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(Part II begins on page 3491)

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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List of CFR Parts Affected

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

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

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 72-CE-6-AD, Amdt. 39-1393]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Bendix Wheel Assemblies

There have been several reports of cracks occurring in the hub inside diameters of inboard wheel halves of Bendix wheel assemblies installed on Boeing 747 series airplanes. Such cracks can develop in the early service life of these wheels, which if not detected and corrected, may result in failure of the wheel assemblies. Since the condition described herein is likely to exist or develop in other such wheel assemblies, an airworthiness directive is being issued requiring repetitive inspections of the hub area of Bendix P/N's 2601901 and 2603561 wheel assemblies installed on Boeing 747 series airplanes and the replacement of any defective parts found during said inspections.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BENDIX. Applies to P/N's 2601901 and 2603561 wheel assemblies (TSO C26B) used on Boeing 747 series airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent wheel failure accomplish the following:

(A) At the next tire change after the effective date of this AD, and thereafter at every other tire change until five (5) additional inspections have been accomplished (except as noted in paragraph B below), inspect the subject wheel assemblies for cracks. This inspection requires use of the dye penetrant method or an FAA-approved equivalent on the hubs of wheel halves, P/N's 2602118 and 2603745, with particular attention to the area in or near the radius in the hub ID behind the inboard bearing cup.

(B) On wheels that have had a minimum of twelve (12) tire changes, a one time only inspection in accordance with paragraph A is required.

(C) If cracks are found during any inspection required by paragraph A or B, prior to further flight, replace all defective parts with airworthy parts. The replacement of defective parts will not relieve the requirement for accomplishing the repetitive inspections specified in paragraph A.

Bendix Service Information Letter No. 319, dated September 16, 1971, pertains to this subject.

This amendment becomes effective February 17, 1972.

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

Issued in Kansas City, Mo., on February 4, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72-2269 Filed 2-15-72;8:45 am]

[Airspace Docket No. 71-SW-70]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at De Quincy, La.

On December 24, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 24944) stating the Federal Aviation Administration proposed to designate the De Quincy, La., transition area.

The Air Transport Association of America (ATA) expressed opposition to the processed IFR approach procedure at De Quincy Industrial Airport, stating that it would conflict with the primary ILS procedure which serves the municipal airport at Lake Charles, La.

A review of the airport and approach procedure indicates there are three aircraft based at the De Quincy Industrial Airport and each is a single-engine aircraft. It is anticipated there will be but a minimum number of instrument approaches conducted to this airport during actual IFR conditions; however, an additional study was made to ascertain if changes in the procedure could further alleviate any impact this approach might have on other IFR air traffic in the area.

It was determined that an alternate missed approach procedure would be provided which could be utilized when traffic volume so dictates and as specified by air traffic control. This alternate procedure would provide for climb to an altitude above the normally specified 1,500-foot altitude, e.g., 3,500 feet, which would afford greater flexibility in handling air traffic in the Lake Charles/De Quincy, La., area.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the following transition area is added:

DE QUINCY, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of De Quincy Industrial Airport (latitude 30°26'17" N., longitude 93°28'21" W.) and within 2 miles each side of the Lake Charles VORTAC 313° radial extending from the airport to a point 6 miles southeast.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on February 7, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-2271 Filed 2-15-72;8:45 am]

[Airspace Docket No. 71-SO-182]

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

Alteration of Transition Area

On December 30, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 25235), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Lakeland, Fla., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the Lakeland, Fla., transition area is amended as follows:

"* * * 9.5 miles southwest of the VORTAC * * *" is deleted and "* * * 9.5 miles southwest of the VORTAC; within a 5-mile radius of Plant City Municipal Airport (lat. 28°00'00" N., long. 82°09'40" W.) * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 7, 1972.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.72-2270 Filed 2-15-72;8:45 am]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 532—PAY RATE UNDER PREVAILING RATE SYSTEMS

Appeal to the Commission

Section 532.703 is amended to clearly specify the effective date of any change in the classification of a job resulting

from an appeal to the Civil Service Commission and to show the change in the title of Bureau of Inspections to Bureau of Personnel Management Evaluation.

Effective on publication in the FEDERAL REGISTER (2–16–72), paragraphs (a) and (d) of § 532.703 are amended as set out below.

§ 532.703 Appeal to the Commission.

(a) An employee may appeal the classification of his position to the Bureau of Personnel Management Evaluation of the Commission only (1) after the agency has issued a decision under the system established under § 532.702, and (2) if he files the appeal with the Commission within 15 calendar days after receipt of the decision of the agency. The Commission may extend this time limit on a showing by the employee that he was not notified of the applicable time limit and was not otherwise aware of the limit, or that circumstances beyond his control prevented him from filing an appeal within the prescribed time limit.

* * * * *

(d) The Commission shall notify the employee and the agency in writing of its decision. The effective date of a change in the classification of a position directed by the Commission shall be specified in the decision of the Commission, computed from the date the employee filed his application with the agency, and determined under § 532.702(b)(11).

* * * * *

(5 U.S.C. sec. 5345)

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

[FR Doc.72–2319 Filed 2–15–72;8:52 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

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

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) 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 (1972 ed.), as amended February 1, 1972 (37 F.R. 2430), 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:

OUTSIDE METROPOLITAN AREA

1 HOUR

Add: Nogales, Ariz. (when served from Lochiel, Ariz.).

2 HOURS

Add: Nogales, Ariz. (when served from Tumacacori, Ariz.).

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

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER (2–16–72).

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 11th day of February 1972.

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

[FR Doc.72–2368 Filed 2–15–72;8:53 am]

Title 6—ECONOMIC STABILIZATION

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

Appendix II—Price Commission Reporting Forms

The purpose of this amendment is to add Appendix II—Price Commission Reporting Forms, to Part 300 of the Commission regulations. The appendix contains the following forms: PC–1, for tier I and tier II manufacturers and service organizations requesting approval of or reporting price increases; PC–50, base period income statements for certain tier I and tier II firms; and PC–51, reports on sales, costs, and profits by certain tier I and tier II firms. Provisions requiring these reports are contained in §§ 300.51 and 300.52. Other forms will be added to the appendix as they are approved. The forms described above have been approved by the Office of Management and Budget pursuant to OMB 164–R0001; OMB 164–R0002; and OMB 164–R0003; which expire April 30, 1973.

Also included, for information purposes, is a form which may be used to show a delegation of authority to sign reporting forms sent to the Price Commission.

(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; Economic Stabilization Act Amendments of 1971, Public Law 92–210; Executive Order No. 11640, 37 F.R. 1213, Jan. 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971)

In consideration of the foregoing, Part 300 of Title 6 of the Code of Federal Regulations is amended by adding the following new Appendix II at the end thereof, effective January 31, 1972.

Issued in Washington, D.C., on February 10, 1972.

C. JACKSON GRAYSON, Jr.,
Chairman, Price Commission.

APPENDIX II—PRICE COMMISSION REPORTING FORMS

DELEGATION OF AUTHORITY TO CERTIFY FOR A CONSOLIDATED GROUP OF A PARENT FIRM OR FOR A PORTION ("REPORTING ENTITY") THEREOF

Requests and reports to the Price Commission are normally required to be signed and certified to by the chief executive officer of the firm that is the parent of the requesting or reporting firm. Authority to sign and certify to such documents may, however, be delegated to named executive officers of the organization. A copy of such a delegation must be filed with the Price Commission and should be in substantially the following form:

DELEGATION OF AUTHORITY TO SIGN AND CERTIFY FOR A CONSOLIDATED GROUP OF A PARENT FIRM OR FOR A PORTION ("REPORTING ENTITY") THEREOF

(Name of parent firm)

I, _____, hereby
(Name)

certify that I am the _____
(Title)

of the above-named parent firm; and that, as such, I am authorized to sign documents and to certify to the Price Commission, on behalf of said parent firm, the accuracy and completeness of all the information in such documents. Pursuant to the power vested in me, I hereby delegate all or, to the extent indicated below, a portion of that authority to the persons listed below, who are executive officers of the above-named parent firm or of a portion ("reporting entity") thereof.

This delegation is effective until it is revoked in writing and the Price Commission so notified.

_____ _____
(Date) (Signature)

Authorized Individuals

Name and title (alphabetical by surname)	*Extent of authorization (entire firm or reporting entity)*
_____	_____
_____	_____
_____	_____
_____	_____

Form **PC-1**
(Revised January 1972)
Price Commission
2000 M Street, N. W.
Washington, D.C., 20508
See mailing address below

Request (Report) for Price Increase for Manufacturing, Service Industries and the Professions

(1) ☐ Company in Prenotification Category
(2) ☐ Company in Reporting Category
(3) ☐ Special Filing (Describe):

OMB 164-R0001
Approval expires: 4-30-73

PRICE COMMISSION USE ONLY

Corr. Control No.	SIC Code (1)
Reference No.	SIC Code (2)

Part I—Identifying Data

1a. Is this a resubmission? (1) ☐ Yes (2) ☐ No

1b. If "Yes," indicate prior reference number

2. Application date *(Month, day, year)*

3. Parent Firm Data	**4. Data on Reporting Entity Covered by this Filing** *(Complete only if different from item 3)*
a. Name of firm	**a.** Name of reporting entity
b. Address *(Number and street)*	**b.** Address *(Number and street)*
City or town, State and ZIP code	*City or town, State and ZIP code*
c. Ending date most recent fiscal year — Mo. / Day / Year	**c.** Ending date most recent fiscal year — Mo. / Day / Year
d. Identification number	**d.** Identification number
e. Total revenues in most recent fiscal year $	**e.** Total revenues in most recent fiscal year $

Part II—Products or Services Covered by this Request (Report)

5a. Indicate whether this request (report) applies to:
(1) ☐ Total reporting entity (2) ☐ Division, plant or office (3) ☐ Product or service line (4) ☐ Product or service
If (2), (3) or (4) are checked, describe:

5b. Indicate whether this price increase request (report) is based on data recorded in:
(1) ☐ Part IV (2) ☐ Part V (3) ☐ Part VI **Only one of these parts may be used for each Form PC-1 submitted**

6. Information Regarding Products or Services Covered by this Request (Report) (Enter dollar amounts with $000 omitted)

Description (a)	SIC Code (b)	Sales for most recent fiscal year (c)	Expected sales next 12 months at present prices (d)	% Price increase requested (reported) Average (e)	% Price increase requested (reported) Maximum (f)	Approximate dollar effect (d) x (e) (g)	Cumulative % price change (h)
(1)							
(2)							
(3)							
(4)							
(5)							
(6)							
(7)							
(8) Totals ►							
(9) Average % price increase							

7. Annual sales volume assumed for cost computations in item 15 or item 21
(1) Products or services covered by this request (report) in total $
(2) Reporting entity $
(3) Consolidated group of parent firm $

8. Effective date (time period) of requested (reported) price increase:

Part III—Certification

To the best of my knowledge and belief, the data submitted herewith are factually correct, and this price adjustment request (or report) and all previous price adjustment requests (or reports) will not result in an increase in the authorized annual profit margin as a percentage of sales. In accordance with the instructions to this form, quality changes, if any, have been taken into account in this and all previous filings. It is requested that the information submitted herewith be considered as confidential within the meaning of section 205 of the Economic Stabilization Act of 1970 (as amended), Title 5, U.S. Code, section 552 and Title 18, U.S. Code, section 1905.

Chief Executive Officer of parent firm or other authorized executive officer

Typed name and title: _____ Name of Company: _____

Sign here ► _____ (Date)

Forward this form and all supporting documents to: **Price Commission, P.O. Box 19300, Washington, D.C. 20036.** Indicate "Submission of Form PC-1" in lower left-hand corner of the envelope.

Form PC-1 (Rev. 1-72)

Part IV—Justification Data

Cost Elements (Attach supporting schedules as defined in instructions)		% Increase (unit cost) in current period vs. prior level (a)	Prior level % of cost element to total cost (b)	Total (a) x (b) (c)
9. Direct Materials	(1) Imported			
	(2) "Volatile"	—0—		—0—
	(3) Other			
10. Direct Labor	(1) Under collective bargaining agreements			
	(2) Other			
11. Other Manufacturing or Service Costs	(1) Labor under collective bargaining agreements			
	(2) Other labor			
	(3) Other costs			
12. Other Operating Costs	(1) Labor under collective bargaining agreements			
	(2) Marketing, general and administrative expenses			
	(3) All other expenses			
13. Sub-total			100%	%
14. Productivity increase				
15. Volume increase				
16. Sales price percent increase due to cost changes (Equal to or greater than item 6, line 9, column (e))				%
17. What is the profit margin % for the products or services covered by this request (report)?				%

Part V—Justification Data for Costs which may only be Passed on Dollar for Dollar

Cost Elements (Record only those cost increases which may be "passed through" without addition of any profit margin)		% Increase (unit cost) in current period vs. prior level (a)	Prior level % of cost element to sales price (b)	Total (a) x (b) (c)
18.	(1)			
	(2)			
	(3)			
19. Sub-total				%
20. Productivity increase				
21. Volume increase				
22. Sales price percent increase for cost "pass throughs" (Equal to or greater than item 6, line 9, column (e))				%

Part VI—Alternative Bases for Price Increase

23. Other Allowable Sales price % Increases	(1)	
	(2)	
	(3)	
	(4) Total other allowable increases (Equal to or greater than item 6, line 9, column (e))	%

Part VII—Additional Information

24. Have you previously filed with the Price Commission request (report) for price increases in the same products or services covered by this filing? (1) ☐ Yes (2) ☐ No

If "Yes," indicate month, day and year:
(3) Effective date (time period) of most recent increase
(4) Application date if increase requested but not yet approved

25. Is this filing based on prior level costs for a date earlier than November 14, 1971? (Month, Day and Year)
(1) ☐ Yes (2) ☐ No (3) If "Yes," give date of prior level costs:

26. You must maintain for possible inspection and audit, a record of all price changes subsequent to November 13, 1971. Give location of such records:

27. Individual to be contacted for further information
Name and title
Address
Telephone Number (include area code)

Form PC-1 (Rev. 1-72)

GPO : 1972 O - 454-623

PRICE COMMISSION
2000 M STREET, N.W.,
WASHINGTON, D.C. 20508

Instructions for the preparation of Form PC–1

Request (Report) for Price Increase for Manufacturing, Service Industries and the Professions

GENERAL INSTRUCTIONS

Purpose

Form PC-1 is to be used to request a price increase from the Price Commission, or to report price adjustments where prenotification is not required.

A *price increase* is an increase in the selling price of a product or service whose quality, specifications or characteristics are comparable to those of the product or service to which it is being compared. A reduction in the quality, specifications or characteristics of the product or service also constitutes a price increase unless it is accompanied by a commensurate reduction in the selling price. In any event, a statement must be attached to the Form PC-1 filing describing the nature and effect of any quality changes, of a material nature, which will be (have been) made in the products or services covered by the form.

The basic policy is that price increases will not be allowed except those that are justified on the basis of costs in effect on November 14, 1971, and cost increases incurred after November 13, 1971, which cannot be offset by productivity gains. Price increases will not be granted to give retroactive relief for the impact of the August 16–November 13, 1971, freeze. It is emphasized that the effect of all price changes must not be such as to increase the profit margin as a percentage of sales over that which prevailed during the base period.

Confidentiality of Information

It is the practice of the Price Commission to release to the public summaries of price increases requested and allowed, while respecting the confidentiality of financial information, consistent with section 205 of the Economic Stabilization Act of 1970 (as amended), Title 5, U.S. Code, § 552, and Title 18, U.S. Code, § 1905.

Suggestions for Improvement

The Price Commission welcomes suggestions for improving this and other forms. In general, it seeks ways of obtaining the information it needs to exercise its responsibilities under the price stabilization program with a minimum amount of reporting burden on prenotification and reporting companies.

Who Must File

This form is to be used by all firms who are required to request (or report) their price increases, unless the Price Commission has specifically designated some other specialized form for a particular class of firm (for example, forms prescribed for retailers and wholesalers and for public utilities). It is not required of firms whose annual revenues are under $50 million.

Separate PC-1 forms must be prepared for each division, subsidiary or other major organizational unit requesting or reporting price increases. Such an organizational unit is called a "reporting entity." Generally, the reporting entity for purposes of Form PC-1 is a unit of the firm or consolidated group which is customarily regarded as a separate entity for cost, pricing and profit decisions. Such a reporting entity may be distinguished from other units of the firm or consolidated group because of separate or different management or profit responsibilities, industries, methods of doing business, or other logical, customary distinctions.

Although no numerical size criterion is specified, it is anticipated that most reporting entities will have annual sales of at least $25,000,000. Smaller divisions, subsidiaries or other profit centers with similar product lines and cost characteristics should ordinarily be combined in order to obtain a reporting entity with at least $25,000,000 annual sales. Such combinations should not be made, of course, if the smaller units are in different industries.

Only in exceptional cases should an organizational unit with annual sales of less than $5,000,000 be a reporting entity. Units with sales volume smaller than this, and with dissimilar product lines and cost characteristics, can be combined into a miscellaneous category.

If two or more firms own equal fractions of a subsidiary (so-called "joint ventures"), they should decide among themselves which parent is to file reports for the joint venture. The firm that elects to file such a report should explain the circumstances in an accompanying statement.

When to File

Prenotifying firms must file these forms with the Price Commission whenever a price increase is sought. No price increase may be put into effect until approved by the Price Commission or until 30 days from the date the application is received by the Price Commission.

Reporting firms must file Form PC-1 with the Price Commission for the quarter in which a price increase has occurred, at the time they file their PC-51 report for that quarter.

All other manufacturing, service and professional firms (under $50 million annual sales) do not have to file Form PC-1 to validate their price increases, but must maintain records of such increases in their files. It is suggested that Form PC-1 would be useful for computing and recording, in their files, any price increases put into effect.

What to File

Requests may be filed whenever price increases are required but may not be used to anticipate increases. Reported cost increases must have been incurred since the last price change, be currently and legally in effect, and be expected to continue in order to be included in the request. Cost decreases which have taken place since the base period or since the last price change must be included in current requests or reports.

Within reporting entities, separate PC-1 forms must be prepared for product lines or services for which, following the practices customarily employed in the business, price changes are calculated and announced separately. You must file supporting data to explain items in Form PC-1, as enumerated in the instructions below.

For purposes of this form all percentages must be expressed to the nearest two decimal places (such as 5.92%). All dollar entries must be rounded to the nearest $1,000 and the 000 should be omitted (such as $1,750,803 entered as $1,751).

This form and instructions call for basic information. The Price Commission may request additional data in particular cases.

Companies submitting multiple Form PC-1's at the same time must attach a summary containing the following information:

(a) Parent firm and reporting entity name, address, and identification number.

(b) A listing of the following information from each Form PC-1 attached:

1. The description included in Item 5a. and 5b.
2. The amount entered in Item 6, line 8, column (d).
3. The percentage entered in Item 6, line 9, column (e).
4. The amount entered in Item 6, line 8, column (g).

Where to File

Form PC-1 and attachments should be mailed to:

Price Commission
P.O. Box 19300
Washington, D. C. 20036

Indicate "Submission of Form PC-1" in the lower left-hand corner of the envelope.

SPECIFIC INSTRUCTIONS

PART I—Identifying Data

Item 1: Prior Reference Number—Answer the question in 1(a). If you are supplying requested additional information or are resubmitting a request that had been initially returned, record the prior reference number in 1(b). The prior reference number is the number recorded by the Price Commission in the top right hand corner of page 1 of this form, in the box labeled "Reference No."

Item 2: Application Date—Enter the date that this filing is made, regardless of whether this represents an initial filing, requested additional information, or a resubmission.

Item 3: Parent Firm Data—A Parent firm is the firm which controls a group of consolidated subsidiaries following the criteria for the preparation of consolidated financial statements in accordance with generally accepted accounting principles.

(a) Enter name of Parent firm.

(b) Enter address of executive office of Parent firm.

(c) Enter the ending date of the most recent fiscal year as customarily used by the Parent firm.

(d) Enter the Parent firm's "Data Universal Numbering System" (D-U-N-S) Number, if known. If not known, leave this item blank. The D-U-N-S Number is a nine-digit number assigned to establishments by Dun & Bradstreet, Inc. If the firm has more than one D-U-N-S Number, the number entered in this item should be that assigned to the firm for the address entered above as the executive office.

(e) Enter the total revenues of the Parent firm during its most recent fiscal year (Item 3(c)), from whatever source derived.

Item 4: Data on Reporting Entity Covered by this Filing—Fill in this item only if the reporting entity covered by this filing is different from the entity listed in Item 3. The criteria for determining such reporting entities are given above under "Who Must File."

(a) Enter name of reporting entity covered by this filing.

(b) Enter address of executive office of reporting entity.

(c) Enter the date of the most recent fiscal year of the reporting entity as customarily used.

(d) Enter the reporting entity's "Data Universal Numbering System" (D-U-N-S) Number, if known. If not known, or if the reporting entity does not have a D-U-N-S Number, leave this item blank. The number entered in this item should be that assigned to the firm for the address entered above in Item 4(b) as the executive office of the reporting entity.

(e) Enter the total revenues of the reporting entity covered by this filing during its most recent fiscal year (Item 4(c)), from whatever source derived.

PART II—Products or Services Covered by this Request (Report)

Item 5a: Unit Covered by this Request (Report)—Check the applicable box relating to products or services covered by this filing. If request (report) covers only a reporting entity rather than the total consolidated group, briefly describe the level on which the increase is requested (reported).

The term "product" as used herein means an item of tangible personal property offered for sale or lease to another person or persons. The term "product line" means an aggregation of products, of the same manufacturer or different manufacturers, substantially similar as to intended function, usage, and structure; and offered for sale or lease simultaneously or within the same commercial season, by a person or persons.

Item 5b: Price Increase Based on Part IV, V or VI—Check the applicable box relating to which of these Parts represents the basis for the price increase request (report). As discussed in the introductory instructions to each of these Parts, only one of these Parts may be used for each Form PC-1 submitted.

Item 6: Information Regarding Products or Services Covered by this Request (Report)—If the price increase applies uniformly to all products of the unit identified in Item 5a, fill in only Line 1, Line 8 and Line 9 of Item 6. If the price increase does not apply uniformly to the unit identified in Item 5a, provide details showing how it will be (has been) applied on Lines 1 through 7 of Item 6. These details should be by product, service, product or service line, or other pricing unit according to customary pricing practice.

For example, if an increase of 2.2% was being requested for product line A, but it was the firm's intention to increase the average prices of some of the items in the line by 5%, some by 1%, and some not at all, it is this basic information which is desired in this Item 6. In this example, the three categories of products within product line A would be listed separately and added together for Lines 8 and 9. If additional lines are required, attach a supporting schedule with the same columnar format as Item 6.

Column (a) Enter the description of the product or service as it is customarily used by the firm.

Column (b) The Standard Industrial Classification (S.I.C.) Code is used to classify reporting entities by the type of activity in which engaged. The "Standard Industrial Classification Manual," which defines such codes, may be obtained from the U.S. Government Printing Office, Washington, D.C. 20402.

Enter the four-digit Standard Industrial Classification Code for the activity that most closely describes the item entered in Column (a). In exceptional cases, for which no four-digit code fits the item, enter the closest three-digit code.

Column (c) Enter the sales for the most recent fiscal year (Item 4c if used; otherwise Item 3c).

Column (d) If this is a *request* for a price increase, enter the expected sales (at present prices) for the 12 month period subsequent to the date in Item 8.

If this is a *report* of a price increase, enter the expected sales (at the prices in effect prior to the reported price increase) for the 12 month period subsequent to the date in Item 8.

Column (e) Enter the requested (reported) price increase percentage over the prior level price. To calculate the average % price increase (Line 9), divide the total of Line 8, Column (g) by the total of Line 8, Column (d). This percentage cannot exceed the percentage shown in Item 16, Item 22 or Item 23, Line (4).

Column (f) If the percentages entered in Column (e) will not be applied uniformly to all items in the category, enter in this column, for each category, the highest % price increase which will be made for any item in the category. For purposes of establishing the highest % within the category, you may exclude items of a minor nature. Items of a minor nature are those which in total amount to not more than 5% of the sales volume in the category, or $5,000,000 annual sales, whichever is less.

Column (g) Multiply Column (d) by Column (e) and enter the result in Column (g) "Approximate Dollar Effect."

Column (h) If this is the initial request (or report) of price adjustments for the indicated products or services, this percentage should be the same as Column (e). For subsequent reports by *prenotification* companies, the percentage in Column (h) should reflect the cumulative effect of, (1) the current request, (2) the price adjustments requested in previous applications and effective in the reporting entity's current fiscal year that have not yet been acted upon, and (3) previously approved price adjustments effective in the reporting entity's current fiscal year.

These price increases are cumulative for the current fiscal year *only*. A new cumulation begins with each fiscal year. For subsequent reports by *reporting* companies, the percentage in Column (h) should reflect the cumulative effect of the current report, and all previously reported price adjustments in the current fiscal year.

Item 7: Annual Sales Volume Assumed—Show here the annualized sales dollar volume assumed, at prices in effect *before* the price increase, in the cost computations used for Item 15 or Item 21.

Item 8: Effective Date (Time Period) of Requested (Reported) Price Increase—If this is a report of a price increase, enter the date (or closest time period) that the increase went into effect.

If this is a request for a price increase, enter a date not earlier than 30 days from the date of filing this report (Item 2).

PART III—Certification

Type the name and title (including the company name) of the individual who has signed the certification, on the lines above such signature. The individual certifying to this Form PC-1 must be the Chief Executive Officer of the Parent firm, or such other executive officer as authorized by the Chief Executive Officer to sign for him for this purpose. Such authorization must be in the form prescribed by the Price Commission.

It is emphasized that the individual certifying should be aware of the method that is used to determine the authorized profit margin. This method is described in the instructions to Forms PC-50 (Base Period Income Statement) and PC-51 (Report on Sales, Costs and Profits).

PART IV—Justification Data

A firm which uses this Part IV may not use Part V or Part VI on the same filing.

This part is used to compute the effect of allowable cost increases on the sales price, in those situations where addition of profit margins is allowable. Column (a) shows the percentage increase in allowable unit cost in the current period as compared with the "prior level" (defined below under *Use of Part IV*); Column (b) shows the percentage of the prior level cost element to prior level total cost and must total to 100%. Columns (a) and (b) are both based on the costs *at the prior level volume*. Column (c) shows the products of the percentages in Columns (a) and (b) and represents the percentage effect on the present sales price of the increases in the cost elements. Column (c) should be totaled at Item 16 to show the total sales price percent increase due to cost changes. Cost decreases which have taken place must be included in current requests or reports.

It should be noted that special items have been provided to record the effect of productivity increases (Item 14) and volume increases (Item 15). Entries made in Items 9 through 13 should all be based on productivity and volume levels for the *prior level*, to avoid inadvertent exclusion or extra counting of the same factors.

In utilizing this Part to report allowable cost increases, cost elements included in separate filings using Part V may not also be reflected as cost increases for this Part. If a cost increase is claimed under Part V, that cost element must still be reflected in this Part for purposes of showing 100% of product costs in Column (b), but the entry in Column (a) and Column (c) must be zero (as demonstrated on the form for Item 9(2)).

Allowable Cost Increases

Allowable cost increases are increases that are necessary and reasonable, and not disallowed by Price Commission regulations or rulings. A cost is reasonable if, in its nature or amount, it does not exceed that which would be incurred by an ordinary prudent person in the conduct of competitive business. What is reasonable depends upon a variety of considerations and circumstances involving both the nature and amount of the cost in question. In determining the reasonableness of a given cost, consideration should be given to:

(i) whether the cost is of a type generally recognized as ordinary and necessary for the conduct of the reporting entity's business;

(ii) the restraints or requirements imposed by such factors as generally accepted sound business practices, arm's length bargaining, and Federal and State Laws and Regulations;

(iii) the action that a prudent business man would take in the circumstances, considering his responsibilities to the owners of the business, his employees, his customers, the Government and the public at large; and

(iv) significant deviations from the established practices of the reporting entity.

Amplification of the criteria for "necessary and reasonable" is given in the Internal Revenue Service Code and Regulations. In the measurement of costs, generally accepted accounting principles and the customary practices of the reporting entity should be adhered to.

Following are guides for certain cost items:

(1) *Non-operating expenses.* Increases in non-operating expenses are not allowable as a basis for price increases. Generally, non-operating expenses include, but are not limited to, the following (except where such items are related to the reporting entity's principal business activity): interest expense on long-term debt, debt discount and expense, losses on dispositions of assets, losses of unconsolidated subsidiaries, and losses on foreign exchange.

(2) *Extraordinary losses and Federal, state and local taxes based on income.* Increases in these costs are not allowable as a basis for price increases. For this purpose, extraordinary losses are defined as in accordance with generally accepted accounting principles and the customary practices of the reporting entity.

(3) *Pay increases.* Pay increases in excess of amounts approved by or guidelines established by the Pay Board may not be allowable as a basis for price increases.

(4) *General and administrative costs, including research and development costs.* Increases are allowable to the extent that they reflect increases in rates of pay and in unit costs of materials and services. If price increases are requested because of the addition or expansion of general and administrative functions, such as pollution control, or the expansion of research and development activities, the costs of such activities and the justification therefore should be set forth in a supporting schedule.

(5) *Marketing.* An increase in marketing costs beyond the marketing costs (expressed as a percentage of net sales) in the "prior level period," is ordinarily not an allowable cost. However, increases are allowable to the extent that they reflect increases in rates of pay and in unit costs of materials and services. If price increases are requested because of the addition or expansion of marketing functions, the costs of such activities and the justification therefore should be set forth in a supporting schedule.

(6) *Compensation for personal services.* Increases in compensation for personal services of owners of closely-held corporations, partners, sole proprietors, or members of the immediate families thereof, are allowable only to the extent that the total amount paid or accrued conforms generally to compensation paid by other firms of the same size, in the same industry, or in the same geographic area, for similar services.

Use of Part IV

In Column (a), normally, enter the percentage cost increases incurred since the last price increase, but in no event prior to January 1, 1971, whichever is most recent. If the last price increase was after January 1, 1971, but prior to August 16, 1971, and was based on anticipated cost increases, a special definition applies to the term "prior level." In this instance, for purposes of calculating the percentage cost increases entered in Column (a), the term "prior level" is defined as:

- actual recurring costs in effect at the time of the last price increase, plus
- any anticipated higher costs which were also used as the basis for determining such price increase—regardless of whether such anticipated costs actually occurred.

It is emphasized that "current period" costs are allowable recurring costs in effect on or after November 14, 1971, and may not include anticipated costs. Furthermore, price increases will not be granted to permit recovery of cost increases incurred to the extent they apply to the August 16 to November 13, 1971, freeze period.

Filings based on "prior level" costs for a date earlier than November 14, 1971, must be on a Form PC-1 separate from those where "prior level" costs are those on or subsequent to November 14, 1971, and must be so identified in a covering letter.

Item 9: Direct Materials—Include materials and material-related costs which are traceable to the products or services included in net sales, in accordance with accounting procedures normally employed by the firm. Such material costs should be further classified as indicated on Lines (1), (2) and (3) of this item. For purposes of this classification, imported materials (Line 1) are materials produced outside of the United States where the form of such materials has not changed substantially between its initial sale into United States' commerce and its purchase by the reporting entity; and "volatile" materials (Line 2) are those for which a prenotification firm has applied for and received an exemption from requesting approval of price increases (see the Price Commission regulations).

Generally, such "volatile" materials are raw materials, changes in the cost of which have a direct, immediate and significant effect on the selling price of the products in which they are contained. A "direct" change is one in which customarily the amount of change in the selling price corresponds closely to the change in the cost of the raw material. An "immediate" change is one which customarily has been put into effect shortly after the firm learns of the change in the cost of raw material. A "significant" raw material is one in which the change in cost, if not reflected promptly in the sales price, would cause considerable hardship on the firm.

In order to expedite processing in the event that the Price Commission requests additional information, supporting schedules should be maintained listing the major direct materials for which costs have increased, the percentage increase in each of these materials (as per column (a)) and the prior level percentage each of these materials represents of total direct materials included in this Form PC-1.

Item 10: Direct Labor—Include labor and labor-related costs which are readily identifiable with the products or services included in net sales, in accordance with accounting procedures normally employed by the firm. Such labor costs should be further detailed as indicated on Lines (1) and (2), and should include all forms of direct and indirect remuneration as defined in the Pay Board regulations.

For purposes of the entries on Line (1), labor costs include those incurred under collective bargaining agreements as well as those where such remuneration is based on tandem relationships with collective bargaining agreements. Tandem relationship means a well-established and consistently maintained practice whereby the precise timing, amount and nature of general increases in wages, salaries and other compensation of a given appropriate employee unit have followed those of another such unit of employees of the same employer or of other employers within a commonly recognized industry (such as S.I.C. two-digit category).

For this, and for all other labor items for which a cost increase is shown, provide supporting detail. If the increase was approved by the Pay Board, give the circumstances of such approval, including the effective dates of the increase. If the increase has not been approved by the Pay Board, explain why such approval has not been obtained.

Item 11: Other Manufacturing or Service Costs—Other manufacturing or service costs assigned to the products or services should be segregated as indicated on Lines (1), (2), and (3). The labor categories should include labor and labor-related costs, including tandem agreements as explained in the instructions to Item 10, Line (1) above, and supporting detail as described for Item 10 should be provided.

If the manufacturing costs included as a cost element are measured by allocating a pool of costs or group of accounts, supporting schedules should be maintained listing the cost elements or accounts covered, the basis for the allocation and the volume assumptions made. Such supporting schedules will speed processing should the Price Commission request additional information.

Item 12: Other Operating Costs—Other operating costs attributable to the products or services should be segregated as indicated on Lines (1), (2), and (3). The labor category should include labor and labor-related costs as explained in the instructions to Item 10, Line 1 above, with collective bargaining agreements defined to include remuneration which is determined in tandem with such agreements. Supporting detail as described for Item 10 should be provided.

Other operating costs include expenses incurred directly by this reporting entity, as well as allocated expenses from the consolidated group or the Parent firm if such allocations are consistent with those in the prior level period.

In order to expedite processing in the event that the Price Commission requests additional information, supporting schedules of allocated expenses from the consolidated group or the Parent firm should be maintained. These schedules should list the cost elements or accounts covered, the basis for all allocations, and the volume assumptions made, in a manner similar to the supporting schedules maintained for Other Manufacturing or Service Costs.

Item 13: Sub-total—As indicated on the form, all cost percentages recorded in Column (b) must total to 100%. Enter in Column (c) the total of Items 9, 10, 11, and 12.

Item 14: Productivity Increase—Incurred increases in costs must be offset by reductions in cost due to improvements in productivity. Show in this item the reduction in total cost reflected in this Part IV resulting from improvements in productivity as compared with the prior level.

Attach a supporting schedule indicating the manner in which the productivity increase was determined.

If, under highly unusual circumstances, there is strong evidence of a productivity decrease, a negative amount can be entered for this item. Complete supporting evidence must be furnished.

Item 15: Volume Increase—Current period costs must be estimated at a volume that is not less than the prior period volume. If there is a reasonable expectation that volume in the current period will be higher than volume in the prior period, the cost estimates should be based on the current estimated volume. The percentage of unit cost decrease in nonvariable costs that results from the use of a higher volume should be shown in Item 15. See the instructions for Item 7.

If under highly unusual circumstances, there is a valid basis for assuming a volume decrease, a negative amount can be entered for this item. Complete supporting evidence must be furnished.

Item 16: Sales Price Percent Increase Due to Cost Changes—This is the total of Column (c), and represents the total effect on prices of all cost increases and decreases, offset by productivity and volume increases. Note that Items 14 and 15 normally will represent amounts which must be *subtracted* from Item 13.

Item 17: Enter the prior level profit margin % for the products or services covered by this request (report), expressed as a % of net sales prices.

PART V—Justification Data for Costs Which May Only Be Passed on Dollar for Dollar

A firm which uses this Part V may not use Part IV or Part VI on the same filing.

This part is used to compute the effect of allowable cost increases on the sales price, for those special situations where only the added costs are allowed to be passed through, without addition of any profit margin. The column headings and mechanics of their use are exactly the same as for Part IV, except that Column (b) shows the percentage of the prior level cost element to the prior level *sales price*, rather than to prior level *total cost*. Since only selected cost elements are included in this Part, Column (b) will not total to 100%. Column (c) is totaled at Item 22 to show the total sales price percent increase due to the cost changes reported in this Part V.

In utilizing this Part to report allowable cost increases, those cost elements permitted under Price Commission regulations to be handled in this manner are of course precluded from also being included in a separate filing using Part IV, since that would represent a duplicate request.

Item 18: Specific Cost Elements—Record a brief description of the cost element for which a sales price increase is computed, including reference to the specific regulation under which you are filing.

Attach a supporting schedule listing the major components of the cost element listed in this item. On this supporting schedule, enter the percentage change in each of these major components (as per Column (a)) and the prior level percentage each of these components represents of the cost element listed.

Item 19: Sub-total—Record the total of all line entries for Item 18.

Item 20: Productivity Increase—This item is to be calculated, recorded and supported in the same manner as Item 14.

Item 21: Volume Increase—This item is to be calculated, reported and supported in the same manner as Item 15.

Item 22: Sales Price Percent Increase for Cost "Pass Throughs"—This is the total of Column (c) for this Part, and represents the total effect on prices of all cost increases and decreases, offset by productivity and volume increases, for those cost changes which may only be passed through dollar for dollar without addition of any profit margin. Note that Items 20 and 21 normally will represent amounts which must be *subtracted* from Item 19.

Form **PC-50**
(January 1972)

Price Commission
2000 M Street, N. W.
Washington, D.C., 20508

See mailing address on page 2

Base Period Income Statement

(1) ☐ **Company in Prenotification Category**

(2) ☐ **Company in Reporting Category**

OMB 164-R0002 Approval expires: 4-30-73

PRICE COMMISSION USE ONLY

Corr. Control No.	*Reference No.*	*SIC Codes:* (1)	(2)

1a. Is this a resubmission? (1) ☐ Yes (2) ☐ No

1b. If "Yes," indicate prior reference number

2. Date filed *(Month, day, year)*

Part I Identifying Data

3. Parent Firm Data

a. Name of firm

b. Address *(Number, street, City or town, State and ZIP code)*

c. Ending date of most recent fiscal year *(Month, day, year)*

d. SIC Code

e. Identification number

4. Data on Entity Covered by this Filing *(Complete only if different from item 3)*

a. Name of reporting entity

d. Address *(Number, street, City or town, State and ZIP code)*

c. Ending date of most recent fiscal year *(Month, day, year)*

d. SIC Code

e. Identification number

Part II—Summary Income Report

$000 Omitted ►	(1) First Base Year Fiscal year ending date *(Month, Day, Year):* Total (a)	"Covered" (b)	(2) Second Base Year Fiscal year ending date *(Month, Day, Year):* Total (c)	"Covered" (d)	(3) Most Recent Fiscal Year *(If not first or second base year)* *(Month, Day, Year):* Total (e)	"Covered" (f)
5. Net sales						
6. Cost of sales						
7. Gross profit						
8. Other operating expenses						
9. Operating income (loss)						
10. Non-operating income (deductions)						
11. Income before extraordinary items and taxes based on income						
12. Extraordinary income (expenses)						
13. Income before taxes based on income						

Form PC-50 (1-72)

PART VI—Alternative Bases for Price Increase

A firm which uses this Part VI may not use Part IV or Part V on the same filing.

Item 23: Other Allowable Sales Price % Increases—This item is provided to record other allowable factors which may be taken into account in requesting or reporting a price increase. It is intended for those factors which are *not* required to be cost justified. Items to be recorded are as follows:

(1) If you are requesting (or reporting) a price increase because of a price specified in a binding contract for the sale of property or services entered into prior to August 15, 1971, with delivery or performance occurring after November 13, 1971, (see Price Commission regulations), enter "Long-term contracts" in Item 23, and enter the sales price increase percentage in the column.

(2) If you are requesting (or reporting) a price increase resulting from calculation of a revised base price (see Price Commission regulations), enter "Base price increase" in Item 23, and enter the sales price increase percentage in the column. The base price is either (1) the ceiling price permitted for the period August 15, 1971, through November 13, 1971, or (2) such ceiling price as adjusted in accordance with the rules provided in Price Commission regulations. Because of adjusted definitions contained in the Price Commission regulations, primarily in the definition of a "transaction," certain persons may be entitled to a base price increase. Item 23 is to be used to enter this price increase request (or report).

(3) If you are requesting (or reporting) a price increase for any other allowable factor which is not required to be cost justified, enter a brief description in Item 23 and enter the sales price increase percentage in the column. Attach a supporting schedule to Form PC-1 describing the factor in sufficient detail to permit reasonable determination that such factor is allowable and is *not* required to be cost justified. Indicate on the schedule the specific regulations under which you are filing for this price increase.

PART VII—Additional Information—Self-explanatory.

IMPORTANT NOTICE

Effective January 21, 1972, the Price Commission will only process requests for price increases for manufacturing, service industries, and professions that are submitted on this latest revised PC-1 form or facsimile copy of such form.

U.S. GOVERNMENT PRINTING OFFICE: 1972 O - 484-884

PRICE COMMISSION
2000 M STREET, N.W.
WASHINGTON, D.C. 20508

Instructions for the preparation of Form PC-50
Base Period Income Statement

GENERAL INSTRUCTIONS

Purpose

Price Commission regulations provide for firms to increase prices only as a result of certain clearly defined circumstances. Such increases may not increase a firm's profit margin rate over that which prevailed during a base period. The primary purpose of this filing is to establish the base period margin rate which will be used to determine the extent to which firms have complied with the profit margin limitation. The report information also will be used to assist the Price Commission in evaluating future requests for price increases.

Confidentiality of Information

It is the practice of the Price Commission to release to the public summaries of price increases requested and allowed, while respecting the confidentiality of financial information, consistent with section 205 of the Economic Stabilization Act of 1970 (as amended), Title 5, U.S. Code § 552, and Title 18, U.S. Code, § 1905.

Who Must File

Normally, Form PC-50 is filed only once. It is required of prenotification firms (generally those with annual sales or revenues of $100 million or more) and reporting firms (generally, those with annual sales or revenues of $50 million to $100 million). Public Utilities and Insurers (as defined in Price Commission regulations) are not required to file Form PC-50 unless they have material non-utility or non-insurance activities. Form PC-50 is required of all retailers and wholesalers in the prenotification and reporting categories. Other reporting entities are not required to file Form PC-50 unless they are also required to file Form PC-51 (Report on Sales, Costs and Profits).

A manufacturing, service or professional firm that has not increased any selling price above the ceiling prices established, is not required to file Form PC-51, or Form PC-50. Firms choosing this option, however, must submit to the Price Commission the following certificate within 30 days of the close of each fiscal quarter:

I certify that as at (quarter ended date) this firm has not increased the selling price of any of its products above the ceiling prices established for the August 16, 1971—November 13, 1971, freeze period.

Chief Executive Officer (or other authorized executive officer)

The Chief Executive Officer may authorize another executive officer to sign for him for this purpose. Such authorization must be in the form prescribed by the Price Commission.

Ordinarily, a Form PC-50 must be filed for the consolidated group of the Parent firm, as defined in item 3 below.

A *supplementary* Form PC-50 must be filed for each reporting entity that requests or reports price adjustments on Form PC-1.

If the consolidated group includes retailing or wholesaling entities, and manufacturing, service or professional entities, a single supplementary Form PC-50 must be filed covering all retailing and wholesaling entities.

A firm may request permission not to file Form PC-50 for the consolidated group of the Parent firm. If the Price Commission approves such a request, a primary Form PC-50 must be filed for each reporting entity. The Price Commission may require that all data entered in Part II of these Forms PC-50 be supported by financial statements audited by independent public accountants.

The Price Commission may determine that an entity other than the consolidated group of the Parent firm is the appropriate primary reporting entity for filing Form PC-50.

Where the primary Form PC-50 is filed for an entity other than the consolidated group of the Parent firm, a *supplementary* Form PC-50 is required for the consolidated group. Such consolidated filings require that only Parts I, II and VI be used.

If two or more firms own equal fractions of a subsidiary (so-called "joint ventures"), they should decide among themselves which parent is to file reports for the joint venture. The firm that elects to file such a report should explain the circumstances in an accompanying statement.

Generally Accepted Accounting Principles and Practices Applied Consistently

Accounting information furnished in this report must be in accordance with generally accepted accounting principles and with the practices customarily followed by the firm, applied consistently.

Data are required for at least two, and in some cases three, fiscal years. If the financial statements as originally prepared for any of these years were subsequently restated, the restated versions should be used.

It should be recognized that if, in the future, a firm makes a material change in an accounting policy or practice, it must prepare a revised Form PC-50, "Base Period Income Statement," restating the base period data to reflect the change in accounting policy or practice. The revised Form PC-50, and a supporting document describing and explaining the change, must be submitted together with the first Form PC-51 reflecting such a change in accounting policy or practice.

See the instructions to Form PC-51 for further details regarding generally accepted accounting principles and practices, and certain specific accounting consistency requirements.

When to File

Form PC-50 must be filed at the same time, or prior to, the date that the initial Form PC-51 is filed. Form PC-51 must be filed not later than 45 days after the end of a fiscal quarter or 90 days after the end of the firm's fiscal year.

What to File

Firms required to file Form PC-50 must attach all supporting schedules indicated in the instructions. Firms which have their financial statements audited by independent public accountants must attach a copy of such audited statements covering the fiscal years reported on this Form PC-50 together with the accountants' opinion. Firms which do not have audited financial statements to the public must attach copies of such statements. Firms which have neither audited nor published statements must attach a document explaining why such statements are not available.

Where to File

Form PC-50 and attachments should be mailed to:
Price Commission
P.O. Box 19300
Washington, D.C. 20036
Indicate "Submission of Form PC-50," in the lower left-hand corner of the envelope.

Rounding

For the purpose of this form, all percentages must be expressed to the nearest two decimal places (e.g., 5.92%). All dollar entries must be rounded to the nearest $1,000 and the 000 should be omitted (such as $1,750,803 entered as $1,751).

SPECIFIC INSTRUCTIONS

PART I—Identifying Data

Item 1: Prior Reference Number—Answer the question in 1(a). If you are supplying requested additional information or are resubmitting a report that had been initially returned, record the prior reference number in 1(b). The prior reference number is the number recorded by the Price Commission in the top right hand corner of page 1 of this form, in the box labeled "Reference No."

Item 2: Date Filed—Enter the date that this form is filed with the Price Commission. Firms should note that, as discussed above under "Who Must File," certain firms need not file this form until they are required to commence filing Form PC-51.

Part III—Details of Cost of Sales

			Most recent fiscal year "Covered" (a)
14. Manufacturing or Service Costs	(1) Direct materials	a. Imported	
		b. "Volatile"	
		c. Other	
	(2) Direct labor costs incurred	a. Under collective bargaining agreements	
		b. Other	
	(3) Other manufacturing or service costs incurred	a. Labor under collective bargaining agreements	
		b. Other labor	
		c. Other costs	
	(4) Total manufacturing or service costs		
15. Inventory adjustments			
16. Cost of sales (Same as item 6)			

Part IV—Details of Other Operating Expenses

17. Other expenses incurred by this reporting entity	(1) Labor under collective bargaining agreements	
	(2) Other	
18. Other operating expenses allocated to this reporting entity from other affiliated entities (Specify)	(1)	
	(2)	
	(3)	
	(4)	
19. Total operating expenses (Same as item 8)		

Part V—Calculation of Base Period Profit Margin Rate

20. Base Years' Net Sales (From item 5)	(1) Base Year 1 (From column (b))		
	(2) Base Year 2 (From column (d))		
	(3) Total Net Sales (Lines (1) plus (2))		
21. Base Years' Operating Income (From item 9)	(1) Base Year 1 (From column (b))		
	(2) Base Year 2 (From column (d))		
	(3) Total Net Income (Lines (1) plus (2))		
22. Base Period Profit Margin Rate (Divide item 21(3) by item 20(3). Calculate to two decimal places; e.g., 9.87%)			%

Part VI—Certification

To the best of my knowledge and belief, the data submitted herewith are factually correct, complete and prepared in accordance with the applicable instructions. It is requested that the information submitted herewith be considered as confidential within the meaning of section 205 of the Economic Stabilization Act of 1970 (as amended), Title 5, U.S. Code, section 552 and Title 18, U.S. Code, section 1905.

Chief Executive Officer of parent firm or other authorized executive officer

Typed name and title: _____

Name of company: _____

Sign here ► _____ (Date)

Forward this form and all supporting documents to: **Price Commission, P.O. Box 19300, Washington, D.C. 20036.** Indicate "Submission of Form PC-50" in the lower left-hand corner of the envelope.

GPO : 1972 O - 454-835

Form PC-50 (1-72)

Item 3: Parent Firm Data—A Parent firm is the firm which controls a group of consolidated subsidiaries following the criteria for the preparation of consolidated financial statements in accordance with generally accepted accounting principles.

(a) Enter name of Parent firm.

(b) Enter address of executive office of Parent firm.

(c) Enter the ending date of the most recent fiscal year as customarily used by the Parent firm.

(d) The Standard Industrial Classification (S.I.C.) code is used to classify reporting entities by the type of activity in which engaged. The "Standard Industrial Classification Manual," which defines such codes, may be obtained from the U.S. Government Printing Office, Washington, D.C. 20402. It is recognized that many firms filing this form will be engaged in more than one of the activities defined in the S.I.C. Manual. For purposes of this filing, firms should enter the four digit S.I.C. code which most closely describes their most significant activity. Where it is not practical to define the firm's activities by the four digit S.I.C. code, firms may enter the applicable three digit or two digit S.I.C. code.

(e) Enter the Parent firm's "Data Universal Numbering System" (D-U-N-S) Number, if known. If not known, leave this item blank. The D-U-N-S Number is a nine-digit number assigned to establishments by Dun & Bradstreet, Inc. If the firm has more than one D-U-N-S Number, the number entered in this item should be that assigned to the firm for the address entered above in Item 3(b) as the executive office of the Parent firm.

Item 4: Data on Entity Covered by this Filing—Fill in this item only if the reporting entity covered by this filing is different from the entity listed in Item 3. The criteria for determining such reporting entities are given above under "Who Must File."

(a) Enter name of reporting entity covered by this filing.

(b) Enter address of executive office of reporting entity.

(c) Enter the date of the most recent fiscal year of the reporting entity as customarily used.

(d) Enter the Standard Industrial Classification (S.I.C.) code for this reporting entity, following the instructions for Item 3(d), above.

(e) Enter the reporting entity's "Data Universal Numbering System" (D-U-N-S) Number, if known. If not known, or if the reporting entity does not have a D-U-N-S Number, leave this item blank. The number entered in this item should be that assigned to the firm for the address entered above in Item 4(b) as the executive office of the reporting entity.

PART II—Summary Income Report

This part is a summary of the data required to calculate the base period profit margin rate, as well as data for the most recent fiscal year.

For purposes of determining the base period profit margin rate, the reporting entity must use data from any two of the entity's last three fiscal years ending prior to August 15, 1971.

The two base years selected are indicated by entering appropriate fiscal year ending dates in sections (1) and (2) of this part. If neither of these years are the entity's most recent fiscal year ended prior to the date filed (for which financial statements are available), such recent year data must be entered in section (3) of this part.

Data entered in the Total Columns (a), (c), and (e), must be based on data used to report to the public, or where the entity does not report to the public, data should be as recorded in the entity's accounting records.

In completing this part, your attention is called to the requirements outlined above under "Generally Accepted Accounting Principles and Practices Applied Consistently."

"Covered" activities

A "covered" activity is any activity other than that of a subsidiary, division or other discrete organizational unit whose principal activity is one of the following:

1. Farming.

2. Life insurance, individual endowment and annuity insurance, excluding credit-life insurance.

3. Operations of overseas entities. An overseas entity is an entity that operates principally in a foreign country and whose customers are principally located in foreign countries. A foreign country is a country other than the United States and its possessions. The importing and exporting activities of domestic entities are "covered" activities.

4. Public utility.

Data in Columns (a), (c) and (e) of Part II should include the consolidated results of "covered" and non-covered activities. Consolidated data for "covered" activities should be entered in Columns (b), (d) and (f) of Part II, and Column (a) of Parts III and IV.

A supporting document which reconciles the net sales entered in the "Total" and "Covered" columns of Part II must be filed. The supporting document must show the total net sales of non-covered activities, summarized by the principal activities listed above, and a description of other reconciling items showing the amounts of such reconciling items.

Where the controlling firm, or affiliated firms allocate costs to non-covered entities, the method used to allocate such costs must be reasonable, and consistently applied in both base period fiscal years, and in future filings of Forms PC-51. Attach a schedule, to this Form PC-50 filing, describing the established allocation method.

Items 5–13: See corresponding instructions for Items 5–13 on Form PC-51.

PART III—Details of Cost of Sales

This part provides further details for the amounts entered in Item 6, and is required for the most recent fiscal year reported in Part II from each reporting entity that requests or reports price adjustments on Form PC-1. If the Form PC-50 reporting entity is a segment of a Parent firm, this part should *not* be completed for the consolidated group of the Parent firm. In other words, Parent firms need complete this part only if they submit a single Form PC-50 for the whole firm.

Estimates

The Price Commission recognizes that some of the information required in this part cannot be obtained directly from the accounting records of some firms. The firm must provide the most reasonable estimate it can for such information and the estimating method used must be consistently applied in future filings of Form PC-51. Attach to this filing of Form PC-50, a description of the method used to estimate the amounts included in Part III.

These estimates must be reconcilable to information that is contained in the accounting records. For example, the report calls for information on direct materials that is broken down by (a) imported, (b) "volatile," and (c) other. If a reporting entity does not have such information in its accounting records, it should provide estimates, but the total of these three estimates should equal the total direct material cost which should be obtainable from the accounting records.

As explained in the instructions to Part II, only "covered" entity costs should be entered in Column (a).

Items 14 and 15: See corresponding instructions for Items 15 and 16 on Form PC-51.

Item 16: Cost of Sales—This entry is determined by adding Item 15 to, or deducting it from, line (4) of Item 14. This amount must agree with the corresponding amount in Item 6.

PART IV—Details of Other Operating Expense

This part provides further details for the amounts entered in Item 8, and is required for the most recent fiscal year reported in Part II from each reporting entity that requests or reports price adjustments on Form PC-1. If the Form PC-50 reporting entity is a segment of a Parent firm, this part should not be completed for the consolidated group of the Parent firm. In other words, Parent firms need complete this part only if they submit a single Form PC-50 for the whole firm.

As discussed in the instructions to Part III, reasonable estimates may be used to determine the details of entries in this part.

As explained in the instructions to Part II, only "covered" entity costs should be entered in Column (a).

Items 17 and 18: See corresponding instructions for Items 18 and 19 on Form PC-51.

Item 19: Total Operating Expenses—This entry is computed by adding the amounts included in Items 17 and 18. This total must agree with the corresponding amount in Item 8.

PART V—Calculation of Base Period Profit Margin Rate

The purpose of this part is to calculate the base period profit margin rate. The term base period means the average of the two fiscal years selected by the reporting entity in sections (1) and (2) of Part II.

This part must be completed by all reporting entities which will be subject to the profit margin limitation. Where the instructions call for the preparation of a supplementary filing of Form PC-50 (see "Who Must File"), Part V should not be used.

Item 20: Base Years' Net Sales—

(1) Enter the first base year net sales from Item 5, Column (b).

(2) Enter the second base year net sales from Item 5, Column (d).

(3) Enter the total of lines (1) and (2).

Item 21: Base Years' Operating Income—

(1) Enter the first base year operating income from Item 9, Column (b).

(2) Enter the second base year operating income from Item 9, Column (d).

(3) Enter the total of lines (1) and (2).

Item 22: Base Period Profit Margin Rate—The base period margin rate is calculated by dividing Item 21, line (3), by Item 20, line (3). Calculate this number to two decimal places (e.g., 9.87%).

PART VI—Certification

Type, on the lines above the signature, the name and title (including the company name) of the individual who has signed the certification. The individual certifying to this Form PC-50 must be the Chief Executive Officer of the Parent firm, or such other executive officer as authorized by the Chief Executive Officer to sign for him for this purpose. Such authorization must be in the form prescribed by the Price Commission.

GPO : 1972 O - 454-838

Form PC-51
(January 1972)

Price Commission
2000 M Street, N. W.
Washington, D.C., 20508

See mailing address on page 2

Report on Sales, Costs and Profits

(1) ☐ Company in Prenotification Category

(2) ☐ Company in Reporting Category

OMB 164-R0003
Approval expires: 4-30-73

PRICE COMMISSION USE ONLY

Corr. Control No.	SIC Code (1)
Reference No.	SIC Code (2)

Part I—Identifying Data

1a. Is this a resubmission? (1) ☐ Yes (2) ☐ No

1b. If "Yes," indicate prior reference number

2. Period covered (Month, day, year) From To

3. Parent Firm Data	4. Data on Entity Covered by this Filing (Complete only if different from item 3)
a. Name of firm	a. Name of reporting entity
b. Address (Number and street)	b. Address (Number and street)
City or town, State and ZIP code	City or town, State and ZIP code
c. Ending date of most recent fiscal year (mo. day, yr.)	c. Ending date of most recent fiscal year (mo. day, yr.)
d. Identification number	d. Identification number

Part II—Summary Income Report

$000 Omitted ►	Total Current period (a)	"Covered" Amounts Current period (b)	"Covered" Amounts Same period prior year (c)
5. Net sales			
6. Cost of sales			
7. Gross profit			
8. Other operating expenses			
9. Operating income (loss)			
10. Non-operating income (deduction)			
11. Income before extraordinary items and taxes based on income			
12. Extraordinary income (expenses)			
13. Income before taxes based on income			
14. Revenue from price increases			

Part III—Details of Cost of Sales

			(a) Current period "Covered" ($000 Omitted)
15. Manufacturing or Service Costs	(1) Direct Materials	a Imported	
		b "Volatile"	
		c Other	
	(2) Direct labor costs incurred	a Under collective bargaining agreements	
		b Other	
	(3) Other manufacturing or service costs incurred	a Labor under collective bargaining agreements	
		b Other labor	
		c Other costs	
	(4) Total manufacturing or service costs		
16. Inventory adjustments			
17. Cost of sales (same as item 6, column (b))			

Part IV—Details of Other Operating Expenses

		(a) Current period "Covered" ($000 Omitted)
18. Other expenses incurred by this reporting entity	(1) Labor under collective bargaining agreements	
	(2) Other	
19. Other operating expenses allocated to this reporting entity from other affiliated entities (specify)	(1)	
	(2)	
	(3)	
	(4)	
20. Total operating expenses (same as item 8, column (b))		

Form PC-51 (1-72)

Part V—Calculation of Profit Variation

21. Net sales (from item 5, column (b))	$
22. Base period profit rate (1) ☐ From Form PC-50, item 22, OR (2) ☐ From letter of exception dated (mo., day, yr.) _____	%
23. Target current period profit (item 21 x item 22)	$
24. Actual current period profit (from item 9, column (b))	$
25. Current profit under (over) target profit (item 23—item 24)	$

Part VI—Certification

To the best of my knowledge and belief, the data submitted herewith are factually correct, complete and prepared in accordance with the applicable instructions. It is requested that the information submitted herewith be considered as confidential within the meaning of section 205 of the Economic Stabilization Act of 1970 (as amended), Title 5, U.S. Code, section 552 and Title 18, U.S. Code, section 1905.

Chief Executive Officer of parent firm or other authorized executive officer

Typed name and title: _____ Name of company: _____

Sign here ► _____ (Date)

Remarks

Forward this form and all supporting documents to: **Price Commission, P.O. Box 19300, Washington, D.C. 20036.**
Indicate "Submission of Form PC-51" in the lower left-hand corner of the envelope.

Form PC-51 (1-72)

GPO : 1972 O - 454-627

PRICE COMMISSION
2000 M STREET, N.W.
WASHINGTON, D.C. 20508

Instructions for the preparation of Form PC-51
Report on Sales, Costs, and Profits

GENERAL INSTRUCTIONS

Purpose

Price Commission regulations provide that firms may increase prices only under certain clearly defined circumstances. Such increases may not increase a firm's profit margin over that which prevailed during a base period. The primary purpose of this report is to determine the extent to which firms have complied with the profit margin limitation. The reported information also will be used to assist the Price Commission in evaluating future requests for price increases.

Confidentiality of Information

It is the practice of the Price Commission to release to the public summaries of price increases requested and allowed, while respecting the confidentiality of financial information, consistent with section 205 of the Economic Stabilization Act of 1970 (as amended), Title 5, U.S. Code, § 552, and Title 18, U.S. Code, § 1905.

Suggestions for Improvement

The Price Commission welcomes suggestions for improving this and other reports. In general, it seeks ways of obtaining the information it needs to exercise its responsibilities under the price stabilization program with a minimum amount of reporting burden on prenotification and reporting companies.

Who Must File

Form PC-51 must be used by prenotification firms (generally, those with annual sales or revenues of $100 million or more) and reporting firms (generally, those with annual sales or revenues of $50 million to $100 million). Public Utilities and Insurers (as defined in Price Commission regulations) are not required to file Form PC-51 unless they have material nonutility or non-insurance activities.

