)(2) of the Act, notice is hereby given that Clement R. Bassett, Commissioner of the West Virginia Department of Employment Security, has determined that there was a State "on" indicator in West Virginia for the week beginning December 12, 1971, and that an extended benefit period began in the State with the week beginning January 2, 1972.

Signed at Washington, D.C., this 21st day of January 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.72-1405 Filed 1-31-72;8:45 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

JANUARY 27, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 107409 Sub 36, Ratliff and Ratliff, Inc., assigned February 2, 1972, at Washington, D.C., is canceled and transferred to modified procedure.

MC 119619 Sub 59, Distributors Service, assigned February 28, 1972, MC 129076 Sub 4, Specialized Carriers, assigned February 25, 1972, MC 135725 Sub 1, Fry Trucking, assigned February 22, 1972, and MC 135775, Schaumburg Transportation, assigned March 1, 1972, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 109994 Sub 39, Sizer Trucking, Inc., assigned February 1, 1972, at Chicago, Ill., canceled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1454 Filed 1-31-72;8:49 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 27, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42344—*Phosphates between southwestern and western trunkline territories.* Filed by Southwestern Freight Bureau, agent (No. B-287), for interested rail carriers. Rates on diammonium phosphate, monoammonium phosphate, and superphosphate, in carloads, as described in the application, between points in southwestern territory, on the one hand; also between points in Illinois Freight Association, southwestern (including Mississippi River crossings Memphis, Tenn., and south), and western trunkline territories, on the other.

Grounds for relief—Market competition.

Tariff—Supplement 42 to Southwestern Freight Bureau, agent, tariff ICC 4941. Rates are published to become effective on February 27, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1455 Filed 1-31-72;8:49 am]

[Notice 15]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 26, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 89523 (Sub-No. 21 TA), filed January 19, 1972. Applicant: MID-STATES TRUCKING CO., 2517 North Grand, Enid, OK 73701. Applicant's representative: Glenn H. Newell (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, dairy products, and articles distributed by meat packinghouses* as described in sections A, B, and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles, from the plantsites or warehouses of John Morrell & Co., located in Arkansas City and Wichita, Kans.; Des Moines, Estherville, and Ottumwa, Iowa; East St. Louis, Ill.; St. Louis, Mo.; Worthington, Minn.; Sioux Falls, S. Dak.; and Memphis, Tenn.; to points in Arkansas, Louisiana, Oklahoma, and Texas, for 180 days. Supporting shipper: J. G. Lomurro, Corporate

Director, John Morrell & Co., 208 South La Salle Street, Chicago, IL 60604. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 94350 (Sub-No. 301 TA), filed January 14, 1972. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road at Transit Drive, Greenville, SC 29602. Applicant's representative: Mitchell King, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, from the plantsite of Boise Cascade, Ottawa, Kans., to dealers in Missouri, Colorado, Nebraska, Iowa, and Oklahoma, for 180 days. Supporting shipper: Boise Cascade Mobile Homes, Star Division, Post Office Box 627, Ottawa, KS. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

No. MC 107882 (Sub-No. 24 TA) (Correction), filed December 27, 1971, published FEDERAL REGISTER issue January 11, 1972, corrected and republished in part as corrected this issue. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, NJ 08638. Applicant's representative: Russell Parkerson (same address as above). NOTE: The purpose of this partial republication is to reflect the correct territorial description to read as follows: Between Coral Gables, Fla., on the one hand, and, Dallas, Tex., on the other, which was inadvertently omitted in previous publication. The rest of the notice remains the same.

No. MC 110683 (Sub-No. 81 TA), filed January 17, 1972. Applicant: SMITH'S TRANSFER CORPORATION, Post Office Box 1000, Staunton, VA 24401. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), serving the plantsite of PPG Industries, Inc., at or near Mount Holly Springs, Pa., as an off-route point in connection with presently authorized regular route operations, between Winchester, Va., and New York, N.Y., for 180 days. NOTE: Applicant states that it does intend to tack with existing authority. Supporting shipper: PPG Industries, Inc., 1 Gateway Center, Pittsburgh, PA 15222. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke VA 24011.

No. MC 112796 (Sub-No. 7 TA), filed January 14, 1972. Applicant: ELMER G. BRAKE, INC., 220 Wholesale Street, Clarksburg, WV 26301. Applicant's representative: Elmer G. Brake (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass* in boxes or crates, from the plantsite of the Guardian Industries Corp., Ash Township at or near Carleton, Mich., to Clarksburg (Harrison County), W. Va., for 180 days. Supporting Shipper: Fourco Glass Co., Post Office Box 991, Clarksburg, WV 26301, Attention: Wayne Haley, General Traffic Manager. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 113908 (Sub-No. 221 TA), filed January 17, 1972. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, Post Office Box 3180, Springfield, MO 65804. Applicant's representative: Le Roy Smith (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegars, vinegars stock, and apple concentrate*, in bulk, in tank vehicles, from North Rose, N.Y., to St. Paul, Minn.; Marionville and Kansas City, Mo.; Memphis, Tenn.; Paris, Tex.; Rogers, Ark.; Hutchinson, Kans.; and Fremont, Mich.; for 180 days. Supporting shipper: Speas Co., 2400 Nicholson Avenue, Kansas City, MO 64120. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 117765 (Sub-No. 140 TA) (Correction), filed January 3, 1972, published in the FEDERAL REGISTER issue of January 15, 1972, and republished as corrected this issue. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Building materials, gypsum and gypsum products, and materials and supplies* (except liquid commodities in bulk), used in installation or distribution of such commodities, from the plantsite of United States Gypsum Co., Martin County, Ind., to points in Alabama, Arkansas, Kentucky, Missouri, and Tennessee, for 180 days. Supporting shipper: D. R. Vandermyde, Traffic Manager, Central Division, United States Gypsum Co., 101 South Wacker Drive, Chicago, IL 60604. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102. The purpose of this republication is to reflect the correct origin point as Martin County, Ind., in lieu of Marion County, Ind.