A manufacturing, service or professional firm that has not increased any selling price above the ceiling prices established, is not required to file Form PC-51. Firms choosing this option, however, must submit to the Price Commission the following certificate within 30 days of the close of each fiscal quarter:

> I certify that as at (quarter ended date) this firm has not increased the selling price of any of its products above the ceiling prices established for the August 16, 1971—November 13, 1971, freeze period.
>
> _____
> Chief Executive Officer (or other authorized executive officer)

The Chief Executive Officer may authorize another executive officer to sign for him for this purpose. Such authorization must be in the form prescribed by the Price Commission.

Reporting entities which are required to file Form PC-51 are also required to file Form PC-50 at the same time, or prior. Normally, Form PC-50 is filed only once, and shows the calculation of the base period profit margin rate.

Ordinarily, a Form PC-51 must be filed for the consolidated group of the Parent firm, as defined in Item 3 below.

A *supplementary* Form PC-51 must be filed for each reporting entity that has requested or reported price adjustments on Form PC-1.

If the consolidated group includes retailing or wholesaling entities, and manufacturing, service or professional entities, a single *supplementary* Form PC-51 must be filed covering all retailing and wholesaling entities.

A firm may request permission not to file Form PC-51 for the consolidated group of the Parent firm. If the Price Commission approves such a request, a primary Form PC-51 must be filed for each reporting entity. The Price Commission may require that these Forms PC-51 be supported for the reporting entity by annual financial statements audited by independent public accountants.

The Price Commission may determine that an entity other than the consolidated group of the Parent firm is the appropriate primary reporting entity for filing Form PC-51.

Where the primary Form PC-51 is filed for an entity other than the consolidated group of the Parent firm, a *supplementary* Form PC-51 is required for the consolidated group. Such consolidated filings require that only Parts I, II, and VI be used.

If two or more firms own equal fractions of a subsidiary (so-called "joint ventures"), they should decide among themselves which parent is to file reports for the joint venture. The firm that elects to file such a report should explain the circumstances in an accompanying statement.

Generally Accepted Accounting Principles and Practices Applied Consistently

Accounting information furnished in this report must be in accordance with generally accepted accounting principles and with the practices customarily followed by the firm, applied consistently.

If a firm makes a material change in an accounting policy or practice, it must prepare a revised Form PC-50, "Base Period Income Statement," restating the base period data to reflect the change in accounting policy or practice. The revised Form PC-50, and a supporting document describing and explaining the change, must be submitted together with the first Form PC-51 reflecting such a change in accounting policy or practice.

Accounting consistency includes, but is not limited to, the requirements that:

(a) The financial data presented for each period should be consistent with the data as stated in the annual and interim statements contained in reports to stockholders and, if any, filings with the SEC or regulatory commissions for that period. Any differences between these reports should be disclosed and reconciled and explained.

(b) The application of the accounting principles and the methods of applying them should be consistent from period to period. The definition of accounting principle changes for this purpose is the same as presented in Opinion No. 20 of the Accounting Principles Board.

(c) Accounting estimates as defined in Opinion No. 20 of the Accounting Principles Board should be consistent from period to period.

(d) The definition of the reporting entity should be consistent. The definition of what constitutes a change in the reporting entity is the same as that presented in Opinion No. 20 of the Accounting Principles Board.

(e) The definition of accounts and the application of these definitions should be consistent from period to period.

(f) The methods of allocating overhead between accounts should be consistent from period to period.

(g) The definition of the fiscal year and cutoff dates for determining the period to which transactions should be assigned should be consistent.

(h) The definition and method of computing reserves and allowances should be consistent from period to period.

(i) The method by which transfer prices are calculated and recorded should be consistent from period to period. Such transfer pricing consistency is required with respect to transactions between entities filing separate Forms PC-51 and with respect to transactions between "covered" and "non-covered" activities (as discussed in the instructions to Part II) of the reporting entity.

When to File

Form PC-51 must be filed not more than 45 days after the end of a fiscal quarter or 90 days after the end of the firm's fiscal year.

What to File

Firms required to file Form PC-51 must attach all supporting schedules indicated in the instructions. Firms which have their financial statements audited by independent public accountants must attach a copy of such audited statements together with the accountants' opinion. Firms which release unaudited financial statements to the public must attach copies of such statements. Firms which have neither audited nor published statements must attach a document explaining why such statements are not available.

Where to File

Form PC-51 and attachments should be mailed to:

Price Commission
P.O. Box 19300
Washington, D.C. 20036

Indicate "Submission of Form PC-51" in the lower left-hand corner of the envelope.

Rounding

For the purpose of this form, all percentages must be expressed to the nearest two decimal places (e.g., 5.92%). All dollar entries must be rounded to the nearest $1,000 and the 000 should be omitted (such as $1,750,803 entered as $1,751).

SPECIFIC INSTRUCTIONS

PART I—Identifying Data

Item 1: Prior Reference Number—Answer the question in 1(a). If you are supplying requested additional information or are resubmitting a report that had been initially returned, record the prior reference number in 1(b). The prior reference number is the number recorded by the Price Commission in the top right hand corner of page 1 of this form, in the box labeled "Reference No."

Item 2: Period Covered—Once a reporting entity is required to file Form PC-51 (see above under "Who Must File"), data are required thereafter for each of its fiscal quarters. Each quarterly report is cumulative for the current fiscal year. For example, the second quarterly report covers the first half of the fiscal year. Therefore, the "period covered" is from the first day of the fiscal year to the last day of the fiscal quarter being reported.

Special Instructions For the First Fiscal Year

Entities that are required to submit Form PC-51 should submit the first quarterly report for the quarter that begins on any day between August 15, 1971, and November 14, 1971. The "from" date for all subsequent quarters in the first fiscal year should be the same as that entered for the first quarterly report. If the fourth quarter report does not include the entire fiscal year, a *supplementary* Form PC-51 report is required. This supplementary report should cover the entire fiscal year. Part V of this supplementary Form PC-51 should not be used.

Item 3: Parent Firm Data—A Parent firm is the firm which controls a group of consolidated subsidiaries following the criteria for the preparation of consolidated financial statements in accordance with generally accepted accounting principles.

(a) Enter name of Parent firm.

(b) Enter address of executive office of Parent firm.

(c) Enter the ending date of the most recent fiscal year as customarily used by the Parent firm.

(d) Enter the Parent firm's "Data Universal Numbering System" (D-U-N-S) Number, if known. If not known, leave this item blank. The D-U-N-S Number is a nine-digit number assigned to establishments by Dun & Bradstreet, Inc. If the firm has more than one D-U-N-S Number, the number entered in this item should be that assigned to the firm for the address entered above in Item 3(b) as the executive office of the Parent firm.

Item 4: Data on Entity Covered by this Filing—Fill in this item only if the reporting entity covered by this filing is different from the entity listed in Item 3. The criteria for determining such reporting entities are given above under "Who Must File."

(a) Enter name of reporting entity covered by this filing.

(b) Enter address of executive office of reporting entity.

(c) Enter the date of the most recent fiscal year of the reporting entity as customarily used.

(d) Enter the reporting entity's "Data Universal Numbering System" (D-U-N-S) Number, if known. If not known, or if the reporting entity does not have a D-U-N-S Number, leave this item blank. The number entered in this item should be that assigned to the firm for the address entered above in Item 4(b) as the executive office of the reporting entity.

PART II—Summary Income Report

This part is a summary of the data entering into the calculation of net income for the reporting entity.

Data are required for the current period entered in Item 2 (Columns (a) and (b)), and the same period in the prior year (Column (c)).

In completing this part, your attention is called to the requirements outlined above under "Generally Accepted Accounting Principles and Practices Applied Consistently."

"Covered" activities

A "covered" activity is any activity other than that of a subsidiary, division or other discrete organizational unit whose principal activity is one of the following:

1. Farming.
2. Life insurance, individual endowment and annuity insurance, excluding credit-life insurance.
3. Operations of overseas entities. An overseas entity is an entity that operates principally in a foreign country and whose customers are principally located in foreign countries. A foreign country is a country other than the United States and its possessions. The importing and exporting activities of domestic entities are "covered" activities.
4. Public utility.

Data in Column (a) of Part II should include the consolidated results of "covered" and non-covered activities. Consolidated data for "covered" activities should be entered in Columns (b) and (c) of Part II and Column (a) for Parts III and IV.

A supporting document which reconciles the net sales entered in Columns (a) and (b) of Part II must be filed. The supporting document must show the total net sales of non-covered activities, summarized by the principal activities listed above, and a description of other reconciling items showing the amounts of such reconciling items.

Item 5: Net Sales—Include all sales or revenues reduced by applicable discounts, returns, and allowances, as customarily calculated by the firm.

Item 6: Cost of Sales—Include the costs of the products or services included in Item 5. Certain reporting entities must provide additional data as called for in Part III.

Item 7: Gross Profit—Calculated by subtracting cost of sales from net sales.

Item 8: Other Operating Expenses—Include in this item those costs not included in Cost of Sales (Item 6) which are normal and generally recurring costs of business operations. This item should not include: Federal, state and local taxes based on income; non-operating items (included in Item 10); and extraordinary items (included in Item 12). Certain reporting entities must provide further details of other operating expenses in Part IV.

If the amount of Federal, state and local taxes based on income is included in other operating expenses on the attached audited or published financial statements, and is not shown as a separate item (or identifiable items) in such financial statements, attach a schedule; itemizing the Federal, state and local taxes based on income, and reconciling such tax items to the data on the financial statements.

Item 9: Operating Income (Loss)—Calculated by subtracting Other Operating Expenses from Gross Profit.

Item 10: Non-Operating Income (Deductions)—Include in this item the net amount of non-operating income (after deducting non-operating costs). Generally, non-operating items include, but are not limited to, the following (except where such items are related to the reporting entity's principal business activity); interest income, interest expense on long-term debt, debt discount and expense, dividend income, gains or losses on disposition of assets, earnings of unconsolidated subsidiaries, royalty income, and gains or losses on foreign exchange.

If the amount shown as non-operating income (deductions) does not appear as a separate item (or identi-

fiable items) on the attached audited or published financial statements, attach a schedule; itemizing the non-operating items, and reconciling such amounts to the data on the financial statements.

Item 11: Income before Extraordinary Items and Taxes Based on Income—Calculated by adding Other Income (Deductions) to Operating Income (Loss).

Item 12: Extraordinary Income (Expenses)—Enter the difference between extraordinary income and extraordinary expenses.

Item 13: Income Before Taxes Based on Income—Calculated by adding Extraordinary Income (Expenses) to Income Before Extraordinary Items and Taxed Based on Income.

Item 14: Revenue from Price Increases—Include in this item an amount representing that portion of net sales (Item 5) which results from price increases requested or reported on Form PC-1, and which have been put into effect after November 13, 1971.

If the current period amount (Column (b)) cannot be derived from the firm's accounting records, a reasonable estimate may be used. If this amount is estimated, attach a supporting statement indicating the method used.

PART III—Details of Cost of Sales

This part provides further details for the amounts entered in Item 6, and is required as follows from firms which are reporting entities for purposes of filing Form PC-1:

1. For the fourth quarter report which covers the entire fiscal year (see the instructions to Item 2).

2. For all quarterly reports where the reporting entity anticipates that it will be filing a Form PC-1 in the following fiscal quarter.

3. Where the reporting entity files a Form PC-1 and has not previously completed this Part III for the preceding quarter in the fiscal year, a supplementary Form PC-51 must be submitted providing such omitted Part III data.

Estimates

The Price Commission recognizes that some of the information required in this part cannot be obtained directly from the accounting records of some firms. The firm must provide the most reasonable estimate it can for such information and the estimating method used must be consistent with that used in preparing the base period income statement, Form PC-50.

These estimates must be reconcilable to information that is contained in the accounting records. For example, the report calls for information on direct materials that is broken down by (a) imported, (b) "volatile," and (c) other. If a reporting entity does not have such information in its accounting records, it should provide estimates, but the total of these three estimates should equal the total direct material cost which should be obtainable from the accounting records.

As explained in the instructions to Part II, only "covered" entity costs should be entered in Column (a).

Item 15: Manufacturing or Service Costs

(1) Direct Materials—Include materials and material-related costs which are traceable to the products or services included in net sales, in accordance with accounting procedures normally employed by the firm. Such material costs should be further classified as indicated on lines (a), (b) and (c) of this item. For purposes of this classification, imported materials (line (a)) are materials produced outside of the United States where the form of such materials has not changed substantially between its initial sale into the United States' commerce and its purchase by the reporting entity; and "Volatile" materials (line (b)) are those which have qualified a prenotification firm for an exemption from requesting approval of price increases (see the Price Commission regulations). Generally, such "volatile" materials are raw materials, changes in the cost of which have a direct, immediate, and significant effect on the selling price of the products in which they are contained. A "direct" change is one in which customarily the amount of change in the selling price corresponds closely to the change in the cost of the raw material. An "immediate" change is one which customarily has been put into effect shortly after the firm learns of the change in the cost of the raw material. A "significant" raw material is one in which the change in cost, if not reflected promptly in the sales price, would cause considerable hardship on the firm.

(2) Direct Labor Costs Incurred—Include labor and labor-related costs which are readily identifiable with the products or services included in net sales, in accordance with accounting procedures normally employed by the firm. Such labor costs should be further detailed as indicated on lines (a) and (b), and should include all forms of direct and indirect remuneration as defined in the Pay Board regulations.

For purposes of the entries on line (a), labor costs include those incurred under collective bargaining agreements as well as those where such remuneration is based on tandem relationships with collective bargaining agreements. Tandem relationship means a well-established and consistently maintained practice whereby the precise timing, amount and nature of general increases in wages, salaries and other compensation of a given appropriate employee unit have followed those of another such unit of employees of the same employer or of other employers within a commonly recognized industry (such as S.I.C. two-digit category).

(3) Other Manufacturing or Service Costs Incurred—Other costs assigned to the products or services included in net sales should be segregated as indicated on lines (a), (b) and (c). The labor categories should include labor and labor-related costs, including tandem agreements as explained in the instructions to line (2) above.

(4) Total Manufacturing or Service Costs—As indicated on the form, enter the sum of all costs recorded in (1), (2) and (3) above.

Item 16: Inventory Adjustments—If the reporting entity's accounting system provides the details of the cost of the sales recorded in Item 15, the total of Item 15, line (4), should agree with Item 17 (cost of sales), and no entry for inventory adjustment or change should be made in Item 16.

However, if the details of Item 15 cannot be derived, for cost of sales, from the accounting system, such details should represent manufacturing or service costs incurred during the period. An entry will then be required in Item 16 only to reduce or increase such manufacturing or service costs incurred for the change in inventory during the period. Item 16 should not be used for any other type of inventory adjustment.

Item 17: Cost of Sales—This entry is determined by adding Item 16 to, or deducting it from, line (4) of Item 15.

PART IV—Details of Other Operating Expense

This part provides further details for the amounts entered in Item 8 and is required as follows from firms which are reporting entities for purposes of filing Form PC-1:

1. For the fourth quarter report which covers the entire fiscal year (see the instructions to Item 2).

2. For all quarterly reports where the reporting entity anticipates that it will be filing a Form PC-1 in the following fiscal quarter.

3. Where the reporting entity files a Form PC-1 and has not previously completed this Part IV for the preceding quarter in the fiscal year, a supplementary Form PC-51 must be submitted providing such omitted Part IV data.

As discussed in the instructions to Part III, reasonable estimates may be used to determine the details of entries in this part.

As explained in the instructions to Part II, only "covered" entity costs should be entered in Column (a).

Item 18: Other Operating Expenses—This Reporting Entity—Include in this item operating expenses incurred directly by this reporting entity. Such expenses should be detailed as explained below:

(1) The labor category should include labor and labor-related costs as explained in the instructions to Item 15, line (2).

(2) Include all other operating expenses.

Item 19: Other Operating Expenses—Allocated—If the entity filing this report is a unit of a firm or consolidated group, and operating expenses are allocated to it, these allocated expenses must be listed in reasonable detail in this item, and must be determined on a basis consistent with that used in determining comparable amounts for the base period.

Item 20: Total Operating Expenses—This entry is the sum of the amounts included in Items 18 and 19. This total must agree with the amount included in Item 8, Column (b).

PART V—Calculation of Profit Variation

This part must be completed by all reporting entities subject to the profit margin limitation. It should be noted that the instructions also call for the filing of supplementary reports under certain circumstances (see "Who Must File," and instructions to Item 2, "Period Covered"). When completing such supplementary reports, Part V should not be used.

The purpose of this part is to determine if the reporting entity's profits exceed those calculated by applying to current period net sales the profit margin established during its base period.

Under certain circumstances, the Price Commission may permit a firm to use an alternative profit margin rate. The Price Commission will specify the information required to justify such an alternative profit margin rate.

When requesting or reporting price increases, the Chief Executive Officer is required to certify that the firm's annual profit margin percentage will not increase over that which prevailed during the base period. Since a firm may not increase its prices beyond that amount which would bring its profits (as a percentage of net sales) to a level greater than that in the base period, the Price Commission may use the information reported in this part as the basis for denying future requests for price increases, or may take such other action as they deem necessary to achieve compliance with Price Commission regulations.

Item 21: Net Sales—Enter the amount shown in Item 5, Column (b). This is the total of current period "covered" net sales.

Item 22: Base Period Profit Margin Rate—Enter the base period profit margin percentage. Check the box on line (1) if the firm is using the profit margin rate calculated on Form PC-50, Item 22. If the Price Commission has granted the firm an exception to the base period margin rate calculated on Form PC-50, the box on line (2) should be checked, the date of the letter granting such exception should be entered, and the alternative profit margin rate should be entered in Item 22.

Item 23: Target Current Period Profit—Enter the target amount of current period profit determined by multiplying Item 21 by Item 22.

Item 24: Actual Current Period Profit—Enter the actual current period profit from Item 9, Column (b).

Item 25: Current Profit Under (Over) Target Profit—This entry is determined by subtracting Item 24 from Item 23. Where Item 25 reflects a cumulative overage in profits, attach a supporting schedule explaining the reasons for the overage and your program to return to your base period profit margin level in succeeding quarters (provided seasonal factors are not the sole cause of the current overage).

PART VI—Certification

Type, on the lines above the signature, the name and title (including the company name) of the individual who has signed the certification. The individual certifying to this PC-51 must be the Chief Executive Officer of the Parent firm, or such other executive officer as authorized by the Chief Executive Officer to sign for him for this purpose. Such authorization must be in the form prescribed by the Price Commission.

U. S. GOVERNMENT PRINTING OFFICE : 1972 O - 454-888

[FR Doc.72-2234 Filed 2-15-72;8:45 am]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 3]

PART 722—COTTON

Subpart—Base Acreage Allotments for 1971, 1972, and 1973 Crops of Upland Cotton

MISCELLANEOUS AMENDMENTS

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.). The purpose of this amendment is to establish certain new procedures applicable beginning with the 1972 crop of upland cotton. In general, these new procedures are technical in nature and conform the upland cotton program to certain procedures in effect for other programs. In addition, cotton program changes based on requests from State committees and based on experience gained in administering the 1971 upland cotton program have been made. Specific changes in procedures are as follows:

1. To add acreage planted to soybeans for harvest as grain in 1972 to those items included in acreage planted and considered planted.

2. To provide that a State reserve for new farms and a State reserve for corrections, missed farms, etc., be combined into a single State reserve which may be used for both purposes.

3. To drop the strict acreage limitation 33 acres or 75 percent on reapportioned acreage and to add a cropland limitation.

4. To provide changes in the closing dates for release and reapportionment of cotton acreage for certain States as requested by State committees.

5. To delete the requirement that notices of farm base acreage allotments bear the actual or facsimile signature of a member of the county committee.

6. To provide that county committees may make separate determinations regarding out-of-county transfers by sale and by lease. This is in recognition of the fact that there may be a demand within the county for one of the types of transfers but not for the other. The amended provision provides that the original determination by the county committee shall be the final one and not be subject to reconsideration. This action is taken due to the inequity which may arise if an original determination of a county committee is changed after farmers have relied thereon. This amendment also includes as a factor for county committee consideration the price offered for within-county transfers, as compared to out-of-county transfers, which may be an indication as to the demand for the acreage within the county.

7. To change the term "application" to "record" in every place applicable throughout § 722.419, and to provide that the owner or operator's signature on Form ASCS–375 be witnessed by an employee of the county committee in both the transferring and receiving counties.

8. To provide that the acreage limitation on allotment after transfer be the farm cropland and to remove the 10 percent yield limitation on transfers and to provide for a new method for computing transfers.

9. To delete specific language prohibiting subleasing of cotton since subleasing is effectively prohibited in the regulatory language prohibiting transfers to and from a farm in the same year.

10. To provide that ginners, buyers, and warehousemen are required to maintain certain records relative to upland cotton.

The base acreage allotment program for upland cotton falls within the exception in 5 U.S.C. 553(a)(2) regarding rule making. However, the Secretary's policy with respect to compliance with 5 U.S.C. 553 (b) and (c) published in the FEDERAL REGISTER of July 24, 1971 (36 F.R. 13804) is applicable subject to exemption for good cause. Since farmers are now filing records for transfers of allotments to take effect in 1972, it is hereby found and determined that compliance with the notice and public procedure requirements of 5 U.S.C. 553 (b) and (c) is impracticable and contrary to the public interest. This amendment shall become effective upon filing of this document with the Director, Office of the Federal Register.

The subpart—Base Acreage Allotments for 1971, 1972, and 1973 Crops of Upland Cotton, of Part 722, Subchapter B of Chapter VII, Title 7 (36 F.R. 4853, 6733, 7509, 10772), is amended as follows:

1. Paragraph (f) of § 722.404 is amended to read as follows:

§ 722.404 Definitions.

* * * * *

(f) *History acreage of cotton on the farm.* (For use in establishing farm base acreage allotments; acreage devoted to production of extra long staple cotton shall be excluded.) History acreage of cotton on the farm for 1971, 1972, and 1973 shall be credited in the amount of the farm base acreage allotment including any portion transferred by temporary adjustment (see paragraph (i) of this section) from the farm but excluding any portion transferred by temporary adjustment to the farm. Such history acreage shall be adjusted to the acreage planted or considered as planted to cotton if less than 90 percent of the farm base acreage allotment before temporary adjustments is planted or considered as planted to cotton. Acreage planted or considered as planted to cotton shall be the sum of the following:

(1) Acreage planted to cotton on the farm in the current year. For purposes of this subparagraph:

(i) The acreage seeded to cotton plus stub cotton acreage on the farm in the current year, excluding acreage which the county committee determines was planted or cared for in an unworkmanlike manner without the expectation of producing a normal crop under usual conditions.

(ii) If the farm operator fails to file a certification of acreage, the acreage planted to cotton shall be considered to be zero for history acreage purposes in lieu of the rule prescribed in subdivision (i) of this subparagraph.

(2) Acreage transferred by temporary adjustment from the farm. (See paragraph (i) of this section.)

(3) Acreage on which the planting of cotton was prevented because of a natural disaster as determined by the county committee.

(4) Acreage considered as planted under conservation programs of practices.

(5) Allotment acreage in the eminent domain pool under Part 719 of this chapter.

(6) Acreage not planted because of the payment limitation under Part 795 of this chapter.

(7) Acreage not planted because of a quarantine imposed by the county, State, or Federal Government prohibiting the planting of cotton in an area.

(8) Acreage planted to wheat in excess of the wheat allotment, acreage planted to feed grains in excess of one-half of the feed grain base, and acreage planted to soybeans for harvest as grain: *Provided*, That such acreage planted to wheat, feed grains or soybeans is not considered as planted to feed grains or wheat.

* * * * *

2. Section 722.406 is amended to read as follows:

§ 722.406 Establishment of farm base acreage allotments.

(a) *County base acreage allotment.* The county base acreage allotment shall be the county share of the State base acreage allotment including allocations from the State reserve to the county for trends and abnormal conditions.

(b) *Initial county reserve.* The county committee may establish an initial county reserve for the uses described in paragraph (g) of this section. Such initial county reserve shall not result in an adjusted county reserve (as described in paragraph (f) of this section) greater than 5 percent of the county base acreage allotment unless the State committee authorizes a larger adjusted county reserve which may not be greater than 10 percent of the county base acreage allotment.

(c) *Adjusted county base acreage allotment.* The adjusted county base acreage allotment shall be the county base acreage allotment in paragraph (a) of this section less the initial county reserve in paragraph (b) of this section.

(d) *County base acreage allotment factor.* The county base acreage allotment factor (county factor) shall be determined by dividing the total of the preliminary allotments for the current year for all farms into the adjusted county base acreage allotment.

(e) *Factored base acreage allotments for old farms.* The factored base acreage

allotment for an old farm shall be determined by multiplying the preliminary allotment by the county factor but shall not be greater than the cropland on the farm.

(f) *Adjusted county reserve.* The adjusted county reserve is the county base acreage allotment minus the total factored farm base acreage allotments for old farms in the county.

(g) *Use of county reserve.* The county reserve shall be used by the county committee to adjust factored farm base acreage allotments and to establish base acreage allotments for new cotton farms. Farms covered by contracts under the conservation programs shall receive the same consideration as other comparable farms in the county. The county reserve shall not be used to reflect new cropland brought into production after November 30, 1970. The county reserve shall be used by the county committee as follows:

(1) *Determination of acreage needed for new cotton farms.* If any part of the State reserve or the county reserve is to be used for establishing base acreage allotments for new cotton farms, the county committee, with the assistance of the community committees, may estimate from county office records and other available sources of information the number of new cotton farms in the county and an estimate may be made of the cropland on new cotton farms. Such estimates may be used by the State and county committees as a basis for determining the acreage, if any, that will be allocated for establishing base acreage allotments for new cotton farms. In determining the acreage, if any, from the county reserve which is to be used for establishing base acreage allotments for new cotton farms, the county committee shall take into consideration the acreage, if any, to be made available from the State reserve for establishing base acreage allotments for new cotton farms.

(2) *Adjustments in farm base acreage allotments to correct inequities and to prevent hardship.* The county committee shall determine the acreage required from the county reserve to supplement any acreage allocated to the county from the State reserve to correct inequities in farm base acreage allotments and to prevent hardship. Such reserves may also be used for establishing and adjusting farm base acreage allotments as provided in paragraph (c) of this section and to provide fair and reasonable base acreage allotments where the county committee had insufficient information to make proper adjustments at the time the original base acreage allotment for the farm was established. Any acreage from the county reserve and any allocation to the county from the State reserve to correct inequities and prevent hardship may be used by the county committee for making adjustments in farm base acreage allotments to correct inequities and to prevent hardship. Such adjustments shall be made so as to establish base acreage allotments which are fair and reasonable in relation to the base acreage allotments established for similar farms in the community taking into consideration for the farm the acreages planted to cotton in the farm base years; the land, labor, and equipment available for the production of cotton; crop-rotation practices; the soil and other physical factors affecting the production of cotton; and abnormal conditions of production.

(3) *Base acreage allotments for missed farms and correction of errors.* The remainder of the acreage in the county reserve, after meeting or determining the requirements under subparagraphs (1) and (2) of this paragraph and the acreage allocated by the State committee from the State reserve for this purpose shall be used by the county committee (i) for establishing base acreage allotments for old cotton farms for which base acreage allotments were not established at the time base acreage allotments were originally established for old cotton farms in the county because of oversight on the part of the county committee, and (ii) for correcting errors in farm base acreage allotments.

(4) *Combined reserves.* The State committee may establish a single reserve to be allocated to counties for uses set forth in subparagraphs (1) and (3) of this paragraph. The county committee may establish a single reserve to be allocated to farms for the purposes set forth in subparagraphs (1) and (3) of this paragraph.

(h) *Equitable adjustments from State reserve for all old cotton farms.* Under the conservation programs, acreage diverted from the production of cotton shall be considered acreage devoted to cotton for purposes of establishing future State, county, and farm base acreage allotments. In order to prevent inequitable allotments on farms included in such programs, the State reserve for categories other than new farms shall not be larger than the acreage required to give all old cotton farms equal consideration, whether the farm history resulted from actual seeding of cotton or from acreage history required by law.

(i) *Limitation on adjustments for farms transferring base acreage allotments.* If acreage was transferred from the farm by sale, lease, or by owner in the current or prior year, the county committee may adjust farm base acreage allotments for such farms with reserve acreage only in exceptional cases including but not limited to cases where the transferor will not benefit from the adjustment, or the transfer was temporary and allotment has been returned to the farm for the current year. Any such adjustment shall be subject to the approval of a representative of the State committee.

3. Section 722.408 is amended by revising paragraph (b)(4)(i) to read as follows, and by revising the table in paragraph (b)(7)(iv) by changing the closing dates for Arizona, Arkansas, California, Georgia, Kentucky, Mississippi, North Carolina, Tennessee, and Virginia to read as follows:

§ 722.408 Release and reapportionment of cotton base acreage allotment.

* * * * *

(b) * * *

(4) * * *

(i) The farm base acreage allotment for any farm to which released base acreage allotment is reapportioned shall not exceed the cropland for the farm.

* * * * *

(7) * * *

(iv) * * *

State	Closing date for release and requests for reapportionment	Final date for reapportionment
* * *	* * *	* * *
Arizona	Mar. 10	1 month following applicable closing dates for release and requesting reapportionment.
Arkansas	Mar. 3	Do.
California	Mar. 15	Do.
Georgia	Mar. 17	Do.
Kentucky	Apr. 17	Do.
Mississippi	Mar. 24	Do.
North Carolina	Mar. 10	Do.
Tennessee	Mar. 15	Do.
Virginia	Mar. 15	Do.
* * *	* * *	* * *

§ 722.411 [Amended]

4. Paragraph (d) of § 722.411 is deleted. Paragraphs (e) and (f) are redesignated (d) and (e), respectively.

5. Section 722.418 is amended to read as follows:

§ 722.418 Transfers by sale or lease across county lines.

Transfers by sale or lease across county lines within the same State may be authorized by the county committee of the county from which the allotment is to be transferred if the committee (a) finds that a demand for such base acreage allotment no longer exists in such county, and (b) approves any transfers of base acreage allotments to farms outside such county. The county committee shall make its determination and announce it no later than the date that original allotment notices are mailed in the county. In making its finding whether a demand for base acreage allotments no longer exists in the county, the county committee should consider any factor reasonably related to such a demand. A strong indication that such demand no longer exists in the county would be (1) that a majority of the producers voting in the last transfer referendum voted to approve transfers from the county, (2) that released acreage was surrendered to the State committee in a prior year, or (3) that the price offered for transferred cotton is substantially less in the county than it is for cotton transferred out of county. The county committee may make separate determinations for transfers by sale and transfers by lease. For example, a county committee may determine that there is a basis for permitting out-of-county transfers by lease but not by sale. The county committee may prescribe an initial period during which only transfers within-county will be approved.

After this period out-of-county transfers may be approved. This period may not extend beyond February 1 or such later date as may be approved by the deputy administrator. To the extent practicable, the county committee shall give general publication to determinations under this section. The original determination by the county committee shall be the final one and should contain a summary of the facts upon which based. The original determination of the county committee shall not be subject to reconsideration by the county committee.

7. Section 722.419 is amended to read as follows:

§ 722.419 Records of transfer.

(a) *Persons eligible to file records of transfers*—(1) *Sale or lease.* The owner and operator of any old cotton farm for the current year for which an upland cotton base acreage allotment is or will be established for the year in which the transfer is to take effect is eligible to file a record of sale or lease of all or part of such base acreage allotment to any other owner or operator of an old cotton farm for which a current year base acreage allotment is established for transfer to such farm. If the owner and operator of the farm from which transfer by sale or lease is to be made are different persons, both such persons shall execute the record. Either the owner or operator of the receiving farm is required to sign the transfer. A county committee member or employee must witness the signature of either the owner or operator of the transferring farm and the owner or operator of the receiving farm. If such signatures cannot be witnessed in the county office where the farm is administratively located, they may be witnessed in any county office convenient to the owner's or operator's residence. The requirement that signature be witnessed for producers who are ill, infirm, reside in distant areas, or are in other similar situations may be met by mail, provided a request is made by one of the parties to the transfer. In the case of a permanent transfer, such request must be accompanied by a statement signed by all parties to the transaction confirming that the sale has been made.

(2) *By owner.* The owner of any old cotton farm for which an upland cotton base acreage allotment is or will be established for the year in which the transfer is to take effect is eligible to file a record to transfer such base acreage allotment from the farm to another farm in the same State owned or controlled by such owner. The county committee shall approve a transfer under this subparagraph requested on a nonpermanent basis to a farm controlled but not owned by the applicant only if such applicant will be the operator of the farm to which transfer is to be made for each of the years for which the transfer is requested. However, if the county committee determines that the applicant is prevented from remaining the operator of such farm for which such transfer has been approved due to conditions beyond his control, the transfer shall remain in effect. Conditions beyond his control shall include, but are not limited to, death, illness, incompetency, or bankruptcy of such person.

(b) *When records to be filed.* Records of transfers may be filed during the period beginning on the date original notices of base acreage allotment are mailed to farm operators and ending on the date established by the State committee as the closing date for release and requests for reapportionment of base acreage allotment according to § 722.408 (b). The State committee may authorize a record of transfer to be filed after the closing date upon a finding that the producer was prevented from filing for reasons beyond his control.

(c) *Where records to be filed.* Records shall be filed with the county committee of the county where the farm to which the base acreage allotment is to be transferred is located, but the county office of the county where the farm from which the base acreage allotment is to be transferred is located is hereby authorized to receive records on behalf of such county committee and shall forward a copy of each record to such county committee.

8. Paragraph (b) of § 722.420 is amended to read as follows:

§ 722.420 Amount of base acreage allotment transferable.

* * * * *

(b) *Productivity adjustments.* For the purpose of the adjustments in this paragraph, the word "yield" means that finally determined payment yield established for the farm for the year preceding the year the transfer is to take effect. The county committee shall determine the amount of base acreage allotment to be transferred by sale, lease, and by owner, where productivity adjustment is required under this paragraph as follows:

(1) Multiply the transferred acres by the payment yield for the transferring farm. The result is the number of pounds transferred.

(2) Divide the pounds transferred by the payment yield for the receiving farm. The result is the number of acres by which the allotment on the receiving farm is to be increased. The amount of base acreage allotment which may be transferred is limited to the cropland on the receiving farm less the receiving farm's current upland cotton allotment. In the case of temporary transfers of base acreage allotment for 2 or more years by lease or by owner, the productivity adjustment and amount of base acreage allotment so transferred shall be redetermined by the county committee each year the transfer remains in effect.

* * * * *

9. Paragraph (e) of § 722.421 is deleted. Paragraphs (f), (g), (h), and (i) are redesignated (e), (f), (g), and (h), respectively. The redesignated paragraph (e) is amended to read as follows:

§ 722.421 Additional conditions and limitations.

* * * * *

(e) *Limitation on transfers to and from a farm.* No transfer of base acreage allotment under section 344a of the act for any year shall be made (1) from a farm receiving base acreage allotment by transfers under section 344a of the act for such year, or (2) to a farm which has had base acreage allotment transferred from it under section 344a of the act for such year. Where an allotment is transferred temporarily from a farm for 1 or more years (and the transfer remains in effect) and the farm is subsequently combined with another farm that is otherwise eligible to receive allotment by transfer, such earlier temporary transfer from the parent farm shall be disregarded for the purpose of applying this provision.

* * * * *

10. A new § 722.423 is added to read as follows:

RECORDKEEPING REQUIREMENTS

§ 722.423 Records and reports.

The recordkeeping and reporting requirements for upland cotton are contained in §§ 722.89 to 722.95 and 722.99 of the cotton marketing quota regulations.

(Secs. 301, 344a, 350, 375, 52 Stat. 38, as amended, 79 Stat. 1197, as amended, 79 Stat. 1193 as amended, 52 Stat. 66, as amended; 7 U.S.C. 1301, 1344b, 1350, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on February 11, 1972.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-2369 Filed 2-15-72;8:54 am]

PART 724—FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), AND CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55) TOBACCO

Subpart—Proclamation, Determinations and Announcements of National Marketing Quotas and Referedum Results

MARKETING QUOTA REFERENDUM RESULTS

Basis and purpose. Sections 724.26 and 724.27 are issued pursuant to and in accordance with section 312 of the Agricultural Adjustment Act of 1938, as amended, to proclaim the marketing quota referenda results for Cigar-binder (types 51 and 52) and Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco, respectively, for the 3 marketing years beginning October 1, 1972, October 1, 1973, and October 1, 1974. Under the provisions of the same section of the Act, the Secretary proclaimed national marketing quotas for Cigar-binder (types 51 and 52) tobacco and for Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco, for the 1972–73, 1973–74, and 1974–75 marketing years, and announced the amount of the national marketing quota for each of such

kinds of tobacco for the 1972–73 marketing year (36 F.R. 24060). The Secretary announced (36 F.R. 24233) that separate referenda would be conducted by mail ballot during the period January 10–14, 1972, each inclusive, to determine whether Cigar-binder (types 51 and 52) tobacco producers and Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco producers were in favor of or opposed to marketing quotas for the 3 marketing years beginning October 1, 1972, October 1, 1973, and October 1, 1974.

The material previously appearing in these sections under centerhead Marketing Quota Referendum Results remain in full force and effect as to the crops to which they were applicable.

The only purpose of this document is to proclaim the results of the referenda. It is hereby found and determined that with respect to this proclamation, application of the notice and procedure provisions of 5 U.S.C. 553 is unnecessary.

§ 724.26 Cigar-binder (types 51 and 52) tobacco—1972–73, 1973–74, and 1974–75 marketing years.

In a referendum of farmers engaged in the production of the 1971 crop of Cigar-binder (types 51 and 52) tobacco held during the period January 10 to 14, each inclusive, 282 farmers voted. Of those voting, 260 or 92.2 percent, favored quotas for a period of 3 years beginning October 1, 1972; 22 or 7.8 percent were opposed to quotas. Therefore, the national marketing quota of 11.9 million pounds proclaimed December 16, 1971 (36 F.R. 24061), for Cigar-binder (types 51 and 52) tobacco for the 1972–73 marketing year will be in effect, and marketing quotas will be in effect for the 3 years beginning October 1, 1972, October 1, 1973, and October 1, 1974.

§ 724.27 Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco—1972–73, 1973–74, and 1974–75 marketing years.

In a referendum of farmers engaged in the production of the 1971 crop of Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco held during the period January 10 to 14, each inclusive, 3,629 farmers voted. Of those voting, 3,309 or 91.2 percent, favored quotas for a period of 3 years beginning October 1, 1972; 320 or 8.8 percent were opposed to quotas. Therefore, the national marketing quota of 33.7 million pounds proclaimed December 16, 1971 (36 F.R. 24061), for Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco for the 1972–73 marketing year will be in effect, and marketing quotas will be in effect for the 3 marketing years beginning October 1, 1972, October 1, 1973, and October 1, 1974.

(Secs. 312, 375, 52 Stat. 46, as amended, 66, as amended; 7 U.S.C. 1312, 1375)

Signed at Washington, D.C., on February 9, 1972.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-2370 Filed 2-15-72;8:55 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Miscellaneous Amendments

Under the provisions of section 170 of the Atomic Energy Act of 1954, as amended, the holder of a license for a production or utilization facility is required to have and maintain financial protection to cover public liability claims, and the Atomic Energy Commission is required to indemnify the licensee and other persons indemnified against public liability claims in excess of the amount of financial protection required. Subsection 170b. requires that for facilities designed for producing substantial amounts of electricity and having a rated capacity of 100 electrical megawatts or more, the amount of financial protection required shall be the maximum amount available from private sources. For other licensees, the Commission may require lesser amounts of financial protection. Financial protection may be in the form of private insurance, private contractual indemnities, self-insurance or other proof of financial responsibility, or a combination of such measures. Nonprofit educational institutions and Federal agencies are not required to obtain financial protection.

The insurers who provide private nuclear liability insurance, Nuclear Energy Liability Insurance Association and Mutual Atomic Energy Liability Underwriters, have advised the Commission that effective January 1, 1972, the maximum amount of privately available nuclear energy liability insurance has been increased from $82 million to $95 million. Pursuant to the provisions of subsection 170b. of the Act, the amount of financial protection required for facilities having a rated capacity of 100 electrical megawatts or more will be increased to $95 million, effective March 1, 1972. The following amendments to 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," reflect this requirement.

Since the amendments set out below conform the Commission's regulations to a statutory requirement, the Commission has found that good cause exists for omitting public notice of proposed rule making and public procedure thereon as unnecessary.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Part 140, Code of Federal Regulations, are published as a document subject to codification, to be effective March 1, 1972.

1. Section 140.11(a)(4) is amended by deleting "$82,000,000" and substituting therefor "$95,000,000."

2. Section 140.91, Appendix A, Conditions, paragraph 4, is amended by deleting footnote 1 and substituting therefor a new footnote 1 to read as follows: "For policies issued by Nuclear Energy Liability Insurance Association the amount will be $73,625,000; for policies issued by Mutual Atomic Energy Liability Underwriters, the amount will be $21,375,000."

3. Section 140.91, Appendix A., Optional Amendatory Endorsement, paragraph III, is amended by deleting footnote 1 and substituting therefor a new footnote 1 to read as follows: "For policies issued by Nuclear Energy Liability Insurance Association the amount will be $73,625,000; for policies issued by Mutual Atomic Energy Liability Underwriters the amount will be $21,375,000."

4. Section 140.92, Appendix B, Article II, paragraph 8(a), is amended by deleting the number "$63,550,000" wherever it appears and substituting therefor "$73,625,000."

5. Section 140.92, Appendix B, Article II, paragraph 8(b), is amended by deleting the number "$18,450,000" wherever it appears and substituting therefor "$21,375,000."

6. Section 140.92, Appendix B, Article II, paragraph 8(c), is amended by deleting the number "$82,000,000" wherever it appears and substituting therefor "$95,000,000."

7. Section 140.92, Appendix B, Article III, paragraph 4(b)(2), is amended by changing "$82,000,000" to "$95,000,000."

8. Section 140.93, Appendix C, Article II, paragraph 8, is amended by deleting the number "$82,000,000" wherever it appears and substituting therefor the number "$95,000,000."

9. Section 140.93, Appendix C, Article III, paragraph 4(b)(2), is amended by changing "$82,000,000" to "$95,000,000."

10. Section 140.94, Appendix D, Article II, paragraph 6, is amended by changing "$82,000,000" to "$95,000,000."

11. Section 140.95, Appendix E, Article III, paragraph 4(b)(2), is amended by changing "$82,000,000" to "$95,000,000."

(Secs. 161, 170, 68 Stat. 948, 71 Stat. 576; 42 U.S.C. 2201, 2210)

Dated at Germantown, Md., this 11th day of February 1972.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.72-2431 Filed 2-15-72;8:55 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 72-52]

PART 21—CARTAGE AND LIGHTERAGE

Procedures for Revoking or Suspending Licenses and Identification Cards

On November 20, 1971, there was published in the FEDERAL REGISTER (36 F.R. 22162) a notice of proposed rule making to amend §§ 21.2 and 21.6 of the Customs regulations (19 CFR 21.2, 21.6) and to add a new § 21.2a, to prescribe procedures to be followed by the Bureau of Customs in revoking or suspending a cartman or lighterman license or identification card

issued by the Bureau of Customs. Interested persons were given 30 days in which to submit in writing any data, views, or arguments pertaining to the proposed amendment.

No objections have been received and the amendments as proposed, with a change in subparagraph (5) to § 21.6(b) to clarify the application of the revocation or suspension procedure where a license has been issued to a corporation, are adopted as set forth below.

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

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: February 4, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

Section 21.2 is amended to read as follows:

§ 21.2 Identification cards.

(a) When required for purposes of local Customs administration, the district director of Customs may require each licensed cartman or lighterman and each employee thereof who receives, transports, or otherwise handles imported mechandise which has not been released from Customs custody to carry and display upon request of a Customs officer an identification card issued by the Bureau of Customs. An identification card shall not be issued to any person whose employment in connection with the transportation of bonded merchandise will, in the judgment of the district director, endanger the revenue.

(b) An application for an identification card required pursuant to paragraph (a) of this section shall be filed personally by the applicant with the district director of Customs on Customs Form 3078 together with two 1¼" x 1¼" color photographs of himself. The fingerprints of the applicant shall also be required on Standard Form 87 at the time of the filing of the application.

(c) The identification card shall be issued on Customs Form 3873 and shall not be valid for Customs purposes unless the U.S. Customs seal is impressed thereon.

(d) The identification card shall be in the possession of the person in whose name the card is issued at all times when he is engaged in transactions with respect to imported merchandise. It shall be the responsibility of each person to whom an identification card is issued to encase it in protective transparent plastic so that both sides are clearly visible.

(e) Should an identification card be presented by a person other than the one to whom it was issued, such card shall be forthwith confiscated.

(f) When there has been a change in the name, address, or employer of the card holder, the card shall be promptly submitted by the card holder to the district director supported by an application in the proper form indicating the change so that it may be officially changed on the Customs records. New cards shall be issued when necessary.

(g) The identification card shall be surrendered to the district director by the card holder when he leaves the employment of the cartman or lighterman, when the cartman or lighterman bond or license is terminated, or when the card is revoked or suspended pursuant to § 21.2a.

(h) The loss or theft of an identification card shall be promptly reported by the card holder to the district director of Customs.

(Secs. 565, 624, 46 Stat. 747, as amended, 759; 19 U.S.C. 1565, 1624)

Part 21 is amended by adding a new § 21.2a as follows:

§ 21.2a Revocation or suspension of identification cards; hearings.

(a) An identification card issued pursuant to this part may be revoked or suspended by the district director if—

(1) Such card was obtained through fraud or the misstatement of a material fact; or

(2) The holder of such card is convicted of a felony, or convicted of a misdemeanor involving theft, smuggling, or any theft-connected crime; or

(3) The holder permits the card to be used by any other person, or refuses to produce it upon the proper demand of a Customs officer; or

(4) The holder fails to abide by the rules and regulations prescribed in this part.

(b) The district director of Customs shall revoke or suspend an identification card by serving notice of the proposed action in writing upon the card holder. Such notice shall be in the form of a statement specifically setting forth the grounds for revocation or suspension of the identification card and shall be final and conclusive upon the card holder unless within 10 days following receipt of such notice he shall file with the district director a written notice of appeal. The appeal shall be filed in duplicate and shall set forth the response of the holder to the statement of the district director. The card holder in his notice of appeal may request a hearing.

(c) If a hearing is requested by a card holder in his notice of appeal, it shall be held before a hearing officer designated by the Secretary of the Treasury or his designee within 30 days following application therefor. The card holder shall be notified of the time and place of the hearing at least 5 days prior thereto. The holder of the identification card may be represented by counsel at such a hearing, and all evidence and testimony of witnesses in such a proceeding, including substantiation of the charges and the answer thereto shall be presented, with the right of cross-examination to both parties. A stenographic record of any such proceeding shall be made and a copy thereof shall be delivered to the card holder. At the conclusion of such proceeding or review of a written appeal, the hearing officer or the district director, as the case may be, shall forthwith transmit all papers and the stenographic record of the hearing, if held, to the Commissioner of Customs, together with his recommendation for final action. Following a hearing and within 10 calendar days after delivery of a copy of the stenographic record, the card holder may submit to the Commissioner in writing additional views and arguments on the basis of such record. If neither the card holder nor his attorney appear for a scheduled hearing, the hearing officer shall conclude the hearing and transmit all papers with his recommendation to the Commissioner of Customs. The Commissioner shall thereafter render his decision in writing, stating his reason therefor, with respect to the action proposed by the hearing officer or the district director. Such decision shall be transmitted to the district director and served by him on the card holder.

(Secs. 565, 624, 46 Stat. 747, as amended, 759; 19 U.S.C. 1565, 1624)

Section 21.6 is amended to read as follows:

§ 21.6 Suspension or revocation of licenses of cartman or lighterman.

(a) Inspectors or other Customs officers may require any person claiming to be a licensed customhouse cartman or lighterman to produce his license for inspection. The district director may also require that licensed cartmen and lightermen make, keep, and promptly submit for Customs inspection and examination upon request therefor, such current written records relating to cartage and lighterage as may be needed for purposes of local Customs administration.

(b) The district director may revoke or suspend the license of a cartman or lighterman if:

(1) His license is not promptly produced upon demand;

(2) His vehicle or vessel is not properly marked, as required by § 21.1(c);

(3) The cartman or lighterman refuses or neglects to obey any proper order of a Customs officer or any Customs order, rule, or regulation relative to the cartage or lighterage of merchandise, including the marking, keeping, and submitting of current written records relating to cartage and lighterage;

(4) The license was obtained through fraud or the misstatement of a material fact;

(5) The holder of such a license or an officer of a corporation holding such a license is convicted of a felony, or is convicted of a misdemeanor involving theft, smuggling or a theft-connected crime;

(6) The holder of such license permits it to be used by any other person.

(c) The district director of Customs shall revoke or suspend a license by serving notice of the proposed action in writing upon the holder of the license. Such notice shall be in the form of a statement specifically setting forth the grounds for revocation and suspension of the license and shall be final and conclusive upon the licensee unless within 10 days following receipt of such notice he shall file

with the district director a written notice of appeal. The appeal shall be filed in duplicate and shall set forth the response of the licensee to the statement of the district director. The licensee in his notice of appeal may request a hearing.

(d) If a hearing is requested, it shall be held before a hearing officer designated by the Secretary of the Treasury or his designee within 30 days following application therefor. The licensee shall be notified of the time and place of the hearing at least 5 days prior thereto. The holder of the license may be represented by counsel at such a hearing, and all evidence and testimony of witnesses in such proceeding, including substantiation of the charges and the answer thereto shall be presented, with the right of cross-examination to both parties. A stenographic record of any such proceeding shall be made and a copy thereof shall be delivered to the licensee. At the conclusion of such proceeding or review of a written appeal, the hearing officer or the district director, as the case may be, shall forthwith transmit all papers and the stenographic record of the hearing, if held, to the Commissioner of Customs, together with his recommendation for final action. Following a hearing and within 10 calendar days after delivery of a copy of the stenographic record, the licensee may submit to the Commissioner in writing additional views and arguments on the basis of such record. If neither the licensee nor his attorney appear for a scheduled hearing, the hearing officer shall conclude the hearing and transmit all papers with his recommendation to the Commissioner of Customs. The Commissioner shall thereafter render his decision, in writing, stating his reasons therefor, with respect to the action proposed by the hearing officer or the district director. Such decision shall be transmitted to the district director and served by him on the licensee.

(Secs. 565, 624, 46 Stat. 747, as amended, 759; 19 U.S.C. 1565, 1624)

[FR Doc.72-2330 Filed 2-15-72;8:53 am]

[T.D. 72-53]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Delinquent Deferred Taxes on Alcoholic Beverages

On September 3, 1971, there was published in the FEDERAL REGISTER (36 F.R. 17653) a notice of proposed rule making setting forth a proposed amendment to the Customs Regulations relating to collection of interest on delinquent deferred taxes on alcoholic beverages. Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed regulations. After consideration of all representations received in response to the notice, the proposed amendment is hereby adopted as follows:

In § 24.4, paragraph (f) is amended to read as follows:

§ 24.4 Optional method for payment of estimated import taxes on alcoholic beverages upon entry, or withdrawal from warehouse, for consumption.

* * * * *

(f) *Payment procedure*—(1) *Billing.* Each importer who has deferred tax payments on imported alcoholic beverages will be billed at the end of each tax deferral period for all taxes deferred during the period. A statement will accompany each bill listing each tax amount deferred and the related entry number. These bills must be paid in full by the last day of the next succeeding deferral period.

(2) *Interest on overdue accounts.* When any bill for deferred taxes is not paid within the period specified in subparagraph (1) of this paragraph, interest thereon at the rate of 6 percent per annum from the date following the end of the specified period to the date of payment of the bill shall be assessed, collected and paid in the same manner as the basic tax.

The citation of authority for § 24.4 is amended to read:

(Sec. 201, 72 Stat. 1322, 1334, 1335, 68A Stat. 817, as amended, 917; 26 U.S.C. 5007, 5054, 5061, 6601, 7805) (R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

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

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: February 4, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-2329 Filed 2-15-72;8:53 am]

Title 20—EMPLOYEES' BENEFITS

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

[Regs. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950____)

Subpart E—Deductions; Reductions; Nonpayments; Increases

REDUCTION OF DISABILITY BENEFIT BASED ON RECEIPT OF WORKMEN'S COMPENSATION

On November 6, 1971, there was published in the FEDERAL REGISTER (36 F.R. 21360) a notice of proposed rule making with a proposed amendment to Subpart E of Regulations No. 4. The proposed amendment to the regulations specifies that in computing the reduction of a disability insurance benefit on account of receipt of a workmen's compensation benefit, amounts paid or incurred, or to be incurred, for medical, legal, or related expenses, which are not counted for purposes of the reduction, may be evidenced by the workmen's compensation award, compromise agreement, or court order, or by such other evidence as the Administration may require. Interested persons were given the opportunity to submit within 30 days, data, views, or arguments with regard to the proposed amendments. No comments have been received and the proposed amendment is adopted without change.

Effective date. These amendments shall be effective upon publication in the FEDERAL REGISTER (2-16-72).

Dated: January 31, 1972.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: February 10, 1972.

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

Section 404.408 is amended by revising paragraph (d) to read as follows:

§ 404.408 Reduction of benefits based on disability on account of receipt of workmen's compensation.

* * * * *

(d) *Items not counted for reduction.* Amounts paid or incurred, or to be incurred, by the individual for medical, legal, or related expenses in connection with his workmen's compensation claim, or the injury or occupational disease on which his workmen's compensation award or settlement agreement is based, are excluded in computing the reduction under paragraph (a) of this section to the extent that they are consonant with State law. Such medical, legal, or related expenses may be evidenced by the workmen's compensation award, compromise agreement, or court order in the workmen's compensation proceeding, or by such other evidence as the administration may require. Such other evidence may consist of:

(1) A detailed statement by the individual's attorney, physician, or the employer's insurance carrier; or

(2) Bills, receipts, or canceled checks; or

(3) Other clear and convincing evidence indicating the amount of such expenses; or

(4) Any combination of the foregoing evidence from which the amount of such expenses may be determinable.

Any expenses not established by evidence required by the administration will not be excluded.

* * * * *

(Secs. 205, 224, 1102, 53 Stat. 1368, as amended, 79 Stat. 406, as amended, 49 Stat. 647, as amended; sec. 5, Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 424, 1302)

[FR Doc.72-2539 Filed 2-15-72;8:53 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Sulfadimethoxine

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (13-526V) filed by Affiliated Laboratories, Division of Whitmoyer Laboratories, Inc., Myerstown, Pa. 17067, proposing the safe and effective use of sulfadimethoxine tablets for the treatment of dogs and cats. The supplemental application is approved.

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

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

1. Section 135.501 is amended in paragraph (c) by adding a new code number 069 as follows:

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

* * * * *

(c) * * *

Code No.	*Firm name and address*
* * *	* * *
069	Affiliated Laboratories, Division Whitmoyer Laboratories, Inc., Myerstown, Pa. 17067

2. Section 135c.13 is amended by revising paragraph (b) and by adding a new item 2 to table 2 in paragraph (e) as follows:

§ 135c.13 Sulfadimethoxine.

* * * * *

(b) *Sponsor.* (1) For items 1 and 2 in table 1 and item 1 in table 2, paragraph (e), see code No. 020 in § 135.501(c) of this chapter.

(2) For item 2 in table 2, paragraph (e), see code No. 069 in § 135.501(c) of this chapter.

* * * * *

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

* * * * *

TABLE 2—IN TABLETS

	Amount	Limitations	Indications for use
* * *	* * *	* * *	* * *
2. Sulfadimethoxine.	12.5 to 25 milligrams per pound body weight.	For dogs and cats; administer 25 milligrams per pound of body weight followed by 12.5 milligrams per pound of body weight daily thereafter for 3 to 5 days; in most cases 3 to 5 days of treatment is adequate; however, treatment should be continued until the patient is without clinical signs for 48 hours; animals must maintain adequate water intake during treatment; for use by or on the order of a licensed veterinarian.	For the treatment of respiratory infections, genitourinary tract infections, enteritis and soft tissue infections in dogs and cats when caused by streptococci, staphylococci, escherichia, salmonella or shigella organisms sensitive to sulfadimethoxine and for the treatment of canine bacterial enteritis associated with coccidiosis and canine salmonellosis.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (2-16-72).

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

Dated: February 7, 1972.

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

[FR Doc.72-2219 Filed 2-15-72;8:45 am]

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

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

Revocation of Exemption From Certification for Certain Penicillin and Bacitracin Drugs

In a notice published in the FEDERAL REGISTER of August 6, 1971 (36 F.R. 14477), the Commissioner of Food and Drugs proposed to revoke the blanket exemptions from certification of crystalline penicillin G for injection, buffered crystalline penicillin G for injection and bacitracin ointment by amending the antibiotic drug regulations. The grounds for this proposal were stated in the notice.

The proposal provided interested persons 30 days in which to submit written comments. Upon receipt by the Commissioner of requests and good reason appearing therefore, the time for filing comments on the subject proposal was extended to October 5, 1971. Comments were received from three respondents: The Pharmaceutical Manufacturers Association and two pharmaceutical companies.

The Pharmaceutical Manufacturers Association, on behalf of its 112 member companies, opposed the proposal contending that there appeared to be a lack of evidence to indicate the development of a continuing pattern necessitating the deletion of an industrywide exemption from certification. The Pharmaceutical Manufacturers Association further contended, in keeping with section 507(c) of the Food, Drug, and Cosmetic Act, that a more equitable policy would be the revocation of exemption privileges on a manufacturer-by-manufacturer basis.

One firm commented favorably on the proposal acknowledging the existence of a previously approved antibiotic Form 6 exemption.

A second firm commented that section 507(c) of the Act provides for the conditions whereby antibiotic drug products may be exempt from certification for either all manufacturers or for individual manufacturers and that its long history of production of batches in compliance with the antibiotic regulations entitled it to a continuation of the exemption from certification.

Having considered the comments received and other relevant information, the Commissioner concludes that sufficient data have been accumulated representing a significant cross section of the industry concerned, to establish that the problems of nonsterile, subpotent, and otherwise defective batches of these antibiotic drugs are such that in order to insure the safety and effectiveness of their intended use they should be subject to certification procedures unless adequate grounds are shown for the exemption of individual drugs.

Manufacturers should submit applications (Form 6) provided for in the Code of Federal Regulations (21 CFR 146.2) under the provisions of section 507(a) or applications to meet exemptions under section 507(c) of the Federal Food, Drug, and Cosmetic Act. One hundred eighty days following the effective date of this

order the shipment of crystalline penicillin G for injection, buffered crystalline penicillin G for injection or bacitracin ointment from a batch for which a certificate, release, or exemption has not been issued will be regarded as in violation of section 502(1) of the Act.

Therefore, 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 (21 CFR 2.120), Parts 146a and 146e of the antibiotic drug regulations are amended as follows:

§ 146a.24 [Amended]

1. By revoking paragraph (f) from § 146a.24 *Sodium penicillin.*

§ 146a.37 [Amended]

2. By revoking paragraph (f) from § 146a.37 *Buffered crystalline penicillin.*

§ 146e.402 [Amended]

3. By revoking paragraph (f) from § 146e.402 *Bacitracin ointment; zinc bacitracin ointment.*

Effective date. This order shall become effective 30 days after its date of publication in the FEDERAL REGISTER.

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

Dated: February 4, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-2297 Filed 2-15-72;8:52 am]

SUBCHAPTER E—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS OTHER THAN THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

PART 295—REGULATIONS UNDER THE POISON PREVENTION PACKAGING ACT OF 1970

Child Protection Packaging Standards for Preparations Containing Aspirin

In the FEDERAL REGISTER of September 1, 1971 (36 F.R. 17512), the Commissioner of Food and Drugs proposed child protection packaging standards for preparations containing aspirin. Thirty days were allowed for comments, and this was extended to January 19, 1972, by subsequent notices (36 F.R. 19703, 21832, 25235). Approximately 50 comments were received from consumers, consumer interest groups, the medical and academic community, trade and professional associations, and the pharmaceutical and packaging industries. Thirteen of the comments supported the standards as proposed. The principal points raised in the other comments and the Commissioner's response to them are as follows:

A. *Unit packaging.* Several comments note the omission of any provision for unit packaging. As adopted November 20, 1971 (36 F.R. 22152) and as revised January 18, 1972 (37 F.R. 741), § 295.10 *Testing procedure for special packaging* provides for the testing of unit packaging, and the standards promulgated below have been appropriately changed to provide for unit packaging. Several comments filed after the testing procedure was adopted request that the unit packaging provision of such procedure be waived and that existing forms of unit packaging be authorized for continued use until more data are available on testing unit packaging. The Commissioner concludes, however, that due to child protection considerations, unit packaging must be tested by the procedure presently required by § 295.10. If experience indicates a need for change, the procedure will be amended or revised.

B. *Nonconsumer packages.* Numerous comments express concern that the packaging standards will apply to bulk shipments of pharmaceuticals, to packages of prescription drugs for multiple dispensing and not of a size to be presented directly to the consumer in filling a prescription, and to shipments of pharmaceuticals in unit packaging for institutional use. The person who places a household substance subject to these standards into a container or package must determine if that container is in fact a package in which the substance may be delivered to the consumer for use or storage in the household. If it is not, then these standards do not apply. However, the responsibility for repackaging prescribed drugs in accordance with this standard rests with the individual dispensing such substances at the retail or user level.