No. MC 127372 (Sub-No. 4 TA) (correction), filed November 29, 1971, published FEDERAL REGISTER issue December 10, 1971, corrected and republished in part, as corrected, this issue. Applicant: SIDNEY A. AHL, 1921 Bexley Street, North Charleston, SC 29406. Applicant's representative: Frank D. Hall, 3384 Peachtree Road NE., Atlanta, GA 30326. NOTE: The purpose of this partial republication is to add to the South Carolina counties, the following: Hampton, Marion, Dorchester, Colleton, Charleston, Berkley, Beaufort, Horry, Bamberg, and Williamsburg, S.C. The rest of the notice remains the same.

No. MC 128247 (Sub-No. 23 TA), filed January 18, 1972. Applicant: BURSAL TRANSPORT, INC., Post Office Box 565, Office: 107 Broadway, Bunker Hill, IN 46914. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rockwool insulating material* (asbestos or magnesia) *mineral wool, mineral wool and cotton cloth or paper combined*; in forms other than solid flat blocks or sheets; asbestos, felt, paper, magnesia, or mineral wool, separate or combined, in solid flat blocks or solid flat sheets; rock or slag mineral wool, metal reinforced; mineral wool, in batts and also other than batts), from points in Madison County, Ind., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, D.C., West Virginia, and Wisconsin, for 180 days. Supporting shipper: Indiana Rockwool Division of Susquehanna Corp., Alexandria, Ind. Send protests to: Acting District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 135840 (Sub-No. 1 TA), filed January 18, 1972. Applicant: S & S ENTERPRISES, INC., 428 Kathy Lane, Billings, MT 59101. Applicant's representative: Hugh Sweeney, Post Office Box 1321, Billings, MT 59103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages*, in bottles and cans, automatic coin-operated carbonated beverage can, bottle and premix vending machines, carbonated premix tanks, ice chests, fountain syrups, CO_2 drums and paper cups, from Billings, Mont., to Sheridan, Wyo., for 180 days. Supporting shipper: Wy-Mont Beverages, Inc., 4151 1st Avenue South, Billings, MT 59101. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 136269 (Sub-No. 1 TA), filed January 6, 1972. Applicant: ELECTRONIC MOVING AND STORAGE COMPANY, 2095 General Truman Street NW., Atlanta, GA 30318. Applicant's representative: Virgil H. Smith, Suite 431,

Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copying, duplicating and reproducing machines and parts and supplies* used in the installation and operation thereof, from the plantsite and warehouse of Xerox Corp., Charleston, N.C., on the one hand, and, points in South Carolina on the other, for 180 days. Supporting shipper: Xerox Corp., Southeastern Regional Distribution Center, 3465 Browns Mills Road SE., Atlanta, GA 30315. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 136285 TA (Correction), filed January 3, 1972, published in the FEDERAL REGISTER issue of January 15, 1972, and republished in part, as corrected this issue. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., Post Office Box 9165, Savannah, GA 31402. NOTE: The purpose of this partial republication is to clarify the commodity description as Clay, in bulk or in bags, in lieu of Clay, in bulk in bags, showns erroneously in previous publication. The rest of the application remains the same.

No. MC 136307 (Sub-No. 1 TA), filed January 17, 1972. Applicant: BURKEWITZ TRANSPORT, INC., Post Office Box 47, Coventry, VT 05825. Applicant's representative: F. T. O'Sullivan, 622 Lowell Street, Peabody, ME 01960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing, wood lath, fencing parts, and accessories* (except commodities requiring special equipment), from the international boundary line, between United States and Canada, at or near Derby Line, Vt., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Washington, D.C., Maryland, Delaware, Ohio, Virginia, and North Carolina, for 150 days. Supporting shipper: Canadian Snow Fence Ltd., Post Office Box 643, Sherbrooke, PQ Canada. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 136325 TA, filed December 27, 1971. Applicant: CUFURAY, LTD., Post Office Box 265, Burlington, WI 53105. Applicant's representative: Allan B. Torhorst, Post Office Box 307, Burlington, WI 53105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs and materials and supplies* used in the manufacture, production, and sale of canned foodstuffs, between Rochelle, Mendota, and De Kalb, Ill., on the one hand, and, Arlington, Markesan, Friesland, Plover, and Wisconsin Rapids, Wis., on the other hand, for the account of Del Monte Corp., for 180 days. Supporting shipper: Del Monte Corp., Midwest Division, Post Office Box 89, Rochelle, IL 61068 (Glenn W. Baldwin). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.72-1456 Filed 1-31-72;8:50 am]