C. *Use by the elderly or handicapped.* Several comments express concern that elderly or handicapped persons may have difficulty using special packaging. Section 4(a) of the act provides that substances subject to special packaging standards may also be packaged in noncomplying packaging within prescribed limitations. Section 4(b) provides that prescribed drugs subject to such standards may be packaged in a noncomplying package either at the direction of the practitioner issuing the prescription or on request of the purchaser.

D. *Effectiveness.* Two comments recommend that the percent of child-resistant effectiveness be increased to from 98 to 100 percent. An effectiveness specification of 100 percent is prohibited by section 2(4) of the act. If experience with special packaging demonstrates a need for changing the effectiveness specifications, such changes may be made if they are technically feasible, practicable, and appropriate.

E. *Technically feasible, practicable, and appropriate.* Several comments from the industry and from trade and professional associations contend that the proposed special packaging is not technically feasible, practicable, and appropriate for aspirin-containing preparations. Section 3(a)(2) of the act provides that a finding must be made that such special packaging is technically feasible, practicable, and appropriate for the subject substance. On the basis of reports and data from industry and other relevant information, the Commissioner finds that the special packaging required herein is:

1. Technically feasible because technology exists to produce special packages conforming to the standard. At least 10 different special packages have been tested in accordance with § 295.10 (21 CFR 295.10) that meet or exceed the child-resistant effectiveness and adult-use effectiveness specifications in § 295.3 (b).

2. Practicable in that it is susceptible to modern mass production and assembly line techniques. Reported production data indicates a capability to adequately meet the needs of the affected industries.

3. Appropriate since special packaging is not detrimental to the integrity of the substance and will not interfere with its storage or use.

F. *Sample packages.* Several comments object to the submission of sample packages. They contend that this may involve an inordinate number of packages from one manufacturer and that the act does not specifically provide for submission of samples. The Commissioner concludes that this requirement is necessary to accomplish the purposes of the act and will assist in determining whether a substance offered by a manufacturer or packer in a noncomplying package is also being supplied by such manufacturer or packer in popular size packages complying with the standards. The Commissioner also concludes, however, that the requirement for submission of sample packages should be modified to reduce the number of packages that must be submitted by each manufacturer or packer and § 295.2(b) has been changed accordingly.

G. *Effective date.* Several manufacturers and trade associations express concern over the effective date of the proposed standards. The principal comments note time factors involved in obtaining suitable special packaging, in conducting stability studies, and in modifying production lines to comply with the standards. Several comments requested specific effective dates. For example, a consumer interest group requested an immediate effective date; a pharmaceutical manufacturer requested a 9-month effective date; and a trade association requested an effective date of 1 year from the date this order is final. Having considered these comments and other relevant information, the Commissioner concludes that a period of 180 days is a necessary, reasonable, and sufficient time to allow affected persons to achieve full compliance with the standard established by this order. A sufficient amount of special packaging for preparations containing aspirin is not presently available to permit promulgating an effective date of less than 180 days and such an effective date would preclude the marketing of some aspirin preparations that are medically needed. An adequate supply of special packaging will be available within 180 days.

H. *Amounts of aspirin.* Several comments from manufacturers request clarification of the phrase "preparations containing significant amounts of aspirin" as used in the preamble to the proposal. The Commissioner concludes that all preparations containing aspirin are subject to these standards.

I. *Conflicting requirements.* Several comments from trade and professional associations express concern that requirements of the Poison Prevention Packaging Act and regulations thereunder will conflict with those of the Federal Food, Drug, and Cosmetic Act, its regulations, and official compendia dealing with packaging. The Commissioner concludes that the standards need appropriate clarification, and a new paragraph (c) has been added to § 295.2 to so provide.

J. *Reuse of special packaging.* A comment from the packaging industry suggests that the reuse of special packaging for drugs subject to special packaging standards should be prohibited. The Commissioner agrees that reuse of special packaging may compromise its effectiveness, and an appropriate prohibition has been incorporated in the standards.

K. *Continued functioning.* The preamble to the document promulgating § 295.10 *Testing procedure for special packaging,* published November 20, 1971 (36 F.R. 22152), contains the statement "The effect of a particular substance on continued functioning of the special packaging under conditions of use will be considered in the individual standards for substances regulated under the act." Accordingly, § 295.3 has been revised to include a provision that special packaging must continue to function with the effectiveness specifications set forth in the regulation when in actual contact with the substance contained therein and must also continue to so function for the number of openings customary for its size and contents. These determinations may be made by appropriate scientific evaluation of the compatibility of the substance with the special packaging and by appropriate mechanical testing to measure such factors as force, wear, and stress.

L. *Flavoring and coloring.* Two consumer interest comments suggest that the flavoring and/or coloring of aspirin should be prohibited because this makes the package unnecessarily attractive to children. In light of the statutory definition of package set forth in section 2(3) of the act, as well as the explicit provision in section 3(d) which prohibits the prescribing of product content, the Commissioner concludes that there is no legal authority under this act to prohibit such a practice. In any event, special packaging is required for such products under this regulation.

M. *Miscellaneous.* One comment suggests that the Commissioner has authority to prohibit noncomplying packages until the manufacturer establishes that noncomplying packages would be appropriate. The Commissioner concludes that there is no such authority in the act. Another comment suggests that a protocol for field tests be developed. The impact of special packaging standards will be continuously monitored by the Food and Drug Administration. No comments were received concerning the finding made by the Commissioner pursuant to section 3(a)(1) of the act, and the finding is hereby confirmed.

N. *Exemptions.* The legislative history of the act indicates that exemptions from special packaging standards may be granted, and the preamble to the document promulgating § 295.10 indicates that the Commissioner is prepared to grant individual exemptions. Several pharmaceutical manufacturers requested exemptions for particular aspirin-containing products: Preparations in powder, suppository and chewing gum form; boluses for veterinary use; effervescent tablets; and cold tablets. Since the Commissioner does not have sufficient information to determine whether any of the requests should be granted, and since none of them has been published for comment in the FEDERAL REGISTER as required by section 5(a) of the act, these requests are hereby denied without prejudice. Any request for an example from a special packaging standard will be considered by the Commissioner. Such a request must be in writing and must furnish reasonable grounds therefor, including, but not limited to, available human experience data, relevant experimental data, toxicity information, product and packaging specifications, labeling, marketing history, and the justification for the exemption. If such request furnishes reasonable grounds therefor, the Commissioner will publish a notice in the FEDERAL REGISTER proposing the amendment of the standard. Following such publication, the proceedings shall be the same as prescribed by section 5 of the act.

Therefore, having evaluated the comments received and other relevant material, the Commissioner concludes that the proposal, with changes, should be adopted as set forth below. Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5; 84 Stat. 1670–72; 15 U.S.C. 1471–74) and under authority delegated to the Commissioner (21 CFR 2.120), two new sections are added to Part 295 as follows:

§ 295.2 Substances requiring "special packaging".

(a) *Substances.* The Commissioner of Food and Drugs has determined that the degree or nature of the hazard to children in the availability of the following substances, by reason of their packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances, and that the special packaging herein required is technically feasible, practicable, and appropriate for these substances:

(1) *Aspirin.* Any preparation containing aspirin shall be packaged in accordance with the provisions of § 295.3 (a), (b), and (c).

(b) *Sample packages.* (1) The manufacturer or packer of any of the substances listed under paragraph (a) of this section as substances requiring special packaging shall provide the Commissioner with a sample of each type of special packaging, as well as the labeling for each size product that will be packaged in special packaging and the labeling for any noncomplying package. Sample packages and labeling should be sent to the Food and Drug Administration, Attention: Bureau of Product Safety, 5600 Fishers Lane, Rockville, Md. 20852.

(2) Sample packages should be submitted without contents when such contents are unnecessary for demonstrating the effectiveness of the packaging.

(3) Any sample packages containing drugs listed under paragraph (a) of this section shall be sent by registered mail.

(4) As used in subparagraph (1) of this paragraph, the term "manufacturer or packer" does not include pharmacists and other individuals who dispense, at the retail or user level, drugs listed under paragraph (a) of this section as requiring special packaging.

(c) *Applicability.* Special packaging standards for drugs listed under paragraph (a) of this section shall be in addition to any packaging requirements of the Federal Food, Drug, and Cosmetic Act or regulations promulgated thereunder or of any official compendia recognized by that act.

§ 295.3 Poison prevention packaging standards.

To protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, the Commissioner has determined that packaging designed and constructed to meet the following standards shall be regarded as "special packaging" within the meaning of section 2(4) of the act. Specific application of these standards to substances requiring special packaging is in accordance with § 295.2.

(a) *General requirements.* The special packaging must continue to function with the effectiveness specifications set forth in paragraph (b) of this section when in actual contact with the substance contained therein. This requirement may be satisfied by appropriate scientific evaluation of the compatibility of the substance with the special packaging to determine that the chemical and physical characteristics of the substance will not compromise or interfere with the proper functioning of the special packaging. The special packaging must also continue to function with the effectiveness specifications set forth in paragraph (b) of this section for the number of openings and closings customary for its size and contents. This requirement may be satisfied by appropriate technical evaluation based on physical wear and stress factors, force required for activation, and other such relevant factors which establish that, for the duration of normal use, the effectiveness specifications of the packaging would not be expected to lessen.

(b) *Effectiveness specifications.* Special packaging which when tested by the method described in § 295.10, meets the following specifications:

(1) Child-resistant effectiveness of not less than 85 percent without a demonstration and not less than 80 percent after a demonstration of the proper

means of opening such special packaging. In the case of unit packaging, child-resistant effectiveness of not less than 80 percent.

(2) Adult-use effectiveness not less than 90 percent.

(c) *Reuse of special packaging.* Special packaging for substances subject to the provisions of this paragraph shall not be reused.

Effective date. This order shall become effective 180 days after its date of publication in the FEDERAL REGISTER.

(Secs. 2(4), 3, 5; 84 Stat. 1670–72; 15 U.S.C. 1471–74)

Dated: February 11, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-2358 Filed 2-15-72;8:53 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter I—Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development

SUBCHAPTER A—FAIR HOUSING

[Docket No. R-72-165]

PART 110—FAIR HOUSING POSTER

The purpose of this regulation is to require the display of a fair housing poster by persons subject to sections 804–806 of the Civil Rights Act of 1968 and to prescribe the content of this poster.

Notice of a proposed amendment to Title 24 to include a new Part 72 was published in the FEDERAL REGISTER on August 4, 1971 (36 F.R. 14336). (Under the reorganization of Title 24 published in the FEDERAL REGISTER on December 22, 1971 (36 F.R. 24402), the fair housing poster will become new Part 110.) Comments were received from approximately 20 interested persons and organizations and consideration has been given to each comment.

Some comments with respect to proposed § 72.10 criticized the coverage of the proposed regulation as too broad, while other comments objected that the coverage is too narrow, and various suggestions were made for changes in coverage. Comments were directed not only to what dwellings should be included but also to the stage at which the requirement should take effect and the persons to whom it should apply. In response to the comments, § 72.10(a) (now § 110.10 (a) and (b)) has been revised to clarify the extent of coverage, to broaden coverage to the extent appropriate and to eliminate unnecessary burdens where the requirement can appropriately be narrowed or eliminated. Under § 110.10 (a) and (b), display of the prescribed poster at a single-family dwelling is not required unless the dwelling is being offered for sale or rental in conjunction with the sale or rental of other dwellings; however if a real estate broker or agent is handling the sale or rental, he must display the poster at any place of business where the dwelling is being offered for sale or rental. With respect to all other dwellings covered by the Act, the poster must be displayed at any place of business where the dwelling is offered for sale or rental; in addition, the poster must be displayed at the dwelling, except that in the case of a single-family dwelling being offered for sale or rental in conjunction with the sale or rental of other dwellings, e.g., a subdivision, the poster may be displayed at model homes instead of at each of the individual dwellings. Finally, in the case of dwellings other than a single-family dwelling not being offered for sale or rental in conjunction with the sale or rental of other dwellings, the poster must be displayed from the beginning of construction through the end of the sale or rental process.

Several comments suggested revisions in the language of the poster described in proposed § 72.25. Such suggestions included rewriting the poster in terms of the individual's rights rather than the Act's prohibitions, adding additional prohibitions contained in the Act, emphasizing the nature of penalties for failure to post, and listing the HUD area office instead of the regional office as a location to which to send complaints. The new § 110.25 adopts the suggestion with regard to the area offices in that the poster will provide for insertion of the address of the regional or area office as appropriate. It has been decided that instead of lengthening the content of the poster by adding additional prohibitions, the poster should be made shorter and easier to understand by briefly highlighting the major prohibitions. In addition, the Equal Housing Opportunity logotype and slogan have been inserted at the top of the poster.

A comment by the Federal Home Loan Bank Board (FHLBB) recommended exempting from this regulation any person subject to a regulation of the FHLBB requiring that person to post a poster substantially similar in content to the poster described in HUD's regulation. A similar comment was made by the Board of Governors of the Federal Reserve System with respect to entities subject to supervision by any of the four Federal financial regulatory agencies. The Department will authorize a person subject to the jurisdiction of a Federal financial regulatory agency to utilize a poster prescribed in a regulation by such agency, and approved by the Department, instead of the poster prescribed by HUD. However, all of the other requirements of Part 110 will remain fully applicable regardless of whatever sanctions the regulatory agency prescribes for failure to comply with its regulation. This provision is set forth in § 110.25(b). The requirement, set forth in § 110.10(c), that financial institutions post and maintain a fair housing poster will not be effective until May 1, 1972, in order to allow time for the Federal financial regulatory agencies to issue appropriate regulations.

Proposed § 72.30 stated that a failure to display the poster as required would be deemed a discriminatory housing practice, i.e., an act unlawful under sections 804, 805, and 806 of title VIII, and prima facie evidence of a violation of those sections, as applicable. There were comments favoring this provision and a comment stating that such a provision was beyond the Department's authority on the ground that title VIII prescribes the specific acts of discrimination which are unlawful. There was also a comment recommending that failure to comply should subject a person to suspension from eligibility for FHA insurance.

The Department believes that it has the authority to require a fair housing poster, and that proposed § 72.30 does not prescribe a new violation not provided for in title VIII. Rather, the section provides an appropriate evidentiary mechanism for assisting in the determination of whether a violation of title VIII has occurred. For purposes of clarity, the provision has been combined with proposed § 72.35—complaints—into a new § 110.30—Effect of failure to display poster—and the combined text shortened. Under § 110.30, when a person claiming to have been injured by a discriminatory housing practice files a complaint pursuant to Part 105—Fair Housing, a failure to display the required poster shall be deemed prima facie evidence of such practice.

The comment with respect to application of additional sanctions is rejected, since such sanctions as well as others are provided in the Affirmative Fair Housing Marketing Regulations published January 5, 1972 (37 F.R. 75), for failure to make the posting required at FHA project sites by § 200.620(f) of that regulation. Although Part 110 is applicable to some persons who are not covered by the Affirmative Fair Housing Marketing regulations, the Department considers that the insertion in Part 110 of the sanctions proposed in the comment is not appropriate.

Accordingly, a new Part 110 is added to Title 24 to read as follows:

Subpart A—Purpose and Definitions

Sec.
110.1 Purpose.
110.5 Definitions.

Subpart B—Requirements for Display of Posters

110.10 Persons subject.
110.15 Location of posters.
110.20 Availability of posters.
110.25 Description of posters.

Subpart C—Enforcement

110.30 Effect of failure to display poster.

AUTHORITY: The provisions of this Part 110 are issued under section 7(d) of the Department of Housing and Urban Development Act of 1965 (42 U.S.C. 3535(d)).

Subpart A—Purpose and Definitions

§ 110.1 Purpose.

The regulations set forth in this part contain the procedures established by the Secretary of Housing and Urban Development with respect to the display of a fair housing poster by persons subject to sections 804–806 of the Civil Rights Act of 1968, 42 U.S.C. 3604–3606.

§ 110.5 Definitions.

(a) "Department" means the Department of Housing and Urban Development.

(b) "Discriminatory housing practice" means an act that is unlawful under section 804, 805, or 806 of title VIII.

(c) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(d) "Family" includes a single individual.

(e) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

(f) "Secretary" means the Secretary of Housing and Urban Development.

(g) "Fair housing poster" means the poster prescribed by the Secretary for display by persons subject to sections 804–806 of the Civil Rights Act of 1968.

(h) "The Act" means title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601 et seq.

(i) "Person in the business of selling or renting dwellings" means a person as defined in section 803(c) of the Act.

Subpart B—Requirements for Display of Posters

§ 110.10 Persons subject.

(a) Except to the extent that paragraph (b) of this section applies, all persons subject to section 804 of the Act, Discrimination in the Sale or Rental of Housing, shall post and maintain a fair housing poster as follows:

(1) With respect to a single-family dwelling (not being offered for sale or rental in conjunction with the sale or rental of other dwellings) offered for sale or rental through a real estate broker, agent, salesman, or person in the business of selling or renting dwellings, such person shall post and maintain a fair housing poster at any place of business where the dwelling is offered for sale or rental.

(2) With respect to all other dwellings covered by the Act:

(i) A fair housing poster shall be posted and maintained at any place of business where the dwelling is offered for sale or rental, and

(ii) A fair housing poster shall be posted and maintained at the dwelling, except that with respect to a single-family dwelling being offered for sale or rental in conjunction with the sale or rental of other dwellings, the fair housing poster may be posted and maintained at the model dwellings instead of at each of the individual dwellings.

(3) With respect to those dwellings to which subparagraph (2) of this paragraph applies, the fair housing poster must be posted at the beginning of construction and maintained throughout the period of construction and sale or rental.

(b) This part shall not require posting and maintaining a fair housing poster:

(i) On vacant land, or

(ii) At any single-family dwelling, unless such dwelling

(*a*) Is being offered for sale or rental in conjunction with the sale or rental of other dwellings in which circumstances a fair housing poster shall be posted and maintained as specified in paragraph (a)(2)(ii) of this section, or

(*b*) Is being offered for sale or rental through a real estate broker, agent, salesman, or person in the business of selling or renting dwellings in which circumstances a fair housing poster shall be posted and maintained as specified in paragraph (a)(1) of this section,

(c) All persons subject to section 805 of the Act, Discrimination in the Financing of Housing, shall post and maintain a fair housing poster at all their places of business which participate in the financing of housing.

(d) All persons subject to section 806 of the Act, Discrimination in the Provision of Brokerage Services, shall post and maintain a fair housing poster at all their places of business.

§ 110.15 Location of posters.

All fair housing posters shall be prominently displayed so as to be readily apparent to all persons seeking housing accommodations or financial assistance or brokerage services in connection therewith as contemplated by sections 804–806 of the Act.

§ 110.20 Availability of posters.

All persons subject to this part may obtain fair housing posters from the Department's regional and area offices. A facsimile may be used if the poster and the lettering are equivalent in size and legibility to the poster available from the Department.

§ 110.25 Description of posters.

(a) The fair housing poster shall be 11 inches by 14 inches and shall bear the following legend:

EQUAL HOUSING OPPORTUNITY

We Do Business in Accordance With the Federal Fair Housing Law

(Title VIII of the Civil Rights Act of 1968)

IT IS ILLEGAL

TO DISCRIMINATE AGAINST

ANY PERSON BECAUSE OF RACE,

COLOR, RELIGION, OR NATIONAL ORIGIN

- In the sale or rental of housing or residential lots.
- In advertising the sale or rental of housing.
- In the financing of housing.
- In the provision of real estate brokerage services.
- Blockbusting is also illegal.

Anyone who feels he has been discriminated against should send a complaint to:

U.S. Department of Housing and Urban Development, Assistant Secretary for Equal Opportunity, Washington, D.C. 20410

or

HUD Region or

[Area Office stamp]

(b) The Assistant Secretary for Equal Opportunity may grant a waiver permitting the substitution of a poster prescribed by a Federal financial regulatory agency for the fair housing poster described in paragraph (a) of this section. While such waiver remains in effect, compliance with the posting requirements of such regulatory agency shall be deemed compliance with the posting requirements of this part. Such waiver shall not affect the applicability of all other provisions of this part.

Subpart C—Enforcement

§ 110.30 Effect of failure to display poster.

Any person who claims to have been injured by a discriminatory housing practice may file a complaint with the Secretary pursuant to Part 105 of this chapter. A failure to display the fair housing poster as required by this part shall be deemed prima facie evidence of a discriminatory housing practice.

Effective date. This part shall be effective February 25, 1972, except for § 110.10(c) which shall be effective May 1, 1972.

SAMUEL J. SIMMONS,
Assistant Secretary for Equal Opportunity.

[FR Doc.72-2262 Filed 2-15-72;8:45 am]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 511—WAGE ORDER PROCEDURE FOR PUERTO RICO, THE VIRGIN ISLANDS, AND AMERICAN SAMOA

Compensation of Committee Members

Pursuant to authority in section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 205) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), I hereby amend 29 CFR 511.4 to read as set forth below. The purpose of this amendment is to increase the compensation of each member of an industry committee from $85 to $90 for each day spent in the work of the committee.

As this amendment concerns only a rule of agency practice, and is not substantive, notice of proposed rule making, opportunity for public participation, and delay in effective date are not required by 5 U.S.C. 553. It does not appear that

such participation or delay would serve a useful purpose. Accordingly, this revision shall be effective immediately.

As amended, § 511.4 reads as follows:

§ 511.4 Compensation of committee members.

Each member of an industry committee will be allowed a per diem of $90 for each day actually spent in the work of the committee, and will, in addition, be reimbursed for necessary transportation and other expense incident to traveling in accordance with Standard Government Travel Regulations then in effect. All travel expenses will be paid on travel vouchers certified by the Administrator or his authorized representative. Any other necessary expenses which are incidental to the work of the committee may be incurred by the committee upon approval of, and shall be paid upon certification of, the Administrator or his authorized representative.

(Sec. 5, 52 Stat. 1062, as amended; 29 U.S.C. 205)

Signed at Washington, D.C., this 9th day of February 1972.

HORACE E. MENASCO,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.72-2317 Filed 2-15-72;8:51 am]

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

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Applicability of Certain Electrical Standards

Pursuant to sections 6(a) and 8(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596, 29 U.S.C. 655), Subpart S of Part 1910 of Title 29, Code of Federal Regulations (36 F.R. 10600, May 29, 1971) is hereby amended in the manner indicated below in order to update the standards contained therein, clarify certain provisions concerning the applicability of such standards, and also clarify certain definitions used in Subpart S.

The present Subpart S is essentially an incorporation by reference of the National Fire Protection Association's electrical standards contained in the National Electrical Code NFPA 70–1968 (ANSI C1–1968). These amendments adopt the updated version of the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968).

In addition, numerous questions have arisen concerning the applicability of certain provisions in Subpart S and the meaning of the term "approved" used therein. These amendments are intended to clarify both of these areas. Also included are a number of conforming changes.

Pursuant to section 4(b)(2) of the Williams-Steiger Occupational Safety and Health Act of 1970, Subpart K of Part 1926 of Title 29, Code of the Federal Regulations, is also amended in the manner indicated below in order to adopt the updated version of the National Electrical Code NFPA 70–1971; ANSI C1–1971 (Rev. of 1968), and to clarify the meaning of the term "approved" as used therein.

A. Part 1910 is amended as follows:

1. Section 1910.66(c)(22) (i) and (vii) are revised to read as follows:

§ 1910.66 Powered platforms for exterior building maintenance.

* * * * *

(c) * * *

(22) * * *

(i) All electrical equipment and wiring shall conform to the requirements of the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968), except as modified by ANSI A120.1–1970 "American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance." For detail design specifications for electrical equipment, see Part 2, ANSI A120.1–1970.

* * * * *

(vii) Electric runway conductor systems shall be of the type designed for use in exterior locations and shall be located so as not to be subject to contact with water or accumulated snow. The conductors, collectors, and disconnecting means shall conform to the same requirements as those for cranes and hoists in Article 610 of the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968). A grounded conductor shall parallel the power conductors and be so connected that it cannot be opened by the disconnecting means. The system shall be designed to avoid hazard to persons in the area.

* * * * *

2. Section 1910.68 (b)(4) and (c)(5)(iv)(c) are revised to read as follows:

§ 1910.68 Manlifts.

* * * * *

(b) * * *

(4) Reference to other codes and subparts. The following codes, and subparts of this part, are applicable to this section. Safety Code for Mechanical Power Transmission Apparatus ANSI B15.1–1953 (R 1958) and Subpart O; National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968) and Subpart S; Safety Code for Fixed Ladders, ANSI A14.3–1956 and Safety Requirements for Floor and Wall Openings, Railings and Toeboards, ANSI A12.1–1967 and Subpart D.

* * * * *

(c) * * *

(5) * * *

(iv) * * *

(c) Where flammable vapors or dusts may be present all electrical installations shall be in accordance with the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968), requirements for such locations.

* * * * *

3. Section 1910.94(a)(2)(iii) is revised to read as follows:

§ 1910.94 Ventilation.

(a) * * *

(2) * * *

(iii) Organic abrasives which are combustible shall be used only in automatic systems. Where flammable or explosive dust mixtures may be present, the construction of the equipment, including the exhaust system and all electric wiring shall conform to the requirements of American National Standard Installation of Blower and Exhaust Systems for Dust, Stock, and Vapor Removal or Conveying, Z33.1–1961 (NFPA 91–1961), and the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968). The blast nozzle shall be bonded and grounded to prevent the build up of static charges. Where flammable or explosive dust mixtures may be present, the abrasive blasting enclosure, the ducts, and the dust collector shall be constructed with loose panels or explosion venting areas, located on sides away from any occupied area, to provide for pressure relief in case of explosion, following the principles set forth in the National Fire Protection Association Explosion Venting Guide. NFPA 68–1954.

* * * * *

4. Section 1910.103(b)(3)(iii)(e) is revised to read as follows:

§ 1910.103 Hydrogen.

* * * * *

(b) * * *

(3) * * *

(iii) * * *

(e) Electrical equipment shall be in accordance with Article 501 of the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968), for Class I Division 2 locations.

* * * * *

5. Section 1910.143(e) is revised to read as follows:

§ 1910.143 Nonwater carriage disposal systems.

* * * * *

(e) * * *

(5) The combustion system and all fuel and electrical parts shall be safe and in compliance with applicable gas and electrical codes of local authorities. Where such codes do not exist, the installations shall comply with the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968).

* * * * *

6. Section 1910.177(f)(3) is revised to read as follows:

§ 1910.177 Indoor general storage.

* * * * *

(f) * * *

(3) Electrical equipment shall be installed in accordance with the provisions of the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968).

* * * * *

7. Section 1910.178(c)(2) is revised to read as follows:

§ 1910.178 Powered industrial trucks.

* * * * *

(c) * * *

(2) For specific areas of use see Table N–1 which tabulates the information contained in this section. References in parentheses are to the corresponding classification as used in the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968) for the convenience of persons familiar with those classifications.

* * * * *

8. Subpart S is amended by revising §§ 1910.308 and 1910.309 to read as follows:

§ 1910.308 Application.

(a) *General.* Section 1910.309 adopts as a national consensus standard the National Electrical Code NFPA 70–1971; ANSI C1–1971 (Rev. of 1968), which is incorporated by reference in this subpart.

(b) *Purpose of the National Electrical Code.* (1) The purpose of the National Electrical Code is the practical safeguarding of any persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, and for other purposes. The standards contained therein are occupational safety and health standards to the extent that they safeguard any person who is an employee of an employer.

(2) The National Electrical Code contains basic minimum provisions considered necessary for safety.

(c) *Scope*—(1) *Covered.* The provisions of this Subpart S cover electrical installations and utilization equipment installed or used within or on public and private buildings, structures and other premises including:

(i) Yards,

(ii) Carnivals,

(iii) Parking lots,

(iv) Mobile homes,

(v) Recreational vehicles,

(vi) Conductors that connect an installation to a supply of electricity, and

(vii) Other outside conductors adjacent to the premises.

(2) *Not covered.* The provisions of this subpart do not cover:

(i) Installations in ships, watercraft, railway rolling stock, aircraft or automotive vehicles,

(ii) Installations underground in mines,

(iii) Installations of railways for generation, transformation, transmission, or distribution of power used exclusively for operation of rolling stock or installations used exclusively for signaling and communication purposes,

(iv) Installations of communication equipment under exclusive control of communication utilities, located outdoors or in building spaces used exclusively for such installation, or

(v) Installations under the exclusive control of electric utilities for the purpose of communication, metering or for the generation, control, transformation, transmission, and distribution of electric energy, located in buildings used exclusively by the utilities for such purposes or located outdoors on property owned or leased by the utilities or on public highways, streets, roads, etc., or outdoors by established rights on private property.

(d) *Definitions applicable to this Subpart S*—(1) *Approved.* Some provisions of the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968), which is adopted in this Subpart S, require installations or equipment to be approved. In Article 100 of the Code, "approved" is defined to mean "acceptable to the authority enforcing this Code." The authority enforcing the Code under subpart S is the Assistant Secretary of Labor for Occupational Safety and Health. The definitions in this subsection indicate what is acceptable to the Assistant Secretary of Labor, and therefore approved within the meaning of the Code as incorporated in this subpart S.

(2) *Acceptable.* An installation or equipment is acceptable to the Assistant Secretary of Labor, and approved within the meaning of this Subpart S: (i) If it is accepted, or certified, or listed, or labeled, or otherwise determined to be safe by a nationally recognized testing laboratory, such as, but not limited to, Underwriters' Laboratories, Inc. and Factory Mutual Engineering Corp.; or (ii) with respect to an installation or equipment of a kind which no nationally recognized testing laboratory accepts, certifies, lists, labels, or determines to be safe, if it is inspected or tested by another Federal agency, or by a State, municipal, or other local authority responsible for enforcing occupational safety provisions of the National Electrical Code, and found in compliance with the provisions of the National Electrical Code as applied in § 1910.309; or (iii) with respect to custom-made equipment or related installations which are designed, fabricated for, and intended for use by, a particular customer, if it is determined to be safe for its intended use by its manufacturer on the basis of test data which the employer keeps and makes available for inspection to the Assistant Secretary and his authorized representatives.

(3) For purposes of subparagraph (2) of this paragraph:

(i) *Listed.* Equipment is "listed" if it is of a kind mentioned in a list which, (*a*) is published by a nationally recognized laboratory which makes periodic inspection of the production of such equipment, and (*b*) states such equipment meets nationally recognized standards or has been tested and found safe for use in a specified manner;

(ii) *Labeled.* Equipment is "labeled" if there is attached to it a label, symbol, or other identifying mark of a nationally recognized testing laboratory which, (*a*) makes periodic inspections of the production of such of equipment, and (*b*) whose labeling indicates compliance with nationally recognized standards or tests to determine safe use in a specified manner;

(iii) *Accepted.* An installation is "accepted" if it has been inspected and found by a nationally recognized testing laboratory to conform to specified plans or to procedures of applicable codes;

(iv) *Certified.* Equipment is "certified" if it, (*a*) has been tested and found by a nationally recognized testing laboratory to meet nationally recognized standards or to be safe for use in a specified manner, or (*b*) is of a kind whose production is periodically inspected by a nationally recognized testing laboratory, and (*c*) it bears a label, tag, or other record of certification;

(v) *Utilization equipment.* Utilization equipment means equipment which utilizes electric energy for mechanical, chemical, heating, lighting, or similar useful purpose.

§ 1910.309 National Electrical Code.

(a) The requirements contained in the following articles and sections of the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968) shall apply to all electrical installations and utilization equipment:

Articles:	
500	Hazardous Locations.
501	Class I Installations (Hazardous Locations).
502	Class II Installations (Hazardous Locations).
503	Class III Installations (Hazardous Locations).
Sections:	
250–58 (a) and (b).	Equipment on Structural Metal.
250–59 (a), (b), and (c).	Portable and/or Cord Connected and Plug Connected Equipment, Grounding Method.
400–3 (a) and (b)	Flexible Cords and Cable, Uses.
400–4	Flexible Cords and Cable Prohibited.
400–5	Flexible Cords and Cables, Splices.
400–9	Overcurrent Protection and Ampacities of Flexible Cords.
410–10	Pull at Joints and Terminals of Flexible Cords and Cables.
422–8	Installation of Appliances with Flexible Cords.
422–9	Installation of Portable Immersion Heaters.
422–10	Installation Appliances Adjacent to Combustible Material.
422–11	Stands for Portable Appliances.
422–12	Signals for Heated Appliances.
422–14	Water Heaters.
422–15 (a), (b), and (c).	Installation of Infrared Lamp and Industrial Heating Appliances.
110–14 (a) and (b).	Electric Connection.
110–17 (a), (b), and (c).	Grounding Live Part.
110–18	Arcing Parts.
110–21	Marking.
110–22	Identification.
140–16 (a), (b), (c), and (d).	Location in Premises of Overcurrent Protection.
240–19 (a) and (b).	Grounding of Arcing or Suddenly Moving Parts of Overcurrent Protection Devices.
250–3 (a) and (b)	D.C. System Grounding.

Sections—Continued	
250-5 (a), (b), and (c).	A.C. Circuits and Systems To Be Grounded.
250-7 ----------	Circuits Not To Be Grounded.
250-42 (a), (b), (c), and (d).	Fixed Equipment Grounding, General.
250-43 (a), (b), (c), (d), (e), (f), (g), (h), and (i).	Fixed Equipment Grounding, Specific.
250-44 (a), (b), (c), (d), and (e).	Nonelectrical Equipment, Grounding.
250-45 (a), (b), (c), and (d).	Equipment Connected by Cord and Plug, Grounding.
430-142 (a), (b), (c), and (d).	Stationary Motor, Grounding.
430-143 ----------	Portable Motors, Grounding.
250-50 (a) and (b).	Equipment Grounding Connections.
250-51 ----------	Effective Grounding.
250-57 (a) and (b).	Fixed Equipment Method of Grounding.
422-16 ----------	Appliance Grounding.
422-17 ----------	Installation of Wall-mounted Ovens and Counter - mounted Cooking Units.

(b) Every new electrical installation and all new utilization equipment installed after March 15, 1972, and every replacement, modification, or repair or rehabilitation, after March 15, 1972, of any part of any electrical installation or utilization equipment installed before March 15, 1972, shall be installed or made, and maintained, in accordance with the provisions of the 1971 National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968).

(Secs. 6(a), 8(g), 84 Stat. 1593, 1598; 29 U.S.C. 655, 657; Secretary Orders 12–71, 36 F.R. 8754)

B. Subpart K of Part 1926 is amended as follows:

1. Section 1926.151(a)(1) is revised to read as follows:

§ 1926.151 Fire prevention.

(a) *Ignition hazards.* (1) Electrical wiring and equipment for light, heat, or power purposes shall be installed in compliance with the requirements of the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968), and the requirements of Subpart K of this part.

* * * * *

2. Section 1926.351(d)(5) is revised to read as follows:

§ 1926.351 Arc welding and cutting.

* * * * *

(d) * * *

(5) Other requirements, as outlined in Article 630, National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968), Electric Welders, shall be used when applicable.

* * * * *

3. Section 1926.400 (a), (c), and (f) are revised to read as follows:

§ 1926.400 General requirements.

(a) All electrical work, installations, and wire capacities shall be in accordance with pertinent provisions of the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968), and the National Electrical Safety Code, National Bureau of Standards, Part 4 (ANSI C2.4) unless otherwise provided by regulations of this part.

* * * * *

(e) Workspace around equipment: Sufficient space shall be provided and maintained in the area of electrical equipment to permit ready and safe operation and maintenance of such equipment. When parts are exposed, the minimum clearance for the workspace shall be not less than 6¼ feet high, nor less than a radius of 3 feet wide, and there shall be clearance sufficient to permit at least a 90° opening of all doors or hinged panels. All working clearances shall be maintained in accordance with Article 110–16, National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968).

(f) Load ratings: In existing installations no changes in circuit protection shall be made to increase the load in excess of the load rating of the circuit wiring, as specified in National Electric Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968), Article 310.

* * * * *

4. Section 1926.401(h) is revised to read as follows:

§ 1926.401 Grounding and loading.

* * * * *

(h) *Temporary wiring.* All temporary wiring shall be effectively grounded in accordance with the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968), Articles 305 and 310.

* * * * *

5. Section 1926.404(a)(4) is revised to read as follows:

§ 1926.404 Hazardous locations.

(a) * * *

(4) See the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968) for further definition of divisions 1 and 2 for each class.

* * * * *

6. Section 1926.405(a) is revised to read as follows:

§ 1926.405 Definitions appplicable to this subpart.

(a) The definition of "approved" as set forth in § 1910.308(d) of this chapter shall apply.

* * * * *

7. Section 1926.803(j)(3) is revised to read as follows:

§ 1926.803 Compressed air.

* * * * *

(j) * * *

(3) All electrical equipment, and wiring for light and power circuits, shall comply with requirements of the National Electrical Code, ANSI C1–1971 (Rev. of 1968) for use in damp, hazardous, high temperature, and compressed air environments.

* * * * *

(Sec. 4(b)(2), 84 Stat. 1592, 29 U.S.C. 653; Secretary's Order No. 12–71, 36 F.R. 8754)

Effective date. These amendments shall become effective March 15, 1972.

Signed at Washington, D.C., this 11th day of February 1972.

GEORGE C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-2360 Filed 2-15-72;8:53 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER X—INTERIM REGULATIONS

[CGFR 72-28]

PART 199—INTERIM REGULATIONS FOR BOATS

Lifesaving Equipment

The purpose of these amendments to Chapter I of Title 33, Code of Federal Regulations, is to add a new Subchapter X and a new Part 199 which contains interim lifesaving equipment requirements for boats.

A notice of proposed rule making was published in the FEDERAL REGISTER on November 10, 1971 (36 F.R. 215 23) proposing interim lifesaving equipment requirements under the authority of section 5 of the Federal Boat Safety Act of 1971 (Public Law 92–75). The notice of proposed rule making declared the Coast Guard's intention to require approved lifesaving devices on boats propelled or controlled by oars. paddles, sails, poles, or by another vessel. The regulations in Title 46 and all other Coast Guard regulations pertaining to lifesaving equipment remain in effect.

On December 6, 1971, the Boating Safety Advisory Council, established under the authority of section 33 of the Federal Boat Safety Act of 1971, was consulted concerning:

(1) The need for and extent to which the proposed rule would contribute to boating safety.

(2) The relevant available statistics and data which the Coast Guard considered in formulating the rule.

(3) The reasonableness and appropriateness of the proposed rule for the particular types of boats to which it is intended to apply.

The 20 Council members present voted unanimously that the rule is needed and that it should be published as a final rule, taking into account public comment on the proposal.

On December 16, 1971, a public hearing was held at U.S. Coast Guard Headquarters in Washington, D.C., to receive the views of interested persons on the proposed regulations. During the period November 10, 1971, to December 26, 1971, written comments from interested persons were received. The Coast Guard has considered these oral and written comments in preparing the final rule.

The majority of the comments were concerned with "white water canoes" and similar boats. The special requirements for freedom of movement while wearing a lifesaving device and the difficulty of stowing lifesaving devices in a readily accessible location on such boats are recognized by the Coast Guard. The special lifesaving devices commonly in use by white water canoeists are not presently Coast Guard approved. The Coast Guard has therefore added § 199.15(a) to the rule to provide an alternative to carrying an approved device for the white-water canoeist.

Racing shells and sculls are designed to carry only the crew. They do not have space to stow lifesaving devices during practice and while racing. Such devices when worn interfere with the intense physical efforts of the crew. However, the racing shells and sculls are usually accompanied by other boats. The Coast Guard has therefore added § 199.15(b) to the rule to provide an alternative to the rower when his scull or shell is accompanied by another vessel.

Other comments concerned the appropriateness of requiring lifesaving devices on sailboats of the "sailboard" type. The Coast Guard considers that these boats are used in general sailing service and that there are now Coast Guard approved lifesaving devices available which are specially designed to meet the freedom of movement requirements of the sailor when worn. The Coast Guard considers that there is ample clear space on these boats for lifesaving device stowage. Further, for example, the North Jersey Yacht Racing Association requires the carrying of Coast Guard approved lifesaving devices on boats of the sailboard type and their comment supported such action by the Coast Guard.

Other comments advocated extending the applicability of the proposed rule to other boats such as ship's lifeboats and State owned boats not of the recreational type, and to revising the present lifesaving device requirements on all boats. The applicability of the Federal Boat Safety Act of 1971, under the authority of which the proposed rule was issued, defines precisely the vessels to which the Act is applicable and extension of the proposed requirements to other vessels not covered by the Act is not possible.

Minor revisions of the proposed rule have been made for purposes of clarity: Subparagraphs (2) and (3) have been added to § 199.5(a); section 199.13(b) has been reworded with no substantive changes; and the words "of lifesaving equipment" have been added to § 199.19(c).

As stated in the preamble to the proposed rule, these regulations are interim in nature pending an overall revision of lifesaving device requirements. All comments received on the interim rule will be considered again by the Coast Guard in developing the overall revision.

Section 5(b) of the Federal Boat Safety Act of 1971 requires that a regulation issued thereunder specify an effective date which is not earlier than 180 days from the date of issuance, unless there exists a boating safety hazard so critical as to require an earlier effective date. Allowing the boats covered by this rule to continue to operate without approved lifesaving devices for even one more boating season may involve the unnecessary loss of many lives. For this reason the Coast Guard hereby considers that an early effective date is needed and makes these regulations effective 60 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Chapter I of Title 33, Code of Federal Regulations, is amended by adding a new Subchapter X and a new Part 199 to read as follows:

Subpart A—General

Sec.
199.1 Applicability.
199.3 Purpose.
199.5 Definitions.

Subpart B—Lifesaving Equipment

199.11 Applicability of subpart.
199.13 Lifesaving equipment required.
199.15 Racing canoes, kayaks, shells, and sculls.
199.17 Stowage.
199.19 Condition; approval; marking.

AUTHORITY: The provisions of this Part 199 are issued under the Act of August 10, 1971, Public Law 92-75, section 5, 85 Stat. 213, 215; 49 CFR 1.46(o)(1) (63 F.R. 19593).

Subpart A—General

§ 199.1 Applicability.

This part prescribes rules governing the use of boats on waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for boats owned in the United States, except—

(a) Foreign boats temporarily using waters subject to United States jurisdiction;

(b) Military or public boats of the United States, except recreational-type public vessels;

(c) A boat whose owner is a State or subdivision thereof, which is used principally for governmental purposes, and which is clearly identifiable as such; and

(d) Ship's lifeboats.

§ 199.3 Purpose.

The purpose of this part is to prescribe boating regulations and standards that are so critical as to require an early effective date during the interim before comprehensive boating safety regulations can be promulgated under the Federal Boating Safety Act of 1971.

§ 199.5 Definitions.

As used in this part:

(a) "Boat" means any vessel—

(1) Manufactured or used primarily for noncommercial use;

(2) Leased, rented, or chartered to another for the latter's noncommercial use; or

(3) Engaged in the carrying of six or fewer passengers.

(b) "Vessel" includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

(c) "Use" means operate, navigate, or employ.

Subpart B—Lifesaving Equipment

§ 199.11 Applicability of subpart.

This subpart applies to boats that are propelled or controlled by oars, paddles, poles, or sails, or by another vessel.

§ 199.13 Lifesaving equipment required.

(a) Except as provided in § 199.15, no person may use a boat less than 40 feet long unless there is at least one of the following on board for each person:

(1) Life preserver.

(2) Ring life buoy.

(3) Buoyant vest.

(4) Special purpose water safety buoyant device.

(5) Buoyant cushion.

(b) No person may use a boat that is 40 feet or more but less than 65 feet in length unless there is at least one of the following on board for each person:

(1) Life preserver.

(2) Ring life buoy.

(c) No person may use a boat that is 65 feet long or longer unless there is at least one life preserver on board for each person.

§ 199.15 Racing canoes, kayaks, shells, and sculls.

(a) A person using a canoe or kayak that is enclosed by a deck or spray skirt need not comply with § 199.13 if he wears a vest-type lifesaving device that—

(1) Has no less than 150 separate permanently inflated air sacs made of not less than 12 mil polyvinylchloride film and has not less than 13 lb. of positive buoyancy in fresh water, if worn by a person who weighs more than 90 pounds; or

(2) Has no less than 120 separate permanently inflated air sacs made of not less than 12 mil polyvinylchloride film and has not less than 8½ lb. positive buoyancy in fresh water, if worn by a person who weighs 90 pounds or less.

(b) A person using a racing shell or rowing scull need not comply with § 199.13 if a device required by § 199.13 is carried on board an accompanying vessel for his use.

§ 199.17 Stowage.

No person may use a boat unless each item of lifesaving equipment required by § 199.13 is readily accessible.

§ 199.19 Condition; approval; marking.

No person may use a boat unless each item of lifesaving equipment required by § 199.13 is—

(a) Approved by the Commandant under 46 CFR 160.

(b) In good and serviceable condition; and is

(c) Legibly marked with the markings specified in 46 CFR 160 for that item of lifesaving equipment.

(Act of August 10, 1971, Public Law 92-75, sec. 5, 82 Stat. 213, 215; 49 CFR 1.46(o)(1) (36 F.R. 19593))

Effective date. This amendment shall become effective on April 17, 1972.

Dated: February 10, 1972.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.72-2354 Filed 2-15-72;8:53 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 0—STANDARDS OF ETHICAL CONDUCT AND RELATED RESPONSIBILITIES

Statement of Employment and Financial Interests

In § 0.735–73, paragraph (e) is amended to read as follows:

§ 0.735–73 Employees required to submit statements.

* * * * *

(e) The following positions, which are classified at GS–13 or above except as otherwise indicated, are considered to meet the criteria of paragraph (a), (b), (c), or (d) of this section and have not been excluded under § 0.735–74; all appointees to these positions must file statements of employment and financial interests, except where an individual position in an included category may be exempted under § 0.735–74(a):

LIST OF POSITIONS REQUIRING FILING OF STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS

Deputy Administrator.
Associate Deputy Administrator.
Assistant Deputy Administrator.
Chief Medical Director.
Chief Benefits Director.
Chief Data Management Director.
General Counsel.
Manager, Administrative Services.
Controller.
Assistant Administrator for Construction.
Chairman and Members, Contract Appeals Board.
Assistant Manager, Administrative Services, Central Office.
Director, Central Office Building and Supply Service.
Assistant Director, Central Office Building and Supply Service.
Chief, Central Office Supply Division, GS–12.
Director, Central Office Publications Service.
Assistant Director, Central Office Publications Service.
Commercial Procurement Supervisor, Publications Service, GS–11.
Deputy Assistant Administrator for Construction.
Director, Program Control and Analysis Staff (Construction).
Area Projects Directors (Construction).
Director of Architecture and Engineering.
Utilities Contracting Officer.
Director, Research Staff (Construction).
All Service Directors in Office of Construction.
Resident Engineers (Construction) with authority to issue change orders, GS–11 and above.
Deputy Chief Data Management Director.
Assistant Deputy Chief Data Management Director.
Center Directors, Department of Data Management.
Deputy Chief Medical Director.
Associate Deputy Chief Medical Director.
Associate Deputy Chief Medical Director for Field Operations.
Executive Assistant to Chief Medical Director.
Regional Medical Directors.
Assistant Chief Medical Director for Professional Services.
Deputy for Clinical Services.
Deputy for Clinical Support Services.
Director, Dietetic Service.
Director, Ambulatory Care Service.
Director, Medical Service.
Director, Nuclear Medicine Service.
Director, Nursing Service.
Director, Pathology and Allied Sciences Service.
Director, Pharmacy Service.
Director, Physical Medicine and Rehabilitation Service.
Director, Psychiatry, Neurology and Psychology Service.
Director, Prosthetic and Sensory Aids Service.
Director, Radiology Service.
Director, Surgical Service.
Assistant Chief Medical Director for Administration and Facilities.
Director, Building Management Service.
Director, Engineering Service.
Assistant Chief Medical Director for Research and Education in Medicine.
Assistant Chief Medical Director for Dentistry.
Director, Health Care Facilities Service.
Director, Veterans Canteen Service.
Deputy Director, Veterans Canteen Service.
Field Directors, Veterans Canteen Service.
Supervisory Buyers, Merchandising Division, Veterans Canteen Service.
Director, Supply Service.
Supply Management Officers (Class Title) GS–13 and up.
Supply Management Representatives (Class Title) GS–13 and up.
Contract Specialists (Class Title) GS–13 and up.
Chiefs, Supply Divisions, All Field Stations, GS–9 and above.
Chiefs, Business Services Divisions, DM&S Field Stations, GS–10 and above.
Directors of Field Stations, DM&S (Department of Medicine and Surgery).
Assistant Directors of Field Stations, DM&S.
Chiefs of Staff, DM&S Field Stations.
Deputy Chief Benefits Director.
Executive Assistant to the Chief Benefits Director.
Director, Compensation, Pension and Education Service.
Director, Insurance Service.
Director, Loan Guaranty Service.
Deputy Director, Loan Guaranty Service.
Chief Actuary, Insurance Service.
Field Directors, Area Field Offices.
Directors, DVB (Department of Veterans Benefits) Field Stations.
Assistant Directors, DVB Centers.
Loan Guaranty Officers, Field Stations.
Assistant Loan Guaranty Officers, Field Stations.
Chief, Construction and Valuation Sections (Field Stations), GS–11 and above.
Chiefs, Loan Processing Sections (Field Stations), GS–10 and above.
Chiefs, Property Management Sections (Field Stations), GS–11 and above.

* * * * *

(E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104)

These amendments were approved by the Civil Service Commission on February 1, 1972, and are effective on publication in the FEDERAL REGISTER (2–16–72).

Approved: February 10, 1972.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.72-2356 Filed 2-15-72;8:53 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

MISCELLANEOUS AMENDMENTS TO CHAPTER

The changes in AECPR Subpart 9–1.13, Minority Business Enterprises, and AECPR § 9–59.004, *AECPR–FPR provisions pertaining to cost-type contractor procurement,* are made in order to add reporting requirements for minority business enterprise procurements. Other miscellaneous changes in other parts are also included.

PART 9–1—GENERAL

1. In Subpart 9–1.13, Minority Business Enterprises, § 9–1.1310, *Policy,* a new paragraph (c) is added as follows:

Subpart 9–1.13—Minority Business Enterprises

§ 9–1.1310 Policy.

* * * * *

(c) See § 9–1.709, *Reports and Records,* for reporting requirements.

PART 9–5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

2. In Subpart 9–5.52, Procurement of Special Items, § 9–5.5206, Miscellaneous items, a new § 9–5.5206–27 is added as follows:

Subpart 9–5.52—Procurement of Special Items

§ 9–5.5206–27 Procurement of masking devices.

Masking devices are assembled in the AEC plant at Paducah, Ky., and may be requisitioned by AEC offices and cost-type contractors at cost (currently about $275) from:

Mr. Bernard Stiller, Area Manager, U.S. Atomic Energy Commission, Paducah Area Office, Post Office Box 1213, Paducah, KY 42001.

PART 9–7—CONTRACT CLAUSES

3. In Subpart 9–7.50, Use of Standard Clauses, § 9–7.5004–11, *Security,* paragraph (a) is revised to read as follows:

Subpart 9–7.50—Use of Standard Clauses

§ 9–5.5004–11 Security.

(a) *Contractor's duty to safeguard Restricted Data, Formerly Restricted Data, and other classified information.* The contractor shall, in accordance with the Atomic Energy Commission's security regulations and requirements, be responsible for safeguarding restricted data, formerly restricted data, and other classified information and protecting against sabotage, espionage, loss and theft, the classified documents and material in the contractor's possession in connection with the performance of work under this contract. Except as otherwise expressly provided in this contract, the contractor shall, upon completion or termination of this contract, transmit to the Commission any classified matter in the possession of the contractor or any person under the contractor's control in connection with performance of this contract. If retention by the contractor of any classified matter is required after the completion or termination of the contract and such retention is approved by the Contracting Officer, the contractor will complete a certificate of possession to be furnished to the Atomic Energy Commission specifying the classified matter to be retained. (Note A.) If retention is approved by the Contracting Officer, the security provisions of the contract will continue to be applicable to the matter retained.

PART 9–59—ADMINISTRATION OF COST-TYPE CONTRACTOR PROCUREMENT ACTIVITIES

4. In AECPR Part 9–59, § 9–59.004, *AECPR–FPR provisions pertaining to cost-type contractor procurement*, is revised to read as follows:

§ 9–59.004 AECPR–FPR provisions pertaining to cost-type contractor procurement.

The AECPR–FPR provisions referenced below pertain to cost-type contractor procurements and are listed in this part to facilitate administration. Some of these provisions are implementations of statutory or other requirements and AEC-wide policies, which provide little or no basis for the exercise of judgment. However, to the extent such provisions permit or provide for the exercise of judgment, contracting officers should be guided by good business practice and the best interests of the Government.

Subject	*Reference*
Federal Paper Specifications.	9–1.305–1(b).
Contingent Fees	9–1.501.
Small Business	9–1.700.
Labor Surplus Area Concerns.	1–1.805–1.
Qualified Products	9–1.11.
Minority Business Enterprises.	9–1.1310 (a), (b), and (c), 1–1.1310 (1) and (2).
Organization Conflicts of Interest.	9–1.5403.
Price Negotiation Policies and Techniques.	1–3.8, 9–3.800.
Subcontracting Policies and Procedures.	1–3.9, 9–3.901.
Public Utilities	9–4.402(b).
Livestock Products	9–4.601.
Indemnity Representation.	9–4.5008.
Measurement Differences, SSNM Transfers.	9–4.5300.
Enriched Uranium Agreements.	9–4.5400.
Multiyear Procurement	9–4.5500.
Special and Directed Sources.	1–1.319, 9–5.000.
Foreign Purchases	9–6.100, 9–6.800, 9–18.600.
Clauses	9–7.000–50, 9–14.–5002, 9–7.5003 (c)
Termination	9–8.000.
Patents and Copyrights	9–9.5001, 9–9.5101.
Bonds and Insurance	9–10.000.
Taxes	9–11.203, 9–11.350, 9–11.4.
Labor	9–12.000, 1–12.8.
Cost Principles	9–15.50.
Construction	9–18.150, 1–18.305 (b), 9–18.305, 9–18.50, 9–18.108.
Contract Finance	1.30.4, 1–30.5, 9–30.4, 9–30.5, 9–30.7.
Approval of Contracts	9–51.200, 9–51.400, 9–51.500, 9–51.600.
Procedures for handling mistakes under cost-type contractor procurement.	9–59.005.
Contractor-controlled sources.	
Subcontractor Selection	9–56.002, 9–56.405.

Records and reports	*Reference*
Small Business and Labor Surplus Reports.	9–1.709, 9–1.807.
Possible Antitrust Violations.	9–1.901.
Identical Bids	9–1.1603.
Dissemination of Procurement Information.	9–3.103.
Contract Reporting	9–54.
Justifications	9–55.102–3, 9–55.204.

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER (2–16–72).

Dated at Germantown, Md., this 9th day of February 1972.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[FR Doc.72–2284 Filed 2–15–72;8:51 am]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 75, 2d Rev., Amdt. 24]

PART 308—WAR RISK INSURANCE

Change in Expiration Dates

Part 308 is hereby amended to reflect the following changes:

Amend § 308.6 *Period of interim binders and renewal procedure*, § 308.106 *Standard form of war risk hull insurance interim binder and optional disbursements insurance endorsement*, § 308.206 *Standard form of war risk protection and indemnity insurance interim binder*, and § 308.305 *Standard form of Second Seamen's war risk insurance interim binder*, by changing the expiration dates contained therein to read "midnight, June 7, 1972, G.m.t."

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: February 11, 1972.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.72–2454 Filed 2–15–72;8:55 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Iroquois National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on the date of publication in the FEDERAL REGISTER (2–16–72).

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

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Travel on foot or by motor vehicle except snowmobile is permitted on designated travel routes, for the purpose of nature study, photography, hiking, and sightseeing during daylight hours. Pets are permitted if on a leash not over 10 feet in length. Fishing and hunting may be permitted under special regulations.

The refuge area, comprising 10,783 acres, is delineated on maps available at

refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass. 02109.

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

LAWRENCE S. SMITH,
Refuge Manager,
Iroquois National Wildlife Refuge.

FEBRUARY 7, 1972.

[FR Doc.72-2301 Filed 2-15-72;8:49 am]

PART 33—SPORT FISHING

Muscatatuck National Wildlife Refuge, Ind.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (2-16-72).

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

INDIANA

MUSCATATUCK NATIONAL WILDLIFE REFUGE

Sport fishing on the Muscatatuck National Wildlife Refuge, Seymour, Ind., is permitted only on the six ponds designated by signs as open to fishing. These open areas comprising 160 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Minneapolis, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge shall extend from April 15, 1972, to October 1, 1972, daylight hours only.

(2) Winter fishing through the ice will be permitted during 1972 and continue through the winter on designated areas which have been determined to be safe and announced by the Refuge Manager.

(3) The use of boats is prohibited.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through October 1, 1972.

CHARLES E. SCHEFFE,
Refuge Manager, Muscatatuck National Wildlife Refuge, Seymour, Ind.

JANUARY 25, 1972.

[FR Doc.72-2357 Filed 2-15-72;8:52 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATION AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

Table of Frequency Allocations

Order. In the matter of amendment of Part 2 of the Commission's rules to effect editorial revisions therein.

1. The Table of Frequency Allocations, § 2.106 of the Commission's rules, has recently undergone a series of amendments affecting the frequency range 470–947 MHz resulting from decisions in Docket No. 18261 (first report and order, 35 F.R. 8634), Docket No. 18262 (first report and order and second notice of inquiry, 35 F.R. 8644), and an order adopted September 1, 1971 (36 F.R. 18307). Some of these amendments, however, were incorrectly or incompletely reflected in the allocation table.

2. The corrected portion of the allocation table for this frequency range appears below and incorporates the following changes:

a. The station classification "Base" is added in column 9 of the table to the band 470–512 MHz;

b. The bands 470–881 MHz and 881–902 MHz are combined in column 5 into a single NG band 470–902 MHz, and bands 928–947 MHz and 947–960 MHz are combined in column 5 into a single NG band 928–960 MHz;

c. Footnote designator US36 is added in appropriate places in column 6 to show that the note applies to the overall range 890–942 MHz, whereas it now appears only against the band 902–928 MHz.

3. Authority for these amendments is contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules. Because the amendments are editorial in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

4. *Accordingly, it is ordered,* Effective February 15, 1972, that Part 2 of the Commission's rules and regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: February 4, 1972.

Released: February 7, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 2.106 in columns 5 through 9 for the bands 470–881, 881–902, 928–947, and 947–960 MHz is amended to read as follows:

Band (MHz) 5	Allocation 6	Band (MHz) 7	Service 8	Class of station 9
* * *	* * *	* * *	* * *	* * *
470-902 (NG30) (NG43) (US88)	NG. (US36) (US110) (US116)	470-512	BROADCASTING. LAND MOBILE. (NG66)	Television broadcasting. Land mobile. Base.
		512-806	BROADCASTING.	Television broadcasting.
		806-881 (NG63) (NG65)	LAND MOBILE.	Base. Land mobile.
		881-902 (NG63)	LAND MOBILE.	Base. Land mobile.
* * *	* * *	* * *	* * *	* * *
928-960	NG. (US36) (US116)	928-947 (NG64)	LAND MOBILE.	Base. Land mobile.
		947-952 (NG9) (NG40) (NG58)	FIXED.	Aural broadcast STL. International aeronautical fixed (Alaska, Hawaii, and U.S. possessions only). International fixed public (Alaska, Hawaii, and U.S. possessions only).
		952-960 (NG10)	FIXED.	International fixed public (Puerto Rico and Virgin Islands only). International control. Operational fixed.
* * *	* * *	* * *	* * *	* * *

[FR Doc.72-2254 Filed 2-15-72;8:45 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

GLACIER NATIONAL PARK, MONT.

Proposed Fishing Limitations and Restrictions

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), the Act of May 11, 1910 (36 Stat. 354; 16 U.S.C. 162), and the Act of August 22, 1914 (38 Stat. 700 16 U.S.C. 170), and 245 DMI (27 F.R. 6395) as amended, it is proposed to amend § 7.3 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to prohibit the snagging of fish and to have Park regulations apply to Lower McDonald Creek from the Quarter Circle Bridge to its confluence with the Middle Fork of the Flathead River.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Superintendent, Glacier National Park, West Glacier, Mont. 59936, within 30 days of the publication of this notice in the FEDERAL REGISTER.

It is proposed to amend paragraphs (a), (b), and (c) of § 7.3 as follows:

§ 7.3 Glacier National Park.

(a) *Fishing; open season.* * * *

(3) The North Fork of the Flathead River, except for its tributaries, shall be open to fishing in conformance with the seasons and regulations established by the State of Montana for this river.

* * * * *

(b) *Fishing; daily limit of catch and possession limit.* * * *

(2) * * *

(i) The daily limit of catch and possession in the North Fork of the Flathead River, except for its tributaries, shall be in conformance with the regulations established for the State of Montana for this river.

* * * * *

(c) *Fishing; restriction on use of bait and lures.* * * *

(3) The snagging of fish by any method is prohibited.

(d) *Eating, drinking, and lodging establishments.* * * *

* * * * *

LAWRENCE C. HADLEY,
Acting Director,
National Park Service.

[FR Doc.72-2302 Filed 2-15-72;8:49 am]

[36 CFR Part 7]

GLACIER NATIONAL PARK, MONT.

Proposed Restrictions Regarding the Use of Motorboats and Hitchhiking

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), the Act of May 11, 1910 (36 Stat. 354; 16 U.S.C. 162), and the Act of August 22, 1914 (38 Stat. 700; 16 U.S.C. 170), and 245 DMI (27 F.R. 6395) as amended, it is proposed to amend § 7.3 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to retain the serene atmosphere on designated lakes by limiting the horsepower used on motorboats and motor vessels, eliminating motorboats and motor vessels on Swiftcurrent Lake; and allowing hitchhiking except in designated areas.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Superintendent, Glacier National Park, West Glacier, Mont. 59936, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Paragraphs (f) and (g) of § 7.3 are added to read, as follows:

§ 7.3 Glacier National Park.

* * * * *

(f) *Motorboats.* (1) Motorboats and motor vessels are limited to ten (10) horsepower or less on Kintla, Bowman, and Two Medicine Lakes. This restriction does not apply to sightseeing vessels operated by an authorized concessioner on Two Medicine Lake.

(2) All motorboats and motor vessels except the authorized, concessioner-operated, sightseeing vessels, are prohibited on Swiftcurrent Lake.

(g) *Hitchhiking.* Hitchhiking or the solicitation of transportation is permitted off the roadway on the shoulder, except in those areas where the Superintendent prohibits such activities by the posting of appropriate signs.

LAURENCE C. HADLEY,
Acting Director,
National Park Service.

[FR Doc.72-2303 Filed 2-15-72;8:49 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 724]

TOBACCO

Proposed Determinations and Action Regarding Termination of Marketing Quotas on Cigar-Binder (Types 51 and 52) Tobacco for 1972–73 Marketing Year

Pursuant to and in accordance with section 371(a) of the Agricultural Adjustment Act of 1938, as amended (referred to hereinafter as the "Act"), an investigation is being made to determine whether the operation of farm marketing quotas in effect on Cigar-binder (types 51 and 52) tobacco for the 1972–73 marketing year will cause the amount of such kind of tobacco which will be free of marketing restrictions to be less than the normal supply for such kind of tobacco for such marketing year.

If upon the basis of such investigation the Secretary finds the existence of such fact, he will proclaim the same and in such proclamation specify such increase in, or termination of, existing quotas as he finds, on the basis of such investigation, is necessary to make the amount of such kind of tobacco which will be free of marketing restrictions for the 1972–73 marketing year equal to the normal supply.

The Secretary announced the national marketing quota for the 1970–71 marketing year (35 F.R. 2506) and later terminated the quota (35 F.R. 7361). The Secretary announced the national marketing quota for the 1971–72 marketing year (36 F.R. 2397) and also terminated that quota (36 F.R. 4977).

The Secretary proclaimed marketing quotas to be in effect on Cigar-binder (types 51 and 52) tobacco for the 1972–73, 1973–74, and 1974–75 marketing years and announced the national marketing quota for the 1972–73 marketing year (36 F.R. 24060). The Secretary announced a referendum of farmers on marketing quotas for such 3 marketing years (36 F.R. 24233), and such marketing quotas were approved in the referendum.

Under present law, the termination of marketing quotas for any given marketing year would be limited in application and effect to that year only.

Under section 106 of the Agricultural Act of 1949, as amended, price support would be available on the 1972 crop of Cigar-binder (types 51 and 52) tobacco even if marketing quotas are terminated for such year since producers did not

disapprove quotas for such year. Further, as authorized by section 101 of such Act, price support will be made available on all Cigar-binder (types 51 and 52) tobacco produced in 1972 if marketing quotas are terminated.

Data show that total disappearance (domestic use plus exports) of Cigar-binder (types 51 and 52) tobacco has decreased from 26 million pounds during the 1955–56 marketing year, prior to the advent of reconstituted binder sheet, to 2.7 million pounds during the 1970–71 marketing year. Disappearance is expected to be about 3 million pounds during the 1971–72 marketing year. This has necessitated drastic adjustments in production. Producers have used the Soil Bank and the Cropland Adjustment Programs extensively in making these adjustments. In addition, the allotted acreage has been reduced from 17,643 acres in the 1955–56 marketing year to 6,920 acres in 1972.

Total disappearance (domestic use plus exports) exceeded production each year from 1955 through 1969. Production exceeded disappearance by 140,000 pounds in 1970. The excessive supplies have been used up, resulting in less than normal supplies at the end of the 1970–71 marketing year. In 1968, 36.5 percent of the allotted acreage was harvested. In 1969, acreage allotments were increased 50 percent and the harvested acreage as a percent of the allotted acreage declined to 26.4. In 1970, allotments were increased 15 percent and the harvested acreage as a percent of the allotted acreage held at 26.4 with quotas being terminated. The 1971 allotments were increased 10 percent, and quotas were later terminated. The 1971 acreage harvested was less than the 1970 harvested acreage. If the 1972 harvested acreage is the same as the 1971 harvested acreage, and if a yield per acre about equal to the average of the 1969, 1970, and 1971 per acre yields were obtained, production would equal about 2.7 million pounds. A 2.7 million pound crop and a carryover (estimated) of 7.2 million pounds would provide a total supply for the 1972–73 marketing year of 9.9 million pounds. The normal supply is 16.3 million pounds.

Section 371(a) of the Act provides that in the course of the investigation conducted by the Secretary, due notice and opportunity for hearing shall be given to interested persons. Accordingly, consideration will be given to data, views, and recommendations pertaining to the determinations and actions described in this notice which are submitted in writing to the Director, Tobacco Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All submissions made pursuant to this notice will be made available for public inspection at such time and in a manner convenient to the public business (7 CFR 1.27(b)). All submissions must, in order to be considered, be postmarked not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 9, 1972.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-2371 Filed 2-15-72;8:55 am]

Commodity Credit Corporation

[7 CFR Part 1464]

TOBACCO

Proposed Loan and Purchase Program for 1972 Crop

Notice is hereby given that the Secretary of Agriculture, under the authority of sections 106, 401, and 403 of the Agricultural Act of 1949, as amended (7 U.S.C. 1445, 1421, and 1423), and sections 4 and 5 of the Commodity Credit Corporation Charter Act, as amended (15 U.S.C. 714b, 714c), proposes to make determinations relative to a support program for the 1972 crop of tobacco.

The Agricultural Act of 1949, as amended, requires the Secretary to make support available on any crop of tobacco for which marketing quotas have not been disapproved by producers. Under section 106 of the Act, the level of support in cents per pound for each crop of each kind of tobacco for which marketing quotas are in effect, or for which marketing quotas are not disapproved, is mandatory at the support level for the 1959 crop of such kind of tobacco, multiplied by the ratio of the average of the index of prices paid by farmers for the 3 calendar years immediately preceding the calendar year in which the marketing year begins for which the support level is being determined to the average index of prices paid by farmers for the 1959 calendar year. The average of the index of prices paid for calendar years 1969–71 will be used in computing the 1972 tobacco support levels. This average is 391. The average index of prices paid for the calendar year 1959 is 298. The resulting ratio is 1.31. Thus, the support level for the 1972 crop of each eligible kind of tobacco will be 131 percent of the 1959 crop support level. Prior to the beginning of the marketing season for each kind of tobacco, pursuant to section 403 of the Act, Commodity Credit Corporation will issue proposed advance rates for the various types and grades of tobacco, and comments on such rates may be made at that time.

No change is contemplated in the method of supporting tobacco through loans on all kinds of tobacco and purchases of Puerto Rican tobacco. Regulations currently in effect with respect to the tobacco price support program are set forth at 7 CFR Part 1464.

Prior to making determinations relating to this notice, consideration will be given to data, views, and recommendations which are submitted in writing to the Director, Tobacco Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during the regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.27(b)).

Signed at Washington, D.C., on February 4, 1972.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.72-2325 Filed 2-15-72;8:52 am]

Consumer and Marketing Service

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Proposed Revision of 1971–72 Free and Restricted Percentages and Withholding Factor for Zahidi Dates

Notice is hereby given of a proposal to revise the volume percentages applicable to marketable dates of the Zahidi variety for the 1971–72 crop year (§ 987.219; 36 F.R. 23894). The proposal would reduce the restricted percentage for the variety from the current 10 percent to 0 percent; increase the free percentage from the current 90 percent to 100 percent, and reduce the withholding factor from the current 11.1 percent to 0 percent. The proposal was unanimously recommended by the California Date Administrative Committee. The Committee is established under, and its recommendation is made pursuant to, the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987; 36 F.R. 15053) regulating the handling of domestic dates produced or packed in Riverside County, California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 7 days after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

Amend § 987.219 (36 F.R. 23894) by revising paragraph (b) to read as follows:

§ 987.219 Free and restricted percentages and withholding factors.[1]

* * * * *

(b) *Zahidi variety dates.* Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent;

* * * * *

Dated: February 11, 1972.

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

[FR Doc.72-2373 Filed 2-15-72;8:53 am]

[7 CFR Part 991]

HOPS OF DOMESTIC PRODUCTION

Proposed Salable Quantity and Allotment Percentage for 1972–73 Marketing Year

Notice is hereby given of a proposal to establish, for the 1972–73 marketing year, beginning August 1, 1972, a salable quantity and allotment percentage applicable to hops produced in Washington, Oregon, Idaho, and California. The proposed salable quantity and allotment percentage would be established in accordance with provisions of Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the Hop Administrative Committee.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 21 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be made in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposed salable quantity and allotment percentage are based upon recommendations of the Committee made at their meeting of January 24, 1972, and derive from the following determinations for the marketing year beginning August 1, 1972:

(1) Total domestic consumption of 34,250,000 pounds of hops;

(2) Minus imports of 14 million pounds of hops to result in domestic consumption of U.S. hops of 20,250,000 pounds;

(3) Plus total U.S. exports of 29 million pounds of hops to equal 49,250,000 pounds total usage of U.S. hops;

(4) Minus a desirable inventory adjustment, as of September 1, 1973, of 1,209,000 pounds; and

(5) Plus an adjustment of 1,949,000 pounds to provide for allotments not produced plus 1,390,000 pounds to assure production of the quantity needed to meet market requirements, resulting in adjusted requirements for salable hops of 51,380,000 pounds.

The proposal is as follows:

§ 991.210 Allotment percentage and salable quantity for hops during the marketing year beginning August 1, 1972.

The allotment percentage during the marketing year beginning August 1, 1972, shall be 85 percent, and the salable quantity shall be 51,380,000 pounds.

Dated: February 10, 1972.

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

[FR Doc.72-2324 Filed 2-15-72;8:51 am]

Food and Nutrition Service

[7 CFR Part 225]

SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Notice of Proposed Rule Making

Notice is hereby given that the Food and Nutrition Service, Department of Agriculture, intends to amend the regulations governing the operation of the Special Food Service Program For Children to implement the provisions of Public Law 92–32 and for other purposes.

Comments, suggestions, or objections are invited and in order to be sure of being considered should be delivered within 20 calendar days after publication hereof to Herbert D. Rorex, Director, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, or submitted by mail postmarked not later than 20 days following publication hereof.

Communications should identify the regulation section and paragraph on which comments, etc., are offered. All comments, suggestions, or objections will be considered before the final amendments are published. All written submissions received pursuant to this notice will be made available for public inspection at the Office of the Director, Child Nutrition Division, during the regular business hours (8:30 a.m. to 5 p.m.) (7 CFR 1.27(b)).

The proposed amendments, with the proposed effective date as stated, are as follows:

§ 225.1 [Amended]

1. In § 225.1, the word "pilot" is deleted wherever it appears.

2. In § 225.2, paragraph (p) is amended to delete the phrase "providing for children from such areas food service similar to that available to children under the National School Lunch or School Breakfast Programs during the school year"; and new paragraphs (i–1) and (p–1) are added, as follows:

§ 225.2 Definitions.

* * * * *

(i–1) "In-kind contributions" means personal services donated to the program, and food (other than USDA-donated food) and other goods donated to the program.

* * * * *

(p–1) "Special summer program" means a food service conducted by a private nonprofit institution or a public institution during the summer months which provides for children from areas in which poor economic conditions exist or areas in which there are high concentrations of working mothers a food service similar to that available to children under the National School Lunch or School Breakfast Programs during the school year.

* * * * *

3. In § 225.4, the opening sentence of paragraph (a), and paragraph (b) are revised; as follows:

§ 225.4 Apportionment of funds to States.

(a) Except when otherwise authorized by law, any Federal funds made available for the purposes of section 13 of the Act for any fiscal year shall be apportioned among the States in accordance with the following provisions:

* * * * *

(b) All of the funds available to any State for the program shall be withheld by FNS if the State agency is not permitted by law or is otherwise unable to disburse the funds apportioned or allocated to it to any service institution in the State, and the funds so withheld shall be disbursed directly to service institutions in such State.

* * * * *

4. In § 225.5, the first sentence of paragraph (a) is revised to read as follows:

§ 225.5 Payments to States.

(a) The funds apportioned or allocated to any State shall be made available by means of Letters of Credit issued by FNS to appropriate Federal Reserve Banks in favor of the State agency. * * *

5. In § 225.7, a new paragraph (a–1) is added; in paragraph (b), subparagraphs (5), (6), and (7) are revised and a new subparagraph (14) is added; a new paragraph (b–1) is added; the opening paragraph of paragraph (c) is revised; in paragraph (e), subdivision (iv) is added under subparagraph (12); paragraph (f) is revised, and a new paragraph (i) is added, as follows:

§ 225.7 Requirements for participation.

* * * * *

(a–1) Applications for participation of special summer programs which are filed before April 1 shall be considered to the extent that funds are available for special summer programs, in the following priority: (1) First, applications from service institutions which participated in the program during the prior calendar year for not more than the approximate level of funds used in the prior year; (2) second, applications from service institutions which did not participate in the program during the prior calendar

year; (3) third, applications from service institutions which participated in the program in the prior calendar year for a higher level of funding than in the prior year. If funds will not permit approval of all applications received prior to April 1, local interest as indicated by the level of local financial support and in-kind contributions shall be considered in determining which applications shall be approved. Approval of applications received after April 1 will be dependent on the funds available for special summer programs after allowance is made for financing programs for which applications were received prior to April 1. Applications received after April 1 shall be approved in the order of the date of receipt of such applications.

(b) * * * (5) the proportion of children from low-income families to be served and data to demonstrate that the service institution will operate for children from areas in which poor economic conditions exist, including, but not limited to pertinent data from Model City target areas within the community, departments of welfare, zoning commissions, census tracts, or the local school systems; (6) if the application is based solely upon the service of children from areas in which there is a high percentage of working mothers, data to demonstrate that at least half of the mothers in such area are engaged in work outside the home; (7) types of meals to be served and the method to be used to provide such meals; * * * and (14) where appropriate, a justification of the need of the service institution for financial assistance in meeting operating costs in lieu of reimbursement for meals under paragraph (e) of § 225.10. Such justification shall include an estimate of the total cost of the food service and of the total resources, other than federal assistance under this part, available to support the food service, including the fair value of in-kind contributions.

(b–1) Service institutions operating special summer programs shall attach to their applications information sheets on each food service site. Such information sheets shall include, as a minimum, the following: The site name, location, estimated average daily attendance, the estimated average daily number of children who will receive free or reduced price meals due to their inability to pay for such meals, a description of any organized activities and supervision thereof, a description of the food service area, planned meal service, dates and hours of operation, data to document that the site will serve children from areas in which poor economic conditions exist or data to demonstrate that the site will serve children from areas in which at least half of the mothers work outside the home if the application is based solely upon the service of children from areas in which there is a high percentage of working mothers; and the methods to be used to identify children eligible for participation at the site, including the methods to be used to identify those children eligible for free or reduced price meals.

(c) Any service institution may contract with a food service management company or other commercial enterprise for the preparation or delivery at food service sites of complete meals, or components of such meals, for service to children. Any service institution operating a program serving 500 or more children daily and contracting with a food service management company or other commercial enterprise to so prepare or deliver such meals or components thereof, shall use a competitive bid procedure in the selection of such company or enterprise. Any service institution may employ a food service management company to operate its feeding program. A service institution that so employs a food service management company shall remain responsible for seeing that the feeding operation is in conformity with its agreement with the State agency, or FNSRO where applicable. Any service institution using a food service management company in the conduct of a feeding operation serving 500 or more children daily shall use a competitive bid procedure in the selection of the food service management company. The contract between the service institution and the food service management company shall expressly provide that:

* * * * *

(e) * * *

12) * * *

(iv) *In-kind contributions.* Service institutions authorized to receive financial assistance in meeting operating costs in lieu of reimbursement for meals under paragraph (e) of § 225.10 shall maintain records of in-kind contributions. The value assigned to such in-kind contributions shall be based upon prices or wages prevailing in the area for similar foods, goods and services.

* * * * *

(f) A service institution may utilize existing school food service facilities or obtain meals from a school food service facility, and the pertinent requirements of this part shall be embodied in a written agreement between the service institution and the school. In the event that the school is receiving Federal assistance for its food service program under the provisions of Part 210, 215, 220, or 250 of this chapter, the agreement shall also provide that payments made to the school under such agreement shall be deposited into the school's nonprofit food service account and all expenditures made by the school in connection with such agreement shall be paid from such account.

* * * * *

(i) Service institutions approved for participation shall operate their food service program in accordance with the provisions of this part and any instructions and handbooks issued by FNS or the State Agency which are not inconsistent with provisions of this part.

6. In § 225.10, paragraph (e) is revised to read as follows:

§ 225.10 Reimbursement payments.

* * * * *

(e) Notwithstanding any other provision of this section, where all or nearly all the attending children are in need of free meals and the service institution is financially unable to meet this need, the State agency, or FNSRO where applicable, may authorize financial assistance to such service institution, in lieu of reimbursement for meals, in an amount not to exceed 80 percentum of the operating costs of its food service, i.e., the cost of obtaining, preparing, and serving food, or 100 percentum of the cash expenditure for such operating costs, whichever is the lesser: *Provided, however*, That such financial assistance shall not exceed 60 cents for a lunch or supper, 20 cents for a breakfast, and 15 cents for supplemental food.

7. In § 225.18, a new paragraph (a–1) is added, as follows:

§ 225.18 Special responsibilities of State agencies.

* * * * *

(a–1) The State agency, or FNSRO where applicable, shall not approve any applications for special summer programs in which more than one meal service will be offered at a site unless it is determined that the service of each meal for which reimbursement will be claimed will meet all the requirements for that meal as set forth in § 225.9, and that each meal will be served at a separate time. The State agency, or FNSRO where applicable, shall consider the adequacy of meal delivery, storage and distribution schedules to assure that overlapping of meal service will not occur.

* * * * *

Effective date. These amendments shall become effective upon publication in the FEDERAL REGISTER (2–16–72).

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

Dated: February 9, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72–2374 Filed 2–15–72;8:55 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71–SO–170]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Miami, Fla., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As parts of this proposal relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The airspace action proposed in this docket would alter the Miami, Fla., transition area by adding that airspace within a 6.5-mile radius of Pompano Beach Airpark (lat. 26°15'00" N., long. 80°06'30" W.) and within 3 miles each side of the Pompano Beach VOR (lat. 26°14'52" N., long. 80°06'32" W.) 319° radial, extending from the 6.5-mile-radius area to 8.5 miles northwest of the VOR.

The proposed alteration of the transition area is needed to provide controlled airspace for proposed IFR operations at Pompano Beach Airpark. A privately owned VOR has been installed at Pompano Beach and an instrument approach procedure to Pompano Beach Airpark is proposed in conjunction with the proposed alteration of the Miami, Fla., transition area.

This amendment is proposed under the authority of section 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 F.R. 9565), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 10, 1972.

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

[FR Doc.72-2273 Filed 2-15-72;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SW-7]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Athens, Tex., 700-foot transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Forth Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

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

In § 71.181 (37 F.R. 2143), the Athens, Tex., transition area is amended to read:

ATHENS, TEX.

That airspace extending from 700 feet above the surface within a 5-mile radius of Jones Municipal Airport (latitude 32°10'00" N., longitude 95°50'00" W.) and within 3.5 miles (3 NM) each side of the 176° bearing from the Athens RBN (latitude 32°09'35" N., longitude 95°49'50" W.) extending from the 5-mile radius to 11.5 miles (10 NM) south of the RBN.

Alteration of the Athens, Tex., transition area is necessary as the approach procedure serving Glad Oaks Airport has been canceled and its associated nondirectional radio beacon (RBN) serving that airport has been decommissioned. The extent of the Athens, Tex., transition area will be substantially reduced.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on February 7, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-2274 Filed 2-15-72; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SW-8]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Sherman, Tex., 700-foot transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal

docket will also be available for examination at the Office of the Chief, Air Traffic Division.

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

In § 71.181 (37 F.R. 2143), the Sherman, Tex., transition area is amended to read:

SHERMAN, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Sherman Municipal Airport (latitude 33° 37'30" N., longitude 96°35'09" W.) and within a 7-mile radius of Grayson County Airport (latitude 33°42'25" N., longitude 96°40'25" W.).

Alteration of the 700-foot transition area will afford controlled airspace for a VOR/DME approach serving Grayson County Airport (formerly Perrin AFB) in addition to the VOR/DME approach which currently serves Sherman Municipal Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on February 7, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-2275 Filed 2-15-72;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-WE-2]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would establish a new transition area for Lake Havasu City Airport, Calif.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

A new instrument approach procedure has been developed for Lake Havasu Airport utilizing the Needles VORTAC 163° T (148° M) radial for final approach course. The proposed transition area is required to provide controlled airspace protection for aircraft executing the prescribed instrument procedure.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (37 F.R. 2143) the following transition area is added:

LAKE HAVASU, ARIZ.

That airspace extending upward from 700 feet above the surface within 7 miles east and 5.5 miles west of the Needles, Calif., VORTAC 163° radial, extending from 17 to 27 miles south of the VORTAC, and that airspace extending upward from 1,200 feet above the surface within 7 miles east and 5.5 miles west of the Needles VORTAC 163° radial extending from the VORTAC to 17 miles south of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on February 4, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.72-2276 Filed 2-15-72;8:46 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 302]

FLAMMABLE FABRICS ACT

Proposed Guaranties, Testing and Labeling for Carpets and Rugs

Notice of proposed amendment regarding separate and continuing guaranties and forms therefor to conform to 1967 amendment to said Act and to provide for new form of guaranty for seller to buyer; reasonable and representative tests and recordkeeping requirements relating to standard for the surface flammability of small carpets and rugs (pill test) DOC FF 2-70; labeling requirements for carpets and rugs by use of the letter "T" which have been treated with a fire-retardant as applicable to DOC FF 1-70 and DOC FF 2-70; and manner of required labeling of small carpets and rugs (DOC FF 2-70) not meeting acceptance criterion.

The Flammable Fabrics Act, 15 U.S.C. section 1191, et seq. (hereinafter sometimes referred to as "Act"), was amended in 1967 by An Act to amend the Flammable Fabrics Act, etc., 81 Stat. 568, et seq., December 14, 1967 (hereinafter referred to as the "1967 Amendment"), to increase the protection afforded consumers. The 1967 Amendment permitted flammability standards to be issued or amended by the Secretary of Commerce under rule making procedures, outlined in section 4 of the Act as amended in 1967, to modify existing standards or establish new standards for categories of "interior furnishings" for which a standard of flammability was not previously provided for, such as, carpets and rugs, etc. The 1967 Amendment continued in effect standards existing at the time of its passage until superseded or modified by the Secretary of Commerce.

Among other things, the 1967 Amendment changed section 8 of the Act, 15 U.S.C. section 1197, to provide for continuing guaranties "given by seller to buyer applicable to any product, fabric, or related material sold or to be sold to buyer by seller in a form as the (Federal Trade) Commission by rules and regulations may prescribe," section 6, 1967 Amendment. This type of guaranty is in addition to the two types which were already provided for in section 8, i.e., separate guaranties and continuing guaranties filed with the Federal Trade Commission (hereinafter sometimes referred to as "Commission"). In order to effectuate this new provision in section 8, the Commission proposes to amend the rules and regulations under the Act, Part 302, Subchapter C, Chapter I, Title 16, Code of Federal Regulations, to provide a form to be used for continuing guaranties from seller to buyer. This form appears hereinafter as proposed 16 CFR 302.10(f) (proposed Rule 10(f) under the Act).

Additionally, both proposed 16 CFR 302.9 and 302.10 (proposed Rules 9 and 10 under the Act) set out hereinafter, would revise the existing sections (Rules) suggesting or prescribing forms of guaranty, 16 CFR 302.9 and 302.10 (Rules 9 and 10 under the Act), by making numerous small changes therein. These changes are editorial in nature and are designed mainly to conform the language of these sections (Rules) to the terminology of the Act as amended in 1967, and relate primarily to the extension of coverage under the 1954 Act which provided jurisdiction over "wearing apparel" and "fabric" which is intended or sold for use in wearing apparel "to wearing apparel and fabric which is intended for use or which may reasonably be expected to be used in any product * * *" which includes both wearing apparel and the added category "interior furnishing".

The Commission also proposes to amend the rules and regulations under the Act to add a new section (Rule) thereto, proposed 16 CFR 302.16 (Rule 16 under the Act), set out hereinafter, prescribing reasonable and representative tests and recordkeeping requirements relative to small carpets and rugs (DOC FF 2-70) for guaranty purposes pursuant to section 8 of the Act. The need for this section (Rule) arose when, on December 29, 1970, the Secretary of Commerce, pursuant to authority granted by the 1967 Amendment, promulgated and caused to be published in the FEDERAL REGISTER a "Standard for the Surface Flammability of Small Carpets and Rugs (Pill Test), Small Carpets and Rugs DOC FF 2-70" (hereinafter sometimes referred to as "Small Carpet Standard"), to become effective

12 months from the above publication date. This standard is made applicable to manufacturers, importers and all other persons marketing or handling small carpets and rugs as provided in section 3 of the Act, 15 U.S.C. section 1192, as amended, December 14, 1967.

In addition to the editorial amendment to the language contained in the forms of guaranties above referred to, the provisions of 16 CFR 302.15 (Rule 15 of the regulations under the Flammable Fabrics Act) published in the FEDERAL REGISTER on July 20, 1971, at 36 F.R. 13329, concerning reasonable and representative tests and recordkeeping requirements relating to carpet guaranties issued under section 8 of the Act for carpets and rugs subject to the "Standard for the Surface Flammability of Carpets and Rugs (DOC FF 1–70)" are proposed to be adopted by reference for small carpets and rugs subject to the Standard for the "Surface Flammability of Small Carpets and Rugs (Pill Test) DOC FF 2–70" (published in the FEDERAL REGISTER at 35 F.R. 19702, December 29, 1970) except that testing and recordkeeping is proposed to be on the basis of units of small carpets and rugs rather than on the basis of linear yards or square yards. These provisions appear hereinafter as proposed new 16 CFR 302.16 (proposed Rule 16 of the regulations under the Act).

Both the "Standard for the Surface Flammability of Carpets and Rugs, DOC FF 1–70" (promulgated by the Secretary of Commerce, 35 F.R. 6211, April 15, 1970, for carpets and rugs other than small carpets and rugs), and the Small Carpet Standard (DOC FF 2–70, 35 F.R. 19702) require that if a carpet or rug or small carpet or rug has had a fire-retardant treatment or is made of fibers which have had a fire-retardant treatment, it shall be labeled with the letter "T" pursuant to conditions or rules and regulations established by the Commission. This provision with regard to both large carpets and rugs and small carpets and rugs would be effectuated primarily by proposed new 16 CFR 302.17 (proposed new Rule 17 under the Act), set forth hereinafter which merely provides that if applicable the letter "T" shall appear legible and conspicuous at each place where the fiber content disclosure is made on a label or invoice relating thereto pursuant to the fiber content disclosure requirements of the Textile Fiber Products Identification Act, which includes specimens or samples used to effect or promote the sale of said carpet or rug.

The Small Carpet Standard (DOC FF 2–70) requires that if a small carpet or rug does not meet the acceptance criterion of DOC FF 1–70 it shall, prior to its introduction into commerce, be "permanently" labeled, pursuant to rules and regulations established by the Commission, with the statement: "Flammable (Fails U.S. Department of Commerce Standard FF 2–70); Should Not Be Used Near Sources of Ignition." This provision would be effectuated primarily by proposed new 16 CFR 302.18 (proposed new Rule 18 under the Act), set forth hereinafter.

Interested parties may participate in this proceeding by submitting in writing to the Federal Trade Commission, Washington, D.C. 20580, their views, arguments or other data, including suggested revisions, additions, or deletions, on or before the 15th day of March 1972.

In summary, it is proposed that §§ 302.9 and 302.10 (Rules 9 and 10 under the Act), Part 302, Subchapter C, Chapter I, Title 16, Code of Federal Regulations, be changed as appears in their corresponding proposed revised sections (Rules) set forth hereinafter; and that three new sections (Rules), §§ 302.16, 302.17, and 302.18 (Rules 16, 17, and 18 under the Act), be added to Part 302, Subchapter C, Chapter I, Title 16, Code of Federal Regulations; all as set forth hereinafter:

§ 302.9 Form of separate guaranty.

The forms which follow are suggested forms of separate guaranties under section 8 of the Act for use by guarantors residing in the United States. Representation contained in these suggested forms of separate guaranties with respect to reasonable and representative tests may be based upon a guaranty received and relied upon in good faith by the guarantor, tests performed by or for a guarantor, or class tests, where permitted under these rules. Where the forms are used as part of an invoice or other paper relating to the marketing or handling of products, fabrics, or related materials subject to the Act, wording may be varied to limit the guaranty to specific items in such invoice or other paper. The name, address of the guarantor, and date on the invoice or other paper will suffice to meet the signature, address, and date requirements indicated on the forms.

(a) *General form.*

The undersigned hereby guarantees that reasonable and representative tests, made in accordance with procedures prescribed and applicable standards or regulations issued, amended or continued in effect under the Flammable Fabrics Act, as amended, show that the product, fabric, or related material covered and identified by, and in the form delivered under this document conforms to the applicable standard or regulation issued, amended or continued in effect.

Date: _____

_____
Name

_____
Address

(b) *Guaranty based on guaranty.*

Based upon a guaranty received, the undersigned hereby guarantees that reasonable and representative tests, made in accordance with procedures prescribed pursuant to the Flammable Fabrics Act, as amended, show that the product, fabric, or related material covered and identified by, and in the form delivered under this document conforms to the applicable standard or regulation issued, amended or continued in effect.

Date: _____ _____
Name

_____
Address

[Rule 9]

§ 302.10 Continuing guaranties.

(a) Any person residing in the United States may file with the Federal Trade Commission a continuing guaranty under section 8 of the Act applicable to any product, fabric, or related material marketed or handled by such person. When filed with the Commission, a continuing guaranty shall be fully executed in duplicate and execution of each copy shall be acknowledged before a notary public. Forms for use in preparing continuing guaranties to be filed with the Commission will be supplied by the Commission upon request. To remain in effect, such guaranties must be renewed every 3 years and at such other times as any change occurs in the legal business status of the person filing the guaranty. It is therefore required that any person who has filed a continuing guaranty with the Commission shall promptly advise the Commission in writing of any change in the legal status of the guarantor or in the address of the guarantor's principal office and place of business. Representations contained in the prescribed form of continuing guaranty with respect to reasonable and representative tests may be based upon (1) a guaranty received and relied upon in good faith by the guarantor, (2) tests performed by or for a guarantor, or (3) class tests, where permitted under these rules.

(b) The following is the prescribed form of continuing guaranty for filing with the Commission:

CONTINUING GUARANTY UNDER THE FLAMMABLE FABRICS ACT FOR FILING WITH FEDERAL TRADE COMMISSION

The undersigned, _____, a _____ residing
(Corporation, partnership, proprietorship)
in the United States and having principal office and place of business at _____
_____
(Street and number)
_____, _____
(City) (State or territory)
and being engaged in the marketing or handling of products, fabrics or related materials subject to the Flammable Fabrics Act, as amended, and Regulations thereunder,

Hereby guarantee(s) that with regard to all the products, fabrics, or related materials [described as follows: _____
_____
_____][1]
hereafter marketed or handled by the undersigned, and for which flammability standards have been issued, amended, or continued in effect under the Flammable Fabrics Act, as amended, reasonable and representative tests as prescribed by the Federal Trade Commission have been performed, which show that the products, fabrics, or related materials conform to such of the above-mentioned flammability standards as are applicable thereto.

[1] If guaranty is limited to certain products, fabrics, or related materials, list the general categories here. If guaranty is not so limited, leave these lines blank.

Dated, signed, and executed this _____ day of _____, 19__, at _____, _____.
(City) (State or territory)

[Impression of corporate seal, if corporation.]
(If firm is a partnership list partners below.)

_____ (Name under which business is conducted)

_____
_____
_____
_____

_____ (Signature of proprietor, partner, or authorized official of corporation.)

STATE OF _____
County of _____ } *ss*

On this _____ day of _____, 19__, before me personally appeared the said _____ proprietor, partner
(Signer of guaranty)
(strike nonapplicable words) _____
_____ of
(If corporation, give title of signing official)
_____ to me personally
(Firm name)
known, and acknowledged the execution of the foregoing instrument on behalf of the firm, for the uses and purposes therein stated.

(Impression of notary seal required here.) _____
Notary Public in and for County of _____,
State of _____.
My commission expires _____.

(c) Any person who has a continuing guaranty on file with the Commission may, during the effective period of the guaranty, give notice of such fact by setting forth on the invoice or other paper covering the marketing or handling of the product, fabric, or related material guaranteed the following: "Continuing guaranty under the Flammable Fabrics Act filed with the Federal Trade Commission."

(d) Any person who falsely represents that he has a continuing guaranty on file with the Federal Trade Commission when such is not a fact shall be deemed to have furnished a false guaranty under section 8(b) of the Act.

(e) Any seller residing in the United States may give a continuing guaranty under section 8 of the Act to a buyer applicable to any product, fabric, or related material sold or to be sold to said buyer by said seller. All such continuing guaranties shall be fully executed in duplicate and execution of each copy shall be acknowledged before a notary public. To remain in effect, such guaranties must be renewed every 3 years and at such other times as any change occurs in the legal business status of the person giving the guaranty. Representations contained in the prescribed form of continuing guaranty from seller to buyer with respect to reasonable and representative tests may be based upon (1) a guaranty received and relied upon in good faith by the guarantor, (2) tests performed by or for a guarantor, or (3) class tests, where permitted under these rules.

(f) The following is the prescribed form of continuing guaranty from seller to buyer:

CONTINUING GUARANTY FROM SELLER TO BUYER UNDER THE FLAMMABLE FABRICS ACT

The undersigned, _____, a
_____
(Corporation, partnership, proprietorship)
residing in the United States and having principal office and place of business at
_____
(Street and number)
_____, _____
(City) (State or Territory)
handling of products, fabrics or related materials subject to the Flammable Fabrics Act, as amended, and Regulations thereunder,

Hereby guarantee(s) to _____
(Name and address)
_____, buyer, that with regard to all the products, fabrics, or related materials described as follows: _____
_____
_____[1]
hereafter sold or to be sold to buyer by the undersigned, and for which flammability standards have been issued, amended, or continued in effect under the Flammable Fabrics Act, as amended, reasonable and representative tests, as prescribed by the Federal Trade Commission have been performed which show that the products, fabrics, or related materials, at the time of their shipment or delivery by the undersigned, conform to such of the above-mentioned flammability standards as are applicable thereto.

Dated, signed, and executed this _____ day of _____, 19__, at _____, _____.
(City)
(State or territory)

(Impression of corporate seal, if corporation.)

_____ (Name under which business is conducted)

(If firm is a partnership list partners below.)

_____
_____
_____
_____

_____ (Signature of proprietor, partner, or authorized official of corporation.)

STATE OF _____
County of _____ }

On this _____ day of _____, 19__, before me personally appeared the said _____ proprietor, partner
(Signer of guaranty)
(strike nonapplicable words) _____
(If corporation,
_____ of _____
give title of signing official) (Firm name)
to me personally known, and acknowledged the execution of the foregoing instrument on behalf of the firm, for the uses and purposes therein stated,

(Impression of notary seal required here.) _____
Notary Public in and for County of _____,
State of _____,
My commission expires _____.

[Rule 10]

[1] If guaranty is limited to certain products, fabrics, or related materials, list the general categories here. If guaranty is not so limited, leave these lines blank.

§ 302.16 Reasonable and representative tests and recordkeeping requirements relating to small carpet guaranties.

(a) The provisions of § 302.15 (Rule 15), Reasonable and Representative Tests and Recordkeeping Requirements Relating to Carpet Guaranties, applicable to Carpets and Rugs subject to the "Standard for the Surface Flammability of Carpets and Rugs, DOC FF 1–70" shall also apply to small carpets and rugs subject to the "Standard for the Surface Flammability of Small Carpets and Rugs (Pill Test), DOC FF 2–70" promulgated by the Secretary of Commerce, 35 F.R. 19702 (hereinafter referred to as DOC FF 2–70), and references to "Standard" in § 302.15 (Rule 15) shall include DOC FF 2–70. Persons issuing guaranties under section 8(a) of the Act for small carpets and rugs subject to DOC FF 2–70 shall be subject to all of the requirements of § 302.15 (Rule 15) except as provided in paragraph (b) of this section.

(b) In lieu of performing tests and maintaining records on the basis of linear yards or square yards as provided in § 302.15 (Rule 15), persons furnishing guaranties for small carpets and rugs subject to DOC FF 2–70 shall perform tests and maintain records on the basis of units of carpets or rugs with "unit" being defined as a single carpet or rug. At least one test shall be performed upon commencement of production, importation or other receipt of such small carpet or rug and every 3,000 units thereafter.

[Rule 16]

§ 302.17 Carpets and rugs with fire-retardant treatment.

(a) For the purposes of this section (Rule) the following definitions apply:

(1) "Carpet" and "rug" mean "carpet" and "rug" as defined in the "Standard for the Surface Flammability of Carpets and Rugs, DOC FF 1–70," promulgated by the Secretary of Commerce, 35 F.R. 6211.

(2) "Small carpet" and "small rug" mean "small carpet" and "small rug" as defined in the "Standard for the Surface Flammability of Small Carpets and Rugs (Pill Test), Small Carpets and Rugs DOC FF 2–70," promulgated by the Secretary of Commerce, 35 F.R. 19702.

(3) "Fire-retardant treatment" means "fire-retardant treatment" as defined in the above-mentioned Carpet and Rug Standard (DOC FF 1–70) or Small Carpet and Rug Standard (DOC FF 2–70).

(b) If a carpet or rug or small carpet or rug is manufactured, imported or otherwise marketed or handled which has had a fire-retardant treatment or is made of fibers which have had a fire-retardant treatment the letter "T" shall be set forth legibly and conspicuously on the label, or invoice required pursuant to the Textile Fiber Products Identification Act whether or not such letter "T" appears elsewhere on said product. Samples, pieces, rolls, or squares used to promote or effect the sale of such carpet or rug

are subject to the same aforementioned requirements.

[Rule 17]

§ 302.18 Small carpets and rugs not meeting acceptance criterion.

(a) If any small carpet or rug as defined in the Standard for the Surface Flammability of Small Carpets and Rugs (Pill Test) DOC FF 2–70, is manufactured, imported or otherwise marketed or handled and does not meet the acceptance criterion of such Standard, it shall, prior to its introduction into commerce, be legibly and conspicuously labeled with a permanent label which sets forth the following satement: "Flammable (Fails U.S. Department of Commerce Standard FF 2–70); Should Not be Used Near Sources of Ignition." The required cautionary statement may be set out on or affixed to the small carpet or rug on the same label as the fiber content label required to be affixed under the Textile Fiber Products Identification Act, if said label is permanent, or said statement shall be set forth on a separate permanent label on or affixed to the small carpet or rug in immediate proximity to the said required label under the Textile Fiber Products Identification Act.

(b) Such cautionary statements shall also appear in a conspicuous manner in all advertisements in which said small carpets or rugs are being offered for sale through direct mail, telephone solicitation, or under any other circumstances where the consumer, in the ordinary course of dealing, will not have an opportunity to inspect the label before receiving the merchandise. The phrase "Flammable—Read the Label" shall conspicuously appear in all other advertisements of small carpets or rugs which do not meet the acceptance criterion of the Standard.

[Rule 18]

(Sec. 5 of the Act, 67 Stat. 112, as amended by 81 Stat. 570, 15 U.S.C. 1194; sec. 8 of the Act, 67 Stat. 114, as amended by 81 Stat. 572, 15 U.S.C. 1197; and Subpart B of Part 1 of the Commission's procedures and rules of practice, 16 CFR 1.11 et seq.)

By the Commission dated February 4, 1972.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-2267 Filed 2-15-72;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Releases Nos. 34-9488, 35-17451, IC-6987]

SHAREHOLDER PROPOSALS

Proposed Proxy Rules; Extension of Time for Filing Comments

The Securities and Exchange Commission has extended from February 3, 1972, until February 24, 1972, the period of time within which written comments and views may be submitted on its proposed amendments to Rules 14a–5 (17 CFR 240.14a–5) and 14a–8 (17 CFR 240.14a–8) of its proxy rules adopted under section 14(a) of the Securities Exchange Act of 1934. The proposed amendments to the rules were announced on December 22, 1971 in Securities Exchange Act Release No. 9432 (36 F.R. 25432, December 31, 1972).

By the Commission, February 9, 1972.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-2320 Filed 2-15-72;8:52 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1056, 1322]

[Ex Parte No. MC-19 (Sub-No. 16)]

MOTOR CARRIERS OF HOUSEHOLD GOODS

Proposed Use of Credit Card System; Extension of Time for Filing Statements

FEBRUARY 3, 1972.

Modification of Parts 1322 and 1056.8—general rules and regulations of motor carriers of household goods (Credit Card System).

At the request of Mr. Alan F. Wohlstetter, attorney for respondent, the due date for filing statements has been extended from February 7, 1972, to February 22, 1972.

ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-2381 Filed 2-15-72;8:55 am]

Notices

DEPARTMENT OF STATE

[Public Notice 351]

REQUESTS FOR ASYLUM

Policy and Procedures

The following procedures were transmitted by memorandum of January 7, 1972, to all U.S. Government departments and agencies. Copies were also sent to all American diplomatic and consular posts instructing them to coordinate implementation by U.S. Government units within the areas of their jurisdiction.

Dated: February 1, 1972.

[SEAL] WILLIAM P. ROGERS,
Secretary of State.

JANUARY 4, 1972.

PART I—GENERAL POLICY FOR DEALING WITH REQUESTS FOR ASYLUM BY FOREIGN NATIONALS

Policy. Both within the United States and abroad, foreign nationals who request asylum of the U.S. Government owing to persecution or fear of persecution should be given full opportunity to have their requests considered on their merits. The request of a person for asylum or temporary refuge shall not be arbitrarily or summarily refused by U.S. personnel. Because of the wide variety of circumstances which may be involved, each request must be dealt with on an individual basis, taking into account humanitarian principles, applicable laws and other factors.

In cases of such requests occurring within foreign jurisdiction, the ability of the U.S. Government to give assistance will vary with location and circumstances of the request.

U.S. objectives. A basic objective of the United States is to promote institutional and individual freedom and humanitarian concern for the treatment of the individual.

Through the implementation of generous policies of asylum and assistance for political refugees, the United States provides leadership toward resolving refugee problems.

Background. A primary consideration in U.S. asylum policy is the "Protocol Relating to the Status of Refugees," to which the United States is a party. The principle of asylum inherent in this international treaty (and in the 1951 Refugee Convention whose substantive provisions are by reference incorporated in the Protocol) and its explicit prohibition against the forcible return of refugees to conditions of persecution, have solidified these concepts further in international law. As a party to the Protocol, the United States has an international treaty obligation for its implementation within areas subject to jurisdiction of the United States.

U.S. participation in assistance programs for the relief of refugees outside U.S. jurisdiction and for their permanent resettlement in asylum or other countries helps resolve existing refugee problems. It also avoids extensive accumulation of refugees in asylum countries and promotes the willingness of the latter to maintain policies of asylum for other arriving refugees.

President Nixon has reemphasized the U.S. commitment to the provision of asylum for refugees and directed appropriate departments and agencies of the U.S. Government, under the coordination of the Department of State, to take steps to bring to every echelon of the U.S. Government which could possibly be involved with persons seeking asylum a sense of the depth and urgency of our commitment.

PART II—HANDLING ASYLUM REQUESTS BY PERSONS IN THE UNITED STATES OR IN OTHER AREAS OUTSIDE ANY FOREIGN JURISDICTION

All U.S. Government personnel who may receive a request from a foreign national for asylum within territory under the jurisdiction of the United States, or aboard a U.S. vessel or aircraft in or over U.S. territorial waters or on or over the high seas, should become thoroughly familiar with procedures for the handling of such requests. Implementing instructions issued by Government agencies to establish these procedures should receive the widest dissemination among such personnel.

Procedures. A. Upon receipt of a request for asylum from a foreign national or an indication that a request from a foreign national is imminent, U.S. Government agencies should immediately notify the Department Operations Officer at the Operations Center of the Department of State (Telephone area code 202, 632-1512). The Department Operations Officer will refer any request to the appropriate offices in the Department of State and will maintain contact with the U.S. agency involved until the designated action officer in the Department of State assumes charge of the case.

The following information should be forwarded to the Department Operations Officer at the Operations Center when available but the initial report must not be delayed pending its development:

1. Name and nationality of the individual seeking asylum.
2. Date, place of birth, and occupation.
3. Description of any documentation in his possession.
4. What foreign authorities are aware of his seeking asylum.
5. Circumstances surrounding the request for asylum.
6. Exact location. If aboard vessel or aircraft, ETA at next intended port or airport.
7. Reason for claiming asylum.
8. Description of any criminal charges known or alleged to be pending against the asylum seeker. Indicate also any piracy at sea, air piracy, or hijacking background.
9. Any Communist Party affiliation or affiliation with other political party; any government office now held or previously occupied.

Telephone notification to the Operations Center should be confirmed as soon as possible with an immediate precedence telegram to the Department of State summarizing all available information.

B. Safe protective custody will be provided to the asylum seeker and, where indicated, appropriate law enforcement or security authorities will be brought in as early as possible. Interim measures taken to assure safe custody may include the use of force against attempts at forcible repatriation where means or resistance are available, taking into account the safety of U.S. personnel and using no greater force than necessary to protect the individual. Any inquiries from interested foreign authorities will be met by the senior official present with a response that the case has been referred to headquarters for instructions.

C. U.S. Government agencies should also immediately inform the nearest office of the U.S. Immigration and Naturalization Service (INS) of any request for asylum, furnish all details known, and arrange to transfer the case to INS as soon as feasible. Agencies should continue to follow any procedures already in effect between themselves and INS. For INS only: Where INS has received a direct request for asylum and has assumed jurisdiction over a routine case in which forcible repatriation or deportation is not indicated, INS may follow existing notification procedures in lieu of the special alerting procedure to the Department of State described above.

PART III—HANDLING ASYLUM REQUESTS BY PERSONS WITHIN FOREIGN JURISDICTIONS

This instruction sets forth procedures for all U.S. Government agencies abroad in dealing with asylum requests at U.S. installations, vessels, or aircraft in foreign jurisdictions.

I. GRANTING ASYLUM

While it is the policy of the United States not to grant asylum at its units or installations within the territorial jurisdiction of a foreign state, any requests for U.S. asylum should be reported in accordance with the procedures set forth herein.

II. GRANTING TEMPORARY REFUGE

Immediate temporary refuge for humanitarian reasons, however, may be granted (except to board aircraft because of their vulnerability to hijacking) in extreme or exceptional circumstances wherein the life or safety of a person is put in danger, such as pursuit by a mob.

When such temporary refuge is granted, the American Embassy or consular office having jurisdiction, the Washington headquarters of the concerned agency, and the Department of State should be immediately notified. Military units under direct Embassy jurisdiction will report through the Embassy, unless the senior diplomatic official determines otherwise.

To the extent circumstances permit, persons given temporary refuge should be afforded every reasonable care and protection. The measures which can prudently be utilized in providing this protection must be a matter for decision of the senior U.S. official present at the scene, taking into consideration the safety of American personnel and the established security procedures for the unit or installation concerned.

Protection shall be terminated when the period of active danger is ended, except that authority to do so shall be obtained from the Department of State. Where a military installation not under direct Embassy jurisdiction is involved, such authority shall be obtained from its Washington headquarters upon concurrence of the Department of State. Any inquiries from interested foreign authorities will be met by the senior official present with a response that the case has been referred to Washington.

III. NOTIFICATION TO DEPARTMENT OF STATE OF ASYLUM REQUESTS

Upon receipt of a request for U.S. asylum made by any foreign national, U.S. personnel within foreign jurisdiction should notify immediately the nearest American diplomatic or consular office in the country in which the

request is made. Embassies or Consulates will forward this information to the Department of State by an immediate precedence telegram. Agencies having their own rapid communications systems with direct contact with their headquarters in the United States may notify those headquarters, with information copies to the nearest Embassy or Consular office and the Department of State, by immediate precedence message.

IV. INFORMATION TO BE TRANSMITTED

With respect to requests for temporary refuge (whether or not granted) or for asylum, the following information should be furnished when available but the initial report should not be delayed pending its development:

1. Name and nationality of the individual seeking asylum.
2. Date, place of birth, and occupation.
3. Description of any documentation in his possession.
4. What foreign authorities are aware of his seeking asylum.
5. Circumstances surrounding the request for asylum.
6. Exact location. If aboard vessel or aircraft, ETA at next intended port or airport.
7. Reason for claiming asylum.
8. Description of any criminal charges known or alleged to be pending against the asylum seeker. Indicate also any piracy at sea, air piracy, or hijacking background.
9. Any Communist Party affiliation or affiliation with other political party; any government office now held or previously occupied.

V. DIPLOMATIC AND CONSULAR ESTABLISHMENTS

A. *Requests for asylum.* Requests for asylum made at U.S. diplomatic and consular establishments will continue to be dealt with in accordance with the provisions of Volume 2, section 225.2 of the Foreign Affairs Manual, except that, should temporary refuge be granted, the authority of the Department of State must be obtained before such refuge is terminated.

B. *Routine requests.* Requests of third country nationals for asylum made to diplomatic and consular offices need not be reported immediately to the Department of State when all of the following conditions exist:

(a) Adequate host government machinery is well established which, in the opinion of the Embassy, assures satisfactory protection of the asylum seeker's rights.

(b) There is no evidence of danger of forcible repatriation.

(c) Local authorities can be expected to assume responsibility for the asylum seeker.

C. *Coordination with host country authorities.* Action with regard to third country nationals seeking asylum should normally be taken within the overall policy that the granting of asylum is the right and responsibility of the government of the country in whose territory the request is made. Unless the Embassy deems that there are cogent reasons for not doing so, these authorities should be informed by the Embassy as soon as practicable of the request for asylum.

Activities should also be coordinated by the Embassy with the representative of the United Nations High Commissioner for Refugees (UNHCR), where such a representative is resident and the Embassy deems it appropriate. The UNHCR is a valuable instrument for providing international protection and securing adequate legal and political status for refugees. In addition to providing guarantees against forcible repatriation, the UNHCR seeks to secure for refugees legal, political, economic and social rights within asylum countries.

D. *Available U.S. assistance.* The United States is prepared in the cases of selected refugees to provide care and maintenance, and to assist in local settlement in the country of first asylum or in another country of resettlement, including the United States. Such assistance is normally provided through voluntary agencies under a contract with the Department of State. In cases where the Embassy or Consular Office has determined that U.S. assistance is warranted, it should telegraph the Department of State recommending the type and extent of initial aid and ultimate resettlement considered most suitable.

[FR Doc.72-2327 Filed 2-15-72;8:52 am]

[Public Notice 352]

ENVIRONMENTAL IMPACT STATEMENTS

Issuance of Departmental Procedures for Preparation and Coordination

Notice is hereby given of the publication of proposed procedures of the Department of State, after consultation with the Council on Environmental Quality, in accordance with the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190 (42 U.S.C. 4332(2)(C)); section 2 of Executive Order 11514 of March 5, 1970; and section 3 of the guidelines for statements of proposed Federal action affecting the environment promulgated by the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) hereby incorporated by reference and hereafter referred to as the CEQ Guidelines. The procedures, when established, will be published in the Foreign Affairs Manual of the Department of State. The proposed procedures are as follows:

1. *General.* Attention is called to the National Environmental Policy Act of 1969 and to the Guidelines for Federal Agencies under the National Environmental Policy Act (NEPA) issued by the Council on Environmental Quality (CEQ) April 23, 1971. Except as modified by the present policy guides, the CEQ Guidelines will be deemed applicable to actions of the Department in complying with policies and provisions of the NEPA. These procedures do not apply to the Agency for International Development, the Arms Control and Disarmament Agency, and the U.S. Information Agency. These procedures likewise do not apply to the United States section of the International Boundary and Water Commission, which operates under compatible and more specialized procedures.

2. *Determining the need for environmental impact statements.* (a) Whether or not an environmental impact statement is required under section 102(2)(C) and filed for any Department action, the policies and provisions of the act require that the environmental effects of proposed actions be considered. The process of deciding on the need for the environmental impact statement on any Department action will itself require an extensive analysis of the effects that the proposed action will have on the human environment. The inquiry into environmental effects is mandated, independent of the requirement to file environmental impact statements, by section 102(2)(B) of the act, which requires procedures to insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations. CEQ Guideline No. 1 underscores this by recognizing that the purpose of section 102(2)(C) is to build into the agency decisionmaking process an appropriate and careful consideration of the environmental aspects of proposed action, and to assist agencies in implementing not only the letter, but the spirit, of the act. While the requirement for strict compliance with the procedural requirements of section 102(2)(C) is not to be taken lightly, it must be emphasized that the essence of the act is the need for real consideration of environmental effects.

(b) Section 102(2)(C) of NEPA requires an environmental impact statement on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. Therefore, an activity which requires a statement must both be a major Federal action and must significantly affect the environment. For a general elaboration of the terms, see the CEQ Guidelines, especially CEQ Guidelines 5(a) and 5(b).

3. *Responsibility within the Department.* The Office of Environmental Affairs (SCI/EN) has primary responsibility for the Department's compliance with the requirements of NEPA. Jointly with the Office of Environmental Affairs, the Bureau of the Department which has operational authority over any proposed action shares responsibility for determining whether an environmental impact statement will be needed, or in the case of the International Boundary Commission and the International Joint Commission, the United States section thereof. (Such section is hereinafter included in the term "Bureau.") In order to determine whether the proposed action will be a "major Federal action significantly affecting the quality of the human environment," the Office of Environmental Affairs, together with the Bureau, will investigate thoroughly the direct and indirect environmental effects of the proposed action. They will solicit information from other areas of the Department, from other Federal agencies with jurisdiction by law or special expertise, as determined by the CEQ, with respect to any environmental impact involved, and from private organizations, to the extent necessary to supplement work in evaluating the environmental impact of the proposed action. In assessing the need for impact statements regarding any particular action, the following guides will be considered:

(a) Not every Department activity will be considered a "major Federal action" for the purposes of the act. For example, the following general classes of ac-

tions ordinarily do not require the filing of an environmental impact statement:

(i) Participation in research or study projects;

(ii) Participation in or action pursuant to the decision of any multilateral international organization or which the United States is a member;

(iii) The payment of contributions to any organization pursuant to the obligation of treaty or other international agreement; or acquiescence in the expenditure of funds of an international organization where the United States has made a voluntary contribution to it.

(b) Section 5(d) of the CEQ Guidelines provides that environmental protective regulatory activities concurred in by the Environmental Protection Agency, are not deemed actions which require the preparation of environmental impact statements under section 102(2)(C) of the act. In the usual course, any activity which might be considered an environmental protective regulatory activity would normally receive concurrence from the Environmental Protection Agency in the regular clearance process. Examples of environmental protective regulatory activities are: (1) The U.S. proposed Convention on the Regulation of Transportation for Ocean Dumping; (2) the negotiation of common water quality objectives between the United States and Canada through the medium of the International Joint Commission, and (3) the development and adoption of WHO Air Quality Guides. Examples of actions, which, if proposed, might require the Department to file an environmental impact statement, subject to paragraph (d) of this section, would be proposals for agreements on canals connecting hitherto unconnected bodies of water or affecting peaceful uses of atomic energy.

(c) Indirect effects of United States activities can lead to a need to file an environmental impact statement. For example, trade agreements, which can influence resource allocations, population trends, and development patterns, may have a significant environmental impact and therefore may require a statement. Such secondary effects must be considered, and included, if necessary, in the statement itself.

(d) The Department is responsible for determining whether an environmental impact statement is required and for preparing an environmental impact statement only with respect to the Federal actions as to which it is the lead agency. "Lead agency" is defined in CEQ Guideline 5(b) as "the Federal agency which has primary authority for committing the Federal Government to a course of action." Projects such as the completion of the Pan American Highway through the Darien Gap would be the subject of environmental impact statements, if otherwise required, prepared by the Department of Transportation or other lead agency. Wherever the Department is the lead agency, the Office of Environmental Affairs, together with the appropriate bureau, will be responsible for preparation of the statement.

Advice on legal requirements for filing environmental impact statements and on legal requirements regarding their contents will be obtained from the Assistant Legal Adviser for Environmental Affairs (L/EN).

4. *Responsibility for investigation into environmental effects of all proposed actions.* Even where it is clear from the start that a proposed action will not require an environmental impact statement, the consideration of possible environmental effects will still be made, and, as required by the act, the results of that investigation will be an integral part of the decisionmaking process.

5. *General procedure.* Unless excluded under section 3, actions of the Department which are covered by the act will require an environmental impact statement. The departures from normal procedure for filing and reviewing statements embodied in CEQ Guidelines described herein reflect the peculiar problems of carrying on international relations, especially when negotiations or discussions with foreign countries are involved.

(a) Draft statements will normally be forwarded to CEQ at the time authority under the Department's regulations for making treaties and other international agreements (Circular 175 authority) (11 FAM 720) is requested, or if a request for authority under Circular 175 procedure is not foreseen, at the time a U.S. position for discussions likely to lead to internationally agreed policies is established. The statements will reflect the research done, and will comply with the requirements of section 102(2)(C) of the act as to content, as set forth in CEQ Guideline No. 6, but subject to section 6 of these procedures.

(b) The draft statements will be distributed by the responsible bureau for comment to Federal agencies with jurisdiction by law or special expertise with respect to any environmental impact involved, as determined by CEQ in Appendix II of the CEQ Guidelines, and, where unclassified, made available to the public. Notice of the draft statements availability will be published in the FEDERAL REGISTER as a public notice. The responsible bureau shall arrange for this publication. Any comments received will be considered in final policy decisions and in the preparation of a final environmental impact statement.

Because the process of international negotiation may alter the action originally proposed, a final environmental statement may not be available in time for comment on that statement to be reflected in the decisionmaking process. To the extent that this is the case, the comments should be considered in future decisionmaking in similar areas of policy. In every case, however, where advice and consent to a proposed treaty will be sought or where substantial delay between negotiation and signature of a proposed executive agreement is envisioned, the final statement should be made available as soon as possible after the conclusion of an agreed text.

6. *Exceptions.* The nature of negotiations and relations at the international level may make it necessary to depart in some instances from the procedures in the CEQ Guidelines. CEQ foresaw the need for such departures in CEQ Guideline 10(d). Exceptions applicable to the Department are set forth below.

(a) The statements which are written to comply with the act should not normally include any classified material, nor should they normally include statements with respect to positions other than the first public position of the United States in any ensuing negotiation or discussion. Although environmental impact statements should, whenever possible, be unclassified and available to the public, there may be situations where such statements cannot adequately discuss environmental effects without disclosure of classified or otherwise restricted information which, if publicly disclosed could adversely affect the U.S. negotiating position. In these instances, the statement should be appropriately classified or otherwise restricted. Whenever possible, the classification or restriction should terminate on a specified date or upon the happening of a described event. Such statements, so long as they are classified, or restricted, will not be made available to the public.

(b) Since final statements may not be available until the conclusion of negotiations for an agreement or of a discussion, the 30-day time delay between submission of such a document and final Federal action set out in CEQ Guideline 10(b) will not apply to actions taken in these situations. Every attempt will be made to comply with the 90-day period which Guideline 10(b) requires between submission of the draft statement and final action. Where schedules of international conferences make this impossible, the Department will notify the Council on Environmental Quality as soon as possible of the circumstances, with the purpose of fulfilling the intent of the act insofar as possible.

(c) In certain instances, it may be necessary at times to reduce the 30-day period for agency comments set out in CEQ Guideline No. 7. When this is the case, all agencies to whom the draft statement has been sent will be informed by the responsible bureau of the reduced time period. The reduced time period will be announced in the public notice published in the FEDERAL REGISTER.

(d) Section 2(b) of Executive Order 11514 establishes requirements for providing public information on Federal actions and impact statements and envisions extensive use of public hearings. Public hearings will be employed by the Department only upon a determination by the Secretary that the requirements of carrying no international relations, including the constraints of time and the posture of the United States in negotiation, allow such hearings to be carried out without prejudice to the national interest.

All interested persons who desire to submit written comments or suggestions

for consideration concerning the proposed procedures should submit them in duplicate to the Assistant Legal Adviser for Environmental Affairs, Department of State, Room 6420T, 2201 C Street, NW., Washington, DC 20520, within 30 days following the date of publication of this notice in the FEDERAL REGISTER.

Dated: February 7, 1972.

For the Secretary of State.

[SEAL] WILLIAM B. MACOMBER, Jr.,
Deputy Under Secretary for Management.