[Notice 16]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 27, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 3977 (Sub-No. 2 TA), filed January 19, 1972. Applicant: DEWEY LONG CARTAGE, INC., 1551 West 102d Street, Cleveland, OH 44102. Applicant's representative: Ambrose A. Such, 305 Dover Center Road, Bay Village, OH 44140. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper products and materials, supplies, and machinery* used in the production thereof, from Cleveland, Ohio, to the plantsite of Quaker State Oil in Congo, W. Va., for 180 days. Supporting shipper: Westvaco, Westvaco Building, 299 Park Avenue, New York, NY 10017. Send protests to: District Supervisor G. J. Baccei, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 30605 (Sub-No. 149 TA), filed January 20, 1972. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, 433 East Waterman, Post Office Box 56, 67201, Wichita, KS 67202. Applicant's representative: R. E. Deland (same address as above). 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, liquid nitroglycerine, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between Marietta, Okla., and Dallas, Tex., over U.S. Highway 77 (Interstate Highways 35 and 35E), serving no intermediate points, but serving the junction of U.S. Highway 77 (Interstate Highways 35 and 35E) and U.S. Highway 377 for purpose of joinder only; (2) between the junction of U.S. Highway 77 (Interstate Highways 35 and 35E) and U.S. Highway 377 and Fort Worth, Tex., over U.S. Highway 377 (Interstate Highway 35W), serving no intermediate points; (3) between Kansas City, Mo., and Pittsburg, Kans., from Kansas City over U.S. Highway 50 to junction U.S. Highway 69, thence over U.S. Highway 69 to Pittsburg, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; and (4) between St. Joseph, Mo., and Omaha, Nebr.; (a) from St. Joseph over Interstate Highway 29 to junction Interstate Highway 80, thence over Interstate Highway 80 and the municipal streets to Omaha, and return over the same routes; and (b) from St. Joseph over U.S. Highway 59 to junction U.S. Highway 275, thence over U.S. Highway 275 to Omaha, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. Applicant proposes to combine the proposed routes with its presently authorized routes, for 180 days. NOTE: Applicant intends to tack with MC-30605, items 45, at Marietta, Okla., and interline at Dallas and Fort Worth, Tex. Supported by: There are approximately 160 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 13123 (Sub-No. 64 TA), filed January 19, 1972. Applicant: WILSON FREIGHT COMPANY, 3636 Follett Avenue, Cincinnati, OH 45223. Applicant's representative: Milton H. Bortz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Regular routes: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of PPG Industries, Inc., at or near Mount Holly Springs, South Middleton Township, Cumberland County, Pa., as an off-route point in connection with carrier's authorized regular route operations to and from Harrisburg and Philadelphia, Pa., New York, N.Y., and Baltimore, Md.; Irregular routes: *Flat glass*, from the plantsite of PPG Industries, Inc., at Mount Holly

Springs, Pa., to points in the Lower Peninsula of Michigan, for 180 days. NOTE: Applicant states that it does intend to tack and interline in Docket No. MC 13123 and Subs at any authorized point therein. Supporting shipper: PPG Industries, Inc., 1 Gateway Center, Pittsburgh, PA 15222. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 111401 (Sub-No. 360 TA), filed January 18, 1972. Applicant: GROENDYKE TRANSPORT, INC., Post Office Box 632, 2510 Rock Island Boulevard, Enid, OK 73701. Applicant's representative: Hoyt C. Gabbard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from Louisville, Ky., to points in Texas on the international border between the United States and Mexico, for 180 days. Supporting shipper: E. I. du Pont de Nemours & Co., G. W. Fillingame, Manager, Truck Transportation, Wilmington, Del. 19898. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 111831 (Sub-No. 10 TA), filed January 18, 1972. Applicant: SAMUEL STANGLE, 278 Valley Road, Rural Delivery No. 1, Somerville, NJ 08876. Applicant's representative: Paul J. Keeler, Post Office Box 253, South Plainfield, NJ 07080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and clay products*, from Hillsborough Township and Sayreville, N.J., to points in Massachusetts, Connecticut, New York, Pennsylvania, and Maryland, for 150 days. Supporting shipper: Glen Gery Corp., Somerville Division, Valley Road, Post Office Box 1071, Somerville, NJ 08876. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 116077 (Sub-No. 321 TA), filed January 18, 1972. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, TX 77027. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cment, from plant*-plantsite of Ideal Cement Co., Houston, Tex., to points in Louisiana, for 180 days. Supporting shipper: Ideal Cement Co. (A. S. Bonney, Traffic Manager and Registered Practitioner), 821 17th Street, Denver, CO 80202. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, TX 77061.

No. MC 117574 (Sub-No. 214 TA), filed January 18, 1972. Applicant: DAILY EXPRESS, INC., Post Office Box 39, 107 Harrisburg Pike, Carlisle, PA 17013. Applicant's representative: James W. Hagar, 100 Pine Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Unpackaged glass and glass in packages*, which because of size or weight require the use of special equipment; and (2) *unpackaged glass and glass in packages*, which because of size or weight do not require the use of special equipment, when moving in mixed shipments with the items in (1) above, between the plantsite of PPG Industries, Inc., at or near Mount Holly Springs, Pa., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: PPG Industries, Inc., 1 Gateway Center, Pittsburgh, PA 15222. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, PA 17108.

No. MC 118253 (Sub-No. 7 TA), filed January 19, 1972. Applicant: S. F. DOUGLAS, doing business as DOUGLAS TRUCK LINE, 505 First Street SW., Post Office Box 2766, New Brighton, MN 55112. Applicant's representative: Joseph J. Dudley, West 1260 First National Bank Building, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from plantsite of Green Giant Co. at Glencoe, Minn., to points in North Dakota, South Dakota, Montana, Wisconsin, and Upper Peninsula of Michigan, for 180 days. Supporting shippers: Boden Products, Inc., Franklin Park, Ill.; Green Giant Co., Le Sueur, Minn. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401.