[FR Doc.72-2277 Filed 2-15-72;8:48 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Cost of Living Council Ruling 1972-13]

SALES BY MILITARY COMMISSARIES

Cost of Living Council Ruling

Facts. A military commissary which operates with funds appropriated by Congress wishes to increase its prices.

Issue. Are sales by military commissaries sales of government property and therefore exempt under Economic Stabilization Regulations, 6 CFR 101.34 (f)(2), 37 F.R. 1241 (January 27, 1972).

Ruling. Yes. Sales by military commissaries which operate with appropriated funds are sales by the United States within the meaning of § 101.34(f)(2) of the regulations and are therefore exempt from the Economic Stabilization Program.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2335 Filed 2-15-72;8:46 am]

[Cost of Living Council Ruling 1972-14]

RECONDITIONED PROPERTY

Cost of Living Council Ruling

Facts. Corporation A is a dealer in heavy construction equipment. It sells and leases both new and used equipment. The used equipment is acquired as trade-ins on the sale of new equipment or when reacquired at the expiration of a lease. When used equipment is acquired, A reconditions it at a cost in excess of three months rental. The original cost of the equipment runs between $100,000 and $150,000. After reconditioning, the equipment is again sold or leased and is considered to be used equipment by the industry.

Issue. Whether the reconditioned equipment is exempted from the Economic Stabilization Regulations pursuant to § 101.34(e) as used property.

Ruling. Economic Stabilization Regulation § 101.34(e) (6 CFR 101.34(e), 37 F.R. 1241, January 27, 1972), exempts from economic controls only such used and damaged property which is not rebuilt. Property which has undergone extensive reconditioning is considered to be rebuilt and as such, any sale or lease affecting such property is not exempt from controls. On the above facts, this property is considered to be rebuilt because of the extensive reconditioning at a substantial cost.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2336 Filed 2-15-72;8:46 am]

[Cost of Living Council Ruling 1972-15]

USED PRODUCTS

Cost of Living Council Ruling

Facts. Firm A is in the business of buying and selling used cars. Firm B is in the business of buying and selling used furniture and appliances. Firm C is a junk dealer who buys used goods and sells some of them to consumers and the rest to a scrap dealer. Firm D is a scrap dealer who buys goods from Firms A, B, and C, the general public and scrap from manufacturing plants. Firm D bales the scrap and sells it to manufacturing plants to be used as raw material.

Issue. Which of these firms' transactions, if any, are exempt from economic control?

Ruling. Economic Stabilization Regulations, 6 CFR 101.34(e), 37 F.R. 1241 (January 27, 1972), exempts the sale of all damaged and used products other than products which have been rebuilt, repackaged, baled, reassembled or otherwise processed. The test to be applied in each transaction then is to determine the form of the products. If the product has been repackaged or processed in some way, its sale is not exempt from the price control, and any price charged above the base price must be determined according to the appropriate regulation. If the product is not repackaged or processed in some way, its sale is exempt from price control.

In the above fact situation Firms A, B, and C are exempt from the price regulations to the extent that they do not substantially improve goods by rebuilding them. The transactions in which Firm D purchases his scrap are likewise exempt. But when Firm D bales or otherwise processes the scrap, any sale of this material is not exempt from, but is controlled by, the Economic Stabilization Regulations.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2337 Filed 2-15-72;8:46 am]

[Pay Board Ruling 1972-6]

PAY ADJUSTMENTS AND APPROPRIATE EMPLOYEE UNITS

Pay Board Ruling

Facts. Corporation X is engaged in the manufacture of automobile seat covers. X employs 600 employees. X's present contract with its employees expired on November 27, 1971. Under this contract, X's employees earned an average of $3 per hour. In negotiating with the appropriate representatives of Y union (which is the recognized bargaining representative for X's employees), X accepted the following new contractual wage terms: 300 employees would receive a $0.15 per hour increase (i.e., a 5-percent increase); and the remaining 300 employees would receive a $0.18 per hour increase (i.e., a 6-percent increase).

Issue. 1. Whether the wage increases contained in X's new contract are pay adjustments that are subject to the general 5.5-percent general wage and salary standard?

2. Whether the 6-percent increase granted to 300 of X's employees violates the 5.5-percent general wage and salary standard?

Ruling. With respect to the first issue, X's wage increases for its employees are pay adjustments within the definition of "Pay Adjustments" provided by Economic Stabilization Regulations, 6 CFR 101.51, 36 F.R. 21790 (November 13, 1971). Thus, X's wage increases for its employees are subject to the 5.5-percent general wage and salary standard established in Economic Stabilization Regulations, 6 CFR 201.10, 36 F.R. 21790 (November 13, 1971).

With respect to the second issue, the 6-percent wage increase granted to 300 of X's employees is not the controlling percentile for determining whether the 5.5-percent general wage and salary standard has been exceeded. Instead, § 201.10 provides that the 5.5-percent general standard applies to the increase granted to an appropriate employee unit. Since all 600 of X's employees comprise the "appropriate employee unit" under the present facts (see Economic Stabilization Regulations, 6 CFR 201.3, 36 F.R. 25428 (December 31, 1971)), the wage increase granted to all of X's employees must be computed to determine whether the 5.5-percent general wage and salary standard has been exceeded. In the instant case, 300 employees received a 6-percent

increase, and 300 employees received a 5-percent increase. Thus, since the increase to the appropriate employee unit was 5.5 percent, the standard has not been exceeded.

This ruling has been approved by the General Counsel of the Pay Board.

Dated: February 9, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 9, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2338 Filed 2-15-72;8:46 am]

[Price Commission Ruling 1972-48]

LIMITATION ON NONINSTITUTIONAL PROVIDERS OF HEALTH SERVICES

Price Commission Ruling

Facts. Doctor A, a general medical practitioner and a noninstitutional provider of health services, charges different fees for the various services he performs. With respect to one of the services, routine physical examinations, his allowable costs have increased 5 percent. These physical examinations generally account for about 10 percent of doctor A's annual gross receipts. A price increase of 5 percent for this service would not increase doctor A's profit margin. Economic Stabilization Regulations, 6 CFR 300.19(c), 36 F.R. 25385 (December 30, 1971) provides that the aggregate price increases of a noninstitutional provider of health services may not exceed 2.5 percent a year.

Issue. Will the proposed 5-percent fee increase for routine physical examinations violate the 2.5-percent test of § 300.19(c)?

Ruling. The 2.5-percent figure in § 300.19(c) is applied to the annual revenues of the provider that would result from his charging his base price schedule for all services. The effect of all price adjustments (including reductions of prices) must not increase the provider's revenues more than 2.5 percent over what they would have been had the provider charged his base prices for all services throughout the year. Thus a price increase of more than 5 percent for a particular service may be allowable. Since the physical examinations produce only about 10 percent of doctor A's income, a 5-percent price increase for that service is within the 2.5-percent requirement of § 300.19(c).

This 5-percent price increase for physical examinations, however, must be considered in determining if subsequent price increases for other services exceed the 2.5-percent limitation.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2339 Filed 2-15-72;8:46 am]

[Price Commission Ruling 1972-49; Cost of Living Council Ruling 1972-16]

DETERMINATION OF BASE PRICE

Price Commission and Cost of Living Council Ruling

Facts. On August 16, 1971, a department store offered a large employee's association a 7-percent discount on all merchandise purchased by association members. The department store, a category III firm, wishes to reduce this discount to 5 percent. The department store's costs have not increased.

Issue. May the department store reduce the discount from 7 percent to 5 percent?

Ruling. Yes. Generally, a reduction in the discount given to a group of purchasers is a price increase. If, however, subsequent to August 15, 1971, a retailer who is not a category I firm for reporting purposes has reduced a price below the base price, he may now increase that price up to the base price without cost justification and without regard to the profit margin limitation. Since the 7-percent discount was not in effect prior to August 14, 1971, the department store's base prices for its merchandise are determined without regard to this discount. See Economic Stabilization Regulations, 6 CFR 300.402, 36 F.R. 23979 (December 16, 1971). Accordingly the department store may reduce the discount to 5 percent, because in doing so it is not charging prices in excess of its base prices.

If a retailer is a category I firm for reporting purposes, it does not have to request and receive Price Commission approval before it can make such a price adjustment because the adjustment is below the base price as determined under Subpart F of Chapter III of the regulations. Economic Stabilization Regulations, 6 CFR 101.16(b), 37 F.R. 1239 (January 27, 1972).

This ruling has been approved by the General Counsels of the Price Commission and Cost of Living Council.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approval: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2340 Filed 2-15-72;8:46 am]

[Price Commission Ruling 1972-50]

POSTING REQUIREMENTS OF COMBINED SERVICE AND RETAIL FIRMS

Price Commission Ruling

Facts. Restaurant operates a food service establishment including a retail delicatessen department. Tavern operates a food and beverage service establishment including a retail beverage carry out department. Ophthalmologist Associates operate an eye examination clinic which includes the sale of eyeglasses. Auto Garage operates an automobile repair shop which also includes a retail parts department. In all the above situations, the service-related sectors generate annual revenues of $200,000, but the retail sectors generate annual revenues of less than $200,000.

Issue. Is a person who is both a service organization and a retailer bound by the posting requirements when his retail business generates less than $200,000 annually?

Ruling. No. The Price Commission now requires a retailer with total annual sales of $200,000 and above to post certain base prices. This requirement applies only to the retail sales of the person rather than his total annual revenue. The persons in the above fact situations would not be required to post base prices since their retail business generates less than $200,000 in annual revenues.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2341 Filed 2-15-72;8:46 am]

[Price Commission Ruling 1972-51]

BASE PRICE

Price Commission Ruling

Facts. A chain wholesale corporation, C, which has offered a product for sale in city X, plans to introduce the product to city Y. C regards Y as a separate marketing area.

Issue. How should C determine the base price of the product in city Y?

Ruling. Section 300.405 of the Economic Stabilization Regulations provides that the base price for a product is the highest price charged by the seller to a specific class of purchasers in a substantial number of transactions involving that product during the freeze base period. 6 CFR 300.45, 36 F.R. 23979 (December 16, 1971). Where a product was offered for sale during the freeze base period, the base price is determined under section 300.405, even though the product is introduced in a new location and offered to new purchasers. Thus, the base price for the product in city Y is the highest price charged by C to the purchasers in city X in a substantial number

of transactions during the freeze base period.

The provisions of § 300.409 which are applicable to new products and new services do not apply under these facts because the product was offered for sale by the seller during the preceding year. 6 CFR 300.409, 36 F.R. 25386 (December 30, 1971).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2342 Filed 2-15-72;8:46 am]

[Price Commission Ruling 1972-52]

CONTINUING RIGHT OF OCCUPANCY NOT A "TRANSACTION"

Price Commission Ruling

Facts. In February 1971, a lease was executed for the rental of a residence in a multiunit apartment complex for a term of 1 year commencing March 1, 1971. For purposes of executing a new lease with respect to the residence or the renewal of the existing lease, the lessor must determine "base rent" under the rent stabilization regulations governing rent charged after December 28, 1971. The lessor is desirous of charging a base rent determined by § 301.203(b), i.e., an "average transaction" rent calculated under § 301.206. He finds that a slight rental increase would be justified if an "average transaction" rent may be charged. The lessee, or prospective lessee, contends that § 301.202(b) is determinative of base rent, under which base rent would be the most recent monthly rent charged during the period beginning on May 16, 1971 and ending on August 14, 1971. If so, the base rent, in this particular case, would constitute the same monthly rent the lessee has been paying under the terms of the lease.

Issue. When a residence becomes occupied during the period prescribed by § 301.203(b) pursuant to the execution of a 1-year lease and no new transaction occurs with respect to the residence during the period prescribed by § 301.202(b) but the lessee continues to exercise his right of occupancy during the latter period, is base rent determined by § 301.203 (b) or § 301.202(b)?

Ruling. The regulations provide that a residence or other real property becomes occupied at the time a transaction involving the residence or property occurs. Economic Stabilization Regulations 6 CFR 301.8(b), 36 F.R. 25386 (Dec. 30, 1971), A "transaction", as defined by Economic Stabilization Regulations 6 CFR 301.2, 36 F.R. 25386 (Dec. 30, 1971), is considered to occur at the time and place a lease or covenant to lease is executed by the parties. The lease of the subject residence was executed during the period prescribed by § 301.203(b) of the regulations (the period before May 15, 1971), and therefore, the residence "became occupied" during the period of time. It did not again become occupied during the period prescribed by § 301.202(b) of the regulations (the period beginning on May 16, 1971, and ending on Aug. 14, 1971) since no new transaction occurred within that period. During the period beginning on May 16, 1971, and ending on August 14, 1971, the lessee simply continued to exercise his right of occupancy acquired by the transaction prior to May 15, 1971. The base rent of the residence, therefore, is the "average transaction" rent provided for in § 301.203(b). Had the residence "become occupied" during the period beginning on May 16, 1971, and ending on August 14, 1971, by virtue of a "transaction" having occurred within that period with respect to the residence, base rent would be determined pursuant to § 301.202(b) since that section would appear first in the sequence under which the residence qualifies. Section 301.201 (c) of the regulations provides that if a residence or other real property qualifies under more than one section of §§ 301.202 through 301.205, the section appearing first in the sequence under which the residence or other real property qualifies controls.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2343 Filed 2-15-72;8:47 am]

[Price Commission Ruling 1971-53]

POLLUTION CONTROL EXPENDITURES ARE ALLOWABLE COSTS

Price Commission Ruling

Facts. Company A is a manufacturer. Recently promulgated regulations of the Federal, State, and local governments require Company A to undertake substantial capital expenditures to meet relevant clean water and clean air standards.

Issue. May pollution control expenditures be treated as allowable costs for the purpose of increasing prices under the Economic Stabilization Regulations?

Ruling. Yes. An allowable cost is defined by Economic Stabilization Regulations, 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971) as any direct or indirect cost, unless disallowed by the Price Commission. A manufacturer may therefore charge a price in excess of the base price to reflect these costs, reduced to reflect any productivity gains, to the extent that the increased price does not result in an increase in its profit margin over that which prevailed during the base period.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2344 Filed 2-15-72; 8:47 am]

[Price Commission Ruling 1972-54]

MONTH-TO-MONTH TENANT HAS NEW TRANSACTION EACH MONTH

Price Commission Ruling

Facts. X owns an apartment building containing several residential units. On December 1, 1971, he leased one of these units to Y on a month-to-month basis. At that time X charged Y a base rent determined under 6 CFR Part 300 (Economic Stabilization Regulations, 6 CFR 300, 36 F.R. 23974 (December 16, 1971)) as the highest price charged with respect to substantially identical units during the period from July 16, 1971 through August 14, 1971 (the "freeze base period"). Y continued in possession of the unit on January 1, 1972, but contends that the monthly rental charged after December 28, 1971 exceeds 2.5 percent of the base rent computed under the rent stabilization regulations effective on December 29, 1971 (Economic Stabilization Regulations, 6 CFR Part 301, 36 F.R. 25386 (December 30, 1971)) consequently, the rent should be "rolled back" to conform to Part 301. X contends that Part 301 is not applicable in that Y's occupancy began before the effective date of that part and that his compliance with Part 301 would only be required when he enters into a new lease agreement with Y calling for a rental increase or leases the unit to a new occupant.

Issue. Does a month-to-month tenant's exercise of his right of occupancy for a new monthly term subsequent to December 28, 1971, constitute a "transaction" subject to the requirements of Part 301?

Ruling. Yes. While § 301.1 provides that Part 301 is applicable to "increases" in rents to be paid for any residence which occur after December 28, 1971, other provisions of those regulations make it clear that no person may charge a monthly rent exceeding base rent to be determined under Subpart C, with respect to any transaction after December 28, 1971, except as otherwise provided by that part (§§ 301.101 and 301.102). Further § 301.102(a) provides that when a residence becomes occupied after December 28, 1971, a monthly rent must conform to that section.

Under Part 301 a residence "becomes occupied" at the time when a transaction involving that residence or other real property occurs (§ 301.8(b), see

Example 1 under that section). A "transaction" is considered to occur at the time and place a lease or covenant to lease is executed by the parties, created by implication, or when an implied contract of occupancy comes into being (§ 301.2). Because of Y's continued rental of the residence on January 1, 1972, under the prior lease agreement on month-to-month terms the residence "becomes occupied" under § 301.8 (a) and (b) since, on that date, a new covenant to lease is created by implication or by an implied contract of occupancy. This new covenant constitutes a "transaction" after December 28, 1971, which is governed by Part 301.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2345 Filed 2-15-72;8:47 am]

[Price Commission Ruling 1972-55]

ALLOCATION OF CAPITAL IMPROVEMENT COSTS

Price Commission Ruling

Facts. A lessor owns an apartment building containing 10 units. Five units have picture windows on the west side of the building and the remaining five units have picture windows on the east side of the building. After August 15, 1971, the lessor installs awnings on the west side picture windows which are particularly affected by the glare of the afternoon sun. Lessor seeks to allocate the cost of the improvement to all of the units under the capital improvement provisions of the new rent regulations.

Issue. May the lessor allocate the cost of a capital improvement of an apartment building or complex to all rental units of that apartment building or complex?

Ruling. A lessor may charge a monthly rent in excess of the base rent for a residence or other real property which has been benefited by a capital improvement made after August 15, 1971. Economic Stabilization Regulations 6 CFR 301.103 (a), 36 F.R. 25386 (Dec. 30, 1971). A "residence" is defined by the regulations as a "unit of housing normally occupied as a dwelling place." (Economic Stabilization Regulations 6 CFR 301.2, 36 F.R. 25386 (Dec. 30, 1971).) The apartment building, therefore, consists of 10 residences.

The allowability of the cost of a capital improvement to the monthly rent of a residence depends upon whether that residence benefited from the improvement. Since the awnings benefited only five of the residences in the apartment building, the cost of the improvement may be allocated only to the monthly rent of those units.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2346 Filed 2-15-72;8:47 am]

[Price Commission Ruling 1972-56]

CAPITAL IMPROVEMENTS BEFORE DECEMBER 29, 1971

Price Commission Ruling

Facts. After August 15, 1971, but before December 29, 1971, a lessor made certain capital improvements to a residence which was leased on month-to-month terms. The monthly rent prior to December 29, 1971, was not increased to reflect the cost of the improvements because they were not "substantial" under Economic Stabilization Regulations effective prior to December 29 (6 CFR 300.409 (d)); thus, an increase in rent based upon the cost of the improvements was not allowable under those regulations. The lessor proposes to increase the monthly rent for the residence based upon those improvements under the regulations effective after December 28, 1971 (6 CFR 301.103).

Issue. May the cost of a capital improvement made after August 15, 1971, but before December 29, 1971, justify an increase in monthly rent under § 301.103 of the regulations when such increase was not allowable under Economic Stabilization Regulations in effect at the time the improvement was made?

Ruling. The regulations provide that a monthly rent in excess of base rent may be charged for a residence or other real property benefited by a capital improvement made after August 15, 1971. Economic Stabilization Regulations 6 CFR 301.103(a), 36 F.R. 25386 (Dec. 30, 1971). That the increase reflecting the cost of the improvement may have been prohibited by regulations in effect at the time the improvement was made is immaterial. The allowable increase in monthly rent over base rent of 1½ percent of the cost of the improvement would not be allowable, however, if such increase would be less than $1 per month (except in those cases in which a substantial capital improvement has been made which directly benefits all residences in a building or complex taken as a whole). Economic Stabilization Regulations 6 CFR 301.103(b), 36 F.R. 25386 (Dec. 30, 1971).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2347 Filed 2-15-72;8:47 am]

[Price Commission Ruling 1972-57]

MOTEL UNITS AS RESIDENCES

Price Commission Ruling

Facts. X owns a motel containing 10 units. Three of the units are customarily rented by the month to students at a local college during the school year. Y, a student, rented one of the three units for $100 a month on August 20, 1971. Y spent school holidays and some weekends at his parents home which was 60 miles away, but lived in the motel unit while attending classes at the college. Upon returning to school after the Christmas holidays, Y was informed by X on January 3, 1972, that rent of the unit would be increased to $125 a month effective February 1, 1972.

Issue. Is the rate for the motel unit rented by Y subject to the provisions of the regulations which govern increases in rent to be paid for any "residence" which occur after December 28, 1971?

Ruling. A "residence" is defined in the regulations as "a unit of housing normally occupied as a dwelling place." A unit of housing need not be a principal residence to come within the term, and whether or not property is used as a residence depends upon the facts and circumstances of each case. A hotel or motel-type housing unit may be a "residence" if it is "the principal place of abode of nontransient occupants." Economic Stabilization Regulations 6 CFR 301.2, 36 F.R. 25836 (Dec. 30, 1971).

Y used the unit as his "principal place of abode," although he spent weekends and holidays with his parents at his principal residence 60 miles away. Since Y rented the unit by the month while attending a local college, he was not a transient occupant. Therefore, the increase in rent of the unit must conform to the requirements of Part 301.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2348 Filed 2-15-72;8:47 am]

[Price Commission Ruling 1972-58]

CAPITAL IMPROVEMENTS INSTALLED BUT NOT FUNCTIONAL BEFORE AUG. 15, 1971

Price Commission Ruling

Facts. Before August 15, 1971, a lessor purchased a central air-conditioner for his building. The air-conditioner was installed and operative after August 15, 1971. In a notification which conforms to the requirements of the rent regulations lessor proposes to increase the monthly rent of each residence benefited by the capital improvement by not more than 1½ percent of the cost of the capital improvement allocable to such residences.

Issue. Are the residences benefited by a capital improvement "made after August 15, 1971"?

Ruling. Although the central air-conditioner was purchased before August 15, 1971, it did not become operative or function before that date; i.e., the residences were not benefited by the capital improvement until after August 15, 1971. Under these facts the capital improvement is considered to have been made after August 15, 1971. Lessor may, therefore, increase the monthly rent of the benefited residences by not more than 1½ percent of the part of the cost of the improvement allocable to each such residence. Economic Stabilization Regulations 6 CFR 301.103, 36 F.R. 25386 (December 30, 1971).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2349 Filed 2-15-72;8:47 am]

[Price Commisson Ruling 1972-59]

BASE RENT RATHER THAN CURRENT RENT TO BE USED FOR FUTURE INCREASES

Price Commission Ruling

Facts. X entered into an agreement with Y for the lease of X's unit of residential housing to Y commencing February 1, 1972. Y agreed to pay a monthly rent of $205 which included a base rent properly computed under Subpart C of Part 301 (Economic Stabilization Regulations, 6 CFR Part 301, 36 F.R. 25386 (December 30, 1971)), plus a 2½ percent allowable rent increase over the base rent for the 12-month period beginning on February 1 (§ 301.102(a)(1)). On January 1, 1973, X delivered to Y a notification of rental increase to $210.13 per month effective February 1, 1973, in the form and manner prescribed by § 301.502. The increase is based upon the allowable increase of 2½ percent with respect to the 12-month period beginning February 1, 1973; however, the amount of the proposed increase is 2½ percent of the total rent currently charged.

Issue. Whether an allowable rent increase under § 301.102(a)(1) is computed as 2½ percent of the current rent (where the current rent includes base rent plus an allowable increase of 2½ percent of base rent for a previous 12-month period) or whether an allowable increase under that section is computed as 2½ percent of base rent only.

Ruling. X may charge only $210 per month beginning February 1, 1973. An allowable rent increase under § 301.102(a)(1) is 2½ percent of the base rent for the residence or other real property with respect to each 12-month period beginning after December 28, 1971. The base rent of a residence or other real property, as determined by Subpart C of Part 301, is not subject to change but remains the same irrespective of allowable rent adjustments under Subpart B or changes in ownership or management (see § 301.201(a)). The 2½ percent increase allowed in 1973 rent is thus limited to 2½ percent of $200 (which is the base rent), or $5 per month, and may not be computed so as to include 2½ percent of increases previously allowed to be added to the base rent.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2350 Filed 2-15-72;8:47 am]

[Price Commission Ruling 1972-60]

POSTING ITEM PRICES

Price Commission Ruling

Facts. A drugstore has more than one price for particular items it sells. For instance, the 6-oz. bottle of X shampoo sells for 28 cents while the 12-oz. bottle of the same shampoo sells for 48 cents. Thus, a person who buys the 12-oz. size pays less per ounce.

Issue. Must the drugstore post its various quantity prices for the single product? Is each separate quantity price a separate item under 6 CFR 300.13(b), 36 F.R. 23974 (December 16, 1971)?

Ruling. A drugstore must post its base prices for the 40 items which had the largest dollar sales volume during that year, or those items which accounted for at least 50 percent of its total dollar sales during that year, whichever is less (§ 300.13(b)). Thus, if a retailer has more than one price for an item, he must post all such "prices". On the other hand, the regulation refers to the posting of 40 "item" prices and not 40 prices for items. It is clear, therefore, that all quantity prices must be posted by the drugstore for the 40 largest selling items during its base period.

This ruling has been approved by the General Counsel's Office of the Price Commission.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2351 Filed 2-15-72;8:47 am]

[Price Commission Ruling 1972-61]

FUNERAL DIRECTORS AS SERVICE ORGANIZATIONS AND RETAILERS

Price Commission Ruling

Facts. A is a funeral director who provides various funeral services and related products to his customers. A customarily uses different methods in determining his prices, depending upon the type of service provided. If a customer chooses a "standard service", A provides a certain casket and other items plus his professional services and the use of his facilities for an established price. If customers wish to differ from the "standard service", those services or items which they prefer will be provided; such items and their prices are then separately itemized on A's bill. Since the costs of A's services are the dominant portion of this overall costs, he may be a "service organization" within the Economic Stabilization Regulations; however, since A also separately sells caskets and other burial items, he may also fit within the definition of a "retailer" provided by the regulations.

Issue. Is A a "service organization" or a "retailer" within the Economic Stabilization Regulations?

Ruling. A may be either a "service organization" or a "retailer" under the Economic Stabilization Regulations, depending upon the circumstances surrounding its transactions.

To the extent that A provides a package of specified merchandise and services at an established price, in which the merchandise comprises an insubstantial portion of A's costs and is sold incidentally to the performance of A's professional services, A will be considered a "service organization" under the definition provided by the Economic Stabilization Regulations, 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971) and will thus be governed by § 300.14 of the Regulations in such transactions. Economic Stabilization Regulations 6 CFR 300.14 36 F.R. 23974 (December 16, 1971).

However, when the sale of one of more items of merchandise are separately negotiated upon between A and his customers, A is a "retailer" to the extent of such separately negotiated merchandise sales, and is thus regulated by § 300.13 of the regulations. Economic Stabilization Regulations 6 CFR 300.13, 36 F.R. 23974 (December 16, 1971).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2352 Filed 2-15-72;8:47 am]

Office of the Secretary

[T.D. 72-56]

INTERNATIONAL CARGO

Standards for Security

There are published below for information of the public recommended physical and procedural standards for the security of imported merchandise and merchandise for export.

Dated: February 4, 1972.

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

STANDARDS FOR CARGO SECURITY

PHYSICAL SECURITY STANDARDS

All cargo handling and storage facilities should provide a physical barrier against unauthorized access to cargo. Usually this will require a covered structure with walls, and apertures which can be securely closed and locked. In addition, fencing may be needed:

1. To prevent unauthorized persons and vehicles from entering cargo storage and handling areas.

2. As sole protection for open storage of bulk cargo or large articles which cannot be easily pilfered or removed without mechanical handling equipment or which have their own inherent security (containers).

Buildings

General standard. All buildings used to house cargo and associated support buildings should be constructed of materials which resist unlawful entry. The integrity of the structure must be maintained by periodic inspection and repair. Security protection should be provided for all doors and windows.

Recommended specifications. 1. Equip all exterior doors and windows with locks.

2. Protect all windows through which entry can be made from ground level by safety glass, wire mesh, or bars.

3. Similarly safeguard all glassed-in areas where shipping documents are processed.

4. Construct all delivery and receiving doors of steel or other material that will prevent or deter unlawful entry and keep them closed and locked when not in use.

5. Where fencing is impractical or guards insufficient, equip the building with an intrusion detection or alarm system.

6. Inspections must insure particularly that there are no avenues for surreptitious entry through floors, roofs, or adjacent buildings.

Fencing

General standard. Where cargo security is dependent upon fencing, it should enclose an area around cargo and support buildings sufficient to provide maneuvering space for pickup and delivery vehicles and should be set off a sufficient distance on all sides from the building or exterior stored cargo. The fence line must be inspected regularly for integrity and any damage promptly repaired.

Recommended specifications. 1. Install chain link type fencing with at least 9 gauge, 2-inch mesh and at least 8 feet high (not including a barbed wire extension). If the level on which the fence is constructed is lower than the area outside the fence line, increase the height of the fence to provide an effective 8-foot fence at all points.

2. Top the fence with a 2-foot barbed wire extension, consisting of three strands of barbed wire, properly spaced and angled outward.

3. Place fence posts on the inside of the fence and secure them in a cement foundation at least 2 feet deep.

4. Insure that objects or persons cannot pass beneath the fencing by providing:

a. Cement aprons not less than 6 inches thick, or

b. Frame piping, or

c. U-shaped stakes driven approximately 2 feet into the ground.

5. Avoid any condition which compromises the fence line. Prohibit the placing of containers, dunnage, cargo, vehicles, or any other item that may facilitate unlawful entry adjacent to the fence line.

6. Where necessary, install bumpers or fence guards to prevent damage by vehicles.

Gates

General standard. The number of gates in fences should be the minimum necessary for access. All fence gates should be at least as substantial as the fence. Gates through which vehicles or personnel enter or exit should be manned or under observation by management or security personnel.

Recommended specifications. 1. Equip gates with a deadlocking bolt or a substantially equivalent lock which does not require use of a chain. All hardware connecting the lock to the gate should be strong enough to withstand constant use and attempts to defeat the locking device.

2. Construct swing-type gates so that they may be secured to the ground when closed.

3. Separate gates for personnel and vehicle traffic are desirable.

Gate Houses

General standard. Operators of facilities handling a substantial volume of cargo should maintain a manned gate house at all vehicle entrances and exits during business hours.

Recommended specifications. 1. Set the gate house back from the gate so that vehicles can be stopped and examined on terminal property.

2. Equip the gate house with a telephone or other communication system.

3. Clear the area around the gate house of any encumbrances that restrict the guard's line of vision.

4. Post prominently on the exterior of all gate houses signs advising drivers and visitors of the conditions of entry. Include in conditions of entry a notice that all vehicles and personnel entering the area are subject to search.

Parking

General standard. Private passenger vehicles should be prohibited from parking in cargo areas or immediately adjacent to cargo storage buildings. Access to employee parking areas should be subject to security controls.

Recommended specifications. 1. Locate parking areas outside of fenced operational areas, or at least a substantial distance from cargo handling and storage areas or buildings and support buildings.

2. Require employees exiting to the parking area from the cargo area to pass through an area under the supervision of management or security personnel. Require employees desiring to return to their private vehicles during hours of employment to notify management and/or security personnel.

3. Allow parking in employee parking areas by permit only. Maintain a record of each issued permit, listing the vehicle registration number, model, color, and year. The permit should consist of a numbered decal, tag, sticker, or sign placed in a uniform location on the vehicle.

4. Issue to vendors and other visitors temporary parking permits which allow parking in a designated area under security controls.

Lighting

General standard. Adequate lighting should be provided for the following areas:

1. Entrances, exits and around gate houses.

2. Cargo areas, including container, trailer, aircraft and rail-car holding areas.

3. Along fence lines and stringpieces.

4. Parking areas.

Recommended specifications. 1. The Society of Illuminating Engineers recommends the following light intensities measured at ground level:

a. Vehicle and pedestrian areas—2 foot-candles.

b. Vital structures and other sensitive areas—2 foot-candles.

c. Unattended outdoor parking areas—1 foot-candle.

2. Illuminate all vehicle and pedestrian gates, perimeter fence lines, and other outer areas with mercury vapor, sodium vapor, power quartz lamps, or substantially similar high-intensity lighting, employing a minimum of 400 watts per fixture. Locate lights 30 feet above ground level and properly spaced to provide the appropriate light intensity for the area to be illuminated.

3. Establish a system of planned maintenance.

4. Protect lighting subject to vandalism by wire screening or other substantially equivalent means.

Locks, Locking Devices, and Key Control

General standard. Locks or locking devices used on buildings, gates and equipment should be so constructed as to provide positive protection against unauthorized entry. The issuance of all locks and keys should be controlled by management or security personnel.

Recommended specifications. 1. Use only locks having (a) multiple pin tumblers, (b) dead-locking bolts, (c) interchangeable cores, and (d) serial numbers.

2. To facilitate detection of unauthorized locks, use only locks of standard manufacture displaying the owner's company name.

3. Number all keys and obtain a signature from the recipient when issued. Maintain a control file for all keys. Restrict the distribution of master keys to persons whose responsibilities require them to have one.

4. Safeguard all unissued or duplicate keys.

5. Remove and secure keys from cargo handling equipment and vehicles when not in actual use.

High-Risk Cargo

General standard. Adequate space capable of being locked, sealed, or otherwise secured for storage of high-value cargo and packages which have been broken prior to or during the course of unloading must be provided at each cargo handling building. When such cargo must be transported a substantial distance from the point of unloading to the special security area, vehicles capable of being locked or otherwise secured must be used.[1]

[1] The standards are required by Customs Regulation (19 CFR 4.30).

Recommended specifications. 1. Construct special security rooms, cribs or vaults so as to resist forcible entry on all sides and from underneath and overhead.

2. Locate such special security areas, where possible, so that management and/or security personnel may keep them under continuous observation. Otherwise, install an alarm system or provide for inspection at frequent intervals.

3. Release merchandise from such an area only in the presence of authorized supervisors and/or security personnel.

4. Log all movements of merchandise in or out of a special security area, showing date, time, condition of cargo upon receipt, name of truckman and company making pickup and registration number of equipment used.

PROCEDURAL SECURITY STANDARDS

Personnel Screening

General standard. Operators of cargo handling facilities should conduct employment screening of prospective employees.[2]

Recommended specifications. 1. Require all personnel, including maintenance and clerical personnel, who will have access to cargo areas to submit a detailed employment application which contains a photograph of the applicant and lists his residences and prior employment for the preceding 10 years.

2. Screen all such employment applicants for:

(a) verification of address and prior employment,

(b) credit record, and

(c) if possible, criminal record.

Security Personnel

General standard. Operators of cargo handling facilities should employ a Security Officer or assign a particular officer of the firm to be responsible for security. All operators handling a substantial volume of international cargo should provide guards to protect the cargo.

Recommended specifications. 1. Employ the number of guards required to provide adequate security for the size of each facility and the volume of cargo handled. Alarm systems, closed circuit television and other security devices may reduce the number of guards needed.

2. Train all company employee guard forces or insure that contract guard forces are trained in:

(a) Methods of patrolling terminals and warehouses.

(b) Use of firearms and other equipment that may be furnished.

(c) Report writing, log and recordkeeping.

(d) Identification of security problems and specific trouble areas.

3. Equip guard forces with uniforms which are complete, distinctive and authoritative in appearance.

4. Provide firearms, vehicles, communications systems, and other equipment deemed necessary for the successful performance of the guard function.

5. Insist on physical fitness as a prime consideration in selecting a guard force. Require guards to undergo self-defense training similar to that of police agencies. Require a physical examination at least once a year.

6. Furnish each guard a manual covering operating procedures and standards of conduct, and a clear statement of what management expects of him.

Communications

General standard. Adequate and reliable communications between elements of the terminal security force and from the security force to local police should be provided.

Recommended specifications. 1. Provide security personnel with a telephone at fixed posts or two-way radio, intercom, or other type of equipment providing voice communication capability within the company.

2. Arrange assured means (telephone, radio, or special alarm line) for summoning assistance from local police forces.

Identification System

General standard. All operators of facilities handling a substantial volume of cargo should employ an identification card system to identify personnel authorized to enter cargo and document processing areas.

Recommended specifications. 1. Include on the I.D. card: (a) A physical description or, preferably, a color photograph of the holder, (b) name and address, (c) social security number, (d) date of birth, (e) employer's Customs license number, if any, (f) signature of holder, and (g) reasonable expiration date.

2. Laminate all cards to prevent alterations and assign each card a control number.

3. Recover I.D. cards from terminated employees.

4. Require each employee to display his I.D. card to gain access to the facility, to cargo areas within the facility, and to areas where shipping documents are processed. Preferably, the I.D. card should be displayed so that it is visible at all times that the employee is within the facility.

Independent Contractors

General standard. The background and corporate structure of independent contractors providing janitorial service, refuse disposal, or other services should be verified. Access by independent contractors to the facility should be under security controls.

Recommended specifications. 1. Periodically examine independent contractor vehicles which are parked in or near cargo areas.

2. Permit independent contractor employees to enter only those areas necessary for their particular work; permit them access to cargo areas and areas where shipping documents are located only under the supervision of security and/or management personnel.

3. Require independent contractors to display identification similar to that required by the facility for its own employees.

Cargo Quantity Control

General standard. Cargo should be tallied at time of delivery to the consignee or his agent. In the event of any discrepancies at time of delivery, a U.S. Customs Form 5931 or a duplicate copy of the amended cargo manifest must be completed and submitted to Customs by the carrier or his agent.[3]

Recommended specifications. 1. To facilitate accurate delivery of cargo, terminal operators should maintain and continuously up-date a location chart or list of all cargo received.

2. Segregate imported cargo, cargo for export, and domestic cargo.

3. Carriers should arrange procedures with each terminal operator to insure that all overages and shortages are reported to Customs.

Delivery Procedures

General standard. Gate passes should be issued to truckmen and other onward carriers to control and identify those authorized to enter the facility. Verification of the identity and authority of the carrier requesting delivery of cargo should be made prior to the cargo's release.

Recommended specifications. 1. Require truckmen to submit proper personal identification (such as a driver's license or Customs I.D. card) and a vehicle registration certificate before being issued a gate pass and being permitted to enter the facility; require them to surrender the gate pass before leaving the facility.

2. Seal containers and trailers and note the seal number on the gate pass before delivery is effected. Verify the seal number when the gate pass is surrender at the gate.

3. Require the company name of all onward carriers to be clearly shown on all equipment. Do not accept temporary placards or cardboard signs as proper identification of equipment. Require carriers using leased equipment to submit the lease agreement for inspection and note the leasing company's name on the delivery order.

4. Release cargo only to the carrier specified in the delivery order unless a release authorizing delivery to another carrier, signed by the original carrier, is presented and verified. Accept only original copies of the delivery or pickup orders.

5. Personnel processing prelodged delivery or pickup orders should verify the identity of the truckman and the trucking company before releasing the pickup order. Limit access to areas where such documentation is processed or held to authorized personnel and rigorously safeguard all shipping documents from theft or unauthorized observation.

6. Conduct delivery and receiving operations at separate docks or doors, if feasible.

7. Tally salvage and accumulated unclaimed cargo at the time of delivery and have management representatives and/or security personnel verify that only properly released items are included. If a terminal has truck scales, weigh the vehicle used to remove bulk salvage cargo (bales and drums) when empty and loaded.

Containerized Shipments and Seals

General standard. All containers, trailers, rail cars and air cargo lockers entering or leaving a facility should be sealed. Mounted and high value containerized shipments should receive special security attention.

Recommended specifications. 1. Inspect seals whenever a sealed containerized shipment enters or leaves a facility. If the seals are not intact or there is evidence of tampering or the seal numbers are incorrect, notify security and/or management personnel and tally the cargo.

2. Seal unsealed containerized shipments at the point of entry to the facility and note the seal number on the shipping documents. Seal all containerized shipments leaving the facility and note the seal number on the shipping documents.

3. Release seals to as few persons as possible. Require all persons handling seals to maintain strict control of the seals assigned and to store them in a secure place.

4. Maintain a seal distribution log which indicates to whom seals have been released.

5. Where possible, secure containers by butting or "marrying" their door ends against each other. However, do not butt them against a perimeter fence or building wall if that will compromise the protection provided by the fence or wall. In stacking

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[2] Customs regulations already require international carriers, proprietors of bonded warehouses, and customhouse brokers to submit employee lists upon request from the District Director of Customs. Such lists must contain the name, address, social security number, and date and place of birth of each employee and be kept up to date (Customs regulations, 19 CFR 4.30(m), 19.3, and 111.28).

[3] All international carriers are required by Customs regulations to make discrepancy reports (19 CFR 4.12(a), 6.7(h), 15.8, 18.2(b), 18.6 (b), (c), 123.9).

containers, place those containing high value merchandise on top.

6. Locate high value merchandise in mounted containers or trailers in a special security holding area where it can be observed by management and/or security personnel.

7. When containers are mounted on frames, secure the fifth-wheel by a pin-lock which meet the minimum standards for locks and is constructed to withstand normal abuse from equipment. Hold designated management and/or security personnel responsible for storage and control of pin-locks.

8. Restrict access to special security holding areas and permit the release of containers or trailers from such areas only in the presence of management representatives and/or security personnel.

9. Log movements of containers in or out of a special security holding area, showing: Date, time, seal number, name of truckman and company making pickup, and registration number of equipment used.

Security Education

General standards. Management should institute a security awareness program for all personnel.

Recommended specifications. 1. Conduct a program of periodic security seminars for all employees involved in cargo handling and documentation processing, stressing the importance of:

(a) Maintaining legible and accurate cargo tallies,

(b) Processing only legible documents,

(c) Writing only in ink or ball point pen,

(d) Completing all information required by shipping documents,

(e) Obtaining clearly written signatures,

(f) Safeguarding the confidentiality of shipping and entry documents, and

(g) Maintaining good cargo security generally.

2. Include in the security awareness program posters, stickers, payroll stuffers, monetary incentives, and properly worded reward signs. (Appropriate signs can be obtained from the Bureau of Customs field offices.)

[FR Doc.72-2328 Filed 2-15-72;8:53 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

[Alaska 6]

ALASKA

Coal Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

UMIAT PRINCIPAL MERIDIAN, ALASKA

COAL LANDS

T. 5 S., R. 51 W., unsurveyed,
Sec. 13, SE¼SE¼;
Sec. 23, NE¼SE¼, S½SE¼;
Sec. 24, NE¼, SE¼NW¼, S½;
Secs. 25 and 26;
Sec. 27, S½NE¼, S½;
Sec. 28, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 31, SE¼SE¼;
Sec. 32, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼, SE¼;
Secs. 33 to 36, inclusive.

T. 6 S., R. 51 W.,
Sec. 1, N½, N½SW¼;
Sec. 2, N½, SW¼, N½SE¼, SW¼SE¼;
Secs. 3 to 5, inclusive;
Sec. 6, NE¼, SE¼NW¼, S½;
Sec. 7;
Sec. 8, N½, N½SE¼, N½SW¼;
Sec. 9, N½, N½SW¼;
Sec. 10, N½NE¼, N½NW¼, SW¼NW¼.

The area described aggregates 9,886 acres, more or less, all of which are classified as coal lands.

Dated: February 8, 1972.

W. A. RADLINSKI,
Acting Director.

[FR Doc.72-2355 Filed 2-15-72;8:52 am]

National Park Service

[DES 72-33]

MASTER PLAN FOR PADRE ISLAND NATIONAL SEASHORE

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the master plan for Padre Island National Seashore located within Kenedy, Kleberg, and Willacy Counties, Tex. Written comments on the statement are invited and will be accepted for 30 days from the date of this notice except where time extensions are granted upon request in accordance with Council on Environmental Quality guidelines of April 23, 1971. Comments should be addressed to the Superintendent, Padre Island National Seashore, shown below.

The master plan provides in a conceptual manner for the overall management and development of the seashore and relates to considerations given to the study of potential wilderness land designation within the seashore. A public hearing on the wilderness study was announced in the FEDERAL REGISTER of January 22, 1972, and information packets were made available at that time. This environmental statement should be considered in light of the material in those information packets.

Copies of this environmental statement are available from or for inspection at the following locations: Southwest Regional Office, National Park Service, Old Santa Fe Trail, Post Office Box 728, Santa Fe, NM 87501; and from Padre Island National Seashore, Post Office Box 8560, Corpus Christi, TX 78412.

Dated: February 8, 1972.

WILLIAM W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.72-2304 Filed 2-15-72;8:52 am]

Office of the Secretary

C. L. BRADEEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 31, 1972.

Dated: January 31, 1972.

C. L. BRADEEN.

[FR Doc.72-2305 Filed 2-15-72;8:49 am]

WALTER M. CREITZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) Resigned as Vice President and Director of York County Industrial Corp.
(2) Metropolitan Edison Co. (Preferred Stock).
(3) No change.
(4) No change.

This statement is made as of December 20, 1971.

Dated: December 20, 1971.

WALTER M. CREITZ.

[FR Doc.72-2306 Filed 2-15-72;8:50 am]

HARLEY L. COLLINS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 20, 1971.

Dated: December 20, 1971.

HARLEY L. COLLINS.

[FR Doc.72-2307 Filed 2-15-72;8:50 am]

RAY F. DAVIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 31, 1971.

Dated: December 28, 1971.

RAY F. DAVIS.

[FR Doc.72-2308 Filed 2-15-72;8:50 am]

B. M. GUTHRIE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 20, 1971.

Dated: December 20, 1971.

B. M. GUTHRIE.

[FR Doc.72-2309 Filed 2-15-72;8:50 am]

B. C. HULSEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 31, 1971.

Dated: December 31, 1971.

B. C. HULSEY.

[FR Doc. 72-2310 Filed 2-15-72;8:50 am]

ANDREW P. JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 30, 1971.

Dated: December 20, 1971.

ANDREW P. JONES.

[FR Doc.72-2311 Filed 2-15-72;8:50 am]

CARLOS O. LOVE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 21, 1971.

Dated: December 21, 1971.

CARLOS O. LOVE.

[FR Doc.72-2312 Filed 2-15-72;8:50 am]

ROBERT J. MARCHETTI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 23, 1971.

Dated: December 23, 1971.

ROBERT J. MARCHETTI.

[FR Doc.72-2313 Filed 2-15-72;8:50 am]

SAMUEL RIGGS SHEPPERD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 31, 1971.

Dated: December 20, 1971.

RIGGS SHEPPERD.

[FR Doc.72-2314 Filed 2-15-72;8:50 am]

FRED M. TREFFINGER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 21, 1971.

Dated: December 21, 1971.

F. M. TREFFINGER.

[FR Doc.72-2315 Filed 2-15-72;8:50 am]

C. N. WHITMIRE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 1, 1972.

Dated: January 1, 1972.

C. N. WHITMIRE.

[FR Doc.72-2316 Filed 2-15-72;8:50 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SIX RIVERS NATIONAL FOREST

Transfer of Certain Lands

In compliance with section 6 of the Act of October 2, 1968, Public Law 90-545, notice is hereby given that pursuant to the authority vested in the Secretary of Agriculture, the following lands are hereby transferred from the administrative jurisdiction of the Forest Service, U.S. Department of Agriculture, to the administrative jurisdiction of the National Park Service, U.S. Department of the Interior.

Those certain lands now administered as a part of the Six Rivers National Forest or the Northern Redwood Purchase Unit, and being more particularly described as follows:

HUMBOLDT MERIDIAN, CALIFORNIA

T. 13 N., R. 1 E.,
Sec. 9, N½SW¼;
Sec. 15, NW¼ excepting: 1) that portion lying northerly of the southerly right-of-way line of the old U.S. Highway 101, 2) that portion lying easterly of the easterly right-of-way line of Klamath Beach Road, and 3) that portion lying southerly of the northern boundary and the easterly prolongation of the northern boundary of Lots 2A and B;
Sec. 16, NW¼NW¼, S½NW¼, N½SW¼, NW¼SE¼, excepting therefrom lot A.
T. 16 N., R. 1 E.,
Sec. 21, NE¼;
Sec. 22, N½, SE¼;
Sec. 23, W½NW¼, SE¼NW¼, N½SW¼, W½SE¼, S½SW¼;
Sec. 26, NW¼NE¼;
Sec. 27, NE¼NE¼.

The areas described aggregate 1,370.50 acres.

Effective date. This notice shall become effective on the date of its publication in the FEDERAL REGISTER (2–16–72).

EARL L. BUTZ,
Secretary of Agriculture.

FEBRUARY 9, 1972.

[FR Doc. 72-2326 Filed 2-15-72;8:51 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. B-533]

EDWARD B. DAVIS

Notice of Loan Application

FEBRUARY 9, 1972.

Edward B. Davis, Box 201, Port Clyde, ME 04855, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new wood vessel, about 36-foot in length, to engage in the fishery for lobsters, shrimp, and scallops.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.72-2290 Filed 2-15-72;8:48 am]

Office of the Secretary

[Dept. Organization Order 10-2]

ASSISTANT SECRETARY FOR ECONOMIC AFFAIRS

Authority, Duties and Responsibilities

The following order was issued by the Secretary of Commerce effective January 1, 1972. This material supersedes the material appearing at 35 F.R. 8754 of June 5, 1970.

SECTION 1. *Purpose.* This order prescribes the scope of authority and functions of the Assistant Secretary for Economic Affairs.

SEC. 2. *Administrative designation.* The position of Assistant Secretary of Commerce heretofore designated as the Assistant Secretary for Economic Affairs shall continue to be so designated. The Assistant Secretary is appointed by the President, by and with the advice and consent of the Senate.

SEC. 3. *Authority and functions.* .01 The Assistant Secretary for Economic Affairs shall serve as the principal economic adviser to the Secretary and as the Chief Economist of the Department. He shall serve as adviser to other Commerce officials with respect to economic matters, review economic policy positions and recommendations, and serve as the Department's liaison with the Council of Economic Advisers and with other high-level economic officials of the Government.

.02 The Assistant Secretary for Economic Affairs shall also serve as the Administrator, Social and Economic Statistics Administration, with the authorities and functions specified in Department Organization Order 35-4A.

SEC. 4. *Deputy Assistant Secretaries for Economic Affairs.* In carrying out the functions in paragraph 3.01 above, the Assistant Secretary shall be assisted by Deputy Assistant Secretaries as follows:

a. The Deputy Assistant Secretary for Economic Affairs shall be the principal assistant to the Assistant Secretary and shall assume the latter's full duties during his absence.

b. The Deputy Assistant Secretary for Economic Policy Review shall assist in the formulation, review, and coordination of economic policy matters of the Department.

c. The Deputy Assistant Secretary for Industry Economics shall serve as Executive Director, National Industrial Pollution Control Council and shall perform such other duties as are assigned.

Effective date: January 1, 1972.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.72-2278 Filed 2-15-72;8:48 am]

[Dept. Organization Order 15-3]

FEDERAL COCHAIRMEN OF REGIONAL COMMISSIONS

Functions and Responsibilities

The following order was issued by the Secretary of Commerce on December 23, 1971. This material supersedes the material appearing at 35 F.R. 12421 of August 4, 1970.

SECTION 1. *Purpose.* This order sets forth the functions and responsibilities of Federal Cochairmen of Regional Commissions.

SEC. 2. *General.* .01 The Federal Cochairmen of Regional Commissions were established by title V of the Public Works and Economic Development Act of 1965, as amended (the "PWED Act"), and, in the case of one Federal Cochairman, by the Appalachian Regional Development Act of 1965, as amended. These acts and Executive Order 11386 of December 28, 1967, as amended by Executive Order 11608 of July 19, 1971, vest certain functions and responsibilities in the Federal Cochairmen relating to activities of the Regional Commission, the Secretary of Commerce and other Federal agencies.

.02 Section 601(a) of the PWED Act provides that the Secretary shall "coordinate the Federal Cochairmen appointed heretofore and subsequent to this Act." Executive Order 11386 assigns certain functions to the Secretary involving activities of the Regional Commissions and activities of the Federal Government relating to regional economic development. With respect to the Federal Cochairmen, the Executive order includes the provisions that the Secretary shall:

"Provide guidance and policy direction to the Federal Cochairmen with respect to their Federal functions,"

"Advise the Federal Cochairmen of the Federal policy with respect to those (regional economic development) matters," and

"Resolve any questions of policy which may arise between a Federal Cochairman and a Federal department or agency in the implementation of regional development programs."

SEC. 3. *Functions.* .01 The President prescribed (section 5 of Executive Order 11386) that:

"The Federal Cochairmen, as appropriate, shall:

"(a) Maintain continuing liaison with the Secretary of Commerce with respect to the activities of the Regional Commissions.

"(b) Adhere to general Federal policies affecting regional economic development that are established by the Secretary of Commerce.

"(c) Inform the appropriate Federal departments and agencies of programs and projects to be considered by the Regional Commissions, and attempt to obtain a consensus within the Federal Government through consultation with appropriate Federal agency representatives before casting a vote on any such matter.

"(d) Represent the participating Federal departments and agencies in connection with the Regional Commissions.

"(e) Submit to the Secretary of Commerce regional economic development plans and programs of the Regional Commissions, budgetary recommendations, legislative recommendations, and progress reports, as requested by the Secretary of Commerce, on the activities of the Regional Commissions.

"(f) Submit reports required by section 304 of the Appalachian Regional Development Act of 1965, as amended, and by section 510 of the PWED Act to the Secretary of Commerce for review prior to transmittal to the President or the Congress."

.02 By Executive Order 11386, the Federal Cochairmen also are members of the Federal Advisory Council on Regional Economic Development (the "Council"), which was established by that order to assist the Secretary of Commerce in carrying out his functions under that order, which include the development of basic policies and priorities with respect to Federal programs relating to regional economic development. The Secretary of Commerce, as Chairman of the Council, established regional Federal councils for each of the economic development regions designated under the PWED Act and appointed each Federal Cochairman as the Chairman of the Council covering his region. The Federal regional councils were established to assist the Council in accomplishing its responsibilities for improving interagency cooperation and coordination for regional economic development.

.03 In further respect to the authorities of the Secretary of Commerce referred to in paragraph 2.02 above, and in accord with the responsibilities of the Federal Cochairman enumerated above, the Federal Cochairmen of Regional Commissions established under title V of the PWED Act:

a. Are hereby delegated authority, for funds allotted to them from appropriations authorized by title V of the PWED Act, to make final commitments for development facility grants and supplements approved by their respective Regional Commissions, for technical assistance, planning assistance and administrative grants to their respective Regional Commissions, and for administrative expenses of their respective offices; provided, that such commitments are in accord with financial plans approved by the Secretary, and are in accord with guidelines and other instructions issued or approved by the Secretary.

b. Shall submit for the Secretary's approval annual financial plans of their respective Regional Commissions.

c. Shall advise the Secretary on national policies affecting regional economic development and on economic development matters involving their regional areas.

d. Shall cooperate with the Special Assistant for Regional Economic Coordination (see DOO 15-5) in developing for the Secretary guidelines for use of funds appropriated under title V of the PWED Act, including standards for meeting the requirements of section 604 of said Act for proper and efficient management of funds.

e. Together with the Special Assistant for Regional Economic Coordination, shall obtain a coordinated review within the Federal Government of plans (including comprehensive long-range economic development plans), programs, proposals and recommendations submitted by their respective Regional Commission.

f. In collaboration with the Special Assistant for Regional Economic Coordination, shall develop proposed agreements or memoranda of understanding with Federal agencies when required for the conduct of their respective Regional Commission programs.

g. Shall review the plans of the Economic Development Administration for specific grants and loans for economic development assistance within their regional area boundaries, such review to be for the purpose of advising the Economic Development Administration whether such plans are compatible with the approved plans of their respective Regional Commissions.

h. Shall consult with the Special Assistant for Regional Economic Coordination on research plans related to the objectives of title V of the PWED Act of 1965, which are to be carried out under the direction of the Special Assistant.

Effective date: December 23, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.72-2281 Filed 2-15-72;8:48 am]

[Dept. Organization Order 40-10]

NATIONAL BUSINESS COUNCIL FOR CONSUMER AFFAIRS STAFF

Organizations and Functions

The following order was issued by the Secretary of Commerce on December 16, 1971.

SECTION 1. *Purpose.* This order prescribes the organizational status and functions of the National Business Council for Consumer Affairs Staff.

SEC. 2. *Status and line of authority.* .01 The National Business Council for Consumer Affairs Staff (the "NBCCA Staff") is designated as a constituent operating unit of the Department of Commerce.

.02 The NBCCA Staff shall be headed by the Executive Director of the National Business Council for Consumer Affairs, who shall be responsible to the Assistant Secretary for Domestic and International Business in the direction and management of the NBCCA Staff.

SEC. 3. *Functions.* The NBCCA Staff shall provide the following support services for the National Business Council for Consumer Affairs (the "Council"), established by E.O. 11614, dated August 5, 1971:

a. Assist the Council in identifying and examining current and potential consumer related problem areas;

b. Assist the Council in its efforts to identify for, recommend to, and encourage through the Secretary action by the business community to meet legitimate consumer grievances;

c. Assist in preparing Council reports to the Secretary and through the Secretary to other Government officials or agencies; and

d. Provide or arrange for such other services, including technical support to the Council, as may be required.

SEC. 4. *Administrative and related services.* The Assistant Secretary for Domestic and International Business shall arrange for the provision of personnel, budget, general and other administrative support required by the NBCCA Staff.

Effective date: December 16, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.72-2283 Filed 2-15-72;8:48 am]

[Dept. Organization Order 15-5]

OFFICE OF REGIONAL ECONOMIC COORDINATION

Establishment and Functions

The following order was issued by the Secretary of Commerce effective on December 23, 1971. This material supersedes the material appearing at 35 F.R. 5971 of April 10, 1970.

SECTION 1. *Purpose.* This order prescribes the functions of the Office of Regional Economic Coordination.

SEC. 2. *General.* The Office of Regional Economic Coordination (the "Office") is hereby continued as a Departmental office. The Office shall be headed by the Special Assistant to the Secretary for Regional Economic Coordination (the "Special Assistant") who shall report and be responsible to the Secretary.

SEC. 3. *Functions.* The Office of Regional Economic Coordination is responsible for assisting the Secretary with respect to his responsibilities relating to Regional Action Planning Commission, and the Appalachian Regional Commission (collectively, the "Regional Commissions"), and to those aspects of his responsibility for promoting effective coordination of the activities of the Federal Government relating to regional economic development that bear on economic development regions. These responsibilities relate to title V and section 601(a) of the Public Works and Economic Development Act of 1965, as amended (the "Act") (42 U.S.C. 3121), and Executive Order 11386 as amended by Executive Order 11608.

In performing these functions, the Special Assistant shall, where necessary, assist the Federal Cochairmen, and in dealings with the Regional Commissions shall work through the Federal Cochairmen.

Specifically, the Office shall:

a. Propose or review proposals for the designation of economic development regions and the establishment of Regional Commissions, and, as requested,

study for the Secretary the advisability of altering the geographic area of a designated region.

b. Assist the Federal Cochairmen in providing effective and continuing liaison for the Secretary between the Federal Government and each Regional Commission.

c. Develop for the Secretary, in cooperation with the Federal Cochairmen, guidelines for the use of funds appropriated under title V of the Act, including standards for meeting the requirements of section 604 for proper and efficient management of projects; and review for the Secretary's action proposed budgets and subsequent financial plans submitted by the Federal Cochairmen on behalf of the Regional Commissions.

d. Be responsible for issuance of instructions (in accord with subparagraph 7.02a of the Department of Commerce Handbook of Accounting Principles and Standards) to establish and administer a system of fund control over funds appropriated for Regional Development Programs, as authorized by title V of the Act. The instructions shall include provisions to assure that Federal Cochairmen, in accord with financial plans and amounts approved by the Secretary, will have final authority to commit such funds for Federal grants and supplements approved by the Regional Commissions and for technical, planning assistance, and administrative grants to the Regional Commissions.

e. Assist the Secretary in communicating to the Federal Cochairmen such general policies affecting regional economic development and such other forms of program guidance and policy direction with respect to their Federal functions as the Secretary may establish.

f. Recommend actions to assure coordination between the Regional Commissions (acting through the Federal Cochairmen) and the Economic Development Administration and between the Regional Commissions and other Commerce organizations, such coordination being with respect to the planning, development, and execution of economic development activities, including individual projects; and initiate, as may be necessary, steps to implement approved coordination measures.

g. Assist the Secretary in achieving effective coordination of the activities of the Federal Government relating to economic development regions.

h. Together with the Federal Cochairmen obtain a coordinated review within the Federal Government of plans (including comprehensive long-range economic development plans), programs, proposals, and recommendations submitted by the Regional Commissions; based on such coordinated review, comment on and present such matters to the Secretary for appropriate action.

i. Serve as Executive Secretary of the Federal Advisory Council on Regional Economic Development (the "Council") established by Executive Order 11386, and provide staff support to the Council in its performance of review, policy development, and recommendatory functions set forth in the Executive order and as may be requested by the Secretary.

j. Perform or sponsor for the Secretary research related to objectives of title V of the Act, coordinating such research plans with the Federal Cochairmen.

k. Develop, in collaboration with the Federal Cochairmen, proposed agreements or memoranda of understanding between the Federal Cochairmen and other Federal agencies when required for the conduct of Regional Commission programs; attempt to resolve by mutual agreement any questions of policy that may arise between a Federal Cochairman and a Federal department or agency, and, as necessary, propose action to the Secretary for resolving such questions.

l. Review and advise the Secretary on the proposed annual reports to be transmitted to the Congress by each Regional Commission as required by section 510 of the Act and section 304 of the Appalachian Regional Development Act.

m. As requested by the Secretary, review the effectiveness of programs of Regional Commissions in achieving legislative objectives, and submit recommendations thereon to the Secretary, and, when appropriate, to the Federal Cochairmen.

n. Perform such other duties as may be necessary to assist the Secretary and the Federal Cochairmen, including the development of policies and legislative proposals relating to economic development regions.

o. Provide budgetary services to the Federal Cochairmen, and arrange for the provision of other support services by units of the Office of the Secretary directly to the Federal Cochairmen as may be required.