No MC 128218 (Sub-No. 4 TA), filed January 19, 1972. Applicant: JERSEY AREA FOOD TRANSPORT, INC., 528 North Michigan Avenue, Kenilworth, NJ 07033, 3445 Patterson Plank Road, North Bergen, NJ 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products, meats, packinghouse products and commodities used by packinghouses*, as described in appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 205 and 766, and *materials, supplies, and equipment* used in food processing, except commodities in bulk, between points in the New York, N.Y., commercial zone, as defined by the Commission, for 150 days. NOTE: The authority sought herein is to be tacked with carrier's present authority at Jersey City, N.J. Supporting shippers: Majesty Inc., Division of Tulip-Denmark Post Office Box 60, Cranford, NJ 07016; Atalanta Corp., 17–25 Varick Street, New York, NY 10013; Atalanta Products Corps., 17–25 Varick Street, New York, NY 10013; Celebrity Food Products, Inc., 17–25 Varick Street, New York, NY 10013. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 135152 (Sub-No. 5 TA), filed January 18, 1972. Applicant: CASKET DISTRIBUTORS, INC., Harrison, Ohio, Rural Route No. 2 West Harrison, IN 45030. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated caskets, casket displays, funeral supplies, and crated caskets*, in mixed loads with uncrated caskets; (1) from Brookville, Ind., to points in Ohio, Indiana, Illinois, Michigan, Wisconsin, Iowa, and Virginia; and (2) from Knoxville, Tenn., to Clearwater, Jacksonville, and Miami, Fla., for 180 days. Supporting shippers: Franklin Casket Co., Inc., 25 West Eighth Street, Brookville, IN 47012; Southern Coffin & Casket Co., 2547 Scottish Pike, Knoxville, TN. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 135715 (Sub-No. 3 TA), filed January 19, 1972. Applicant: DAN TRUCKING, INC., 7435 University Avenue, La Mesa, CA 92041, Post Office Box 2590, San Diego, CA 92112. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated plastic drainage tubing, related articles, and supplies*, from Washougal, Wash., to points in Idaho, Montana, Oregon, and Utah; and (2) *materials, equipment, and supplies* used in the manufacture processing, sale, distribution, and installation of corrugated plastic drainage tubing, from points in Idaho, Montana, Oregon, and Utah to Washougal, Wash., for 180 days. Supporting shipper: Advanced Drainage Systems, Inc., Iowa City, Iowa 52240. Send protests to: District Supervisor Philip Yallowitz, Bureau of Operations, Interstate Commerce Commission, 300 North Los Angeles Street, Room 7708, Los Angeles, CA 90012.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-1457 Filed 1-31-72;8:50 am]

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Volume 37 ■ Number 21

PART II

COST OF LIVING COUNCIL

PAY BOARD

PRICE COMMISSION

INTERNAL REVENUE SERVICE

■

Economic Stabilization

Title 6—ECONOMIC STABILIZATION

Chapter I—Cost of Living Council

PART 102—PUBLIC ACCESS TO RECORDS

Part 102—Public Access to Records, is added to Title 6, Chapter I, Code of Federal Regulations.

Part 102, as set forth below, establishes procedures pursuant to the Freedom of Information Act (81 Stat. 54, 5 U.S.C. 552) and the Economic Stabilization Act Amendments of 1971 (Public Law 92–210, 85 Stat. 743) for the public inspection of identifiable records in the custody and control of the Cost of Living Council during the Post-Freeze Economic Stabilization Program, prescribes the time and place at which such records will be available and sets the fees for copies of such records.

Since the procedures set forth in this part are essential to the immediate implementation of the Economic Stabilization Act Amendments of 1971 (Public Law 92–210, 85 Stat. 743) the Council finds that the time for the submission of written data, views or arguments by interested persons in accordance with usual rule making procedures is impracticable and that good cause exists for promulgating them in less than 30 days.

This part shall become effective upon its publication in the FEDERAL REGISTER (2–1–72).

DONALD RUMSFELD,
Director, Cost of Living Council.

Subpart A—General

Subpart B—Request for Records

Subpart C—Processing Requests

Subpart D—Fees

Subpart E—Appeals

AUTHORITY: The provisions of this Part 102 are issued under the Economic Stabilization Act of 1970, as amended, Public Law 91–379, 84 Stat. 799; Public Law 91–558, 84 Stat. 1468; Public Law 92–8, 85 Stat. 13; Public Law 92–15, 85 Stat. 38; Public Law 92–210, 85 Stat. 743; Executive Order 11627, as amended.

Subpart A—General

§ 102.1 Purpose and scope.

This part (a) grants authority to the Assistant Director for Congressional and Public Affairs of the Cost of Living Council to make records available for public inspection in accordance with the provisions of this part; (b) establishes procedures pursuant to the Freedom of Information Act, 81 Stat. 54, 5 U.S.C. 552 for the public inspection of identifiable records in the custody and control of the Cost of Living Council during the post-freeze Economic Stabilization Program, except those excluded by the Act; (c) prescribes the time and place at which such records will be made available, and (d) sets the fees to be paid for copies of such records.

§ 102.2 Definitions.

In construing the terms used in this part, words and phrases shall be given the meaning ascribed to them in the Administrative Procedure Act, 5 U.S.C. 551, et seq.