Effective date: December 23, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.72-2279 Filed 2-15-72;8:48 am]

[Dept. Organization Order 35-4A]

SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION

Establishment and Functions

The following order was issued by the Secretary of Commerce effective January 1, 1972. This material supersedes the material appearing at 34 F.R. 6703 of April 19, 1969, and 36 F.R. 13852 of July 27, 1971.

SECTION 1. *Purpose.* This order establishes the Social and Economic Statistics Administration, and transfers to it the Bureau of the Census and the Office of Business Economics.

SEC. 2. *Establishment and Transfers.* .01 Purusant to the authority vested in the Secretary of Commerce by law, including Reorganization Plan No. 5 of 1950 and 15 U.S.C. 1516, the Social and Economic Statistics Administration ("SESA") is hereby established as a primary operating unit, and the Bureau of the Census and the Office of Business Economics, together with their respective functions, personnel, funds, property and records, are transferred to it. The Office of Business Economics is renamed the Bureau of Economic Analysis.

.02a. The following additional functions and associated personnel, funds, property and records shall be transferred to SESA.

(1) The recurring industrial surveys performed by the Bureau of Domestic Commerce, and

(2) The statistical compilation work performed by the Bureau of International Commerce on Export-Import Indexes and on Reports on U.S. Trade.

b. The Assistant Secretary for Administration shall establish the effective date of these transfers and determine the amount of funds and the positions and/or personnel to be transferred.

.03 SESA shall be headed by an Administrator who shall report and be responsible to the Secretary of Commerce. As provided in Department Organization Order 10-2 of this same date, the Assistant Secretary for Economic Affairs shall serve as the Administrator. The Administrator shall determine objectives for SESA, establish policies and programs for achieving those objectives, and exercise overall direction of SESA's activities. The Administrator shall be assisted by a Deputy Administrator for Management, who shall perform the functions of the Administrator during the latter's absence.

.04 The Bureau of the Census, established by the Act of March 6, 1902, and continued as an agency within and under the jurisdiction of the Department of Commerce (13 U.S.C. 2), shall be a main line component of SESA and shall be headed by the Director of the Census (13 U.S.C. 21) who shall report and be responsible to the Administrator.

.05 The Bureau of Economic Analysis, established by administrative action of the Secretary of Commerce, shall be a main line component of SESA and shall be headed by a Director, who shall report and be responsible to the Administrator.

.06 In addition to the main line components provided above, SESA shall be comprised of such other organizational elements as may be specified in a secondary organization order issued by the Administrator subject to the approval of the Assistant Secretary for Administration.

SEC. 3. *Delegation of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce, the Administrator is hereby delegated authority to perform the following functions vested in the Secretary of Commerce under:

a. Title 13, United States Code;

b. Section 1516 of Title 15, United States Code, which relates to gathering and distributing statistical information, as applicable to the functions assigned herein;

c. Chapter 5 of Title 15, United States Code, which relates to the authorities and functions of the former Bureau of Foreign and Domestic Commerce, as applicable to the functions assigned herein;

d. Executive Order 10033 of February 8, 1949, which relates to the provision of statistical information to intergovernmental organizations, as applicable to the functions assigned herein; and

e. Section 8 of Executive Order 10999, which directs the Secretary to provide, as required for emergency planning purposes, for the collection and reporting of census information on the status of human and economic resources including population, housing, agriculture, manufacture, mineral industries, business, transportation, foreign trade, construction, and government.

.02 The Administrator may exercise other authorities of the Secretary as applicable to performing the functions assigned in this order.

.03 The Administrator may delegate his authority to any employee of SESA subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4. *Functions.* SESA shall serve as a center for collecting, compiling, and publishing a broad range of general purpose statistics dealing with economic, social, and demographic data; shall be responsible for the preparation, interpretation, and projection of measures of aggregate economic activity; and, as requested, shall analyze the significance and meaning of changes in social statistics. In carrying out these responsibilities, SESA shall:

a. In cooperation with business and industry, Government, and other public or private organizations conduct censuses and surveys and otherwise collect, process and analyze statistical data relating to the social and economic activities and characteristics of the population and enterprises of the United States or other areas prescribed by law, and publish and disseminate the resulting statistics for use by business, Government agencies and the public;

b. Maintain and improve the economic accounts of the United States, including the national income and product, wealth, input-output, balance of payments, and regional accounts; and analyze the economic situation and outlook, publish reports thereon, and brief Federal officials and public and private groups on the present and projected state of the economy;

c. Serve as the central economic research organization of the Department on the functioning of the economy, maintain and improve econometric and other research techniques for analyzing the economic situation and short- and long-term outlook and collaborate with other primary operating units and private and public research organizations which require or can contribute to this research.

d. Provide special analyses to officials of the Government, as may be requested, on the economic impact of alternative economic policies;

e. Conduct special statistical studies on domestic and foreign trade, business services, industry, transportation, construction, agriculture, population and housing, and on Federal, State, and local governments; and, based thereon, issue reports, special tabulations and monographs;

f. Conduct statistical and other research and development activities directed toward improving quality and lowering costs of censuses and surveys; and achieving more effective censuses and surveys; and

g. Develop and maintain a statistical directory of establishments engaged in economic activity in the United States for use by and for Federal agencies for statistical purposes, taking care to preserve the confidentiality of information obtained for the directory from other Federal agencies, as may be deemed appriate or as required by law.

Saving provision. All rules, regulations, orders, determinations, authorizations, contracts, grants, agreements, and other actions issued, undertaken, or entered into by or for organizations heretofore charged with the authorities and functions now placed in SESA shall remain in full force and effect until they expire in due course or are revoked or amended by appropriate authority.

Effective date: January 1, 1972.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.72-2280 Filed 2-15-72;8:48 am]

[Dept. Organization Order 35-4B]

SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION

Organizations and Functions

The following order was issued by the Secretary of Commerce on January 1, 1972. This material supersedes the material appearing at 36 F.R. 13852 of July 27, 1971, and 36 F.R. 17517 of September 1, 1971.

SECTION 1. *Purpose.* This order prescribes the organization and assignment of functions within the Social and Economic Statistics Administration (SESA).

SEC. 2. *Organization structure.* The principal organization structure and lines of authority shall be as depicted in the attached organization chart (Exhibit 1). A copy of the organization chart is on file with the Office of the Federal Register.

SEC. 3. *Office of the Administrator.* .01 The Administrator determines objectives for SESA, establishes policies and programs for achieving those objectives, and exercises overall direction of SESA's activities.

.02 The Deputy Administrator for Management shall assist the Administrator as relates to the management of operations of SESA. He performs the functions of the Administrator during the latter's absence.

SEC. 4. *Assistant Administrator for Administration.* The Assistant Administrator for Administration shall provide administrative management services to components of SESA and advise the Administrator on administrative management. To carry out his responsibilities, the Assistant Administrator shall have and direct the following units.

.01 The Administrative Services Division shall provide the following services: property, space and facilities management, procurement control, library, communications, correspondence, records disposition, files, and mail and forms management.

.02 The Budget and Finance Division shall perform financial analysis, budget and fiscal functions which shall include preparation of official budget estimates and justifications, allocation and control of all funds, maintenance of financial accounts, coordination of payroll and leave audits, preparation of financial reports.

.03 The Management and Organization Division shall conduct studies and perform related activities concerned with improving organization structure and management systems and practices; provide technical support for work measurement programs; perform directives and reports management functions; provide computer programing and systems services for the processing of administrative and management data; and prepare special analytic reports on management matters.

.04 The Personnel Division shall provide personnel management services, which shall include position classification and pay administration, recruitment and employment, employee training, employee relations and services, labor relations and related personnel operations.

.05 The Publications Services Division shall provide publication, printing and graphic art services, including publications design and distribution planning and control.

SEC. 5. *Assistant Administrator for Program Review.* The Assistant Administrator for Program Review shall assist the Administrator in the overall planning, review, and evaluation of SESA's programs. In particular, the Assistant Administrator shall, in consultation with the Director of the Bureau of Census and the Director of the Bureau of Economic Analysis, develop overall program plans for SESA and coordinate the related work programs of each bureau as will best achieve SESA's program goals; review and evaluate program accomplishments in relation to plans; serve as the focal point for determining and assessing goals and long range plans for SESA as a whole. The Assistant Administrator shall also be responsible for performing Departmental review and clearance of proposals of any organization of the Department for requesting information from the public that requires the approval of the Office of Management and Budget. The Assistant Administrator shall be assisted in his responsibility by a Program Review Staff of which he shall be the head.

SEC. 6. *Bureau of Economic Analysis.* .01 Office of the Director:

a. The Director shall develop policies and plans for and direct and manage all operations of the Bureau of Economic Analysis.

b. The Deputy Director shall assist the Director in all aspects of the management of the Bureau, and perform the

duties of the Director during the latter's absence.

c. Three Associate Directors shall be the principal advisers to the Director in the broad economic areas indicated by their respective titles, as follows:

Associate Director for National Economic Analysis.
Associate Director for Regional Economic Analysis.
Associate Director for International Economic Analysis.

The Associate Directors shall be responsible for analyzing major economic developments and problems in their respective areas, and for preparing reports and oral briefings on such matters. As requested, the Associate Directors shall brief the Secretary, Assistant Secretary for Economic Affairs, other officials of the Department, officials of other Federal agencies, and public and private groups. The Associate Directors shall participate in planning the economic research and analyses carried out by the divisions, and may request, direct and coordinate special studies by the divisions.

d. The Assistant Director for Statistics shall monitor and improve the data sources and estimating techniques used in the work of the Bureau, and coordinate the planning of requirements of data to be provided by the Bureau of the Census.

e. The Assistant Director for Economic Accounts shall monitor and improve the economic accounting system maintained by the Bureau, including the national income and product, wealth, input-output, balance of payments, and regional accounts. He shall be the focal person within the Federal Government responsible for the development of the system of economic accounts.

f. The Assistant Director for Econometrics shall monitor and improve the econometric techniques used in the Bureau, including the development of econometric models of the U.S. economy and the preparation of econometric forecasts.

.02 Program divisions:

a. The Balance of Payments Division shall maintain, improve, and interpret the balance of payments accounts of the United States and their current and capital components, including detail by foreign geographic area, from the standpoint of throwing light on the effects of the balance of payments on the U.S. economy, and on the role of the United States in the world economy; conduct designated surveys to obtain basic data necessary to construct the balance of payments accounts, including surveys of the foreign transactions of Government agencies; do research in the techniques required to interpret the balance of payments accounts; and prepare forecasts of the balance of payments of the United States in cooperation with other agencies.

b. The Business Outlook Division shall maintain, improve, and interpret data on past, current, and prospective domestic business investment in new plant, equipment, and inventories; conduct designated surveys required to collect this information; maintain and interpret data on business sales and inventories and manufacturers' new and unfilled orders; and maintain and improve an econometric model designed to forecast short-term changes in economic activity, and to assess the likely impact on economic activity of alternative fiscal, monetary, and other Government economic policies.

c. The Current Business Analysis Division shall edit the "Survey of Current Business;" conduct a continuing study of current business activity; prepare and publish in the "Survey" regular interpretations of the business situation; conduct research required for assembling, for publication in the "Survey" and its "Business Statistics Supplement," a detailed and comprehensive set of data produced by the Bureau and other agencies for use in evaluating the business situation; and be responsible for the press releases of the Bureau.

d. The Economic Growth Division shall study problems relating to the Nation's economic growth; maintain and improve a long-term econometric model of the United States economy and other tools for studying economic growth; make long-term projections of the national economy; and coordinate the work of the Bureau which relates to the overall effort of the Government to study the problems of economic growth.

e. The Foreign Demographic Analysis Division shall conduct specialized studies of the population, manpower, economics, and social systems of foreign countries, involving the compilation and evaluation of relevant data; prepare estimates and projections; and prepare special analytical and interpretive reports and monographs.

f. The Government Division shall maintain, improve, and interpret the Federal and State and local government accounts of the United States within the economic accounting framework; cooperate in the translation of the unified budget into economic accounting terms for publication in the Budget of the United States and the Economic Report of the President; prepare forecasts of Government receipts and expenditures for use in the Bureau's analyses of the economic outlook; and conduct research in the quantitative study of public finance.

g. The Interindustry Economics Division shall maintain, improve, and interpret (1) the input-output accounts of the United States which show the flows of goods and services from each industry to other industries and to final markets in the economy, and the gross national product originating in each industry for given years, and (2) time series of the gross national product originating in each of the industries of the Nation; conduct research in input-output techniques, including regional input-output techniques; and prepare special studies of the economic repercussions of changes in consumer, investment, foreign, and Government markets on the outputs of the Nation's industries and the incomes originating in them.

h. The International Investment Division shall maintain, improve, and interpret data on United States direct investments abroad, foreign direct investments in the United States, and income flows associated with such investments, including the transactions of foreign affiliates; conduct designated surveys required to obtain this information; do research in the techniques required to interpret international investment; and maintain and develop a data system on U.S. direct investments.

i. The National Income and Wealth Division shall maintain, improve, and interpret the national income and product wealth accounts of the United States, including national income by type of income, industrial source, and legal form, gross national product and its components, personal income and its disposition, the size distribution of personal income, the sources and uses of saving, and national wealth by type of asset and ownership; and do research in the techniques required to interpret the national income, product, and wealth accounts.

j. The Regional Economics Division shall maintain, develop, and interpret the regional economic accounts of the United States including measures of personal income, by type of income and industrial source, received in each of the States, metropolitan areas, and counties of the Nation; conduct research in regional economics, including the factors determining the levels and rates of growth of regional economic activity, the techniques for preparing projections of regional economic growth and the techniques for assessing the costs and benefits of regional economic programs; prepare regional economic projections and cost-benefit analyses; and service other Government agencies and private groups requiring regional economic measures and their interpretation.

k. The Statistical Indicators Division shall conduct, develop, and publish reports such as "Business Conditions Digest, Defense Indicators," and "Long Term Economic Growth;" conduct research into methods and applications of seasonal and other time series adjustments; conduct analysis for other Government agencies relating to the behavior and development of economic indicators series; conduct analysis and research on measures of social change; provide seasonal adjustment services for recipients within and outside the Federal Government; and conduct selected studies of current economic conditions.

.03 Support divisions:

a. The Management Services Division shall provide budget and management analysis assistance to the Director; and arrange for, and facilitate the provision of, administrative management services by the staff of the Assistant Administrator for Administration and, for certain services, by the Office of the Secretary and directly provide such administrative services to the Bureau as cannot practically be provided by the latter groups.

b. The Computer Services Division shall maintain, coordinate, and improve the use of automatic data processing

equipment by the Bureau, including the conduct of feasibility studies; prepare automatic data processing systems and programs; and provide data processing services for the Bureau.

SEC. 7. Bureau of the Census—.01 Office of the Director:

a. The Director shall develop policies and plans for and direct and manage all operations of the Bureau of the Census.

b. The Deputy Director shall assist the Director in all aspects of the management of the Bureau, and perform the duties of the Director during the latter's absence.

.02 Staff elements:

a. The Public Information Office shall, under the policy guidance of the Departmental Office of Public Affairs, develop public information programs, coordinate the release and distribution of information disseminated by the Bureau for public use; and provide information to the public.

b. The Scheduling and Control Office shall manage a system for overall work scheduling and progress reporting; schedule and coordinate the assignment of manual and ADP processing resources in headquarters and decentralized processing locations; and review and monitor project plans and scheduled activities to assure effective work performance.

c. The Data User Services Office shall devise, test, and apply techniques for improving access and extending uses of Census data; research new techniques for improving services to data users; serve as the focal point for coordinating requests for data tapes, published and unpublished data, maps and other Census products; prepare general-purpose statistical compendia such as the Statistical Abstract of the United States and its supplements; coordinate and prepare technical reports that cross subject-matter lines or concern the Bureau as as a whole; and assist in the program of providing technical aid to State and local government officials.

.03 The Associate Director for Demographic Fields shall plan and direct the social and demographic statistical programs and advise the Director in these fields. The Associate Director shall be assisted by a Deputy Associate Director, and shall have and direct the following units.

a. The Demographic Census Staff shall provide overall direction for program planning of demographic censuses; develop overall budget requirements and time schedules; maintain liaison with other divisions for data needs and associated information and materials; develop plans for publication and other data dissemination programs; develop census methodology, including processing procedures, instructions and controls, computer programing; and organize and conduct pretest research programs.

b. The Demographic Surveys Division shall plan and develop specifications, survey design and methodology for, and provide technical direction for the development of statistical data collected in current and special surveys; plan and develop systems and prepare computer programs for the processing of applicable data on electronic data processing equipment; perform nonmechanical processing for specified current and special surveys; and conduct surveys and methodology studies for other agencies.

c. The Housing Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from censuses and from special and current surveys relating to general housing characteristics; plan and develop systems and prepare computer programs for processing housing information on electronic data processing equipment; and conduct research for and prepare special analytical reports, monographs, and special studies.

d. The International Statistical Programs Division shall plan and conduct the Bureau's foreign consultation and training programs and represent the Bureau in international statistical activities; conduct research on international statistical problems of methodology and content and coordinate other research of similar nature in the Bureau; assemble, through foreign publications, exchange data for use by the Government and the public and provide statistical information to foreign governments and international organizations; and prepare analytical studies of information available for inclusion in an international demographic data system and provide consultative services on matters relating to information contained in the system.

e. The Population Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses; prepare estimates and projections of the population; plan and develop systems and prepare computer programs for the processing of population data on electronic data processing equipment; and conduct special studies and publish analytical reports and monographs.

f. The Statistical Methods Division shall develop and coordinate the application of mathematical statistical techniques in the design and conduct of statistical programs in the demographic fields.

.04 The Associate Director for Economic Fields shall plan and direct the economic statistical programs and advise the Director in these fields. The Associate Director shall be assisted by a Deputy Associate Director, and shall have and direct the following units.

a. The Economic Census Staff shall provide overall direction for program planning of economic censuses; develop overall census budget requirements and time schedules; maintain liaison with other divisions for data needs and associated information and materials; and develop plans for publication and other data dissemination programs.

b. The Agriculture Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from surveys or censuses relating to agriculture, agricultural activities and products, equipment and facilities, irrigation and drainage enterprises, and cotton ginning; plan and develop systems and prepare computer programs for the processing of agricultural data on electronic data processing equipment; and conduct research and prepare analytical reports, monographs, and special studies.

c. The Business Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses relating to business enterprises engaged primarily in the distribution of goods and services; plan and develop systems and prepare computer programs for the processing of business data on electronic data processing equipment; perform nonmechanical processing for current Division programs; and conduct research and prepare analytical reports, monographs, and special studies.

d. The Construction Statistics Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from current surveys and studies relating to construction activity and from construction industry censuses and surveys relating to the characteristics and operations of firms in the construction industry; plan and develop systems and prepare computer programs for the processing of construction data on electronic data processing equipment; perform nonmechanical processing for current Division programs; and conduct research and prepare special analytical reports, monographs, and studies.

e. The Economic Statistics and Surveys Division shall plan and develop specifications, survey design and methodology for, and provide technical direction over, the processing of statistical data collected in assigned current and special surveys relating to firms engaged in a variety of economic activities; develop classification manuals and systems for the coding and identification of industries and commodities for use in the Bureau's statistical programs, conduct research into broader application and use of administrative records in lieu of new data collections, including development of a current directory of establishments; and plan and develop systems and prepare computer programs for the processing of economic data on electronic data processing equipment.

f. The Foreign Trade Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data relating to various aspects of the export and import trade of the United States and foreign trade shipping; plan and develop systems and prepare computer programs for the processing of foreign trade data on electronic data processing equipment; perform nonmechanical processing for current Division programs; conduct research on problems of international comparability of statistics; and prepare special reports, monographs and studies.

g. The Governments Division shall formulate and develop overall plans and programs for the collection of statistical data from special and current surveys and censuses relating to State and local governments; plan and develop systems and prepare computer programs for the processing of Government data on electronic data processing equipment; conduct research on governmental operations and finances; and prepare special analytical reports, monographs, and special studies.

h. The Industry Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses relating to manufacturing, mineral, and related industries; plan and develop systems and prepare computer programs for the processing of industry data on electronic data processing equipment; and conduct research and prepare special analytical reports, monographs, and special studies.

i. The Transportation Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from surveys or censuses relating to the transportation industry and various segments thereof, and collaborate, as appropriate, with public and private agencies in the field of transportation on the development and presentation of these data; and plan and develop systems and prepare computer programs for processing transportation data on electronic processing equipment.

.05 The Associate Director for Statistical Standards and Methodology shall plan and direct programs relating the statistical adequacy of proposed collections and the application of appropriate statistical methodology and techniques and advise the Director in these fields. The Associate Director shall have and direct the following units.

a. The Research Center for Measurement Methods shall provide research facilities oriented toward long-range studies in methods of measurement with a view toward obtaining a deeper understanding of the basic problems of social and economic phenomena.

b. The Statistical Research Division shall develop and promote effective use of mathematical, statistical, and psychological methods and techniques in the work of the Bureau; conduct research in these areas; and provide guidance to theoretical and applied statisticians and subject-matter specialists in the Bureau and other agencies on all aspects of mathematical, statistical, and research problems.

.06 The Associate Director for Data Collection and Processing shall plan and direct programs of field data collection, geographical services, and noncomputer processing operations, and advise the Director in these matters. The Associate Director shall have and direct the following units.

a. The Data Preparation Division, located in Jeffersonville, Ind., shall carry out noncomputer statistical processing operations for assigned current and special surveys or censuses; provide related administrative and logistics services for assigned programs; and exercise such authority in personnel and other management areas as is specifically delegated and administer through the Pittsburg, Kans., field office a personal census service to provide individuals or their authorized representatives information about themselves as reflected by Census records.

b. The Field Division shall plan, organize, coordinate, and carry out the Bureau's field data collection program; maintain and administer a flexible field organization through the Data Collection Centers and temporary district and other branch or area offices; and provide for the effective deployment of field personnel to assure the efficient conduct of data collection at the local level.

c. The Geography Division shall plan, coordinate, and administer those geographic services needed to facilitate the Bureau's data collection program; develop computer programs, systems, methods, and procedures for the cartographic and geographic operations; develop and implement a nationwide program to maintain and update geographic base files; conduct research into geographic concepts and methods, develop plans for the establishment of geographic statistical areas of the United States; and prepare density and other specialized maps and geographic reports for publication.

.07 The Associate Director for Electronic Data Processing shall plan and direct programs related to electronic data processing operations and techniques, and advise the Director in these matters. The Associate Director shall have and direct the following units.

a. The Computer Services Division shall operate and manage the electronic digital computer and mechanical tabulating facilities of the Bureau; plan and perform associated coordination, scheduling of computer processing, staging and tape library services; and plan and perform mechanical and electronic engineering services in the development, maintenance, and manufacture of special purpose equipment used in data processing by the Bureau.

b. The Computer Systems Development Division shall design tests to measure relevant significant factors of programs during their developmental stages and evaluate the results therefrom; modify existing executive systems to improve efficiency; develop general purpose programs; research new programming languages and techniques; provide support for computer related training; and conduct research and development concerned with new equipment needs, conceptual methods, and systems designs for the various programs of the Bureau.

.08 Data Collection Centers:

a. The principal field structure of the Bureau of the Census shall consist of 12 Data Collection Centers, each headed by a Field Director who shall report to the Chief of the Field Division in the Office of the Associate Director for Data Collection and Processing. The location and geographic area covered by each Data Collection Center shall be as shown in Exhibit 2. A copy of Exhibit 2 is on file with the original of this document with the Office of the Federal Register.

b. Each Data Collection Center shall carry out assigned field data collection programs, including recurring and special sample surveys of varying sizes and complexity, periodic censuses, and special censuses and surveys.

c. As may be required for a specific census or special survey, temporary district or other subordinate offices shall be established under the Data Collection Centers.

d. The Seattle Data Collection Center shall have an Area Office in San Francisco, and the St. Paul Data Collection Center shall have an Area Office in Kansas City, Mo., which shall carry out assigned field data collection programs.

Effective date: January 1, 1972.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.72-2282 Filed 2-15-72;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

SOCIAL AND REHABILITATION SERVICE

Statement of Organization, Functions, and Delegations of Authority

Part 5 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, Social and Rehabilitation Service (35 F.R. 8714, June 4, 1970), is hereby amended with regard to section 5-B, Organization and Functions, for the purpose of reorganizing the Office of the Associate Administrator for Field Operations. Section 5-B of the statement is hereby amended as follows:

Associate Administrator for Field Operations and Cuban Refugee Program are superseded by the following:

OFFICE OF FIELD OPERATIONS

The Office of Field Operations, headed by the Associate Administrator for Field Operations, is responsible for the direction, management, and program coordination of the field activities of the Social and Rehabilitation Service. Serves as the focal point for identifying trends, patterns, and problems in the field. Assists the Administrator and the Regional Commissioners in developing program operating plans in consonance with Social and Rehabilitation Service priority objectives. Monitors program implementation at the Regional level to assure program execution is in accord with national goals and policy. Provides Regional offices with management advice and support on matters requiring central office coordination. Provides headquarters representation of Regional interests. Directs and coordinates the activities of

the Director, Cuban Refugee Program and the Regional Commissioners. The Office of Field Operations consists of the Office of the Associate Administrator and the following elements:

CUBAN REFUGEE PROGRAM

Administers the Cuban Refugee Program including: Financial assistance, resettlement services, emergency health services, assistance to public schools in impacted areas, loans to refugee students and protective care of minors. These programs are carried out through the Federal Cuban Refugee Emergency Center, voluntary resettlement agencies, and other Federal, State, and local agencies.

DIVISION OF REGIONAL OPERATIONS

Provides leadership and assistance to SRS Regional Commissioners in developing, strengthening, and evaluating Regional office activities, and assuring that Regional operations are consistent with the SRS mission and meet defined standards of operation. Provides guidance and assistance to SRS Regional Commissioners on SRS program management and allied matters, including program interrelationships, improvement in program coverage, intergovernmental operations, Federal-State-local relationships, and the DHEW/SRS operational planning system. Resolves or assists Regional offices in resolving day-to-day program and administrative problems. Develops and maintains a coordinated system for monitoring and evaluating Field Operations. Develops, maintains and coordinates the system for compliance enforcement between headquarters and Regional offices. Monitors the settlement of HEW Audit Agency reports. Maintains close liaison and working relationships with Program Bureaus to insure reflection of Regional interests in program matters and conversely assure that Regions are aware of and responsive to Program Bureau concerns and priorities. Determines which ad hoc or special tasks originating in all units of SRS headquarters involving the commitment of Regional Office resources will be undertaken by Regional staffs.

DIVISION OF ADMINISTRATIVE MANAGEMENT

Provides overall leadership, guidance, and advice to regional offices on management and communication systems and all administrative processes. At the request of the Regional Operations Representatives provides direct assistance on specific management problems. Provides or arranges for management analysis and related services. Responsible for development and execution of the Salaries and Expenses budget for Office of Field Operations and the Regional offices. Establishes and applies methods for distributing manpower to Regional offices. Develops staffing plans and standardized position descriptions for the various elements of SRS Regional offices. Insures reflection of Regional interests in proposed policies, procedures, instructions, etc., affecting Regional offices and also assures input by headquarters program bureaus into major Regional administrative matters.

Dated: February 8, 1972.

S. H. CLARKE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.72-2299 Filed 2-15-72;8:49 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Notice of Availability of Applicant's Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Supplement to Environmental Report—Maine Yankee Atomic Power Company" has been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and has been sent to the Wiscasset Public Library Association, High Street, Wiscasset, Maine. The report is also being made available at the State Planning Office, Executive Department, State of Maine, 189 State Street, Augusta, ME 04330.

This report discusses environmental considerations related to the proposed operation of the Maine Yankee Atomic Power Station located in Lincoln County, Maine. This report supersedes the environmental report submitted on November 4, 1970, in its entirety.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 8th day of February 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-2285 Filed 2-15-72;8:51 am]

[Docket No. 50-59]

TEXAS A&M UNIVERSITY

Notice of Issuance of Facility License Amendment

No request for a hearing or petition to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on February 20, 1971 (36 F.R. 3278), the Atomic Energy Commission ("the Commission") has issued Amendment No. 9 to Facility License No. R-23 to the Texas A&M University as proposed in that notice. The amendment authorizes the University to operate its AGN-201 nuclear reactor in the new location in the Engineering Center Building on its campus at College Station, Tex., at its previously licensed power level of 100 milliwatts (thermal) in accordance with the University's application dated November 3, 1970.

The facility has been inspected by Commission representatives who have concluded that relocation and reconstruction of the facility has been completed in accordance with the provisions of Construction Permit No. CPRR-112 and the application.

The Commission has found that the application, as amended, for the amendment to the facility license complies with the requirements of the Atomic Energy Act of 1954 ("the Act"), as amended, and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations, which are set forth in the license amendment, and has concluded that the issuance of the license amendment will not be inimical to the common defense and security or to the health and safety of the public.

A copy of the license amendment is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, or may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 4th day of February 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.72-2287 Filed 2-15-72;8:51 am]

[Dockets Nos. 50-280 and 50-281]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Availability of Applicant's Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is

hereby given that a report entitled "Supplement No. 1 to Applicant's Environmental Report—Operating Licensing Stage," submitted by the Virginia Electric and Power Co., has been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Swim Library, College of William and Mary, Williamsburg, Va. 23185. The report is also being made available to the public at the Virginia Division of Planning and Community Affairs, 1010 James Madison Building, Richmond, Va. 23219 and at the Crater Planning District Commission, 2825 South Crater Road, Post Office Box 1808, Petersburg, VA 23803.

This report discusses environmental considerations related to the proposed operation of the Surry Power Station, Units 1 and 2 located in Surry County, Va.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The Summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 9th day of February 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-2288 Filed 2-15-72;8:52 am]

[Docket No. 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Notice of Reconstitution of Board

In the matter of Wisconsin Electric Power Co. and Wisconsin Michigan Power Co. (Point Beach Nuclear Plant, Unit 2), Docket No. 50-301.

Mr. Nathaniel H. Goodrich was Chairman of the Atomic Safety and Licensing Board established to consider the above application. Mr. Goodrich is unable to continue in his duties as Chairman of this Board.

Accordingly, the Commission has designated Mr. Robert M. Lazo, a member qualified in the conduct of administrative proceedings, as Chairman of the Board. Reconstitution of the Board in this manner is in accordance with § 2.704 (d) of the rules of practice.

Dated at Washington, D.C., this 10th day of February 1972.

JAMES R. YORE,
Executive Secretary, Atomic Safety and Licensing Board Panel.

[FR Doc.72-2289 Filed 2-15-72;8:52 am]

[Dockets Nos. 50-250, 50-251]

FLORIDA POWER & LIGHT CO.

Notice of Availability of Draft Detailed Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Atomic Energy Commission (the Commission) in 10 CFR Part 50 Appendix D, notice is hereby given that a draft detailed statement on the environmental considerations related to the proposed issuance of operating licenses for the Turkey Point Plant Units 3 and 4 located on the company's site at Turkey Point, Dade County, approximately 25 miles south of Miami, Fla., has been prepared and has been made available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Lily Lawrence Row Public Library, 212 Northwest First Avenue, Homestead, FL 33030. The draft detailed statement is also being made available to the public at the Department of Administration, State Planning and Development Clearinghouse, 725 South Bronough Street, Tallahassee, FL 32304, and at the Metropolitan Dade County Planning Department, 702 Justice Building, 1351 Northwest 12th Street, Miami, FL 33125.

A notice was published in the FEDERAL REGISTER on January 6, 1972 (37 F.R. 151), concerning the availability of Florida Power & Light Co.'s Environmental Report Supplement dated November 8, 1971. That report has been analyzed by the Commission's Division of Radiological and Environmental Protection in the preparation of the draft detailed statement.

Copies of the Commission's 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.

Pursuant to sections A.6, A.7, and D of Appendix D to 10 CFR Part 50, interested persons may, within thirty (30) days from date of publication of this notice in the FEDERAL REGISTER, submit comments for the Commission's consideration on the draft detailed statement. Federal and State agencies are being provided with copies of the draft detailed statement (local agencies may obtain this document 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 11th day of February 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-2480 Filed 2-15-72;11:06 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24215; Order 72-2-36]

AIRLIFT INTERNATIONAL, INC.

Order of Investigation and Suspension Regarding Blocked-Space Multi-Container General Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of February 1972.

By tariff bearing a posting date of January 10, and marked to become effective February 24, 1972, Airlift International, Inc. (Airlift), proposes to establish blocked-space multicontainer general commodity rates from New York to Los Angeles and San Francisco. The proposed rates are marked to expire with January 1, 1973. Under the proposed tariff a shipper would sign a contract guaranteeing to the carrier, for a period of 90 days, the tender of one to 22 containers[1] per day, 5 days a week.[2]

Airlift's proposal is essentially the same, except for the charges for 19 to 22 containers, as blocked-space multicontainer rates that it previously proposed, which the Board suspended by Order 71-11-50. Airlift, as in its previous filing, proposes a schedule of (1) basic charges per container, for each of the number of containers to be tendered 5 days a week, as noted above; (2) pivot weights (maximum weight covered by the above charge) applicable to each container; and (3) rates for weight in containers exceeding the applicable pivot weight. As the number of containers to be tendered rises, the basic charge per container falls, the pivot weight increases, and the rate for excess pounds falls. Charges for shipments of 19 or more containers would be increased by $18.[3]

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[1] The tariff provides that the containers to be used under the proposed rates would have capacities ranging from 426 to 450 cubic feet with the dimensions and configurations of the standard service Type A "igloo" container.

[2] A week is defined in the tariff as the 6-day period Monday through Saturday.

[3] Another difference adverted to by the complainants is a proposed removal of provisions in Rule 15(G) requiring that all containers moving on a single day comprise one shipment. The carrier, however, has pointed out in its answer that this was an error and has filed a special tariff permission application to revise the instant filing to add provisions in Rule 15(G) identical to those previously proposed.

Complaints against the proposed rates have been filed by The Flying Tiger Line Inc., and United Air Lines, Inc.

The complaints assert, inter alia, that (1) the proposed rates are essentially the same as those suspended by the Board; (2) the minor adjustments proposed by Airlift do not correct the major deficiencies of the proposal; (3) the proposed rates would, like the previously proposed rates, discriminate against bulk shippers, single container shippers, and among multicontainer shippers of different volumes, without cost justification; (4) the proposal would dilute revenues and Airlift has failed to make any estimate of stimulation or generation of traffic which would be realized; and (5) the proposal is only an attempt to circumvent the expected results in Docket 23287, "Charters by Air Freight Forwarders," EDR-198, thus, in effect, continuing cargo chartering by the forwarders.

In answer to the complaints and in justification of its proposal, Airlift states, inter alia, that (1) the factual findings and policy consideration relied upon by the Board to suspend its previous filing have been substantially obviated by the instant filing; (2) $18 would be added to the charge per container for containers in excess of 18, under contracts involving 19 to 22 containers per day, in order to cover the costs of unloading such containers and reloading the traffic in the belly compartment as required by aircraft limitations; (3) that the proposed charges are based on cost savings resulting from the effects of volume on capacity costs rather than differences in ground handling costs on which container discounts are based and which Airlift assumes to be constant; (4) the lowest rates to be offered are based on full cost and return for planeload operations plus an additional amount which represents a contribution to other scheduled services; (5) the proposed rates will accelerate the rate of diversion from surface and that the certainty of such diversion is more than ample promotional justification; and (6) the Board is urged to give volume cargo movements the same careful consideration heretofore accorded bulk passenger movements as most recently exemplified in EDR-218, Docket 23055.

Upon consideration of the complaints and all other relevant factors, the Board finds that Airlift's proposed charges and rates may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudical, or otherwise unlawful, and should be investigated. The Board further concludes that the proposed charges and rates should be suspended pending investigation.

The Board has previously found in a formal investigation that discounts for 10 or more containers were unjustly discriminatory where not justified by cost of service, value of service or promotional considerations, and has suspended a prior Airlift proposal, as well as a filing by American Airlines, Inc., where discounts in container rates were dependent upon the number of containers tendered.[4] The Board cannot find that the limited modifications proposed in the instant filing are sufficient to meet the deficiencies which led to the suspension of Airlift's earlier filing.

Airlift again has not shown any cost savings attributable to a multicontainer shipment which may be differentiated from cost savings from a single container shipment. In this regard, the carrier candidly admits that it is unable to substantiate such cost differences, and thus the discrimination issue, which was a basis for our prior suspension, is again before the Board.

While Airlift asserts that the low rates for 22-container shipments are compensatory and justified on promotional considerations, such contention does not justify the discrimination problem arising out of the differentials in the rates created by the increasing discounts for tendering an increasing number of containers. The Board has noted Airlift's contention that the Board should find similar consideration to reduced rates for volume shippers as has been accorded bulk passenger movements. The Board is not persuaded that the criteria applied to group or bulk passenger fares supports the discrimination to cargo shippers which is inherent in the instant proposal.[5] This is a matter for exploration in the investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the rates, charges and provisions in Airlift International, Inc.'s CAB No. 7, and rules, regulations, and practices affecting such rates, charges and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates, charges and provisions, and rules, regulations, or practices affecting such rates, charges and provisions;

2. Pending hearing and decision by the Board, Airlift International, Inc.'s CAB No. 7 is suspended and its use deferred to and including May 23, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaints filed by The Flying Tiger Line Inc., in Docket 24172, and United Air Lines, Inc., in Docket 24173, are dismissed except to the extent granted herein;

4. The proceeding herein designated Docket 24215 be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariff and served upon Airlift International, Inc., The Flying Tiger Line Inc., and United Air Lines, Inc., which are hereby made parties to Docket 24215.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-2375 Filed 2-15-72;8:55 am]

[4] "Container Rates for B-747 Aircraft Proposed by Continental Air Lines, Inc.," Order 71-7-156 dated July 27, 1971; blocked-space general commodity multicontainer rates proposed by Airlift International, Inc., Order 71-11-50 dated Nov. 12, 1971; and blocked-space container rates and charges proopsed by American Airlines, Inc., Order 71-12-123.

[5] In "Danna et al. v. Air France et al.," S.D.N.Y. (Nov. 15, 1971), the court had occasion to note that "The difference between a shipper discriminated against and a passenger discriminated against is vast. The shipper is put at a competitive disadvantage, since freight charges are a component of cost, which may even result in putting him out of business. The passenger is in competition with no one." (No. 71 Civ. 3648).

[Docket No. 20993, etc.; Order 72-2-33]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fare and Cargo Rate Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of February 1972.

Agreement adopted by the Traffic Conferences of the International Air Transport Association relating to passenger fare and cargo rate matters, Docket 20993,[1] Docket 22628,[2] Docket 23333,[3] Docket 23486.[4]

There have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, numerous agreements between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). This order is addressed to agreements which have been assigned the referenced CAB agreement numbers, as well as to agreements not yet filed with the Board but which are contemplated for effectiveness on or before April 1, 1972.

The agreements presently on file include (1) rate matters outstanding from the Singapore worldwide cargo conference (see Orders 71-9-124, 71-9-125, and 71-10-49), (2) an agreement proposing revisions to North American proportional fares used in constructing through fares in services via the North Atlantic and via the North/Central Pacific and South Pacific, (3) various fare resolutions, including those intended for February 1, 1972, effectiveness on the North/Central Pacific (see Order 72-1-58 deferring action), stemming from the recent Miami worldwide passenger fare conference, and (4) the recently adopted North

[1] Agreements CAB 22332, R-24; and CAB 22659.

[2] Agreements CAB 22628; CAB 22630, R-2; and CAB 22658, R-1 and R-2.

[3] Agreements CAB 22460; CAB 22689; CAB 22742; CAB 22854; and CAB 22900.

[4] Agreements CAB 22663; CAB 22823; CAB 22854; and CAB 22900.

Atlantic fare agreement highlighted below.

In general terms, the transatlantic agreement proposes to alter the validity of present 17/28-day and 29/45-day individual excursion fares to 14/21 days and 22/45 days. The latter fare, as well as the normal economy fare, would be amended so as to incorporate a three-tier seasonal pattern (peak, shoulder, and winter) rather than the two-tier (peak and basic seasons) presently in effect.[5] The 22/45-day excursion fare levels would be available to youths between the ages of 12 and 21 under essentially the same conditions of travel, but without minimum/maximum-stay limitations. The agreement would also revalidate, for effectiveness throughout the 1-year period covered by the agreement, 7/8-day winter group inclusive tour (GIT) fares for 10 or more passengers recently approved by the Board (Order 72–1–17) and implemented on the expedited effectiveness date of January 15, 1972. Fare levels, present versus proposed (absent anticipated currency adjustments), are set forth in the attached table.[6]

Other conditions attached to the use of fares contemplated by the North Atlantic agreement include maintaining the weekend surcharge of $15 in each direction under promotional fare travel; however, rather than the current 3-day Friday through Sunday application, the charge would apply on Friday and Saturday eastbound and Saturday and Sunday westbound. Stopover privileges for the excursion fare with a new validity of 14/21 days are unchanged (two in each direction in addition to the point of turnaround); however, no stopovers would be permitted under conditions of the 22/45-day excursion fare, whereas its current counterpart allows one free stopover plus an additional stop for an added charge of $10. Free stopovers under traditional GIT fares would also be reduced from two in each direction to one in each direction plus point of turnaround, with one additional stopover in each direction permitted at an additional charge of $10 each. On the other hand, both the GIT and the 22/45-day excursion fares would newly permit "open-jaw" routings, and the resolutions governing individual short- and long-term excursion travel make allowance for inclusive tours based on such fares.

In passing upon these agreements, which include both increases and decreases in rates and fares, the Board must certify that the increases meet the criteria established by the Price Commission effective January 17, 1972,[7] in addition to making the findings required by section 412 of the Act. On February 1, 1972, the Board issued ER–723 which established a new subsection to Part 221 of our economic regulations[8] setting forth the information to be filed by certain carriers under prescribed circumstances to enable the Board to comply with the regulations of the Price Commission.

The purpose of this order is to specify that such information is to be provided by each U.S. member of IATA with reference to the passenger and cargo services performed by it, along with such other justification as each carrier desires to provide in support of the agreements to which it is a party. With reference to the traffic and financial forecasts required by § 221.165a(d), the data should be submitted separately for each customary rate-making entity, i.e., transatlantic, transpacific, and Latin American services. Separate forecasts should be prepared on the basis of the currently existing fare/rate structures, on the one hand, and the proposed fare/rate structures, on the other. The impact of both increases and decreases in rates and fares should be reflected. All assumptions and allocation procedures should be fully explained. In developing their forecasts the carriers should bear in mind the Board's decision in the "Domestic Passenger-Fare Investigation," Phase 6B, that fares should be based upon load factor levels reasonably attainable over an extended period of time, rather than on those anticipated in the period immediately ahead. In addition to these overall data, separate similar forecasts should be provided for each carrier's all-cargo services. Moreover, carrier submissions should show the extent of cost increases resulting from the currency revaluations, as well as the revenue increases in dollars anticipated to be generated by the proposed fare/rate adjustments.[9] It is the Board's intention to treat independently each of the three ratemaking areas, and to consider rate or fare increases and decreases within a given area on an aggregate or net basis, but to deal with passenger fares separately from cargo rates.

In view of the need for prompt disposition of these agreements, the above data and other justification material will be submitted by February 25, 1972. Comments and objections by interested persons with respect to these agreements shall also be submitted by that date. Answers shall be filed by March 6, 1972.

Accordingly, it is ordered, That:

1. All U.S. air carrier members of the International Air Transport Association shall file on or before February 25, 1972, full documentation and economic justification, in accordance with the terms of this order and Part 221 of the Board's Economic Regulations, for increases in fares, rates, and charges effected by new or amended provisions of resolutions embodied in the subject referenced agreements or any agreements subsequently filed with the Board and intended for implementation on or before April 1, 1972, in air transportation to/from the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

2. Comments and objections from interested persons and parties shall be submitted on or before February 25, 1972, with respect to North Atlantic fare resolutions and related matters incorporated in Agreement CAB 22663, R–144 through R–184.

3. Replies to justifications received in response to ordering paragraph 1 above and replies to comments received pursuant to ordering paragraph 2 above shall be submitted no later than March 6, 1972; and

4. This order will be served upon all U.S. certificated route and supplemental carriers, and also upon all U.S. indirect air carriers. Additional service will be made on other persons who have submitted comments in the above-captioned matter.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–2376 Filed 2–15–72;8:55 am]

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[5] The peak season would remain unchanged (June, July, August, eastbound; and July, August, September, westbound). The shoulder season, however, would apply on both sides of the peak season before and after the November through March winter season. This three-tier pattern is currently in effect for affinity/incentive group fare travel.

[6] Table filed as part of the original document.

[7] CFR Title 6, Chapter III, § 300.16.

[8] Section 221.165a. We have taken under advisement the question of whether we should request the Price Commission to authorize an exemption from its requirements for international passenger and cargo rates comparable to the existing exemption for international ocean shipping rates. However, until and unless the Price Commission issues such an exemption, the Board has no authority to waive the requirements.

[9] We recognize that U.S. carrier experience in this regard may not be representative of the experience of foreign carriers by virtue of different proportions of receipts and expenditures in dollars versus other currencies. For this reason, the Board would be prepared to consider foreign carrier data either on an individual carrier or composite basis.

[Docket No. 24211]

PAKISTAN INTERNATIONAL AIRLINES CORP.

Notice of Prehearing Conference and Hearing Regarding Amendment of Foreign Air Carrier Permit

Notice is hereby given that a prehearing conference in the above-entitled matter regarding service between Pakistan, intermediate points, and New York, N.Y., is assigned to be held on February 25, 1972, at 10 a.m., local time, in Room 805, 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 22, 1972.

Dated at Washington, D.C., February 10, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72–2377 Filed 2–15–72;8:54 am]

[Docket No. 23073]

REA AIR FREIGHT FORWARDING, CONTROL, AND INTERLOCKING RELATIONSHIPS INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding will be held on March 20, 1972, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Ross I. Newmann.

For details of the issues involved in this proceeding, interested persons are referred to the Prehearing Conference Report served on December 2, 1971, and other 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., February 11, 1972.

[SEAL] ROSS I. NEWMANN,
Hearing Examiner.

[FR Doc.72-2378 Filed 2-15-72;8:54 am]

COMMISSION ON HIGHWAY BEAUTIFICATION

HIGHWAY BEAUTIFICATION

Change of Site of Public Hearing

FEBRUARY 11, 1972.

The Commission on Highway Beautification hereby gives notice that its public hearing in the Los Angeles area on February 28, 1972, is now scheduled for the Beverly Hilton Hotel, 9876 Wilshire Boulevard, Beverly Hills, CA, instead of the Federal Building, 11000 Wilshire Boulevard, Los Angles, CA. The hearing is still scheduled to start at 9:30 a.m.

The notice of public hearing was published in the FEDERAL REGISTER on February 5, 1972, at 37 F.R. 2803.

LEO A. BYRNES,
Staff Director and Counsel.

[FR Doc.72-2366 Filed 2-15-72;8:54 am]

ENVIRONMENTAL PROTECTION AGENCY

POTASSIUM AZIDE

Notice of Establishment of Temporary Tolerance

PPG Industries, Inc., 1 Gateway Center, Pittsburgh, PA 15222, submitted a petition (PP 1G1066) requesting a temporary tolerance for negligible residues of the herbicide potassium azide in or on the raw agricultural commodity rice at 0.1 part per million.

It has been determined that a temporary tolerance of 0.1 part per million for negligible residues of the herbicide potassium azide in or on rice is safe and will protect the public health. It is therefore established as requested on condition that the herbicide is used in accordance with the temporary permit issued concurrently by the Environmental Protection Agency and which provides for distribution under the PPG Industries, Inc., name.

This temporary tolerance expires February 10, 1973.

This action is being taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: February 10, 1972.

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

[FR Doc.72-2291 Filed 2-15-72;8:52 am]

FEDERAL MARITIME COMMISSION

CENTRAL GULF STEAMSHIP CORP. ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, LA., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. R. J. Finnan, Analyst Rates and Tariffs, Lykes Bros. Steamship Co., Inc., Post Office Box 53068, New Orleans, LA 70150.

Agreement No. 9980, between Central Gulf Steamship Corp., Combi Line (combined service of Hapag-Lloyd, A. G. and Holland America Line operating pursuant to approved Agreement No. 9929), and Lykes Bros. Steamship Co., Inc., establishes an arrangement for cooperation between these carriers to utilize or operate, directly or through another company or companies, common towing and/or tug services, fleeting areas, terminals, stevedores, maintenance and repair facilities, and exchange of and carriage of equipment of these carriers, related to or connected with their common carrier operations with LASH and SEABEE vessels, and barges in foreign trades, between Gulf ports of the United States and foreign countries, including ports and/or places or points on inland waterways tributary to said ocean ports and ranges.

Dated: February 10, 1972.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.72-2361 Filed 2-15-72;8:53 am]

CITY OF LOS ANGELES AND OVERSEAS SHIPPING CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Nowland C. Hong, Assistant City Attorney, City of Los Angeles, Post Office Box 151, San Pedro, CA 90733.

Agreement No. T-2588, between the City of Los Angeles (City) and Overseas

Shipping Company (Overseas), provides for the 5-year nonexclusive berth assignment by the City to Overseas of Berths 228 D, 228 E, 229, and 230 plus 24 acres of adjacent land area for operation as a marine terminal. The agreement also provides for a three-phase improvement of the wharf area by the City to create a modern facility for the handling of containerized cargo. As compensation, the City is to receive all tariff charges assessed pursuant to the Port of Los Angeles Tariff No. 3, subject to a minimum of $361,000 for the first year of the agreement escalating to $421,000 for the fifth year. Any revenues received by City from secondary or temporary use of the facility by others shall be applied against Overseas' minimum annual obligation.

Dated: February 10, 1972.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.72-2362 Filed 2-15-72;8:53 am]

MARYLAND PORT ADMINISTRATION AND TERMINAL SHIPPING CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Philip G. Kraemer, Director of Transportation, Maryland Port Administration, Pier 2, Pratt Street, Baltimore, MD 21202.

Agreement No. T-2586, between the Maryland Port Administration (MPA) and Terminal Shipping Company (Terminal), provides for the 1-year lease to Terminal of Pier 1, Clinton Street Marine Terminal, Baltimore, Md. The premises will be used solely as a waterfront cargo terminal and other uses as are incidental and related thereto. As compensation, MPA is to receive all dockage and wharfage fees collected at the facility, subject to a $50,000 advance payment each quarter. Dockage and wharfage will be assessed in accordance with the rates published in the Baltimore Marine Terminal Association Tariff.

Dated: February 10, 1972.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.72-2363 Filed 2-15-72;8:53 am]

PORT OF OAKLAND AND HARRY H. BLANCO CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Wilson F. Wendt, Deputy Port Attorney, Port of Oakland, 66 Jack London Square, Post Office Box 2064, Oakland, CA 94607.

Agreement No. T-2587, between the Port of Oakland (Oakland) and Harry H. Blanco Co. (Blanco), doing business as Mid-Pacific Freight Forwarders, provides for the license to Blanco of certain office space, covered truck dock area, maintenance shop area, and open dock area for use as a container freight station and for other uses incidental thereto. As compensation, Oakland is to receive $3,846.75 monthly plus all commercial and other port charges. The agreement stipulates that 90 percent of Blanco's operations shall be concerned with the movement of goods over and through the Port's marine terminals.

Dated: February 10, 1972.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.72-2364 Filed 2-15-72;8:53 am]

FEDERAL POWER COMMISSION

[Docket No. CI67-248]

BEACON GASOLINE CO.

Notice of Petition To Amend

FEBRUARY 14, 1972.

Take notice that on February 8, 1972, Beacon Gasoline Co. (petitioner), Post Office Box 396, Minden, LA 71055, filed in Docket No. CI67-248 a petition to amend the order heretofore issued in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing petitioner to gather and transport natural gas produced by Pennzoil Production Co. in the Walker Creek Field, Columbia and Layafette Counties, Ark., for processing and delivery to the gas purchaser, United Gas Pipe Line Co., in Webster Parish, La., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it commenced deliveries to United Gas Pipe Line Co. on January 25, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29). Pennzoil Pipeline Co. has filed an application for a certificate of public convenience and necessity in Docket No. CI72-491 authorizing the sale for resale of natural gas in interstate commerce to United Gas Pipe Line Co. and the delivery of said gas to petitioner for transportation and processing. Pennzoil Pipeline Co. states in its certificate application that it commenced its sale and delivery on January 25, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act.

It is reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said petition to amend 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). 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.72-2435 Filed 2-15-72;8:55 am]

[Docket No. CI72-493]

E. RALPH DANIEL ET AL.

Notice of Application

FEBRUARY 14, 1972.

Take notice that on February 7, 1972, E. Ralph Daniel (Operator) et al. (applicant), 2108 Chamber of Commerce Building, Houston, Tex. 77002, filed in Docket No. CI72-493 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corp. from the South Rayne Field, Acadia Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on January 20, 1972, within the contemplation of §157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for 1 year within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

Applicant proposes to sell approximately 102,000 Mcf of natural gas per month at 35 cents per Mcf at 15.025 p.s.i.a. It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 25, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on 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.72-2433 Filed 2-15-72;8:55 am]

FEDERAL RESERVE SYSTEM

BANQUE NATIONALE DE PARIS

Order Approving Formation of Bank Holding Company

Banque Nationale de Paris, Paris, France, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of French Bank of California, San Francisco, Calif. (Bank), a proposed new 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, wholly owned by the French government, is the largest bank in France and the second largest in the European Economic Community. It operates over 1,600 branches in France and, directly or through subsidiaries, has over 300 additional offices located in more than 50 foreign countries. Applicant and its subsidiaries control approximately $9.2 billion in deposits.[1] Applicant engages in banking activities in New York through French American Banking Corp. (FABC), its wholly owned subsidiary chartered as an "investment company" under Article XII of the New York State Banking Law. It also has an agency in San Francisco, Calif. The Board has previously ruled that FABC is not a "bank" within the meaning of section 2(c) of the Act.

French Bank of California proposes to be primarily a wholesale bank specializing in the financing of international trade. Applicant has one office in San Francisco, but that office is an agency and is not authorized to accept deposits. The proposed new bank is expected to compete principally with other foreign-owned banks and with the international departments of the larger California banks having international banking capabilities. Based on the record before it, the Board concludes that Bank's entry into the California market will have no adverse effects on existing or potential competition. Rather, the addition of Bank will provide increased facilities and competition.

The financial and managerial resources and prospects of applicant and Bank are regarded as satisfactory and consistent with approval of the application. Considerations relating to the convenience and needs of the community to be served lend some weight toward approval, as Bank would become the first commercial banking subsidiary of a European Economic Community member nation in California and could serve as a channel for additional French investment in the United States. It is the Board's judgment that the proposed formation would be in the public interest and that the application should be approved.

In connection with the present application, applicant also applied for the Board's permission to retain its ownership of FABC and certain investments held indirectly through FABC. Those investments include French American Capital Corp., New York City, a wholly owned subsidiary of FABC, and two minority investments of French American Capital Corp. in Locafrance-U.S. Corp. and Indumat Equipment Corp., each located in New York City. These matters were separately considered by the Board under section 4(c)(9) of the Act and are the subject of another order issued today by the Board.

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; and (c) French Bank of California, San Francisco, Calif., shall be opened for business not later than 6 months after the date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

By order of the Board of Governors,[2] February 7, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2292 Filed 2-15-72;8:48 am]

BANQUE NATIONALE DE PARIS

Order Approving Retention of Investment

Order approving retention of investment in French American Banking Corp., French American Capital Corp., and Locafrance-U.S. Corp. and disapproving

[1] All banking data are as of May 31, 1971.

[2] Voting for this action: Chairman Burns and Governors Robertson, Daane, Brimmer, and Sheehan. Absent and not voting: Governors Mitchell and Maisel.

retention of investment in Indumat Equipment Corp.

Banque Nationale de Paris (BNP), Paris, France, has applied for the Board's approval under section 4(c)(9) of the Bank Holding Company Act to retain all of the voting shares of French American Banking Corp. (FABC), New York City, and of FABC's wholly owned subsidiary, French American Capital Corp. (FACC), New York City, if BNP becomes a bank holding company.

BNP has received the Board's permission to become a bank holding company through the acquisition of all of the voting stock (less directors' qualifying shares) of a proposed new bank in San Francisco, Calif., to be named French Bank of California. If the proposed acquisition is consummated, BNP will be a foreign bank holding company within the meaning of § 225.4(g)(1)(iii) of Regulation Y.

FABC is an "investment company" chartered under Article XII of the New York State Banking Law. It is engaged in banking activities, including short- and medium-term lending, acceptances, remittance of funds, foreign exchange transactions, and related activities. FABC receives credit balances for the account of its customers in connection with transactions that it is legally authorized to perform, but does not accept deposits. Except for FABC's investment in the shares of its wholly owned subsidiary FACC, FABC does not directly own more than 5 percent of the shares of any company.

FACC is a corporation organized in 1970 under the laws of the State of Delaware that specializes in investing funds for its own account. It plans to expand its activities to provide investment advisory services and corporate financial services, including assistance in mergers and acquisitions. Most of FACC's funds have been placed in short-term investments, including purchase of participations in FABC's loans and investment in negotiable corporate and government notes. FACC has also made venture capital investments and has invested in securities listed on an exchange. Among its venture capital investments, FACC has acquired more than 5 percent of the voting shares of two U.S. subsidiaries of French corporations. It has a 15 percent interest in Locafrance-U.S. Corp., which is engaged in the business of leasing equipment, and a 15.8 percent interest in Indumat Equipment Corp., which sells and leases scaffolding systems. Both such corporations are located in New York City.

Section 4(c)(9) of the Act provides that the prohibitions of section 4 shall not apply to the investments or activities of foreign bank holding companies that conduct the greater part of their business outside the United States, if the Board by regulation or order determines that, under the circumstances and subject to the conditions set forth in the regulation or order, the exemption would not be substantially at variance with the purposes of the Act and would be in the public interest. In § 225.4(g)(2)(iv) of Regulation Y, the Board has determined that a foreign bank holding company may, with the Board's consent, own or control voting shares of any company principally engaged in the United States in financing or facilitating transactions in international or foreign commerce. From the information submitted by the applicant, it appears that the great majority of FABC's business is conducted with, or on behalf of, foreign customers and that FABC is principally engaged in international or foreign banking in competition with other financial institutions in New York City, including branches or agencies of foreign banks, the international banking departments of New York banks, and Edge Act subsidiaries of other banks. FABC is active in the domestic market for call loans to brokers, bankers' acceptances, and bankers' certificates of deposit; however, such business is small in proportion both to FABC's total business and to the markets for these types of assets in New York City.

In the Board's judgment, FABC's activities meet the conditions for exemption set forth in section 4(c)(9) of the Act and § 225.4(g)(2)(iv) of Regulation Y. In the Board's judgment, FACC's investment activities as described by applicant are consistent with the purposes of the Act and the public interest, except as noted below and subject to the condition that FACC not invest in more than 5 percent of the voting shares, or acquire control over the management or policies, of any issuer except with prior Board approval. FACC's proposed investment advisory services and its investment in Locafrance-U.S. Corp. are consistent with the scope of activities permitted to a domestic bank holding company under section 4(c)(8) of the Act and §§ 225.4(a)(5) and (6) of Regulation Y.

The term "corporate financial services" as used by applicant to describe a proposed new activity of FACC is not specifically defined in the application. The Board is of the view that FACC should be permitted to furnish financial services of a kind authorized by § 225.4(a)(5) of Regulation Y. The Board has not determined that assistance in mergers and acquisitions is included among such services.

FACC's investment in Indumat Equipment Corp. is an investment that would not be permissible to a domestic bank holding company, since Indumat is engaged in the business of selling goods in the United States. The Board believes that such an investment is inappropriate for a foreign bank holding company, and no sound reasons have been advanced by applicant in support of a contrary conclusion.

Competition in international or foreign banking in the New York market will be promoted if BNP is permitted to retain its investments in FABC and FACC. FABC is a small competitor in this market, and it is in the public interest that such competition be preserved to the extent consistent in other respects with the purposes of the Act.

Based upon the foregoing and other considerations reflected in the record, and based upon the assumption that BNP will become a bank holding company through the acquisition of voting shares of French Bank of California in accordance with its application approved by the Board, the Board has made the following determinations:

1. Pursuant to section 4(c)(9) of the Act and § 225.4(g)(2)(iv) of Regulation Y, the Board consents to the continued ownership by BNP of all of FABC's voting shares.

2. Pursuant to section 4(c)(9) of the Act and § 225.4(g)(3) of Regulation Y, the Board approves the continued indirect ownership by BNP of all of FACC's voting shares, subject to the following conditions:

(a) That FACC limit its corporate financial services to the kind of services authorized by § 225.4(a)(5) of Regulation Y,

(b) That BNP dispose of its indirect 15 percent interest in Indumat Equipment Corp. within 2 years from the date as of which it becomes a bank holding company.

3. Pursuant to section 4(c)(9) of the Act and § 225.4(g)(3) of Regulation Y, the Board approves the continued indirect ownership by BNP of 15 percent of the voting shares of Locafrance-U.S. Corp., New York City: *Provided*, That Locafrance confines its activities to leasing of personal property and equipment in accordance with § 225.4(a)(6) of Regulation Y.

The foregoing determinations are subject to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries; to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof; and to revocation by the Board if the facts upon which it is based change in any material respect.

By order of the Board of Governors,[1] February 7, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2293 Filed 2-15-72;8:48 am]

L & L HOLDING CO.

Formation of Bank Holding Company and Proposed Acquisition of W & W Insurance Agency

L & L Holding Co., Fort Collins, Colo., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 16,875 or more of the voting shares of Rocky Mountain Bank & Trust Co., Fort Collins, Colo. The factors that are considered in acting on

[1] Voting for this action: Chairman Burns and Governors Robertson, Daane, Brimmer, and Sheehan. Absent and not voting: Governors Mitchell and Maisel.

the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

L & L Holding Co. has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and section 225.4(b)(2) of the Board's Regulation Y, for permission to acquire assets of W & W Insurance Agency, Fort Collins, Colo. Notice of the application was published on January 14, 1972, in the Fort Collins Coloradoan, a newspaper circulated in Fort Collins, Colo.

Applicant states that the proposed subsidiary would engage in the activities of selling credit life and disability insurance in connection with loans of its proposed subsidiary bank, Rocky Mountain Bank & Trust Co., Fort Collins, Colo. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal filed pursuant to section 4(c)(8) can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 9, 1972.

Board of Governors of the Federal Reserve System, February 9, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2294 Filed 2-15-72;8:49 am]

VALLEY BANCORPORATION

Acquisition of Bank

Valley Bancorporation, Appleton, Wis., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Bank of Casco, Casco, Wis. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the Office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 10, 1972.

Board of Governors of the Federal Reserve System, February 10, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2295 Filed 2-15-72;8:49 am]

WESTERN BANCSHARES, INC.

Formation of Bank Holding Company and Proposed Retention of Woodston Agency

Western Bancshares, Inc., Stockton, Kans., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 89.5 percent or more of the voting shares of Rooks County State Bank, Woodston, Kans.

The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

In its application, applicant indicates that it has already made the acquisition. By order dated June 22, 1971, the Board has authorized any company which, between December 31, 1970, and June 22, 1971, has taken action requiring prior Board approval, without such approval, to apply to the Board for subsequent approval of that action if certain conditions are present. Whether these conditions are met in this case is currently under study.

Western Bancshares, Inc., has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain certain assets of Woodston Agency, formerly the Jno. McCormick Insurance Agency, Woodston, Kans. Notice of the application was published on January 20, 1972, in the Rooks County Record, a newspaper circulated in Rooks County, Kans., which includes Woodston, Kans.

Applicant states that the proposed subsidiary engages in the activity of a general insurance agency in a community that has a population of less than 5,000. Such activity has been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal filed pursuant to section 4(c)(8) can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views on these applications or request for hearing on the section 4(c)(8) matter should be submitted in writing and received by the Secretary, Board of Governors of the Federal Restrve System, Washington, D.C. 20551, not later than March 10, 1972.

Board of Governors of the Federal Reserve System, February 10, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2296 Filed 2-15-72;8:49 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3882]

APPLIED DEVICES CORP.

Order Suspending Trading

FEBRUARY 10, 1972.

The common stock $0.50 par value, of Applied Devices Corp. being traded on the American Stock Exchange, and otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 13, 1972, through February 22, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-2321 Filed 2-15-72;8:51 am]

[812-3031]

BUTCHER & SHERRERD

Notice of Filing of Amended Application for Exemption

FEBRUARY 10, 1972.

Notice is hereby given that Butcher and Sherrerd (Applicant), 1500 Walnut Street, Philadelphia, PA 19102, a Pennsylvania limited partnership and a prospective representative with Wheat, First Securities, Inc., and Reinholdt & Gardner of a group of underwriters to be

formed in connection with a proposed public offering of shares of Federated Income and Private Placement Fund (Company), a registered closed-end investment company, has filed an amended application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting Applicant and its counderwriters from the provisions of section 30(f) of the Act to the extent that section adopts section 16(b) of the Securities Exchange Act of 1934 (Exchange Act) with respect to their transactions incidental to the distribution of Fund shares. Such amended application was filed after publication of notice of the filing of the original application (Investment Company Act Release No. 6813) and requests a more extensive exemptive order than that requested in the original application and described in Release No. 6813.

All interested persons are referred to the amended application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Shares of the Company are to be purchased by the underwriters pursuant to an underwriting agreement to be entered into between the representatives of the underwriters and the Company, Income Research Corp., the Company's investment adviser, and Federated Research Corp., the Company's subadviser.

It is also contemplated that one or more dealers will offer and sell certain of the shares and will enter into selected dealer agreements in connection therewith. It is intended that the several underwriters will make a public offering of all the Company shares which such underwriters are to purchase under the underwriting agreement upon the terms therein specified, as soon on or after the effective date of the Company's registration statement under the Securities Act of 1933 as the representatives of the underwriters deem advisable, and such shares are initially to be offered to the public in accordance with the terms set forth in the prospectus at the time the registration statement becomes effective under the Securities Act of 1933. Although 2,500,000 shares have been included in the registration statement, the actual number of shares which may be the subject of the proposed public offering may be increased or decreased by the representatives and the Company shortly before the proposed public offering.

Section 30(f) of the Act, in pertinent part, provides that every person who is directly or indirectly the beneficial owner of more than 10 per centum of any class of outstanding securities of which a registered closed-end company is the issuer shall in respect of his transactions in the securities of such company be subject to the same duties and liabilities as those imposed by section 16 of the Exchange Act upon certain beneficial owners in respect of transactions in certain equity securities. Section 16(b) provides, in pertinent part, that for the purpose of preventing the unfair use of information which may have been obtained by such beneficial owner by reason of his relationship to the issuer, any profit realized by him from any purchase and sale, or sale and purchase, of any equity security of such issuer within any period of less than 6 months shall inure to and be recoverable by the issuer.

Rule 16b–2 under the Exchange Act exempts certain transactions in connection with a distribution of securities from the operation of section 16(b) thereof. One requirement, stated in Rule 16b–2(a)(3), is that the aggregate participation of persons not within the purview of section 16(b) of the Exchange Act be at least equal to the aggregate participation of all persons exempted from the provisions of section 16(b) by Rule 16b–2.

Although it is anticipated that the requirements of Rules 16b–2(a)(1) and (2) will be met, one or more of the underwriters, through their participation in the distribution of the shares, may not be entitled to rely upon Rule 16b–2 to exempt them from section 16(b) of the Exchange Act. For example, the requirement stated in Rule 16b–2(a)(3) to the effect that the aggregate participation of underwriters not within the purview of section 16(b) of the Exchange Act be at least equal to the participation of underwriters exempted therefrom under Rule 16b–2, may not be met because it is possible that one or more of the underwriters may be obligated through the underwriting agreement to purchase more than 10 percent of the aggregate number of shares of the Company's Capital Stock to be outstanding after the closing, and such underwriters may, as underwriters and as selected dealers, distribute more than 50 percent of the aggregate number of shares being offered. Moreover, one or more underwriters, even though they are obligated through the underwriting agreement to purchase 10 percent or less of the aggregate number of shares of the Company's Capital Stock to be outstanding upon completion of the initial public offering, may, as a consequence of defaults by other underwriters who do not purchase their respective underwriting commitments, become obligated to purchase on the closing date more than 10 percent of the aggregate number of shares of the Company's Capital Stock to be outstanding after the closing, and such underwriters may, either alone or in combination with underwriters obligated under the underwriting agreement to purchase more than 10 percent, distribute more than 50 percent of the shares being offered. Such arrangements might be characterized as not meeting the requirement of Rule 16b–2(a)(3) that other persons be participating in the distribution to an extent at least equal to the aggregate participation of all persons exempted from the provisions of section 16(b) of the Exchange Act by Rule 16b–2.

In addition to purchases from the Company and sales to customers, there may be the usual transactions of purchase or sale incident to a distribution such as stabilizing purchases, purchases to cover overallotments or other short positions created in connection with such distribution, and sales of shares purchased in stabilization.

Applicant states there is no inside information in existence since the Company, prior to the initial distribution of its shares, will have no assets (other than cash) or business of any sort, and all material information will be set forth in the prospectus. Therefore, the underwriters will not be privy to "inside information." Applicant states that the purpose of the purchase of the shares by the underwriters will be for resale in connection with the initial distribution of the shares, and submits that those purchases and sales will therefore be transactions effected in connection with a distribution of a substantial block of securities within the purpose and spirit of Rule 16b–2.

Applicant requests an order exempting the proposed transactions in the securities of the Company, as described in the application, from the provisions of section 30(f) of the Act on the ground that such exemption is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant further contends that the transactions sought to be exempted cannot lend themselves to the practices which section 16(b) of the Exchange Act and section 30(f) of the Act is intended to prevent.

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 28, 1972 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall

be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-2322 Filed 2-15-72;8:51 am]

[File No. 500-1]

ECOLOGICAL SCIENCE CORP.

Order Suspending Trading

FEBRUARY 10, 1972.

The common stock, 2 cents par value, of Ecological Science Corp. being traded on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and the Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 13, 1972, through February 22, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-2323 Filed 2-15-72;8:51 am]

TARIFF COMMISSION

[337-28]

LIGHTWEIGHT LUGGAGE

Notice of Findings and Recommendations

Upon completion of its investigation (337-28) under section 337 of the Tariff Act of 1930, in response to a complaint of Atlantic Products Corp., the Commission finds violation of section 337(a) of the Tariff Act of 1930 by unfair methods of competition and unfair acts in the importation and sale of certain lightweight luggage manufactured in accordance with the claims of U.S. Patent Nos. 3,298,480 and Re. 26,443 owned by the complainant, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

Accordingly, the Commission recommends that, in accordance with section 337(e) of the Tariff Act of 1930, the President direct the Secretary of the Treasury to instruct customs officers to exclude from entry into the United States certain lightweight luggage manufactured in accordance with the claims of U.S. Patent Nos. 3,298,480 and Re. 26,443 through January 16, 1984 and August 15, 1983, the respective dates of expiration of complainant's patents.

Under the statute (19 U.S.C. 1337(c)) a rehearing before the Commission may be requested. In accordance with § 201.14 of the Commission's rules of practice and procedure (19 CFR 201.14) a motion for a rehearing may be granted for good cause shown. Any such motion for a rehearing must be in writing and filed with the Secretary of the U.S. Tariff Commission, Washington, D.C. 20436, within twenty (20) days after publication of this notice. The motion must state clearly the grounds which are relied upon for the granting of a rehearing and must be accompanied by 19 true copies.

Issued: February 11, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.72-2386 Filed 2-15-72;8:55 am]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR, Part 519), and Administrative Order No. 621 (36 F.R. 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the act. While effective and expiration dates are shown for those certificates issued, for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

A & R Food Stores, Inc., foodstores; 930 Oxmoor Road, Birmingham, AL.; 11-15-72.

Aland's, Inc., apparel stores: 2226 Bessemer Road, Birmingham, AL, 11-3-71 to 7-31-72; 7732 Eastwood Mall, Birmingham, AL 10-5-71 to 7-31-72.

Albuquerque Drumstick Restaurant, Inc., restaurant; 2225 Wyoming Northeast, Albuquerque, NM; 9-30-72.

Annes Department Store, variety-department store; 4810-4820 North Michigan Avenue, Chicago, IL; 10-28-72.

Armand's Restaurant & Motel, restaurant; 1207 North Redbud Trail, Buchanan, MI; 10-31-72.

Autry Greer & Sons, Inc., foodstores, 10-4-71 to 9-6-72; Bay Minette, Ala.; Citronelle, Ala.; Fairhope, Ala.; Foley, Ala.; Jackson, Ala.; 2216 Dauphin Island Parkway, Mobile, AL; 3311 Dauphin Island Parkway, Mobile, AL; Six South McGregor Avenue, Mobile, AL; Monroeville, Ala.; Saraland, Ala.; Lucedale, Miss.

Banner Food Stores, foodstore; No. 23, Jacksonville, Fla.; 11-8-71 to 9-28-72.

The Bargain Center, Inc., variety-department store; 2 Washington Street, Quincy, MA; 11-23-72.

The Barr Co., variety-department store; 116 South Main Street, Celina, Ohio; 9-25-72.

Bass Memorial Baptist Hospital, hospital; Enid, Okla.; 11-11-72.

Beatrice Super Market, Inc., foodstore; 808 Court Street, Beatrice, NE; 10-15-71 to 10-13-72.

Ben Franklin Store, variety-department stores: No. 5640, Tucson, Ariz., 10-31-72; Highway 76 and Gapway Street, Mullins, S.C., 9-23-72.

Big T. Foods, foodstore; U.S. Highway 54, Peotone, Ill.; 9-30-72.

The Blyth & Fargo Co., variety-department store; Evanston, Wyo.; 10-19-72.

Bornemann's Nursing Home, nursing home; 1853 Mills Street, Green Bay, WI; 10-20-72.

Buck's Supermarket, foodstore; 504 Elm Street, Marked Tree, AR; 10-27-72.

Butler's Department Store, variety-department store; 54 Main Street, Waterville, ME; 11-7-72.

Byrd's, Inc., foodstore; 304 East Main Street, Carrboro, NC; 10-2-72.

Casa Moore Furniture Co., variety-department store; 708 Kentucky Street, Bakersfield, CA; 10-31-72.

Chatham Drug Co., Inc., drugstore; Park Shopping Center, Siler City, NC; 10-4-71 to 9-21-72.

Clifton's Grocery, foodstore; 201 South A Street, McAlester, OK; 10-6-72.

Community Memorial Hospital, hospitals, 10-14-71 to 10-4-72: Park Street, Sheldon, Iowa; Hettinger, N. Dak.

Concord Manor, Inc., nursing home; 1375 Division Street, Garner, IA; 11-8-71 to 10-26-72.

Conley's AG Supermarket, foodstore; Hazen, Ark.; 11-17-72.

Crest Stores Co., variety-department stores, 9-30-72, except as otherwise indicated: Boone, N.C.; Villa Park Shopping Center, Conover, N.C. (11-9-72); Tarboro Shopping Center, Tarboro, N.C.

Culter's Drugs, drugstores, 9-20-72; Nos. 2, 5, and 6, Columbus, Ohio.

Daulphin's, foodstore; Highway 29, East Brewton, Ala.; 10-7-71 to 7-31-72.

Dave Bloom & Sons, apparel store; El Con Center, Tucson, Ariz.; 10-4-71 to 9-30-72.

Davis Super Market, Inc., foodstore; 730 East Pittsburgh Street, Greensburg, PA; 10-9-72.

Dillon Companies, Inc., foodstore; No. 109, Pryor, Okla.; 10–31–72.

Discount Food Market, foodstore; 845 Broad Street, Camden, SC; 9–30–72.

The Dixie Store, variety-department store; 415–417 Chickasha Avenue, Chickasha, OK; 9–20–72.

Duckwall Stores Co., variety-department stores: No. 4, Clay Center, Kans., 11–9–72; No. 28, Council Grove, Kans., 11–5–71 to 10–28–72; No. 43, Scott City, Kans., 11–12–72; No. 58, Topeka, Kans., 11–5–71 to 11–2–72.

Duke & Ayres, Inc., variety-department store; No. 10, Clarksville, Tex.; 11–2–72.

Eagle Stores Co., Inc., variety-department stores: No. 40, Glen Burnie, Md., 10–9–72; No. 6, Sylva, N.C., 10–16–72.

Edward's, Inc., variety-department store; 1739 Maybank Highway, Charleston, SC; 12–1–72.

Elliotts Stores, Inc., apparel stores, 10–15–72: 118 Front Street, Beaver Dam, WI; 4 South Main Street, Janesville, WI; 5614 Sixth Avenue, Kenosha, WI; 200 Main Street, Watertown, WI.

Erdman Supermarkets, Inc., foodstore; Highway 65 South, Owatonna, Minn.; 11–19–72.

Exira Super Valu, foodstore; Exira, Iowa; 11–19–72.

Ezell's Department Store, Inc., variety-department store; 604 West Main Street, Leesburg, FL; 11–27–72.

Family Department Store, variety-department store; No. 84, Phoenix, Ariz.; 9–30–72.

Fandel Co., variety-department store; 602 St. Germain Street, St. Cloud, MN; 11–3–72.

Farmers Investment Co., agriculture, 10–31–72: Aquila, Picacho, and Santa Cruz Valley Farms, Sahuarita, Ariz.

M. H. Fishman Co., Inc., variety-department store; 88–90 Merchants Row, Rutland, VT; 11–20–72.

Food Fair, Inc., foodstore; London, Ky.; 9–30–72.

Frank's I.G.A., foodstore; 1402 Main, Rock Valley, IA; 10–14–72.

Gee Bee, variety-department store; Route 22, Monroeville, Pa.; 9–20–72.

George's Market, Inc., foodstore; No. 2, Morristown, Tenn.; 10–31–72.

Gindlers Department Store, variety-department store; 419 St. George, Gonzales, TX; 11–16–72.

Goldblatt Bros., Inc., variety-department store; 1505 King Street West, Decatur, IL; 9–26–72.

W. T. Grant Co., variety-department stores: No. 579, Milford, Del., 10–8–72; No. 1062, Jacksonville, Fla., 9–25–72; No. 243, Galesburg, Ill., 10–27–72; No. 33, Peoria, Ill., 9–28–72; No. 174, Mishawaka, Ind., 11–19–72; No. 1100, Cedar Falls, Iowa, 11–5–71 to 10–23–72; No. 663, Somerville, N.J., 12–13–72; No. 945, Union, N.J., 10–26–72; No. 828, Wyckoff, N.J., 9–30–72; No. 572, Cleveland, Ohio, 10–10–72; No. 926, Cleveland, Ohio, 11–1–72; No. 254, Steubenville, Ohio, 10–19–72; No. 575, Milton, Pa., 9–24–72; No. 458, Pittsburgh, Pa., 10–6–72; No. 235, Shamokin Dam, Pa., 11–15–72; No. 848, State College, Pa., 9–26–72; No. 484, Cayce, S.C., 12–4–72; No. 61, El Paso, Tex., 10–26–72.

Haines Super Market, foodstores: 551 State Street, Clairton, PA, 10–28–72; Route 51, Pleasant Hills, Pittsburgh, Pa., 11–1–72.

Hales Super Market, foodstores, 10–20–72: Highway 13, Gallatin, Mo.; Hamilton, Mo.

Handy Andy, Inc., foodstores, 11–2–72; except as otherwise indicated: Nos. 28 and 29, San Antonio, Tex.; No. 31, San Antonio, Tex. (10–31–72).

Hart's Department Store, variety-department store; 955 Fourth Avenue, New Kensington, PA; 10–24–72.

Harvey's Dime Store, Inc., variety-department store; 108 North Broad, Griffith, IN 10–28–72.

IGA Foodliner, foodstore; Highway 63 South, Macon, Mo.; 10–17–72.

Jenny Lee Bakery, bakery; Fort Couch and Washington Road, Pittsburgh, PA; 11–18–71 to 11–1–72.

Jewish Home for Aged, nursing home; 158 North Street, Portland, ME; 11–2–72.

John P. Robilio & Co., foodstore; 910 Vance Avenue, Memphis, TN; 10–9–72.

Johnny's IGA Market, variety-department store; 6190 Madison Pike, Independence, KY; 9–21–72.

John's Self Service Market, foodstore; Catawba Avenue, Old Fort, N.C.; 10–29–72.

Kientz IGA, foodstore; 1016 West Sixth, Junction City, KS; 11–17–72.

Klister-Collister Co., apparel store; 1100 San Mateo Northeast, Albuquerque, NM; 11–11–72.

S. S. Kresge Co., variety department stores: No. 4279, Lauderhill, Fla., 11–13–72; Nos. 730 and 786, Miami, Fla., 10–29–72; No. 4298, Miami, Fla., 11–30–72; No. 4245, Tampa, Fla., 10–30–72; No. 4230, Atlanta, Ga., 11–15–72; No. 4265, Atlanta, Ga., 11–15–71 to 10–19–72; No. 4135, Augusta, Ga., 11–19–72; No. 4242, Macon, Ga., 11–21–72; No. 4071, Marietta, Ga., 10–10–72; No. 4189, Savannah, Ga., 10–25–72; No. 4337, Addison, Ill., 10–28–72; No. 81, Aurora, Ill., 9–22–72; No. 88, Belleville, Ill., 10–31–72; No. 4381, Bridgeview, Ill., 10–31–72; No. 253, Chicago, Ill., 9–26–72; No. 305, Chicago, Ill., 9–28–72; No. 480, Chicago, Ill., 10–4–71 to 9–2–72; No. 301, Chicago Heights, Ill., 10–10–72; No. 4030, Danville, Ill., 10–25–72; No. 4097, Elgin, Ill., 10–31–72; No. 207, Harrisburg, Ill., 11–7–72; No. 4095, Joliet, Ill., 10–12–72; No. 4322, Kankakee, Ill., 10–28–72; No. 554, Moline, Ill., 9–28–72; No. 502, Mount Prospect, Ill., 9–21–72; No. 463, Oak Lawn, Ill., 9–20–72; No. 187, Palatine, Ill., 9–20–72; No. 4107, Peoria, Ill., 10–23–72; No. 455, Springfield, Ill., 9–20–72; No. 4048, Springfield, Ill., 10–20–72; No. 4035, Anderson, Ind., 10–30–72; No. 4377, Bloomington, Ind., 11–11–72; No. 4249, Elkhart, Ind., 10–6–72; Nos. 4196 and 4203, Indianapolis, Ind., 10–7–72; No. 4336, Indianapolis, Ind., 10–9–72; No. 167, Logansport, Ind., 10–1–72; No. 101, South Bend, Ind., 10–23–72; No. 312, Speedway, Ind., 10–8–72; No. 4124, Terre Haute, Ind., 11–6–72; No. 4289, Cedar Rapids, Iowa, 11–8–71 to 10–31–72; No. 154, Council Bluffs, Iowa, 10–13–71 to 9–30–72; No. 4315, Iowa City, Iowa, 11–4–71 to 10–29–72; No. 4565, Topeka, Kans., 10–14–71 to 10–8–72; No. 4232, Lexington, Ky., 10–18–72; No. 285, Baltimore, Md., 9–28–72; No. 209, Dundalk, Md., 9–22–72; No. 698, Glen Burnie, Md., 9–22–72; No. 264, Lutherville-Timonium, Md., 9–22–72; No. 4105, Ann Arbor, Mich., 11–8–72; No. 4065, Battle Creek, Mich., 11–10–72; No. 6, Bay City, Mich., 10–21–72; No. 4091, Bay City, Mich., 9–30–72; No. 681, Birmingham, Mich., 9–28–72; No. 453, Clawson, Mich., 10–23–72; No. 409, Dearborn, Mich., 10–24–72; No. 352, Detroit, Mich., 10–7–72; No. 582, Detroit, Mich., 10–7–71 to 8–12–72; No. 4134, East Lansing, Mich., 10–21–72; No. 696, Farmington, Mich., 10–27–72; No. 4118, Grand Rapids, Mich., 11–1–72; No. 405, Inkster, Mich., 9–22–72; No. 4256, Lansing, Mich., 10–21–72; No. 4382, Lansing, Mich., 10–31–72; No. 423, Livonia, Mich., 9–23–72; No. 4238, Melvindale, Mich., 10–9–72; No. 4098, Monroe, Mich., 11–1–72; No. 4145, Mount Clemens, Mich., 11–8–72; No. 4099, Mount Morris, Mich., 11–1–72; No. 4535, Owosso, Mich., 11–7–72; No. 404, Pontiac, Mich., 9–25–72; No. 4096, Saginaw, Mich., 11–1–72; No. 501, Southfield, Mich., 10–16–72; No. 4059, Taylor, Mich., 11–14–72; No. 115, Troy, Mich., 11–5–72; No. 4106, Ypsilanti, Mich., 10–30–72; No. 4570, Austin, Minn., 10–19–72; No. 135, Minneapolis, Minn., 11–16–72; No. 4137, Charlotte, N.C., 11–30–72; No. 4251, Charlotte, N.C., 10–20–71 to 9–24–72; No. 4310, Fayetteville, N.C., 11–9–72; No. 4335, Kannapolis, N.C., 10–26–71 to 9–29–72; No. 581, Chillicothe, Ohio, 10–6–72; No. 4173, Cincinnati, Ohio, 10–19–72; No. 240, Cleveland, Ohio, 9–20–72; No. 376, Cleveland, Ohio, 9–27–72; No. 29, Columbus, Ohio, 10–7–71 to 9–2–72; No. 640, Columbus, Ohio, 10–9–72; No. 644, Dayton, Ohio, 9–20–72; No. 4190, Dayton, Ohio, 10–19–72; No. 150, Portsmouth, Ohio, 11–1–71 to 9–26–72; No. 615, Harrisburg, Pa., 9–26–72; 5600 Carlisle Pike, Mechanicsburg, Pa., 11–15–72; No. 438, Philadelphia, Pa., 10–1–72; No. 528, Philadelphia, Pa., 9–28–72; No. 97, Pittsburgh, Pa., 9–29–72; No. 4009, Washington, Pa., 9–30–72; No. 4043, Columbia, S.C., 9–23–72; No. 4016, Greenville, S.C., 10–18–72; No. 671, Rapid City, S. Dak., 10–14–71 to 9–2–72; No. 738, Chattanooga, Tenn., 9–20–72; No. 723, Cleveland, Tenn., 10–7–72; No. 4241, East Ridge, Tenn., 10–31–72; No. 4401, Abilene, Tex, 10–31–72; No. 4195, Beaumont, Tex., 9–21–72; No. 4307, Corpus Christi, Tex., 9–28–72; No. 4259, Fort Worth, Tex., 9–20–72; No. 4287, Groves, Tex., 10–14–72; No. 4267, Hurst, Tex., 10–30–72; No. 4186, Texarkana, Tex., 11–18–72; No. 4025, Tyler, Tex., 10–20–72; No. 4042, Fredericksburg, Va., 9–30–72; No. 547, Springfield, Va., 9–30–72; No. 4385, Greenfield, Wis., 10–31–72; No. 4255, Janesville, Wis., 10–31–72; No. 4517, Janesville, Wis., 10–9–72; No. 4579, Kenosha, Wis., 9–26–72; No. 4254, Oshkosh, Wis., 10–13–72; No. 4380, Wauwatosa, Wis., 10–31–72.

Lalonde's Super Market, foodstore; Port Sulphur, La.; 10–25–72.

La Parisienne, Inc., apparel store; 810 Jefferson Street, Lafayette, LA; 10–4–71 to 7–31–72.

Larson's Big Star, foodstore; No. 60, Oxford, Miss.; 9–17–72.

The Leach Home, nursing home; 714 North Fourth Street,, Wahpeton, ND; 10–13–71 to 9–27–72.

Lebensraum, Inc., nursing home; 114–118 South Ingalls, Grand Island, NE; 9–21–71 to 9–8–72

Lerner Shops, apparel stores, 11–4–72, except as otherwise indicated: No. 139, Daytona Beach, Fla.; No. 197, Gainesville, Fla. (11–8–72); No. 180, Jacksonville, Fla.; Nos. 66, 102, and 183, Miami, Fla.; No. 136, Pensacola, Fla.; No. 146, Sarasota, Fla.; Nos. 54, 62, and 106, Tampa, Fla. (11–8–72); No. 193, Tampa, Fla. (11–1–71 to 9–22–72); No. 199, Titusville, Fla. (11–10–72); No 196, West Palm Beach, Fla. (10–18–72); No. 114, Savannah, Ga.; No. 280, Michigan City, Ind. (10–18–72); No. 330, Houston, Tex. (9–29–72); No. 331, Houston, Tex. (10–20–72).

Marion & Dean's AG Market, foodstore; Delta, Utah; 10–14–71 to 10–2–72.

Masons Department Store, variety-department store; 102–112 East Ward Street, Douglas, Ga.; 11–8–72.

Max Adler Co., apparel store; 2524 Miracle Lane, Mishawaka, IN; 10–28–71 to 10–16–72

McCrory-McLellan-Green Stores, variety-department stores: No. 660, Flagstaff, Ariz., 10–31–72; No. 274, Danbury, Conn., 10–7–72; No. 1033, Milford, Conn., 10–14–72; No. 1009, Norwalk, Conn., 10–14–72; No. 7504, Casselberry, Fla., 10–6–72; No. 256, Clearwater, Fla., 10–1–71 to 8–6–72; No. 73, Daytona Beach, Fla., 9–22–72; No. 371, Fort Lauderdale, Fla., 10–1–71 to 8–2–72; No. 311, Key West, Fla., 11–21–72; No. 388, Live Oak, Fla., 10–20–72; No. 204, Merritt Island, Fla., 10–18–72; Nos. 319 and 7502, Orlando, Fla., 10–6–72; No. 366, Pensacola, Fla., 9–26–72; No. 356, Plant City, Fla., 10–7–71 to 10–2–72; No. 310, St. Petersburg, Fla., 9–20–72; No. 340, Tarpon Springs, Fla., 9–30–71 to 9–22–72; No. 262, Titusville, Fla., 10–7–71 to 9–30–72; No. 329, Titusville, Fla., 9–30–71 to 9–17–72; No. 432, Athens, Ga., 9–20–72; No. 225, Monroe, Ga., 10–7–71 to 9–24–72; No. 392, North Riverside, Ill., 11–3–71 to 11–1–72; No. 1204, Lexington, Ky., 10–3–72; No. 1301, Baltimore, Md., 9–28–72; No. 345, Ellicott City, Md., 10–8–72; No. 382, Fall River, Mass., 10–22–72; No. 374, Framingham, Mass., 11–8–72; No. 641, Greenfield, Mass., 10–8–72; No. 253, Grand Rapids,

Mich., 10–21–72; No. 692, Ionia, Mich., 11–8–72; No. 238, Menominee, Mich., 11–8–72; No. 393, Southgate, Mich., 10–21–72; No. 506, Ypsilanti, Mich., 10–12–71 to 9–23–72; No. 174, Natchez, Miss., 10–31–72; No. 313, Natchez, Miss., 10–21–72; No. 1306, Bricktown, N.J., 11–3–72; No. 377, Stirling, N.J., 10–2–72; No. 1073, Trenton, N.J., 9–23–72; No. 708, Grants, N. Mex., 10–24–72; No. 576, Raleigh, N.C., 11–9–72; No. 1040, Columbus, Ohio, 9–21–72; No. 257, Norwood, Ohio, 10–22–72; No. 210, Piqua, Ohio, 9–24–72; No. 8, Allentown, Pa., 9–20–72; No. 116, Chester, Pa., 10–7–72; No. 147, Ebensburg, Pa., 10–7–72; No. 224, Hazelton, Pa., 11–15–72; No. 1122, Hollidaysburg, Pa., 10–6–72; No. 109, Monogahela, Pa., 10–26–72; No. 381, Philadelphia, Pa., 11–15–72; No. 167, Pottstown, Pa., 9–20–72; No. 334, Reading, Pa., 9–23–72; No. 364, Scranton, Pa., 9–22–72; No. 332, Shavertown, Pa., 11–14–72; No. 85, Waynesboro, Pa., 9–20–72; No. 333, Wyoming, Pa., 9–24–72; No. 317, York, Pa., 10–5–72; No. 1048, Anderson, S.C., 10–26–72; No. 1120, Memphis, Tenn., 10–7–72; No. 165, Dallas, Tex., 11–19–72; No. 322, Dallas, Tex., 10–22–72; No. 1020, Fort Worth, Tex., 10–26–72; No. 1208, Houston, Tex., 10–26–72; No. 177, Waco, Tex., 10–25–72; No. 138, Charlottesville, Va., 9–30–72; No. 1069, Falls Church, Va., 10–13–72; No. 149, Fairmont, W. Va., 10–31–72; No. 144, Madison, Wis., 11–3–71 to 10–25–72.

McDonald's Hamburgers, restaurants: 1110 Camp Jackson Road, Cahokia, IL, 11–6–72; 12499 Natural Bridge Road, Bridgeton, MO, 10–18–72; 3594 North Lindbergh Boulevard, St. Ann, Mo.; 10–15–71 to 10–13–72.

McKee's Mid-State District, variety-department store; 124 South Pennsylvania Avenue, Greensburg, PA; 10–28–72.

Memorial Hospital, hospital; 300 East 23d Street, Cheyenne, WY; 10–14–71 to 10–5–72.

Middletown Merchandise Mart, variety-department store; 3751 East Harrisburg Pike, Middletown, PA; 10–28–72.

Millners, Inc., variety-department stores, 9–24–72: Gainesville, Ga.; Broad Street, Monroe, Ga.

H. Minkovitz & Sons, Inc., variety-department store; 1 South Main Street, Statesboro, GA 10–4–72.

Mr. H's Village Kitchen, foodstore; 13925 West Capitol Drive, Brookfield, WI; 9–30–72.

Morgan & Lindsey, variety-department stores, 10–31–72, except as otherwise indicated: No. 3065, Baton Rouge, La. (10–20–71 to 10–15–72); No. 3123, Monroe, La. (11–11–72); No. 3129, Natchitoches, La. (11–18–72); No. 3114, Long Beach, Miss.; No. 3059, Conroe, Tex.

M. E. Moses Co., variety-department stores: No. 29, Dallas, Tex., 10–29–72; No. 22, Mesquite, Tex., 11–15–72.

G. C. Murphy Co., variety-department stores: No. 82, Atlanta, Ga., 10–3–72; No. 326, Decatur, Ind., 10–14–72; No. 313, Indianapolis, Ind., 10–2–72; No. 329, Ashland, Ky., 10–27–72; No. 317, Bel Air, Md., 10–3–72; No. 324, Okemos, Mich., 9–29–72; No. 332, Minneapolis, Minn., 10–4–72; No. 463, Delphos, Ohio, 10–14–72; No. 327, Indiana, Pa., 11–2–72; No. 323, Annandale, Va., 10–9–72; No. 320, Hampton, Va., 10–14–72.

Neisner Bros., variety-department stores: No. 190, Cape Coral, Fla., 10–17–72; No. 95, Englewood, Fla., 10–9–72; No. 7, Homestead, Fla., 12–1–72; No. 136, Miami, Fla., 11–2–72; No. 5, Palatka, Fla., 10–13–72; No. 41, Tampa, Fla., 11–22–72.

J. J. Newberry Co., variety-department stores: No. 425, Atlanta, Ga., 10–1–71 to 9–22–72; Westgate Shopping Center, Macon, Ga., 10–31–72; No. 197, Somerset, Ky., 9–21–72; No. 411, Richmond Heights, Mo., 11–9–72; No. 732, Sidney, Nebr., 10–15–71 to 9–2–72; No. 303, Hackettstown, N.J., 10–10–72; No. 17, New Brunswick, N.J., 10–24–72; No. 13, Newport, Pa., 11–1–72; No. 35, Northampton, Pa., 9–24–72; No. 169, Fredericksburg, Va., 10–22–72.

Old Fort Supermarket, foodstore; Old Fort, N.C.; 10–29–72.

Olin B. Kirven, Sr. & Jr. Farm, agriculture; Route 3, Hartsville, SC; 9–21–72.

Park View Manor, nursing home; Park Avenue, Sac City, Iowa; 11–8–71 to 9–2–72.

Parsons, Inc., variety-department store; Duluth, Ga.; 11–20–72.

Patterson's Dixie Dandy, Inc., foodstore; Junction City, Ark.; 10–18–72.

Peace Haven Association, nursing home; Walnut, Iowa; 10–13–71 to 10–8–72.

Pecan Shop, foodstore; U.S. Highway 66, Lexington, Ill.; 9–27–72.

Pence Food Center, foodstore; 122 South Sixth Street, Osage City, KS; 11–8–71 to 10–27–72.

Piggly Wiggly, foodstores, 10–14–71 to 9–11–72; Nos. 1 and 2, Fort Smith, Ark.

Pleezing Food Store, foodstore; No. 2, Pensacola, Fla.; 10–1–71 to 9–30–72.

R & R Farms, Inc., agriculture; Carthage, Miss.; 9–27–72.

Radcliff Department Store, Inc., variety-department store; 374 North Dixie Boulevard, Radcliff, KY; 10–21–72.

Raylass Department Store, variety-department store; 217 Broad Avenue, Albany, GA; 10–29–72.

Ream's Food Bargain Warehouse, foodstore; 1350 North Second West, Provo, UT; 11–5–71 to 10–27–72.

Robison Development Corp., restaurant; 2177 West 12th Street, Erie, PA; 11–1–72.

Ron Davidson Chevrolet, car dealer; 222 East High Street, Ebensburg, PA; 10–6–72.

Ronk's Variety Store, Inc., variety-department store; Covington, Tenn.; 11–12–72.

Rose's Stores, Inc., variety-department stores, 10–15–71 to 9–2–72, except as otherwise indicated: No. 93, Belhaven, N.C. (9–20–72); No. 3, Louisburg, N.C. (11–18–72); No. 45, Lumberton, N.C.; No. 2, Oxford, N.C. (12–3–72); No. 150, Columbia, S.C.

Roth's Department Store, variety-department store; Third and Locust Street, Boonville, IN; 9–22–72.

Royal's, Inc., variety-department store; 400 Southwest Avenue A, Belle Glade, FL; 10–27–72.

Rusty's Food Centers, Inc., foodstore; 23d and Louisiana, Lawrence, KS; 10–13–71 to 9–22–72.

St. Mary's Home & Geriatric Hospital, nursing home; 607 East 26th Street, Erie, PA; 10–3–72.

Samuel Schlesinger, Inc., apparel store; 5716 Bergenline Avenue, West New York, NJ; 10–17–72.

Schaper's IGA Foodliner, foodstore; 526 West Main, Jackson, MO; 11–9–71 to 11–5–72.

Schensul's Cafeteria, restaurant; East Grand River Avenue, Okemos, Mich.; 10–28–71 to 9–30–72.

Schradzki Co., variety-department stores, 11–9–72: 213–215 Southwest Adams, Peoria, IL; 4125 Sheridan Road, Peoria, IL.

Scott Store, variety-department stores, 9–30–72, except as otherwise indicated: No. 9263, Aurora, Ill.; No. 9321, Alma, Mich. (10–25–72); No. 9145, Christiansburg, Va.

Scurlock's, Inc., foodstore; 725 North Sunshine Strip, Harlingen, TX; 11–7–72.

Shelton Supermarket, foodstore; 206 West Main, Stigler, OK; 10–2–72.

Skippers Table, Inc., restaurant; No. 2, Livonia, Mich.; 10–14–72.

Spee-D-Foods, Inc., foodstores, 11–1–72; except as otherwise indicated: 2502 11th Street Southwest, Canton, OH (11–18–72); 1207 12th Street Northwest, Canton, OH; 118 East Nassau, East Canton, OH (11–18–72); 2110 East Main Street, Louisville, OH (11–18–72); 6304 North Market, North Canton, OH; 4075 Portage Road, North Canton, OH; 4730 Cleveland Avenue South, North Industry, OH.

Spurgeon's, variety-department stores: 113 First Street, Dixon, IL, 11–7–72; 604 Broadway, Lincoln, IL, 11–14–72; 723 Washington Street, Mendota, IL, 11–7–72; 227 South Main Street, Monmouth, IL, 11–14–72; 519 South Main, Princeton, IL, 11–5–72; 516 North Adams, Carroll, IA, 10–13–71 to 10–6–72; 310 North 12th Street, Centerville, IA, 11–8–71 to 10–26–72; 202 East Robinson Street, Knoxville, IA, 10–13–71 to 9–30–72; 1104 Second Street, Perry, IA, 11–8–71 to 10–25–72; 131 West Broadway, Owatonna, MN, 10–17–72; 929 Main Street, Stevens Point, WI, 10–1–72.

Sterling Stores Co., variety-department store; 1119 South Bellevue at McLemore, Memphis, TN, 10–31–72.

The Stern & Mann Co., apparel store; 4355 Belden Mall, Canton, OH; 10–20–72.

The Strouss-Hirshberg Co., variety-department store; 20 West Federal Street, Youngstown, OH; 10–18–72.

Super Drive-Ins, foodstore; No. 8, Nashville, Tenn.; 11–14–72.

T. G. & Y. Stores Co., variety-department stores: No. 1603, Florence, Ala., 10–15–72; No. 1503, Tempe, Ariz., 9–30–72; No. 652, Blythe, Calif., 9–30–72; No. 581, Chino, Calif., 10–16–71 to 9–30–72; No. 1804, Durango, Colo., 10–13–71 to 10–4–72; No. 730, Clearwater, Fla., 12–17–72; No. 1306, Fort Walton Beach, Fla., 10–14–72; No. 766, Jacksonville, Fla., 12–17–72; No. 729, Port Orange, Fla., 10–28–72; No. 9231, Iola, Kans., 10–13–71 to 10–4–72; No. 127, Kansas City, Kans., 11–6–72; No. 303, Lafayette, La., 11–1–71 to 8–31–72; No. 125, Kansas City, Mo., 10–12–71 to 9–20–72; No. 176, Santa Fe, N. Mex., 9–22–72; No. 2300, Roxboro, N.C., 9–29–72; No. 459, Claremore, Okla., 9–26–72; No. 1001, Del City, Okla., 10–13–72; No. 37, Midwest City, Okla., 10–15–72; No. 88, Oklahoma City, Okla., 10–31–72; No. 21, Shawnee, Okla., 11–13–72; Nos. 467 and 469, Tulsa, Okla., 11–7–72; No. 1705, Columbia, S.C., 11–3–71 to 10–14–72; No. 1771, Taylors, S.C., 12–11–72; No. 851, El Paso, Tex., 9–30–72; No. 340, Houston, Tex., 11–13–72; No. 806, Houston, Tex., 10–5–72; Nos. 811 and 838, Houston, Tex., 10–9–72; No. 779, Nederland, Tex., 11–13–72.

Thornberry's Super Valu Market, Inc., foodstore; Winchester, Ky.; 10–6–72.

Thriftown, foodstore; 1875 Perry Boulevard Northwest, Atlanta, GA; 10–19–72.

Tomlinson Stores, Inc., variety-department store; 806 Front Street, Georgetown, SC; 10–16–72.

Town & Country Market, Inc., foodstore; 2020 10th Street, Sidney, NE; 9–26–72.

Town & Country Supermarket, foodstore; 818 North Elm, Hoisington, KS; 11–9–71 to 10–26–72.

Tradewell Super Market, foodstore; 911 Eighth Street, Huntington, WV; 9–30–72.

Van Arsdell's Inc., variety-department store; 37 Signal Hills, West St. Paul, MN; 11–3–71 to 10–21–72.

Vonada's Store, foodstore; Aaronsburg, Pa.; 10–6–72.

Walters Red & White, Inc., foodstore; 304 South Parler Avenue, St. George, SC; 10–31–72.

The Webber Co., Inc., variety-department store; 39 North Perry Street, Montgomery, AL; 10–24–72.

White's Stores, Inc., variety-department store; 601–607 Dickinson Avenue, Greenville, NC; 11–4–71 to 10–19–72.

Whittaker, Inc., foodstore; No. 2, Harrah, Okla.; 9–28–72.

William & Mary, Inc., variety-department store; Fletcher, NC; 10–17–72.

Wilson's Market, Inc., foodstore; 3600 Seventh Street, Parkersburg, WV; 9–27–72.

Wolf Super Market, foodstore; Main Street, Yorktown, Tex.; 11–6–72.

Wood's 5 & 10c Stores, Inc., variety-department stores, 11–5–72, except as otherwise indicated: East Gate Shopping Center, Chapel

Hill, N.C. (10–31–72); Biggs Park Shopping Center, Lumberton, N.C.; Conway Shopping Center, Conway, S.C.

Worth's, apparel stores: 95 Bank Street, Waterbury, CT, 11–17–72; 920–975 Wolcott Road, Waterbury, CT, 11–23–72.

Younker Brothers, Inc., variety-department stores: 901 East 27th Street, Cedar Falls, IA, 11–14–72; The Kennedy Mall, Dubuque, Iowa, 10–17–72.

H. Zimmerman & Sons, Inc., apparel store; 118 West Third Street, Marion, IN, 11–9–72.

The following certificates issued to establishments permitted to rely on the base-year employment experience of others were either the first full-time student certificates issued to the establishment, or provide standards different from those previously authorized. The certificates permit the employment of full-time students at rates of not less than 85 percent of the applicable statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Aland's, Inc., apparel store; Western Hills Mall, Fairfield, Ala.; cashier, wrapper, ticket writer, salesclerk, office clerk; 3 to 8 percent; 11–30–72.

Andrews Nursing Home, Inc., nursing home; 12 Market Square, South Paris, ME; nurse's aide, kitchen helper; 6 to 7 percent; 9–29–72.

Applegate Inn, Inc., nursing home; 515 East Euclid Avenue, Monmouth, IL; nurse's aide; 5 percent; 11–30–72.

Applegate Manor, Inc., nursing home; 515 East Euclid Avenue, Monmouth, IL; nurse's aide; 6 to 9 percent; 11–30–72.

A. J. Bayless Markets, Inc., foodstore; No. 61, Apache Junction, Ariz.; package clerk; 31 to 41 percent; 10–31–72.

Big John, foodstore; No. 10, Olney, Ill.; sacker, stock clerk; 10 percent; 11–30–72.

The Blue Bird, apparel store; 2506 13th Street, Columbus, NE; office clerk, salesclerk, stock clerk, maintenance; 7 to 21 percent; 11–30–72.

Carson's IGA, Inc., foodstore; 227 South 16th, Ord, NE; stock clerk, salesclerk; 7 to 22 percent; 11–30–72.

Colonial Manor of Albany, nursing home; Highway 136 East, Albany, Mo.; housekeeping aide; 1 to 2 percent; 10–20–72.

Duckwall Stores Co., variety-department store; No. 81, Roswell, N. Mex.; salesclerk, stock clerk; 2 to 48 percent; 10–31–72.

Family Department Store, variety-department store; No. 81, Phoenix, Ariz.; salesclerk, stock clerk; 6 to 18 percent; 9–30–72.

Family Host, Inc., restaurant; Pleasant Valley Boulevard, Altoona, Pa.; general restaurant worker; 40 to 50 percent; 9–30–72.

Farmer's, foodstore; West Columbia, Tex.; stock clerk, carryout, cleanup; 10 percent; 10–14–72.

Gail's Fashions, apparel store; East Hills Shopping Center, St. Joseph, Mo.; salesclerk, office clerk, stock clerk, porter; 7 to 21 percent; 11–30–72.

George Lindsey Steak House, restaurant; No. 3, Memphis, Tenn.; bus boy (girl), waitress (waiter), dish washer, cook, cashier; 14 to 17 percent; 10–31–72.

Geri's Hamburgers, restaurants, 22 to 47 percent: 1320 North State Street, Belvidere, IL, salesclerk, bagger, shake maker, maintenance, 9–29–72; 2709 West State Street, Rockford, IL, general restaurant worker, 11–14–72.

W. T. Grant Co., variety-department store; No. 1156, Downers Grove, Ill.; salesclerk, stock clerk, office clerk, cashier; 2 to 16 percent; 10–6–71 to 3–31–72.

Grubbs Food Store, foodstore; 543 North Broad, Fremont, NE; cashier, stock clerk; 19 to 20 percent; 11–7–72.

Harvard Supermarket, foodstore; 123 West Harvard Avenue, College Park, GA; stock clerk, sacker, carryout; 18 to 20 percent; 9–30–72.

"K" Center Pharmacy, Inc., drugstore; 9377 Krewstown Road, Philadelphia, PA; salesclerk; 8 percent; 11–14–72.

Kenlay, Inc., restaurant; 2921 Brady Street, Davenport, IA; general restaurant worker; 27 to 61 percent; 11–30–72.

Kentucky Fried Chicken, restaurant; Route 31 West, Somerset, Pa.; general restaurant worker; 12 to 32 percent; 11–30–72.

S. S. Kresge Co., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, checker-cashier, 7 to 27 percent, 9–30–72, except as otherwise indicated: No. 4451, Atlanta, Ga. (salesclerk, checker, 11 to 22 percent, 11–14–72); No. 4456, Rome, Ga. (salesclerk, checker, 11 to 22 percent, 10–31–72); No. 4386, Arlington Heights, Ill. (12 to 20 percent); No. 4368, Carol Stream, Ill. (12 to 20 percent); No. 4454, Hanover Park, Ill. (12 to 20 percent); No. 4433, Quincy, Ill. (14 to 24 percent); No. 4345, Tinley Park, Ill. (salesclerk, stock clerk, office clerk, checker-cashier, maintenance, 12 to 20 percent); No. 4067, Fort Wayne, Ind. (stock clerk, maintenance, office clerk, food preparation, salesclerk, register operation, counter filling, customer service, 5 to 10 percent, 11–8–72); No. 4437, Topeka, Kans. (13 to 20 percent, 10–14–72); No. 616, Baltimore, Md. (salesclerk, stock clerk, maintenance, 15 to 30 percent, 9–28–72); No. 4625, Bladensburg, Md. (salesclerk, stock clerk, maintenance, 9 to 18 percent, 10–21–72); No. 414, Essex, Md. (salesclerk, 19 to 27 percent, 9–29–71 to 9–27–72); No. 4481, Plymouth, Mich. (salesclerk, maintenance, office clerk, stock clerk, checker-cashier, customer service, food preparation, 4 to 10 percent, 10–14–72); No. 4323, Pontiac Township, Mich. (salesclerk, maintenance, stock clerk, office clerk, food preparation, 10 percent, 10–31–72); No. 4326, Sterling Heights, Mich. (salesclerk, maintenance, stock clerk, office clerk, food preparation, 10 percent, 10–31–72); No. 4351, Rochester, Minn. (3 to 13 percent); No. 4450, Raleigh, N.C. (salesclerk, checker, 11 to 22 percent, 10–31–72); No. 4272, Bismarck, N. Dak. (13 to 22 percent); No. 4422, Chesapeake, Ohio (salesclerk, stock clerk, office clerk, maintenance, checker-cashier, customer service, counter filling, 7 to 22 percent, 10–14–72); No. 4370, Arlington, Tex. (salesclerk, 7 to 27 percent, 10–31–72); Nos. 4365 and 4388, Austin, Tex. (salesclerk, 7 to 27 percent, 10–14–72); No. 4389, McAllen, Tex. (salesclerk, 7 to 27 percent, 10–31–72); No. 4029, San Angelo, Tex. (salesclerk, 7 to 24 percent, 10–27–72); No. 4012, Waco, Tex. (salesclerk, 7 to 27 percent, 11–15–72); No. 4486, Milwaukee, Wis. (11 to 29 percent).

Lerner Shops, apparel stores, for the occupations of salesclerk, cashier, credit clerk, 10–31–72: No. 346, Hialeah, Fla., 13 to 27 percent; No. 348, Hollywood, Fla., 9 to 19 percent; No. 344, Pensacola, Fla., 2 to 19 percent; No. 341, Tallahassee, Fla., 8 to 24 percent; No. 347, Winter Haven, Fla., 8 to 28 percent.

Lo Mark, variety-department store; 1013 South Fayetteville Street, Asheboro, NC; stock clerk, bagger, carryout, cashier, janitorial; 18 percent; 9–30–72.

Magic Mart-Baseline, Inc., variety-department store; 5919 Baseline Road, Little Rock, AR; salesclerk, stock clerk, janitorial; 6 to 17 percent; 10–31–72.

Main at Locust Pharmacy, drugstore; 129 West Locust Street, Davenport, IA; salesclerk, stock clerk; 14 to 18 percent; 9–30–72.

M. Marraccini & Co., Inc., foodstores, for the occupations of stock clerk, cashier, produce wrapper, bakery goods wrapper, meat wrapper, bakery counter, 10 percent, 11–14–72: Seventh and Worthington, Clairton, Pa.; Third and Market Streets, Elizabeth, Pa.; Route 48-Lincoln Way, McKeesport, Pa.

McCrory-McLellan-Green Stores, variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, 10–14–72, except as otherwise indicated: No. 52, Englewood, Fla., 10 to 32 percent (salesclerk, stock clerk, office clerk, porter); No. 129, Tallahassee, Fla., 8 to 24 percent (salesclerk, stock clerk, office clerk, porter, 11–14–72); No. 120, Winter Haven, Fla., 10 to 30 percent (salesclerk, stock clerk); No. 72, Atlanta, Ga., 2 to 18 percent; No. 56, Worcester, Mass., 3 to 12 percent (11–30–72); No. 76, Pittston, Pa., 0 to 20 percent (salesclerk, stock clerk, porter, 11–30–72); No. 140, Wilkes-Barre, Pa., 0 to 20 percent (salesclerk, stock clerk, porter, 11–30–72); No. 59, Goodlettsville, Tenn., 4 to 17 percent; No. 108, Irving, Tex., 18 to 39 percent; No. 54, Madison, Wis., 10 to 26 percent (11–14–72).

Minimax, foodstore; 1201 Strawberry Road, Pasadena, TX; bagger, stock clerk, janitorial, carryout; 9 to 11 percent; 10–18–72.

Mr. J's Quality Discount Foods, foodstore; 3559 Market Street, Salt Lake City, UT; bagger, checker, stock clerk, general worker; 36 to 54 percent; 10–31–72.

Mr. Joe's Super Market, foodstore; 2830 West Drexel, Tucson, AZ; carryout, stock clerk, cleanup; 13 to 24 percent; 10–31–72.

G. C. Murphy Co., variety-department stores, for the occupations of stock clerk, salesclerk, office clerk, janitorial, 10–31–72: No. 345, Effingham, Ill., 5 to 13 percent; No. 141, Durham, N.C., 9 to 17 percent; No. 399, Bluefield, W. Va., 4 to 23 percent.

J. J. Newberry Co., variety-department store; No. 226, Kennett Square, Pa.; office clerk, salesclerk, stock clerk; 3 to 30 percent; 9–20–72.

R & C Distributors, Inc., variety-department store; 2101 North Topeka Boulevard, Topeka, KS; sacker, checker, stock clerk; 15 to 20 percent; 11–30–72.

Raylass Department Stores, Inc., variety-department store; East Brainerd Road, Chattanooga, Tenn.; salesclerk, stock clerk, office clerk, marking clerk, janitorial; 13 to 34 percent; 9–21–72.

Robison Investment Corp., restaurant; 1920 East Lake Road, Erie, Pa.; general restaurant worker; 2 to 56 percent; 11–14–72.

Rose's Stores, Inc., variety-department stores, for the occupations of salesclerk, stock clerk, checker, window trimmer, merchandise marker, order writer, 13 to 32 percent, 9–30–72, except as otherwise indicated: No. 209, Athens, Ala.; No. 204, McComb, Miss.; No. 214, Marion, S.C. (salesclerk, stock clerk, office clerk, checker, 10 to 50 percent).

Royal Chef Cafeteria, restaurant; 5064 West Main Street, Kalamazoo, MI; general restaurant worker; 12 to 25 percent; 10–14–72.

Schneithurst Livpak Seafoods, Inc., restaurant; 2110 Hampton Avenue, St. Louis, MO; general restaurant worker; 19 to 58 percent; 11–14–72.

Scott Stores Co., variety-department store; No. 9122, Hickory Hills, Ill.; salesclerk, stock clerk, office clerk; 23 to 37 percent; 9–30–72.

Scurlock's, Inc., foodstore; 105 South Seventh, Raymondville, TX; stock clerk, carryout, janitorial, bagger; 18 to 27 percent; 11–14–72.

Style Shop, apparel store; 316 Norfolk Avenue, Norfolk, NE; salesclerk, stock clerk, office clerk, maintenance; 7 to 21 percent; 11–30–72.

T. G. & Y. Stores Co., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, 10–31–72, except as otherwise indicated: No. 1606, Birmingham, Ala., 15 to 30 percent; No. 2103, Little Rock, Ark., 10 to 21 percent (11–30–72); No. 577, Industry, Calif., 16 to 30 percent (9–30–72); No. 1015, Oklahoma City, Okla., 22 to 30 percent.

Tasty World, restaurants, for the occupations of dishwasher, bus boy (girl), gas dispenser, food server, 15 to 25 percent, 11–21–72: No. 34, Byron, Ga.; No. 31, Forsyth, Ga.; No. 33, McDonough, Ga.; No. 32, Unadilla, Ga.

Toy House, Inc., toy store; 400 North Mechanic Street, Jackson, MI; salesclerk, stock clerk, display clerk, carryout; 13 to 16 percent; 10–3–72.

Valley Market, foodstore; 322 South Meridian, Valley Center, KS; stock clerk, carryout; 10 to 18 percent; 10–14–72.

A. Weitzenkorn's Sons, Inc., apparel store; 145 High Street, Pottstown, PA; salesclerk, stock clerk; 6 to 10 percent; 10–20–72.

Wilbert Bakery Corp., foodstore; 3628 West Villard Avenue, Milwaukee, WI; salesclerk, pan washer, janitorial; 11 to 15 percent; 10–31–72.

Wild Willies, Inc., variety-department store; 3401 South Topeka Boulevard, Topeka, KS; sacker, checker, stock clerk; 15 to 20 percent; 11–30–72.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 8th day of February 1972.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.72–2318 Filed 2–15–72;8:51 am]

INTERSTATE COMMERCE COMMISSION

RAYMOND R. MANION

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), part III, Executive Order 10647 (20 F.R. 8769) "Providing for the appointment of certain persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published in (30 F.R. 8809; 31 F.R. 930; 31 F.R. 13405; 32 F.R. 769; 32 F.R. 10786; 33 F.R. 522; 33 F.R. 10544; 33 F.R. 20067; 34 F.R. 11341; 35 F.R. 131; 35 F.R. 12175; 36 F.R. 1235, and 36 F.R. 14359) for the 6 months' period ended January 3, 1972.

No change since last statement dated July 23, 1971.

Dated: February 7, 1972.

R. R. MANION.

[FR Doc.72–2300 Filed 2–15–72;8:49 am]

ASSIGNMENT OF HEARINGS

FEBRUARY 11, 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 115491 Sub 122, Commercial Carrier Corp., now being assigned hearing March 27, 1972, at Tampa, Fla., in a hearing room to be designated later.

MC 51146 Sub 210, Schneider Transport & storage, now assigned February 28, 1972, at Washington, D.C., is postponed indefinitely.

MC 19227 Sub 152, Leonard Bros. Trucking Co., Inc., assigned March 2, 1972, and MC 106644 Sub 118, Superior Trucking Co., assigned March 2, 1972, at New Orleans, La., will be at the National Labor Relations Board, Room T–6024, Federal Office Building, 701 Loyola Avenue, New Orleans, LA.

MC 121533 Sub 6, Western Hauling, Inc., assigned March 6, 1972, at Seattle, Wash., will be in Room 508, Lenora Building, Sixth and Lenora Streets.

MC 115162 Sub 210, Poole Truck Line, Inc., application dismissed.

MC 15770 Sub 3, Calore Freight System, now assigned February 18, 1972, at New York, N.Y., is postponed indefinitely.

MC 124174 Sub 87, Momsen Trucking Co., now assigned February 15, 1972, at Chicago, Ill., postponed to February 16, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 107583 Sub 50, Salem Transportation Co., Inc., assigned March 6, 1972, at Philadelphia, Pa., is postponed to March 13, 1972, at Philadelphia, Pa., in a hearing room to be later designated.

I & S 8692 Sub 1, Citrus Fruits, Arizona and California to Eastern States, assigned February 14, 1972, at Washington, D.C., is postponed to February 16, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 86913 Sub 33, Eastern Motor Lines, Inc., now assigned March 6, 1972, at Washington, D.C., is postponed to March 20, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 126276 Sub 53, Fast Motor Service, Inc., heard February 9, through February 10, 1972, at Chicago, Ill., and continued to March 27, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

ROBERT L. OSWALD,
Secretary.

[FR Doc.72–2379 Filed 2–15–72;8:54 am]

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 11, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42350—*Manufactured iron and steel articles to points in official territory.* Filed by Western Trunk Line Committee, agent (No. A–2654), for interested rail carriers. Rates on manufactured iron and steel articles, in carloads, as described in the application, between Hennepin and Sterling, Ill., Manominee, Mich., Manitowoc, Marinette, and Milwaukee, Wis., on the one hand, and points in official territory, on the other.

Grounds for relief—Motor competition.

Tariffs—Supplement 117 to Traffic Executive Association—Eastern Railroads, agent, tariff ICC C–677, and other schedules named in the application. Rates are published to become effective on March 18, 1972.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.72–2380 Filed 2–15–72;8:54 am]

[Notice 5]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 11, 1972.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers

of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-13300 (Deviation No. 25) (Cancels Deviation No. 13) CAROLINA COACH COMPANY, 1201 South Blount Street, Raleigh, NC 27602, filed January 31, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 13 and combined Delaware Highways 41-141, near Wilmington Manor, Del., over combined Delaware Highways 41-141 to junction Interstate Highway 95 thence over Interstate Highway 95 to Chester, Pa., thence over city streets of Chester, Pa., to junction Pennsylvania Highway 291, thence over Pennsylvania Highway 291 to Philadelphia, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Norfolk, Va., over U.S. Highway 13 via Bayview, Va., and Salisbury, Md., to Philadelphia, Pa., and return over the same route.