§ 102.3 Authority.

(a) The Assistant Director for Congressional and Public Affairs of the Cost of Living Council (hereinafter referred to as the Assistant Director) is hereby delegated the authority to receive, review, identify, determine the availability of, and approve or disapprove requests for records in the custody and control of the Cost of Living Council in accordance with the provisions of this part.

(b) The Assistant Director, in his discretion, is specifically authorized to divulge or disclose to a complainant, or to an individual with specific knowledge of a complaint, the nature and result of the investigation of said complaint in circumstances where no violation has been found.

§ 102.4 Records not subject to disclosure.

This part does not apply to records which are:

(a) Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(b) Related solely to the internal personnel rules and practices of an agency;

(c) Specifically exempted from disclosure by statute including information which contains or relates to trade secrets or other matters referred to in section 1905 of title 18 of the United States Code.

(d) Interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(e) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(f) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency, and except as authorized in § 102.3(b).

(g) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(h) Geological and geophysical information and data, including maps, concerning wells.

§ 102.5 Authentication of records.

(a) The Assistant Director will designate an official custodian who will have authority to attest or otherwise authenticate copies of records made available under the provisions of this part.

(b) The Assistant Director and the official custodian may issue such statements, certificates, or other documents as may be required to show that after a diligent search, no record or entry of the tenor specified in a request has been found to exist. (See Rule 44, Federal Rules of Civil Procedure.)

§ 102.6 Records of other agencies.

(a) A person who requests a record originating in another agency but currently in the custody of the Cost of Living Council shall submit his request to the other agency.

(b) Where the originating agency consents, in writing, to make the record available, it will be made available in accordance with the provisions of this part.

Subpart B—Request for Records

§ 102.10 Who may file.

Any person may file a request for records.

§ 102.11 Where to file.

A request for a record may be filed by mail or in person with the Assistant Director for Congressional and Public Affairs, Cost of Living Council, New Executive Office Building, Washington, D.C. 20507.

§ 102.12 When to file.

A request for records must be filed, except on Federal Government holidays, between the hours of 9 a.m. and 5:30 p.m., Monday through Friday.

§ 102.13 Form of request.

A request for a record shall be filed on a form designated by the Assistant Director, copies of which are available in the Office of the Assistant Director.

Subpart C—Processing Requests

§ 102.20 Review by the Assistant Director.

Each request submitted in accordance with §§ 102.10 through 102.13 will be reviewed by the Assistant Director to determine whether the record requested is an identifiable record within the meaning of 5 U.S.C. 552(a)(3).

(a) If the Assistant Director determines that the record is not identifiable, he will advise the person filing the request and give him a reasonable opportunity to provide additional information to facilitate the identification of the record.

(b) Where the Assistant Director determines that the record is identifiable but should be withheld from inspection in the public interest, he will advise the person filing the request, in writing, that the request has been denied under the provisions of § 102.4.

§ 102.21 Availability of records.

(a) An identifiable record which has been determined by the Assistant Director to be available for inspection, will be made available for examination in the Office of the Assistant Director.

(b) Manual, typewritten, or other copies may be made freely by the person filing the request subject to appropriate supervision.

Subpart D—Fees

§ 102.30 Fees.

(a) Except as provided in paragraph (b) of this section, there will be no charge for making an identifiable record available pursuant to § 102.21.

(b) If the Assistant Director determines that a record cannot be made available without significant disruption of normal business activities, he may secure an estimate of the cost of making the record available and require the person filing the request to deposit that amount prior to commencing a search for the record: *Provided, however,* That where the actual cost of making the record available is significantly more or less than the amount deposited, an adjustment in the form of a supplemental payment or refund, as appropriate, will be made by the Assistant Director.

(c) In determining whether the search for a record will disrupt normal business activities, the Assistant Director may take into account the cumulative effect upon business activities of all other pending requests for records under this part, whether made by the same person or by other persons.

(d) An available record, upon advance payment of the fee prescribed in any reproduction fee schedule established by the Assistant Director, may be reproduced through any available means; however, the Assistant Director may waive such fees if he determines the reproduction cost to be inconsequential.

Subpart E—Appeals

§ 102.40 Appeals.

(a) Any person aggrieved by any determination made or action taken by the Assistant Director pursuant to the provisions of this part may request a review.

(b) An appeal must be filed with the Director of the Cost of Living Council within 30 days of the determination or action to be reviewed.

(c) An appeal may be filed in any form and a letter or other written statement setting forth the pertinent facts will be considered sufficient for this purpose.

(d) The Director of the Cost of Living Council may require the person filing the appeal to present additional evidence or information in support of his request for review.

(e) The Director of the Cost of Living Council will promptly review each appeal and notify the appellant in writing, of his decision.

[FR Doc.72-1520 Filed 1-28-72;3:11 pm]

Chapter II—Pay Board

PART 200—ORGANIZATION AND INFORMATION

The purpose of these amendments is to establish procedures for the guidance of the public with respect to requesting and obtaining information from the Pay Board under the Freedom of Information Act, 5 U.S.C. 552.

Pursuant to the authority vested in the Pay Board by the Economic Stabilization Act of 1970, as amended (Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743), Executive Order 11627 (36 F.R. 20139, October 16, 1971), as amended, Cost of Living Council Order No. 3 (36 F.R. 20202, October 16, 1971), and 5 U.S.C. 552, the Pay Board hereby adopts the following regulations in implementation of the President's economic program. A new Subpart B—Public Information, Part 200—Organization and Information, is added to Title 6—Economic Stabilization, of the Code of Federal Regulations.

Because of the need for immediate guidance from the Pay Board with respect to the procedures contained in this new subpart, the Board finds that good cause exists for promulgating them in less than 30 days in accordance with 5 U.S.C. 553(d).

Effective date. These regulations shall be effective upon publication (2-1-72).

GEORGE H. BOLDT,
Chairman of the Pay Board.

Subpart A—Organization [Reserved]

Subpart B—Public Information

Sec.
200.20 Availability of records; exceptions.
200.21 Index of available material.
200.22 Requests for inspection of records.
200.23 Records not sufficiently identified.
200.24 Records not in possession of Pay Board.
200.25 Determination of availability of records.
200.26 Requests for reconsideration of nonavailability.
200.27 Final determination of availability.
200.28 Fees.

AUTHORITY: The provisions of this Part 200 are issued under the Economic Stabilization Act of 1970, as amended (Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743), Executive Order 11627 (36 F.R. 20139, October 16, 1971), as amended. Cost of Living Council Order No. 3 (36 F.R. 20202, October 16, 1971), and 5 U.S.C. 552.

Subpart A—Organization [Revised]

Subpart B—Public Information

§ 200.20 Availability of records; exceptions.

(a) *In general.* All documents and exhibits filed by any party with the Pay Board in the course of its proceedings are part of the records of the Board, available for inspection and copying by members of the public, except to the extent and in the manner specified in this subpart, and except to the extent such information is of the nature specified in 5 U.S.C. 552(b)(1)-(9).

(b) *Identifying details omitted; authority to disclose.* Information furnished to requesting members of the public may have identifying details omitted to avoid the possibility of violations of 18 U.S.C. 1905. That statute imposes criminal penalties for the disclosure of trade secrets, financial data, and other confidential information. However, the Chairman of the Pay Board, in his discretion, is specifically authorized to divulge or disclose to a complainant, or to an individual with specific knowledge of a complaint, the nature and result of the investigation of said complaint in circumstances where no violation has been found.

§ 200.21 Index of available material.

Pursuant to the requirements of 5 U.S.C. 552(a)(2), the Board will compile and maintain a current index setting forth in detail the information, records, and other data which will be made available to the public.

§ 200.22 Requests for inspection of records.

(a) *Place, time, etc.* Requests for inspection and copying of records may be filed, in person or by mail, with the Director of the Office of Public Affairs, Pay Board, 2000 M Street NW., Washington, DC, between 8:30 a.m. and 5 p.m., Monday through Friday, except holidays.

(b) *Forms, identification of information.* Such requests shall be made on a specified Pay Board form, and should identify with specificity the documents or other information sought. Copies of that form will be available in the Office of Public Affairs.

§ 200.23 Records not sufficiently identified.

If a record cannot be identified, the request will be returned to the person who initiated it and he will be advised why the record is not identifiable and what additional clarification, if any, he may submit to assist in its identification.

§ 200.24 Records not in possession of Pay Board.

If the record is not in the Board's possession, the person initiating the request will be so notified.

§ 200.25 Determination of availability of records.

If the record is of the nature described in 5 U.S.C. 552(b)(1)-(9) or is otherwise not available, the requesting party will be informed in writing of the specific reason(s) why the record may not be disclosed.

§ 200.26 Requests for reconsideration of nonavailability.

Any person whose request to inspect a record has been denied because the record was not made available for stated reason(s) may request a reconsideration of the initial denial. Such reconsideration will be made by the Chairman of the Pay Board, and will be based upon

the original request, the denial, and any written argument submitted by the person requesting the review.

§ 200.27 Final determination of availability.

The decision upon review, as provided for in § 200.26, will be promptly made in writing and transmitted to the person requesting such reconsideration. If the decision is wholly or partly in favor of said person, the requested record to that extent will be made available for inspection. To the extent that the decision is adverse to the request, the reason(s) for the denial will be stated. A decision upon review as provided herein shall constitute the final action of the Board as to the availability of a requested record.

§ 200.28 Fees.

The Executive Director of the Board will establish such fees and charges for record searching, reproduction, and related expenses incurred with respect to records made available to the public as is deemed reasonable and appropriate. If the Director, or his designee, determines that a record can be furnished without significant disruption of other business activities (and the record may otherwise be disclosed), he may make it available without charge.

[FR Doc.72-1521 Filed 1-28-72;3:11 pm]

Chapter III—Price Commission

PART 311—PUBLIC ACCESS TO RECORDS

Part 311—Public Access to Records is hereby added to Title 6, Chapter III, Code of Federal Regulations.

Part 311, as set forth below, establishes procedures pursuant to the Freedom of Information Act (81 Stat. 54, 5 U.S.C. 552) and section 205 of the Economic Stabilization Act Amendments of 1971, (Public Law 92-210, 85 Stat. 743) for the public inspection of identifiable records in the custody and control of the Price Commission, prescribing the time and place at which such records will be available, and setting the fees for copies of such records. The regulations also implement the policy of the Price Commission to make its records available to the public to the fullest extent consistent with 5 U.S.C. 552 and insofar as is compatible with the discharge of its responsibilities and with the law.

Since the procedures set forth in this part are essential to the immediate implementation of the Economic Stabilization Act Amendments of 1971 (Public Law 92-210, 85 Stat. 743) and Executive Order No. 11627, as amended, the Price Commission finds that notice and public procedure thereon is impracticable and that good cause exists for making them effective less than 30 days after publication.

This part becomes effective on January 31, 1972.

C. JACKSON GRAYSON, Jr.,
Chairman of the Price Commission.

Subpart A—General

Subpart B—Procedure To Obtain Disclosure

Subpart C—Processing Requests

Subpart D—Fees

Subpart E—Appeals

AUTHORITY: The provisions of this Part 311 are issued under the Freedom of Information Act, 5 U.S.C. 552, the Economic Stabilization Act Amendments of 1971 (Public Law 92-210, 85 Stat. 743), and Executive Order 11627, as amended.

Subpart A—General

§ 311.1 Purpose and scope.

This Part 311 provides the regulations implementing the Freedom of Information Act, 81 Stat. 54, 5 U.S.C. 552 requiring provisions for public inspection of identifiable records in the custody and control of the Commission, except those specifically excluded by the Act, and also implements the policy of the Price Commission to disclose other information insofar as is compatible with the discharge of its responsibilities and with the law.

§ 311.2 Definitions.

Except as hereinafter specifically set forth, all terms used in this part shall be given the meaning ascribed to them in the Administrative Procedures Act (5 U.S.C. 551 et seq.):

"Act" means the Freedom of Information Act (5 U.S.C. 552).

"Commission" means the Price Commission established pursuant to Executive Order No. 11627, as amended.

"Director" means the Director, Office of Administration, Price Commission, or his delegate.

§ 311.3 Authority.

(a) The Director has authority to receive, review, identify, determine the availability of, and approve or disapprove requests for records in the custody and control of the Commission in accordance with the provisions of this part.

(b) The Director, in his discretion, is specifically authorized to divulge or disclose to a complainant, or to an individual with specific knowledge of a complaint, the nature and result of the investigation of said complaint in circumstances where no violation has been found.

§ 311.4 Documents which may be inspected and copied.

(a) Except as to documents not required to be disclosed pursuant to § 311.5(a), a person may inspect and copy any document in the possession and custody of the Commission in accordance with the procedure provided in §§ 311.10 to 311.13.

(b) To the extent required to prevent a clearly unwarranted invasion of personal privacy, the custodian may delete identifying details when he makes available for inspection or publishes an opinion, statement of policy, interpretation, or staff manual or instruction, provided that in every case the justification for the deletion is fully explained in writing.

§ 311.5 Records not required to be disclosed.

(a) This part does not require disclosure of the following records:

(1) Records specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(2) Records related solely to the internal personnel rules and practices of the Commission;

(3) Records specifically exempted from disclosure by statute, including but not limited to records containing information referred to in section 205 of the Economic Stabilization Act Amendments of 1971;

(4) Records containing trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Interagency or intraagency memoranda or letters which would not be available by law to a party other than an agency in litigation with the Commission;

(6) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than the Commission and except as authorized in § 311.3(b);

(8) Records contained in, or related to examination, operating or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

(b) The Chairman of the Commission, or his delegate, at his discretion may make any record enumerated in paragraph (a) of this section available for inspection when he deems disclosure to be in the public interest, if disclosure is not otherwise prohibited by law.

§ 311.6 Authentication of records.

(a) The Director has authority to sign and attest or otherwise authenticate copies of records made available under the provisions of this part.

(b) The Director may issue a statement or other document as may be required to show that after diligent search

no record or entry as specified in the request could be found.

§ 311.7 Records of other agencies.

(a) A person who requests a record originating in another agency but currently in the custody and control of the Commission should submit his request to inspect the record to the originating agency.

(b) If the originating agency consents, in writing, to make the record available for inspection, it will be made available in accordance with the provisions of this part.

§ 311.8 Indices.

The Commission maintains and makes available for public inspection and copying current indices providing identifying information for the public as to any material in its custody and control which was issued, adopted, or promulgated by it and which is a final opinion (including concurrent and dissenting opinions), or an order made in an adjudication of a case, or a statement of policy or an interpretation which has been adopted by it and not published in the FEDERAL REGISTER, or an administrative staff manual or instruction which affects any member of the public.

Subpart B—Procedures To Obtain Disclosure

§ 311.10 Who may file a request.

Any person may file a request for records.

§ 311.11 Where to file.

A request for a record may be filed by mail or in person with the Director, Office of Administration, Price Commission, 2000 M Street NW., Washington, DC 20508.

§ 311.12 When to file.

A request for records may be filed only between the hours of 8:30 a.m. and 5 p.m., Monday through Friday, excluding Federal Government holidays.

§ 311.13 Form of request.

A request for a record shall be filed on a form designated by the Director, copies of which are available in his office.

Subpart C—Processing Requests

§ 311.20 Review by the Director.

Each request submitted in accordance with §§ 311.10 through 311.13 will be reviewed by the Director to determine whether the record requested is an identifiable record within the meaning of 5 U.S.C. 522(a)(3).

(a) If the Director determines that the record is not identifiable, he will advise the person filing the request and give him a reasonable opportunity to provide additional information to facilitate the identification of the record.

(b) Where the Director determines that the record is identifiable but falls within the exclusions in § 311.5(a) he will so advise the person filing the request, in writing, and deny the request.

(c) Where the Director determines that the record is identifiable and although it falls within the exclusions listed in § 311.5(a) the Commission determines it should be disclosed in the public interest and disclosure is not otherwise prohibited by law, the Director may so advise the person filing the request in writing, and thereafter make the record available for inspection pursuant to § 311.21.

§ 311.21 Availability of records.

(a) An identifiable record which has been determined by the Director to be available for inspection will be made available for examination in the Office of the Director.

(b) Manual, typewritten, or other copies may be made freely by the person filing the request subject to appropriate supervision. Facilities for manually copying such documents will be provided without charge.

Subpart D—Fees

§ 311.30 Fees for services and copies.

(a) Except as provided in paragraph (c) of this section, there will be no charge for making an identifiable record available for inspection pursuant to § 311.21.

(b) The maximum number of copies of any document which may be supplied is 10.

(c) Except as provided in paragraphs (a) and (g) of this section the following is a schedule of fees for services and copies:

(i) For each one-quarter man-hour or fraction thereof spent in excess of the first quarter-hour in searching for or producing a requested record other than records in a public reference facility maintained pursuant to 5 U.S.C. 522(a)(2)---------- $1.

(ii) For copies of documents other than those duplicated and distributed for no fee: Each page---------- $0.30.

(iii) Certification for each document-- $1.

(iv) Attestation under the seal of the Commission ---------- $3.

(v) Where return of copies is requested to be by mail, postal fees as are necessary must be prepaid with the request.

(d) Payment for copies and services shall be made in cash, by U.S. postal money order, or by check payable to the Director, Office of Administration. Stamps will not be accepted as payment.

(e) If the Director determines that a record cannot be made available without significant disruption of normal business activities, he may secure an estimate of the cost of making the record available and require the person filing the request to deposit that amount prior to commencing a search for the record or prior to producing it for inspection. When the actual cost of making the record available exceeds or is less than the amount deposited by more than $1 an adjustment in the form of a supplemental payment or refund, as appropriate, must be made. In determining whether the search for a record will disrupt normal business activities, the Director may take into account the cumulative effect upon business activities of all other pending requests for records under this part, whether made by the same person or by other persons.

(f) The intent of this section is to apply the user charge statute (31 U.S.C. 483a) in accordance with the guidance of the user charges policy contained in Bureau of the Budget Circular A–25, "User Charges," which states generally that when services are provided that are above and beyond those which accrue to the public at large a charge should be made to recover the cost of rendering the services.

(g) When the request for copies of any record available for inspection pursuant to § 311.21 is by the Federal Government or an agency or instrumentality thereof copies as requested will be made available without charge.

Subpart E—Appeals

§ 311.40 Appeals.

(a) Any person aggrieved by any determination made or action taken by the Director pursuant to the provisions of this part may file an appeal.

(b) An appeal must be filed with the Office of General Counsel, Price Commission, within 30 days of the determination or action appealed from.

(c) An appeal may be filed by letter or other written statement setting forth the pertinent facts.

(d) The Chairman of the Commission, or his delegate, reserves the right to require the person filing the appeal to present additional evidence or information in support of his appeal.

(e) The Chairman of the Commission, or his delegate, will promptly review each appeal and notify the appellant, in writing, of his decision.

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Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

Disclosure of Economic Stabilization Matters

In order to set forth the authority of the Commissioner with respect to the disclosure of economic stabilization matters, paragraph (h) of § 301.9000–1 is redesignated as paragraph (i) and a paragraph (h) is added to § 301.9000–1 of 26 CFR Part 301 as follows:

§ 301.9000–1 Procedure to be followed by officers and employees of the Internal Revenue Service upon receipt of a request or demand for disclosure of Internal Revenue records or information.

* * * * *

(h) *Disclosure of economic stabilization matters.* (1) The Commissioner, in his discretion, is specifically authorized to divulge or disclose to a complainant

or to an individual with specific knowledge of a complaint, the nature and result of the investigation of said complaint in circumstances where no violation has been found.

(2) The provisions of this paragraph are prescribed under the authority of the Economic Stabilization Act of 1970, as amended, Public Law 91–379, 84 Stat. 799; Public Law 91–558, 84 Stat. 1468; Public Law 92–8, 85 Stat. 13; Public Law 92–15, 85 Stat. 38; Public Law 92–210, 85 Stat. 743; Executive Order No. 11627, as amended; Cost of Living Council Order No. 5, 36 F.R. 21798; Pay Board Order No. 1, 36 F.R. 21798; Price Commission Order No. 1, 36 F.R. 21798, § 102.4 of Chapter I of Title 6.

(i) *Effective date.* The provisions of this section are applicable to any request or demand for internal revenue records or information received by any officer or employee of the Internal Revenue Service after June 15, 1967 (except for paragraph (h) of this section, the provisions of which shall be applicable after January 31, 1972).

Because of the need for immediate guidance from the Internal Revenue Service with respect to the subject matter of this regulation, it is found impracticable to issue such regulation with notice and public procedure thereon under section 553(b) of title 5 of the United States Code or subject to the effective date limitation of section 553(d) of such title.

(Economic Stabilization Act of 1970 as amended, Public Law 91–379, 84 Stat. 799; Public Law 91–558, 84 Stat. 1468; Public Law 92–8, 85 Stat. 13; Public Law 92–15, 85 Stat. 38; Public Law 92–210, 85 Stat. 743; Executive Order No. 11627, as amended; Cost of Living Council Order No. 5, 36 F.R. 21798; Pay Board Order No. 1, 36 F.R. 21798; Price Commission Order No. 1, 36 F.R. 21798; 6 CFR 102.4)

JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

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