No. MC-29910 (Deviation No. 15), ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901, filed January 28, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Arkansas Highways 1 and 135 at or near Paragould, Ark., thence over Arkansas Highway 135 to junction U.S. Highway 62 approximately 4 miles east of Corning, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From the Missouri-Arkansas State line, over U.S. Highway 62 to Corning, Ark., and (2) from Pine City, Mo., over city streets and connecting highways to the Missouri-Arkansas State line, thence over Arkansas Highway 1 to Paragould, Ark., and return over the same routes, subject to the conditions that no service is authorized on traffic originating at Jonesboro and Paragould, Ark., and Pine City, Mo., destined to St. Louis, Mo., or originating at St. Louis, Mo., and destined to Jonesboro and Paragould, Ark., and Pine City, Mo.; and no service is authorized for traffic moving between Paragould, Ark., and Pine City, Mo.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2383 Filed 2-15-72;8:54 am]

[Notice 5]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 11, 1972.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-110683 (Deviation No. 5), SMITH'S TRANSFER CORPORATION, Post Office Box 1000, Staunton, VA 24401, filed January 28, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Bristol, Va.-Tenn., over Interstate Highway 81 to junction Interstate Highway 381, thence over Interstate Highway 381 to junction U.S. Highway 11E, thence over U.S. Highway 11E to junction U.S. Highway 23, thence over U.S. Highway 23 to junction U.S. Highway 25, thence over U.S. Highway 25 to junction Interstate Highway 85, thence over Interstate Highway 85 to Atlanta, Ga., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Knoxville, Tenn., over U.S. Highway 11W to Bristol, Tenn., (2) from Knoxville, Tenn., over U.S. Highway 11 to Cleveland, Tenn., thence over Tennessee Highway 60 to the Tennessee-Georgia State line, thence over Georgia Highway 71 to Dalton, Ga., thence over U.S. Highway 41 to Cartersville, Ga., thence over Georgia Highway 293 via Ackworth, Ga., to Marietta, Ga., thence over Georgia Highway 3 via Smyrna, Ga., to Atlanta, Ga., and (3) from Knoxville, Tenn., over U.S. Highway 129 to Maryville, Tenn., thence over U.S. Highway 411 to Cartersville, Ga., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-2384 Filed 2-15-72;8:54 am]

[Notice 11]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 11, 1972.

The following publications are governed by the new § 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 30319 (Sub-No. 133) (Partial Republication), filed July 21, 1967, published in the FEDERAL REGISTER issues of November 23, 1967, and February 29, 1968, under applicant's former corporate name, and republished in part, this issue under applicant's new corporate name. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY OF TEXAS AND LOUISIANA, a Corporation, 600 South Central Expressway Street, Dallas, TX 75216. Applicant's representative: Edwin N. Bell, 1600 Esperson Building, Houston, Tex. 77002. A decision and order of the Commission, Division 1, dated January 19, 1972, and served February 2, 1972; upon consideration of the application and the record in the proceeding, including the report and recommended order of the examiner, finds, that in addition to service over the 114 routes granted applicant pursuant to the application, as amended, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in operations over a regular route No. 115, as follows: Between New Iberia and Lake Charles, La., over Louisiana Highway 114, serving all intermediate points, restricted against the transportation of traffic (1) originating at or destined to New Orleans, La., or points in its commercial zone; and (2) delivered to or received from connecting carriers at El Paso, Tex., or its commercial zone (except originating at or destined to Castroville, Tex., or applicant's authorized points or service west of Castroville).

Conditions: (1) All contractual arrangements between Southern Pacific Transport Co. of Texas and Louisiana and Southern Pacific Transportation Co. or its corporate affiliates shall be reported to the Commission and shall be

subject to such revision as the Commission may find to be necessary in order that such arrangements shall be fair and equitable to the parties; (2) at the close of each full year after the date of the issuance of the certificate herein, and for 5 consecutive years thereafter, applicant shall file with the Commission's Bureau of Economics a "Performance Report" with respect to the operations conducted under the certificate issued herein; and that this Performance Report shall, among other things; (a) identify and describe the shipments handled under such certificate that moved between points in the authority granted herein; and (b) identify the locations at which applicant maintained terminals or agency stations during the preceding year and indicate any changes made during the year in the locations at which terminals or agency stations are maintained; (3) the Commission may in the future impose such further terms, conditions, and limitations as it may deem necessary (a) to preserve intermodel competition; (b) to insure that applicant's operations conform to the type of service the supporting shippers are shown to require on this record; and (c) to insure that applicant's dual operations remain consistent with the public interest and the national transportation policy within the meaning of section 210 of the Interstate Commerce Act; (4) to the extent this grant of authority duplicates any other authority held by applicant, it shall be construed as conferring only a single operating right. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of Route 115 described in the appendix to the order, a notice of that route will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition seeking leave to intervene in this proceeding showing in specific detail the manner in which it has been materially adversely affected by the grant of this portion of the authority.

No. MC 135579 (Republication), filed May 3, 1971, published in the FEDERAL REGISTER, issue of May 27, 1971, and republished this issue. Applicant "H" MOVING AND STORAGE, INC., 5207½ East Highway 190, Killeen, TX 76541. Applicant's representative: Harwell Henderson (same address as above). An order of the Commission, Operating Rights Board, dated December 20, 1971, and served February 2, 1971, finds: That the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of used household goods between Killeen, Tex., on the one hand, and, on the other, points in Bell, San Saba, McCulloch, Hamilton, Mills, Coryell, Bosque, McLennan, Hill, Limestone, Falls, Burnet, Liano, Mason, Lampasas, Milam, Burleson, Washington, Waller, and Harris Counties, Tex., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic; That since it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 21866 Subs 42, 49, 54, 56, and 64 (Notice of Filing of Petition (1) for Waiver of Rule 101(e) of the Rules of Practice to Permit the Filing of Reconsideration Petition, and (2) for Reconsideration of Applications and Modification of Commodity Description in Certificates), filed January 25, 1972. Petitioner: WEST MOTOR FREIGHT, INC., Boyertown, Pa. Petitioner's representative: Alan Kahn, 2 Penn Center Plaza, Philadelphia, PA 19102. As herein pertinent in connection with the instant petition, Petitioner states it holds authority in the above certificates as follows: *Certificate No. MC–21866 Sub 42 issued March 17, 1960: "Metal articles,* except buildings, complete, knocked down, or in sections, and except tractors, agricultural machinery, and parts and attachments therefor, from the plantsite of Aetna Steel Products Corp. at Pottsville, Pa., to points in Illinois, Indiana, Michigan, and Wisconsin, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein may not be tacked or joined, directly or indirectly, with any other authority contained in carrier's existing certificates." *Certificate No. MC–21866 Sub 49 issued May 1, 1963: "Metal articles,* except those which because of size or weight require special equipment, from Pottsville, Pa., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, and Tennessee, with no transportation for compensation on return except as otherwise authorized." *Certificate No. MC–21866 Sub 54 issued November 10, 1965: "Metal articles* (except machinery and those which because of size or weight require special equipment), from the plantsite of Aetna Steel Products Corp. at Pottsville, Pa., to points in Alabama, Arkansas, Louisiana, and Mississippi, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein shall not be tacked with any other authority held by carrier." *Certificate No. MC–21866 Sub 56 issued June 15, 1966: "Metal articles,* from Leesport and Trappe, Pa., to Pottsville, Pa., with no transportation for compensation on return except as otherwise authorized.

Certificate No. MC–21866 Sub 64 issued May 18, 1971: "Metal articles, except those which because of size or weight require special equipment, from Boyertown, Oaks, Norristown, Collegeville, Pottstown, Stowe, and Bally, Pa., to points in Colorado, Iowa, Kansas, Missouri, Minnesota, and Tennessee, with no transportation for compensation on return except as otherwise authorized. *Metal articles,* except buildings, complete, knocked down, or in sections, and except tractors, agricultural machinery, and parts and attachments therefor, from Boyertown, Oaks, Norristown, Collegeville, Pottstown, Stowe, and Bally, Pa., to points in Illinois, Indiana, Michigan, and Wisconsin, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein may not be combined with any other authority presently held by carrier for the purpose of performing a through service to or from other points. The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right." The operating rights listed under certificate No. MC–21866 Sub 64 above are only a oprtion of the rights issued in that certificate. The remaining operating rights embrace the transportation of *"metal building materials,"* and are not involved in this petition. Petitioner further states that only recently it became aware of prior formal decisions by the Commission which seemingly interpreted *"metal articles,"* and a somewhat related commodity description, *"iron and steel articles,"* to exclude the right to transport various products made basically of metal and having their own independent identity as finished articles. By the instant petition, Petitioner states that in particular, it is requesting modification of the operating rights described above so that (subject to the unrelated restrictions named therein) the commodity description of each will be changed to read: *"Metal articles and commodities* produced primarily from metal but having their own independent identity as finished products." Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 74321 (Sub-No. 34) (Notice of Filing of Petition for Waiver of Rule 101 (e) and for Reconsideration and Modification of Certificate of Public Convenience and Necessary No. MC 74321 (Sub-No. 34), filed January 26, 1972. Petitioner: B. F. WALKER, INC., 650 17th Street, Denver, CO 80202. Petitioner's representatives: Jerry C. Prestige and

Mike Cotten, Post Office Box 1148, Austin, TX 78767. Petitioner holds authority as a motor carrier in its certificate No. MC 74321 (Sub-No. 34) issued December 30, 1969, authorizing operations over irregular routes, as follows: *"Heavy machinery and machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, materials equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in Kansas, Colorado, Nebraska, Oklahoma, and Texas. *Machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in Kansas, Colorado, Nebraska, Oklahoma, and Texas. "Any duplication of authority granted herein or to the extent that such authority duplicates any heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right."

Petitioner states as herein pertinent, that as grounds for reconsideration and modification of said certificate that pursuant to the proceeding in MC–F 10070, and a related finance proceeding, the Commission approved the purchase by Petitioner of the interstate and intrastate operating rights of Jess Edwards, Inc. As a result of this finance transaction, Petitioner acquired the operating rights which are now contained in its certificate No. MC 74321 (Sub-No. 34). Jess Edwards, Inc., owned certificate of public convenience and necessity No. MC 56887 (Sub-No. 2) which authorized the transportation of "heavy machinery" and Mercer commodities between points in Kansas, Colorado, Nebraska, Oklahome, and Texas. Jess Edwards, Inc., acquired its Sub 2 certificate from E. L. Hickerson and T. L. Hickerson, a partnership, doing business as Hickerson Brothers, pursuant to the order of the Commission approving such acquisition in MC–FC–57368, dated September 23, 1954. The certificate owned by Hickerson Brothers at that time and acquired by Jess Edwards, Inc., was certificate No. MC 59823 (Sub-No. 3) issued October 8, 1941. Petitioner further states that based on the proposal of the applicant in MC 59823 Sub 3 and witnesses in support of that application, the Examiner found that the present and future public convenience and necessity require the operation by applicant in said MC 59823 Sub 3 in the transportation of "'heavy machinery, requiring special equipment * * *'" and the certificate was granted in those terms.

By the instant petition, Petitioner seeks waiver of Rule 101(e) of the General Rules of Practice, and for reconsideration and modification of its certificate No. MC 74321 (Sub-No. 34) of the authority contained therein authorizing the transportation of "heavy machinery" between points in Kansas, Colorado, Nebraska, Oklahoma, and Texas, so as to authorize Petitioner to perform a complete heavy-hauling service in that field of transportation, and as modified, that certificate MC 74321 Sub 34 will authorize the transportation of the following commodities: "Commodities, the transportation of which because of size or weight requires the use of special equipment, and of related machinery parts and related contractors' materials and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment," between points in Kansas, Colorado, Nebraska, Oklahoma, and Texas; and that the commodity authority in MC 74321 Sub 34, authorizing the transportion of Mercer commodities, remain as it is. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

Nos. MC 119750, MC 48399, and MC 48399 (Sub-No. 1) (Notice of Filing of Petition for Waiver of Rule 101(e), Reopening, Reconsideration, and Modification of Certificate), filed January 26, 1972. Petitioner: D. B. FORD, INC., 51 Lowry Avenue, Minneapolis, MN 55411. Petitioner's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, DC 20004. Petitioner, as herein pertinent, states it holds authority in certificate No. MC 119750 authorizing operations as a motor common carrier, over irregular routes, in the transportation of: "Tanks, towers, incinerators, heavy machinery, and building contractors' tools and supplies, between points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin." This authority was originally contained in a contract-carrier permit issued to Petitioner's predecessor, Dail B. Ford, in a "grandfather" proceeding in No. MC–48399. It was subsequently transferred to Petitioner and was converted to common-carrier authority in a proceeding under section 212(c) of the Act in No. MC–48399 (Sub-No. 1). No. MC–119750 was assigned to the certificate issued as a result of that conversion proceeding. It is here requested that all of these related proceedings be reopened only for the purpose of considering the commodity authorization intended by the Commission therein and the commodity description which is necessary to give effect to that intention.

Petitioner further states that the "grandfather" application which led to Petitioner's authority was filed and heard, and the authority was issued at a time when the commodity description granted to Petitioner's predecessor authorized a heavy-hauling operation under the then prevailing principle of *Classification of Motor Carriers of Property*, 2 M.C.C. 703 (1937), and that Petitioner's predecessor had no way of knowing then that the commodity description employed would later take on a different and more restricted meaning; and that accordingly, the injustices which are sought to be corrected could not reasonably have been foreseen at the time of the original proceeding, and Rule 101(e) of the rules of practice should be waived to permit its reopening: Petitioner herein seeks here to have the above-quoted commodity description modified so as to reflect the intention of the Commission in granting its authority and to conform its authority to the commodity description now in use for the type of service authorized. It is requested that the description be modified to authorize, within the same territory, the transportation of, *"Tanks, towers, incinerators, building contractors' tools and supplies, commodities,* the transportation of which because of size or weight requires the use of special equipment, and related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, and *self-propelled articles* each weighing 15,000 lb. or more restricted to commodities which are transported on trailer." Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 128133 (Sub-No. 3) (Notice of Filing of Petition To Remove Restriction), filed January 24, 1972. Petitioner: H. H. OMPS, INC., Post Office Box 368, Route 5, Winchester, VA 22601. Petitioner's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Petitioner states it is a motor common carrier of limited commodities including the holder of a certificate of public convenience and necessity issued by the Interstate Commerce Commission authorizing the transportation of agricultural lime, limestone and fertilizer in bulk via irregular routes from Alexandria, Va., and points in Clarke, Frederick, Loudoun, and Warren Counties, Va., and Frederick County, Md., to points in Maryland (except Baltimore City and points in Harford County), points in Adams, Franklin, and Fulton Counties, Pa., and points in Clarke, Fairfax, Frederick, Fauquier, Prince William, Loudoun, Shenandoah, and Warren Counties, Va., and points in Grant, Berkeley, Hampshire, Hardy, Jefferson, Mineral, and Morgan Counties, W. Va., with no transportation for compensation on return except as otherwise authorized. Petitioner further states that marketing conditions require the distribution of agricultural lime, limestone and fertilizer in bags and require the elimination of the current restriction in petitioner's certificate describing the method in authorized transportation. Petitioner has

been requested by members of the public for whom transportation facilities are presently being provided to transport petitioner's authorized commodities in bags and/or other types of containers. By the instant petition, petitioner seeks to have the restriction "in bulk" eliminated from the above-described authority. NOTE: (1) The authority which is the subject of the instant petition, and described above is currently embraced in petitioner's certificate No. MC 128133 (Sub-No. 2) issued September 10, 1971, pursuant to MC-FC-72736, and accordingly, the certificate in MC 128133 (Sub-No. 3) was superseded and canceled by the certificate in MC 128133 (Sub-No. 2); (2) any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 135056 (Notice of Filing of Petition for Modification of Existing Permit by Adding Thereto an Additional Shipper), filed January 18, 1972. Petitioner: MJR ENTERPRISES, 12500 Inglewood Avenue, Hawthorne, CA 90250. Petitioner holds permit No. MC 135056, which, among other things, authorizes it to engage in transportation in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes. Such merchandise as is usually dealt in by chain retail furniture stores; (1) Between points in California; (2) between points in California, on the one hand, and, on the other, points in Arizona, Colorado, Nevada, Oregon, Utah, and Washington; (3) from Salt Lake City and Ogden, Utah, to points in Idaho, with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with McMahon Furniture Co. of Los Angeles, Calif. By the instant petition, petitioner seeks to add to its permit the following shipper: Consolidated Food Corp., Gem Furniture Division, North Hollywood (Los Angeles), Calif. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE.

No. MC 136343, filed January 11, 1972. Applicant: MILTON TRANSPORTATION, INC., Post Office Box 207, Milton, PA 17847. 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: (1) *Prepared food products*, from Milton, Pa., to points in New York, New Jersey, Maryland, Delaware, Ohio, Virginia, West Virginia, and the District of Columbia, within 350 miles of Milton; and, (2) *such merchandise*, as is dealt in by food canning and processing plants, and in connection therewith, *equipment, materials, and supplies*, used in the conduct of such business, from points in the above-specified States within 350 miles of Milton, Pa., to Milton; (3) *salt*, in containers; (a) from the facilities of Morton Salt Co. at Rittman and Morton, Ohio, to Philadelphia and Scranton, Pa.; (b) from the facilities of Morton Salt Co. at Rittman and Morton, Ohio, to points in New Jersey and points in that part of Pennsylvania, on, east, and south of U.S. Highway 220 (except Philadelphia and Scranton, Pa.); (4) *salt*, from the facilities of Morton Salt Co. at Silver Springs, N.Y., to points in Bradford, Cameron, Carbon, Clinton, Columbia, Elk, Lackawanna, Luzerne, Lycoming, Monroe, Montour, Northumberland, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Union, Wayne, and Wyoming Counties, Pa.;

(5) *Salt*, in bulk, from the facilities of Morton Salt Co. at Rittman and Morton, Ohio, to points in New Jersey and points in that part of Pennsylvania, east of and including points in McKean, Elk, Clearfield, Cambria, and Somerset Counties; (6) *pepper*, in packages in mixed shipments with salt; (a) from the facilities of Morton Salt Co. at Silver Springs, N.Y., to points in Bradford, Cameron, Carbon, Clinton, Columbia, Elk, Lackawanna, Luzerne, Lycoming, Monroe, Montour, Northumberland, Pike, Schuykill, Snyder, Sullivan, Susquehanna, Union, Wayne, and Wyoming Counties, Pa.; (b) from Rittman, Ohio, to points in New Jersey, and points in that part of Pennsylvania, on, east and south of U.S. Highway 220 (except Philadelphia and Scranton, Pa); (7) *tapioca flour*, from Philadelphia, Pa., to Lock Haven, Castanea, and Johnsonburg, Pa.; (8) *petroleum and petroleum products and asphalt*, all in containers, from Claymont, Del., to Bellefonte, Bloomsburg, Lock Haven, Lewistown, Milton, Sunbury, and Williamsport, Pa.; (9) *petroleum and petroleum products, antifreeze, and asphalt*, all in containers, from Bayonne, N.J., to Bellefonte, Bloomsburg, Lewistown, Lock Haven, Milton, Sunbury, and Williamsport, Pa.; (10) *empty containers*, from the next above-specified commodities, from the next above-specified destination points to Bayonne, N.J.; (11) *composition and prepared roofing, asphalt shingles, and roofing materials*, from Edge Moor, Del., to Bellefonte, Bloomsburg, Huntington, Lock Haven, Lewistown, Milton, Tyrone, State College, Sunbury, Williamsport, and Clearfield, Pa.; (12) *printing paper*, from the facilities of St. Regis Paper Co. at Urbana, Franklin, and Dayton, Ohio, to points in New York, New Jersey, Connecticut, and Pennsylvania; (13) *gummed paper sealing tape*, from the facilities of St. Regis Paper Co. at Troy, Ohio, to points in New York, New Jersey, Connecticut, and Pennsylvania; (14) *printing paper* (other than newsprint not printed or imprinted), *and wrapping paper* (other than oiled, waxed, or vegetable parchment, printed or imprinted, or not printed or imprinted), from the plantsite of Hammermill Paper Co., at Lock Haven (Clinton County), Pa., to points in New York (except Rochester and Buffalo, N.Y.), New Jersey, and Connecticut;

(15) *Paper scrap or waste* (not sensitized), *woodpulp*, not powdered, *cores, chocks, and canvas covers, machinery and machinery parts, papermill rolls, flour* (cassava, sago, or tapioca), except in bulk, in tank vehicles, *oil and grease*, except in bulk, in tank vehicles, and *chemicals, chemical products, and constituents* used in the manufacture of woodpulp and paper or the processing thereof (except in bulk, in tank vehicles), from the points in New York, New Jersey, and Connecticut, to manufacturing plants of Penntech Papers, Inc., at Johnsonburg, Pa., and Hammermill Paper Co. at Lock Haven, Pa. Restriction: The service authorized immediately above is subject to the following conditions: Said operations are restricted against the transportation of commodities which, because of size, or weight, require the use of special equipment to load, unload, or transport the same; (16) *chemicals, chemical products, and constituents* used in the manufacture or processing of paper and paper products, from Marcus Hook, Pa., and Claymont, Del., to Lock Haven, Castanea, and Johnsonburg, Pa.; (17) *printing paper*, from the facilities of St. Regis Paper Co. at Urbana, Franklin, and Dayton, Ohio, to points in New York, New Jersey, Connecticut, and Pennsylvania; (18) *gummed paper sealing tape*, from the facilities of St. Regis Paper Co. at Troy, Ohio, to points in New York, New Jersey, Connecticut, and Pennsylvania; (19) *printing paper*, except newsprint, from the facilities of Hammermill Paper Co. at Lock Haven, Pa., to points in Ohio, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Indiana, Illinois, Michigan, Maryland, Virginia, and the District of Columbia; (20) *printing paper, gummed paper, and paper with aluminum foil*, from the facilities of St. Regis Paper Co. at Troy, Ohio, to points in Pennsylvania, New York, New Jersey, and Connecticut;

(21) *Paper and paper products*, from the facilities of Penntech Papers, Inc., at Johnsonburg, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; and (22) *machinery, equipment, materials, and supplies* used in the operation of paper mills (except commodities in bulk and commodities the transportation of which because of size or weight requires the use of special equipment), from points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, to the facilities of Penntech Papers, Inc., at Johnsonburg, Pa.; (23) *salt* (except in bulk), from the facilities of Diamond Crystal Salt Co., at Akron, Ohio, to points

in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and West Virginia (except points in that part of West Virginia on and north of U.S. Highway 60); (24) *salt*, from the facilities of the Morton Salt Co., Division of Morton International, Inc., at Milo, N.Y., to points in Virginia, Pennsylvania, Delaware, Maryland, New Jersey, and the District of Columbia; (25) *containers and container closures*, from the facilities of Continental Can Co., Inc., at Milton, Pa., to points in La Porte and South Bend, Ind.; (26) *paper*, from the facilities of St. Regis Paper Co. at Stamford, Conn., to Urbana, Ohio;

(27) *Foodstuffs* (except in bulk), from the facilities of American Home Foods, Division of American Home Products Corp., at Milton, Pa., to points in Ohio, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia; and (28) *paper products and materials, equipment, and supplies* used or useful in the manufacture and sales of paper products, between the facilities of Hammermill Paper Co., Lock Haven, Pa., on the one hand, and, on the other, points in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Maryland, Delaware, Virginia, Tennessee, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Kentucky, Ohio, Indiana, Illinois, Wisconsin, Michigan, New York, New Jersey, Connecticut, and the District of Columbia; (29) *spheres, highway marking strip glass, ballotini, and glass*, crushed, ground, and powdered, from the facilities of Potters Industries, Inc., Apex, N.C., to points in Maryland, Pennsylvania, New Jersey, and New York; (30) *materials and supplies* used in the manufacture and sale of glass spheres (except in bulk, in tank vehicles) from the destination territory above, to the facilities of Potters Industries, Inc., Apex, N.C.; (31) *spheres, highway marking strip glass, ballotini, and glass*, crushed, ground, and powdered, from the facilities of Potters Industries, Inc., Cleveland, Ohio, to points in Maryland, Pennsylvania, New York, Illinois, Indiana, and Michigan; (32) *materials and supplies* used in the manufacture and sale of glass spheres (except in bulk, in tank vehicles) from the destination territory above to the facilities of Potters Industries, Inc., Cleveland, Ohio;

(33) *Spheres, highway marking strip glass, ballotini, and glass*, crushed, ground, and powdered, from the facilities of Potters Industries, Inc., Carlstadt, N.J., to points in Maryland, Pennsylvania, Connecticut, Delaware, Massachusetts, New Hampshire, Rhode Island, Vermont, and North Carolina; (34) *materials and supplies* used in the manufacture and sale of glass spheres (except in bulk, in tank vehicles) from the destination territory above to the facilities of Potters Industries, Inc., Carlstadt, N.J.; (35) *chemicals* (except in bulk) for the account of Avis Chemical Co., Avis, Pa., from North Claymont, Del.; Brooklyn, Niagara Falls, and Solvay, N.Y.; Midland, Mich.; Barberton, Ohio; Belle, Charleston, and Nitro, W. Va.; to points in McKean, Elk, Cameron, Potter, Clinton, Clearfield, Center, Union, Snyder, Lycoming, Tioga, Bradford, Sullivan, Montour, Northumberland, Columbia, Wyoming, Lackawanna, Luzerne, and Susquehanna Counties, Pa.; (36) *foodstuffs, confectioneries* (except in bulk); (a) from the facilities of Beech-Nut, Inc., at Canajoharie, N.Y., to points in Pennsylvania, Maryland, Ohio, Indiana, and Michigan; (b) from the facilities of Beech-Nut, Inc., at Holland, Mich. to the facilities of Beech-Nut, Inc., at Canajoharie, N.Y.; (37) *paper and paper products*, from the facilities of Finch Pruyn & Co., Inc., at Glens Falls, N.Y., to points in Pennsylvania, Ohio, Indiana, Illinois, Michigan, Maryland, and the District of Columbia; (38) *such commodities* as are sold, used, or dealt in by mail order business houses, between the facilities of Bevis Industries, Inc., and its subsidiaries at Baltic, Conn., Webster, Mass., and White Plains, N.Y., on the one hand, and, on the other, points in Ohio, Illinois, Indiana, Michigan, Wisconsin, Georgia, and Texas;

(39) *Scrap paper*, from points in Rhode Island, to the plantsite of National Gypsum Co., near New Columbia, Pa.; (40) *foodstuffs*, canned or preserved, not cold packed or frozen; (a) from plantsites and storage facilities of Comstock Foods, Borden, Inc., Division, and from Waterloo, Rushville, Egypt, Fairport, Red Creek, Newark, Lyons, and Syracuse, N.Y., to points in Pennsylvania, Ohio, Indiana, Michigan, Maryland, District of Columbia, and Delaware, by trailers equipped with pallets; (b) from the plantsites and storage facilities of Comstock Foods, Borden, Inc., Division, in Crosswell, Edmore, Lexington, and Saginaw, Mich., to points in Pennsylvania, New York, New Jersey, Ohio, Maryland, District of Columbia, and Delaware, by trailers equipped with pallets; (41) *paper, paper bags, and plastic bags*, between the facilities of Duro Paper Bag Manufacturing Co. and its subsidiaries at Covington, Ky., and Ludlow, Ky., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, Ohio, Virginia, and the District of Columbia. NOTE: Common control may be involved. The instant application is a matter directly related to MC–F–11436 published in the FEDERAL REGISTER issue of January 26, 1972, wherein applicant seeks to convert all contract carrier of the authority now issued and that before the Commission in Milton Transportation, Inc., MC 96098 and Milton Trucking Inc., MC 134776 to common carrier. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIER PASSENGERS

No. MC–F–11456. Authority sought for control by (1) A. B. ALLEN, 213 13th Street, Post Office Box 15707, Sacramento, CA 95813 and (2) WARREN K. MILLER, 7360 Pebble Beach Drive, El Cerrito, CA 94530, of UNION PACIFIC STAGE COMPANY, 1416 Dodge Street, Omaha, NE 68102. Applicants' attorneys: Marvin Handler, 405 Montgomery Street, Suite 1400, San Francisco, CA 94105, and Bertram S. Silver, 140 Montgomery Street, San Francisco, CA 94104. Operating rights sought to be controlled: Passengers and their baggage, and baggage of passengers, in the same vehicle with passengers or in separate vehicles, as a common carrier over regular routes, between points in California; passengers and their baggage, in the same vehicle with passengers or in separate vehicles, between Anaheim and Orange, Calif., serving no intermediate points. (1) A. B. ALLEN holds no authority from this Commission. However, he is affiliated with AMADOR STAGE LINES, INC., Post Office Box 2190, Sacramento, CA 95810, which is authorized to operate as a *common carrier* in California and Nevada; and (2) WARREN K. MILLER holds no authority from this Commission and is not affiliated with a record carrier. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11458. Authority sought for purchase by DOMENICO BUS SERVICE, INC., 75 New Hook Access Road, Bayonne, NJ 07002, of a portion of the operating rights of THE HUDSON BUS TRANSPORTATION CO., INC., 437 Tonnelle Avenue, Jersey City, NJ 07306, and for acquisition by G. THOMAS DOMENICO, LOUISE DOMENICO, and ANTHONY DOMENICO, all of 75 New Hook Access Road, Bayonne, NJ 07002, of control of such rights through the purchase. Applicants' attorneys: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102, and William C. Mitchell, Jr., 370 Lexington Avenue, New York, NY 10037. Operating rights sought to be transferred: Passengers and their baggage, as a common carrier over regular routes, between Staten Island, N.Y., and Keansburg, N.J., between Perth Amboy, N.J., and New York, N.Y., serving all intermediate points, between Bayonne, N.J., and New York, N.Y., serving all intermediate points, over one alternate route for operating convenience only. Vendee is authorized to operate as a *common carrier* in New Jersey and New York. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11427. (Correction) (RIO GRANDE MOTOR WAY, INC.—Merge—ZIP, INC.), published in the January 19, 1972 issue of the FEDERAL REGISTER on pages 833 and 834. Prior notice should be modified to read, between Salt Lake City and Ogden, Utah, serving no intermediate points, with restriction.

No. MC–F–11446. (Correction) (INTERNATIONAL UTILITIES OF THE U.S., INC.—Control—PACIFIC INTERMOUNTAIN EXPRESS CO.), published in the February 2, 1972, issue of the FEDERAL REGISTER on pages 2548–2549. Prior notice should be modified to delete the statement that applicant controls Chemical Leaman Tank Lines, Inc., the stock of Chemical Leaman Tank Lines, Inc., owned by applicant is held by Bankers Trust Co., of New York, N.Y., under a voting trust agreement.

No. MC–F–11455. Authority sought for purchase by EASTERN MOTOR TRANSPORT, INCORPORATED, 508 Gordon Avenue, Richmond, VA 23204, of a portion of the operating rights of COASTAL TANK LINES, INCORPORATED, 215 East Waterloo Road, Akron, OH 44306, and for acquisition by ASHBY T. ATKINSON AND FREDA L. ATKINSON, both of 8122 Brown Road, Richmond, VA 23235, of control of such rights through the purchase. Applicants' attorney: Harold G. Hernly, 510 The Circle Building, 2030 North Adams Street, Arlington, VA 22201. Operating rights sought to be transferred: *Petroleum products* (except petro acids and chemicals and asphalt and asphalt products) in bulk, in tank vehicles, as a *common carrier* over irregular routes, from terminals off the Colonial Pipeline at or near Montvale, Va., to points in that part of West Virginia, in south and west of Pendleton, Tucker, Randolph, Upshur, Webster, Nicholas, Clay, Kanawha, Lincoln, and Mingo Counties, W. Va. Vendee is authorized to operate as a *common carrier* in Virginia and Maryland. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11457. Authority sought for merger into ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309, of the operating rights and property of ROADWAY EXPRESS, INC., OF MISS., of Akron, Ohio 44309, and for acquisition by GALEN J. ROUSH, of Akron, Ohio 44309, of control of such rights and property through the transaction. Applicants' attorneys: William O. Turney, 2001 Massachusetts Avenue NW., Washington, DC 20036, and Douglas W. Faris, 1077 Gorge Boulevard, Akron, OH 44309. Operating rights sought to be merged: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of Alabama, Colorado, Kansas, Louisiana, Mississippi, Nebraska, Oklahoma, Illinois, Iowa, and Texas, with certain restrictions, serving various intermediate and off-route points, over numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC–3009 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. ROADWAY EXPRESS, INC., is authorized to operate as a *common carrier* in Ohio, Texas, Oklahoma, Missouri, Indiana, Pennsylvana, Kansas, Michigan, Illinois, Tennessee, Kentucky, Alabama, Georgia, North Carolina, South Carolina, New Jersey, New York, Maryland, West Virginia, Virginia, Wisconsin, Mississippi, Louisiana, Massachusetts, Connecticut, Rhode Island, Delaware, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: Pursuant to order dated June 26, 1969, and served July 8, 1969, in Docket No. MC–F–10178, transferee acquired control of transferor.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–2385 Filed 2–15–72;8:54 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

FEBRUARY 11, 1972.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by § 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Michigan Docket No. C 239 Case No. 10 filed December 27, 1971, certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *empty equipment* only over the following routes, (1) between Flint and Lansing via M–78; (2) between Lansing and Jackson via U.S. 127; and (3) between junction of I–96 and M–59 (near Howell) and junction of M–59 with U.S. 23, via M–59. Both intrastate and interstate authority sought.

HEARING: March 22, 1972, 9:30 a.m., Seven Story Office Building, 525 West Ottawa Street, Lansing, MI. Requests for procedural information including the time for filing protests concerning this application should be addressed to the State of Michigan Department of Commerce, Public Service, Lansing, Mich. 48913, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC–4470 (Sub-No. 8), filed December 6, 1971. Applicant: POTTER FREIGHT LINES, INC., Post Office Box 428, Sparta, TN 38583. Applicant's representative: Clarence Evans, 1800 Third National Bank Building, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, excluding used household goods and commodities in bulk. Route description: (1) Between Knoxville and Bristol, Tenn., via U.S. Highway 11–W, serving all intermediate points between Church Hill and Bristol, including Church Hill; (2) between Knoxville and Bristol, Tenn., via U.S. Highway 11–E, serving all intermediate points between Johnson City and Bristol, including Johnson City; (3) between Knoxville and Bristol, Tenn., via Interstate Highway 81; (4) between Kingsport and Erwin via U.S. Highway 23, serving all intermediate points; (5) between Elizabethton and Bristol via U.S. Highway 19–E and U.S. Highway 19, serving all intermediate points; and (6) between Elizabethton and Johnson City via U.S. Highway 321, serving all intermediate points. The foregoing includes authority to tack or join any of the aforesaid routes, or portions thereof at any intersection between any of them, and also authority, with closed doors, over any convenient streets and highways between any point on Interstate Highway 81 and any point at which service is otherwise authorized. All of the foregoing routes and authority are to be used in conjunction with all of applicant's existing authority, by tacking or joinder. The authority will include, but is not limited to, service between points on the above routes and Nashville and Memphis; applicant will, in addition to other evidence, present evidence pertaining to traffic between the above points and points reached through the Nashville and Memphis gateways, both intrastate and interstate.

HEARING: June 5, 1972, 9:30 a.m., at C–1–110 Cordell Hull Building, Nashville, Tenn. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 4610 (Sub-No. 4), filed December 28, 1971. Applicant: HUMBOLT EXPRESS, INC., Faydur Court, Nashville, Tenn. 37211. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except those of unusual value, classes A and B explosives, household goods, commodities in bulk and commodities requiring special equipment, (1) between Nashville and Bristol, Tenn., from Nashville via Interstate Highway 40 to its junction with Interstate Highway 81, thence via Interstate Highway 81 to Bristol, Tenn., and return serving all intermediate points on and east of U.S. Highway 25–E; (2) between Greeneville and Rogersville, Tenn., via Tennessee Highway 70,

serving all intermediate points; (3) between Greeneville and Kingsport, Tenn., via Tennessee Highway 93, serving all intermediate points; (4) between Greeneville and Bristol, Tenn., via U.S. Highway 11–E, serving all intermediate points; (5) between Johnson City and Elizabethton, Tenn., via U.S. Highway 67, serving all intermediate points; (6) between Erwin and Kingsport, Tenn., via U.S. Highway 23, serving all intermediate points; (7) between Rogersville and Bristol, Tenn., via U.S. Highway 11–W, serving all intermediate points; (8) between Erwin and junction of Tennessee Highway 81 and Tennessee Highway 93 via Tennessee Highway 81, serving all intermediate points;

(9) Between Nashville and Greenville, Tenn., from Nashville via Interstate Highway 40 to its junction with unnumbered road at or near Ozone, Tenn., thence via unnumbered road to its junction with U.S. Highway 70, approximately 5 miles west of Rockwood, thence via U.S. Highway 70 to its junction with U.S. Highway 27, thence via U.S. Highway 27 to its junction with Interstate Highway 40, approximately 8 miles northeast of Rockwood, thence via Interstate Highway 40 to its junction with U.S. Highway 411 at or near Newport, Tenn., thence via U.S. Highway 411 to Greenville, Tenn., serving Newport, Tenn., and all intermediate points between Newport and Greenville, and serving Knoxville for joinder only; (10) between Knoxville and Greenville, Tenn., via U.S. Highway 11–E, serving Morristown and all intermediate points between Morristown and Greenville, and serving Knoxville for joinder only; and (11) between Morristown and Newport, Tenn., via U.S. Highway 25–E, serving all intermediate points. All of said routes to be used in conjunction with applicant's present authority, and in conjunction with each other. If and when Interstate Highway 40 is opened all the way between Nashville and Knoxville, that portion of Route 9 between Nashville and Knoxville may be canceled, with Knoxville then being served for joinder only. Both intrastate and interstate authority sought.

HEARING: June 26, 1972, 9:30 a.m., C–1–110 Cordell Hull Building, Nashville, Tenn. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

New York Docket No. Case T–9052 filed December 13, 1971. Applicant: L. P. FINN HORSE TRANSPORTATION, INC., 620 Main Street, Northport, NY 11768. Applicant's representative: Samuel B. Zinder, Esq., Station Plaza East, Great Neck, N.Y. 11201. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *horses*, between all points in the State of New York. Both intrastate and interstate authority sought.

HEARING: Date, time, and place to be hereafter fixed. Requests for procedural information including the time for filing protests concerning this application should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12226, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–2382 Filed 2–15–72;8:54 am]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

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federal register

WEDNESDAY, FEBRUARY 16, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 32

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

■

Federal Health Insurance for the Aged

Proposed Conditions for Coverage of Services of Independent Laboratories

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

[Regs. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED

Proposed Conditions for Coverage of Services of Independent Laboratories

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. For an independent laboratory to qualify for reimbursement under the supplementary medical insurance part of the health insurance program for the aged, the independent laboratory must meet certain statutory requirements of section 1861(s) of the Social Security Act and conditions established by regulations in the interest of health and safety. The proposed amendments to the regulations clarify and expand the conditions by providing:

(1) Procedures for recertification of laboratories whose coverage has been withdrawn or whose specialty approval has been revoked on the basis of unsatisfactory performance in proficiency testing;

(2) Additional reasons for finding a laboratory not in compliance, or no longer in compliance, with the requirements;

(3) One particular section for definitions of terms;

(4) An indefinite extension of the time during which individuals meeting alternative requirements may continue to qualify as directors under Medicare;

(5) Consistency between Medicare regulations and those promulgated by the Center for Disease Control under the Clinical Laboratories Improvement Act of 1967 (Public Law 90–174, section 353) for laboratories engaged in interstate commerce;

(6) An additional requirement that all laboratories successfully participate in an acceptable proficiency testing program;

(7) A modification permitting routine and repetitive tests in clinical laboratories to be performed by a technician trainee provided that there is direct supervision by qualified personnel; and

(8) Greater emphasis on internal quality control by making it a condition for coverage of services of independent laboratories rather than a factor of laboratory management.

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

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

The proposed regulations are to be issued under the authority contained in sections 1102, 1861(s), 1863, 1864, and 1871, 49 Stat. 647, as amended, 79 Stat. 314–316, 79 Stat. 320, 79 Stat. 325–326, 79 Stat. 331, 42 U.S.C. 1302, 1395 et seq.

Dated: December 27, 1971.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: February 8, 1972.

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

Subpart M of Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is revised to read as follows:

Subpart M—Conditions for Coverage of Services of Independent Laboratories

§ 405.1301 Conditions for coverage of services of independent laboratories; general.

(a) *Introduction.* The conditions for coverage of services of independent laboratories and related policies set forth in this Subpart M, state the specific requirements that must be met by an independent laboratory in order for its services to qualify for reimbursement under the supplementary medical insurance part of the Health Insurance for the Aged Program. The services of a qualified independent laboratory for which reimbursement may be made under the supplementary medical insurance program relate only to diagnostic tests performed in an independent laboratory as defined in § 405.1311(a). Diagnostic laboratory tests, for purposes of section 1861(s) (10) and (11) of the Act and for purposes of this Subpart M, shall include only those clinical and anatomical pathology diagnostic tests and procedures defined in § 405.1311(b). Diagnostic tests furnished by out-of-hospital physicians whose primary practice is directly attending patients and/or consultation as defined in § 405.1311(f), even though conducted partly through diagnostic procedures, are considered physicians' services rather than clinical laboratory services. As such, the office in which these services are provided is exempt from these conditions.

(b) *General.* Section 1861(s) of the Act, which includes the provision for the coverage in the medical insurance program of diagnostic tests performed in an independent laboratory, provides that, as a condition for coverage of such tests, an independent laboratory, in any State in which State or local law provides for licensing laboratories, be licensed pursuant to such law or be approved by the agency of the State or locality responsible for such licensure as meeting the standards established for licensing. As a further condition, the statute requires that the independent laboratory meet such standards as the Secretary finds necessary to assure the health and safety of individuals with respect to whom these tests are performed.

(c) *State agency certification.* The law makes provision for the designation of State health agencies, or other State agencies, to assist the Secretary in determining whether there is compliance with the conditions for coverage of services of independent laboratories. The designated State agencies will certify to the Secretary those laboratories which they find meet the conditions and the specialties and subspecialties for which the laboratory is recommended for certification. Services provided in a laboratory that is determined by the Secretary to be in substantial compliance with the conditions relating to health and safety and which meet the statutory licensure requirement are reimbursable under the medical insurance program.

(d) *Certifications and determinations.* Certifications and determinations as to whether an independent laboratory is in substantial compliance with the conditions are made upon the filing by the laboratory of an application on a form prescribed by the Secretary.

§ 405.1302 Conditions for coverage of services; general.

Services of an independent laboratory are reimbursable under the program only if the laboratory meets the statutory requirement of section 1861(s)(10) of the Act and the Secretary has determined that the laboratory is in substantial compliance with all the other conditions set forth in this Subpart M. These additional conditions (established in the interest of health and safety) are essential to the maintenance of quality of care and the adequacy of the services and facilities which the laboratory provides. Variation in the type and size of laboratories and the nature and scope of services offered will be reflected in differences in the details of organization, staffing, and facilities. However, the test is whether there is substantial compliance with each of the conditions.

§ 405.1303 Standards; general.

A series of standards, almost all interpreted by explanatory factors, is set forth in this Subpart M with respect to each condition for coverage of services. Reference to these standards will enable the State agency surveying a facility to document the activities of the laboratory, to determine the appropriate laboratory specialties or subspecialties set out in § 405.1314(b) for which the laboratory is qualified to receive reimbursement under the Supplementary Medical Insurance Benefits part of the Health Insurance for the Aged program, to establish the nature and extent of its deficiencies, if any,

and to assess the facility's need for improvement in relation to the prescribed condition. In substance, the application of the standards, together with the explanatory factors, will indicate the extent and degree to which an independent laboratory is complying with each condition.

§ 405.1304 State agencies.

As provided by title XVIII of the Social Security Act, State agencies, operating under agreements with the Secretary, are used in determining whether independent laboratories meet the conditions. Pursuant to such an agreement, a State agency certifies to the Secretary findings as to whether independent laboratories are in substantial compliance with the conditions. Such certifications include findings as to whether each of the conditions is substantially met for those specialties or subspecialties in which the laboratory performs tests or has the capability to perform such tests as defined in § 405.1314. The Secretary, on the basis of such certification from the State agency, determines whether or not the level of facilities and services of the laboratory represent the required achievements of substantial compliance with the conditions and transmits to the laboratory a written notice of the determination.

§ 405.1305 Substantial compliance—Principles for evaluation.

(a) Independent laboratories are considered in substantial compliance with the conditions for coverage of their services upon acceptance by the Secretary of findings, adequately documented and certified to by the State agency, showing that:

(1) The laboratory meets the specific statutory requirement of section 1861(s)(10) of the Act and is found to be operating in accordance with all the conditions with no significant deficiencies; or

(2) The laboratory meets the specific statutory requirement of section 1861(s)(10) of the Act but is found to have deficiencies with respect to one or more conditions, but

(i) It is making reasonable plans and efforts to correct the deficiencies, and as evidence of such plans and efforts to correct, provides for each deficiency a written plan of and schedule for correction, and

(ii) Notwithstanding the deficiencies it is rendering adequate service without hazard to the health or safety of individuals being served, taking into account special procedures or precautionary measures which have been or are being instituted; or

(3) The laboratory meets the specific statutory requirement of section 1861(s)(10) of the Act but is found to have deficiencies with respect to one or more conditions, but

(i) Successfully participates in such quality assurance procedures (see § 405.1314) by which it demonstrates acceptable and proficient performance, and

(ii) Notwithstanding the deficiencies it is rendering adequate service without hazard to the health and safety of individuals being served.

(b) Independent laboratories previously found in substantial compliance, but which have had their approval revoked in total or in a specialty or subspecialty because of unsatisfactory performance in proficiency testing, may subsequently be certified by the State agency and determined by the Secretary to be in substantial compliance with the conditions where:

(1) The laboratory is in substantial compliance under the provisions of paragraph (a) of this section, and

(2) (i) After a 6-month period, an appraisal of the laboratory's performance in a proficiency testing program as defined in § 405.1311(c) reflects satisfactory test results on at least two sets of specimens, or

(ii) After a 3-month period, the State agency's assessment of the laboratory's performance in examining proficiency test samples, analyzed during at least two State agency onsite visits, establishes the laboratory's competency.

§ 405.1306 Time limitations on certification of substantial compliance.

(a) All initial certifications by the State agency that an independent laboratory is in substantial compliance with the conditions will be effective for a period of 1 year, beginning with July 1, 1966, or, if later, with the date on which the laboratory is first found to be in substantial compliance with the conditions. The Secretary's determination that the laboratory is in substantial compliance with the conditions remains in effect until such time as notice of revision or withdrawal of approval is given. State agencies may visit or resurvey laboratories where necessary to ascertain continued compliance or to accommodate to periodic or cyclical survey programs. A State may, at any time, find and certify to the Secretary that a laboratory is no longer in compliance.

(b) If a laboratory is certified by the State agency and determined by the Secretary to be in substantial compliance under the provisions of § 405.1305(a), the following information will be incorporated into the finding and into the notice to the laboratory of the determination of coverage of its services under the medical insurance program:

(1) A statement of the deficiencies which were found, and

(2) A description of progress which has been made and further action which is being taken to remove the deficiencies, and

(3) A scheduled time for a resurvey of the laboratory to be conducted not later than the 12th month (or earlier, depending on the nature of the deficiencies) of the period of certification.

§ 405.1307 Certification of noncompliance.

(a) The State agency will certify that the entire laboratory is not in compliance with the conditions or, where a determination of compliance has been made, that a laboratory is no longer in compliance where:

(1) The laboratory is not in compliance with the statutory requirement of section 1861(s)(10) of the Act; or

(2) The laboratory has deficiencies of such character as to seriously limit the capacity of the laboratory to render adequate service or as to place health and safety of individuals in jeopardy, and the State agency concludes after discussion with the laboratory that there is no early prospect of such significant improvement as to establish substantial compliance; or

(3) After a previous period or part thereof for which the laboratory was certified with a finding of significant deficiencies, there is a lack of progress toward a removal of deficiencies which the State agency finds are adverse to the health and safety of individuals being served; or

(4) The laboratory demonstrates unsatisfactory performance in a proficiency testing program as described in § 405.1314 in all specialties or subspecialties for which it is approved to perform tests; or

(5) The laboratory refuses to participate in proficiency testing programs as described in § 405.1314 in all specialties or subspecialties for which it is requesting approval; or

(6) The laboratory has significant deficiencies with respect to one or more conditions and fails to demonstrate satisfactory performance in the quality assurance procedures as established by the Secretary under the provisions of § 405.1305(a)(3); or

(7) The laboratory refuses to permit a designated State agency to conduct an onsite visit or resurvey; or

(8) The laboratory fails to give notice of any change in ownership within 30 days of such change; or

(9) The laboratory fails to give notice of any change in directors or supervisors within 30 days of the date of such change.

(b) After a previous period or part thereof in which a laboratory was certified, the State agency will certify that certain specialties or subspecialties are no longer approved when the State agency finds that the laboratory has deficiencies including those enumerated in factors in subparagraphs (3), (4), (5), (6), and (7) of paragraph (a) of this section in those specialties and subspecialties of such magnitude as to significantly affect its competency.

§ 405.1308 State agency findings for determining substantial compliance.

Findings made by a State agency as to whether an independent laboratory is in substantial compliance with the conditions require a thorough evaluation of the laboratory. The State evaluation will take into consideration:

(a) The degree to which each standard, as well as the total set of standards relating to a condition, is met;

(b) When there is a deficiency, whether the deficiency creates a serious hazard to health and safety; and

(c) Whether the laboratory is making reasonable plans and efforts to correct the deficiency within a reasonable period.

Exception. Notwithstanding the rules for determining substantial compliance set forth in this section, a finding of substantial compliance shall not be applicable with respect to the education and experience qualification requirements for laboratory personnel prescribed in this Subpart M. The education and experience qualification requirements for laboratory personnel must be met in all respects. However, technical personnel not meeting the training and experience requirements defined in this Subpart M but who successfully participate in proficiency and/or equivalency examinations when these examinations are available and approved by the Secretary will be deemed to meet these requirements.

§ 405.1309 Conditions—Documentation of findings.

The findings of the State agency with respect to each of the conditions shall be adequately documented. To evaluate such findings, information regarding scope and volume of services provided in those specialties in which the laboratory is requesting certification shall be obtained, where appropriate. Where the State agency certifies to the Secretary that a laboratory is not in compliance with the conditions, the documentation shall include a report of any discussions with the staff of the laboratory concerning the deficiencies, a report of the laboratory's responses with respect to such discussions, and the State agency's assessment of the prospects for such improvements as to enable the laboratory to achieve substantial compliance with the conditions.

§ 405.1310 Conditions—Compliance with State and local laws.

The laboratory shall conform with all applicable State and local laws.

(a) *Standard; licensure.* Any laboratory located in any State in which State or applicable local law provides for the licensing of laboratories is (1) licensed pursuant to such law, or (2) approved, by the agency of the State or locality responsible for licensing laboratories, as meeting the standards established for such licensing.

(b) *Standard; licensed staff.* The director and the staff of the laboratory are licensed or registered in accordance with applicable laws.

(c) *Standard; fire and safety.* The laboratory is in conformity with laws relating to fire and safety, and to other relevant matters.

§ 405.1311 Definitions.

(a) *Independent laboratory.* An independent laboratory performing diagnostic tests is one which is independent both of the attending or consulting physician's office and of a hospital which meets at least the requirements specified in section 1861(e) of the Act to qualify for payment for emergency hospital services under section 1814(d) of the Act. A laboratory which: (1) Is located in a hospital which meets at least the requirements specified in section 1861(e) of the Act to qualify for payment for emergency hospital services under section 1814(d) of the Act or, if outside the hospital, is operated under the supervision of the hospital or its organized medical staff and (2) serves the hospital's patients, is not an independent laboratory. Services furnished by out-of-hospital laboratories under the direction of a physician, such as a pathologist, are considered to be subject to the conditions where the physician holds himself and the facilities of his office out to other physicians as being available for the performance of diagnostic tests. A laboratory maintained by a physician for performing diagnostic tests primarily for his own patients is exempt from the conditions, even though such laboratory does diagnostic tests on referral from other physicians.

(b) *Clinical laboratory tests.* A clinical laboratory test is a microbiological, serological, chemical, hematological, radiobioassay, cytological, biophysical, immunohematological or other pathological examination which is performed on materials derived from the human body, to provide information for the diagnosis, prevention, or treatment of a disease or assessment of a medical condition.

(c) *Proficiency testing program.* A proficiency testing program is one which (1) is either operated or approved by the State agency, or approved by the Secretary, and (2) meets at a minimum the requirements for a proficiency testing program as outlined by the Secretary.

(d) *Subsequent to graduation.* As used in §§ 405.1312 and 405.1313 the phrase "subsequent to graduation" refers to laboratory training and experience acquired after successful completion of the degree referred to in those sections. However, if the experience is gained prior to acquiring such degree, the length of experience required would be calculated on an equivalency basis of 1.5 years of predegree training and experience for every 1 year of postdegree training and experience. Furthermore, when part of the experience must be in one of the laboratory specialities, experience in the specialty must comprise at least half of the total required. However, with regard to § 405.1314, the required experience and training must be obtained after the acquisition of the lowest educational degree specified.

(e) *Director at the doctoral level.* As used throughout §§ 405.1312 and 405.1313 the term "director at the doctoral level" refers only to persons having the qualifications described in § 405.1312(b) (1), (2), (3), and (5)(i).

(f) *Consultation.* A "consultation" is a deliberation of two or more physicians with respect to the diagnosis or treatment in any particular case. Consultation, as distinguished from providing clinical laboratory services, includes history taking, examination of the patient, and transmitting to the attending physician an opinion concerning diagnosis and/or treatment.

(g) *Technician trainee.* A "technician trainee" is a high school graduate or equivalent who has not had the required 2 years of clinical laboratory experience to qualify as a technician.

(h) *Personal and direct supervision.* The phrase "personal and direct supervision" requires that a qualified supervisor technologist, or cytotechnologist be present at least in the immediate bench area when laboratory procedures are being performed in order to carry out those specific tasks which are evidence of his constant involvement in and supervision over the performance of the procedures.

(i) *Group practice.* The term "group practice" means an organized, cooperative practice between physicians representing different specialized fields of medicine, who share facilities, space, and responsibilty of patient care and who provide a substantially complete array of the services which might be necessary for the care of a patient's health.

(j) *Accredited.* As used in these regulations, the term "accredited" refers to the approval conferred upon schools, institutions, or programs where appropriate by a nationally recognized accrediting agency or association as determined by the U.S. Commissioner of Education.

§ 405.1312 Condition—Clinical laboratory; laboratory director.

The clinical laboratory is under the direction of a qualified person.

(a) *Standard; administration.* The laboratory has a director who administers the technical and scientific operation of the laboratory including the reporting of findings of laboratory tests. The factors explaining the standard are as follows:

(1) The director serves the laboratory full time, or on a regular part-time basis. If he serves on a regular part-time basis, (i) he does not individually serve as director of more than three laboratories (hospital or independent) or, (ii) he provides an associate, qualified under the standard in paragraph (b) of this section to serve as assistant director in each laboratory. Such assistant director does not serve more than three laboratories.

(2) Commensurate with the laboratory workload, the director spends an adequate amount of time in the laboratory to direct and supervise the technical performance of the staff and is readily available for personal or telephone consultation.

(3) The director is responsible for the proper performance of all tests made in the laboratory.

(4) The director is responsible for the employment of qualified laboratory personnel and their inservice training.

(5) If the director is to be continuously absent for more than 1 month, arrangements are made for a qualified substitute director.

(b) *Standard; laboratory director—qualification.* The laboratory director meets one of the following requirements:

(1) He is a physician certified in anatomical and/or clinical pathology by the American Board of Pathology or the American Osteopathic Board of Pathology or possesses qualifications which are equivalent to those required for such certification (board eligible).

(2) He is a physician who (i) is certified by the American Board of Pathology or the American Osteopathic Board of Pathology in at least one of the labora-

tory specialties, or (ii) is certified by the American Board of Medical Microbiology, the American Board of Clinical Chemistry, or other national accrediting board in one of the laboratory specialties, or (iii) is certified by the American Society of Cytology to practice cytopathology, or possesses qualifications which are equivalent to those required for such certification, or (iv) subsequent to graduation as defined in § 405.1311(d) has had 4 or more years of general laboratory training and experience of which at least 2 years were spent acquiring proficiency in one of the laboratory specialties in a clinical laboratory—with a director at the doctoral level as defined in § 405.1311(e)—of a hospital, a health department, university, or medical research institution, in a laboratory approved under the supplementary medical insurance benefits program, or in a State which regulates clinical laboratory personnel, in a clinical laboratory acceptable to that State.

(3) He is a dentist who is certified by the American Board of Oral Pathology or possesses qualifications which are equivalent to those required for certification (board eligible).

(4) He holds an earned doctoral degree from an accredited institution with a chemical, physical, or biological science as his major subject and (i) is certified by the American Board of Medical Microbiology, the American Board of Clinical Chemistry, or other national accrediting board acceptable to the Secretary in one of the laboratory specialties, or (ii) subsequent to graduation as defined in § 405.1311(d), has had 4 or more years of general clinical laboratory training and experience, of which at least 2 years were spent acquiring proficiency in one of the laboratory specialties in a clinical laboratory—with a director at the doctoral level as defined in § 405.1311(e)—of a hospital, a health department, university, or medical research institution, in a laboratory approved under the supplementary medical insurance benefits program, or in a State which regulates clinical laboratory personnel, in a clinical laboratory acceptable to that State.

(5) He is a bioanalyst, accredited in bioanalysis by the American Board of Bioanalysis, or possesses qualifications which are equivalent to those for such accreditation (board eligible).

(6) If he first applied for certification of a laboratory as its director prior to July 1, 1971, he was responsible for the direction of a clinical laboratory for 12 months between July 1, 1961, and January 1, 1968, and, in addition, meets one of the following requirements:

(i) He is a physician and subsequent to graduation as defined is § 405.1311(d) has had at least 4 years of pertinent clinical experience;

(ii) He holds a master's degree from an accredited institution with a chemical, physical, or biological science as his major subject and subsequent to graduation has had at least 4 years of pertinent clinical laboratory experience;

(iii) He holds a bachelor's degree from an accredited institution with a chemical, physical, or biological science as his major subject and subsequent to graduation has had at least 6 years of pertinent clinical laboratory experience, or

(iv) He has achieved a satisfactory grade through an examination conducted by or under the sponsorship of the U.S. Public Health Service on or before July 1, 1970.

§ 405.1313 Condition—Clinical laboratory; supervision.

The clinical laboratory is supervised by qualified personnel.

(a) *Standard; supervision.* The laboratory has one or more supervisors who, under the general direction of the laboratory director, supervise technical personnel and reporting of findings, perform tests requiring special scientific skills, and, in the absence of the director, are held responsible for the proper performance of all laboratory procedures. A laboratory director who qualifies under § 405.1312(b) is also qualified as a general supervisor; therefore, depending upon the size and functions of the laboratory, the laboratory director may also serve as the laboratory supervisor. The factors explaining the standard are as follows:

(1) There are two categories of required supervisors. A general supervisor—one who meets the requirements of paragraph (b) of this section—is on the laboratory premises during all hours in which tests are being performed. A technical supervisor—one who meets the pertinent requirements of § 405.1314(b)—spends an adequate amount of time in the laboratory to supervise the technical performance of the staff in his specialty and is readily available for personal or telephone consultation. A general supervisor may also be a technical supervisor in those specialties in which he meets the requirements of § 405.1314(b). A supervisor is not required to be on the premises during the performance of procedures received for emergency purposes; provided that the person performing tests is qualified to perform such tests and the supervisor, who is responsible for the results of his work reviews them during his next duty period, and a record is maintained to reflect the actual review.

(b) *Standard; supervisor—qualification.* The laboratory supervisor meets one of the following requirements:

(1) He (i) is a physician or has earned a doctoral degree from an accredited institution with a chemical, physical, or biological science as his major subject, and (ii) subsequent to graduation as defined in § 405.1311(d) has had at least 2 years' experience in one of the laboratory specialties in a clinical laboratory—with a director at the doctoral level as defined in § 405.1311(e)—of a hospital, a health department, university or medical research institution; or in a laboratory approved under the supplementary medical insurance benefits program; or in a State which regulates clinical laboratory personnel, in a clinical laboratory acceptable to that State;

(2) He holds a master's degree from an accredited institution with a major in one of the chemical, physical, or biological sciences and subsequent to graduation as defined in § 405.1311(d) has had at least 4 years of pertinent laboratory experience of which not less than 2 years has been spent working in the designated laboratory specialty in a clinical laboratory—with a director at the doctoral level as defined in § 405.1311(e)—of a hospital, a health department, university, or medical research institution, or in a laboratory approved under the supplementary medical insurance benefits program, or in a State which regulates clinical laboratory personnel, in a clinical laboratory acceptable to that State;

(3) He is qualified as a clinical laboratory technologist pursuant to the provisions of § 405.1315(b) (1), (2), (3), or (4), and has had at least 6 years of pertinent laboratory experience of which not less than 2 years has been spent working in the designated laboratory specialty in a clinical laboratory—with a director at the doctoral level as defined in § 405.1311(e)—of a hospital, university, health department, or medical research institution; or in a laboratory approved under the supplementary medical insurance benefits program; or in a State which regulates clinical laboratory personnel, in a clinical laboratory acceptable to that State; or

(4) If he first qualified as a supervisor prior to July 1, 1971, he (i) has had at least 15 years of pertinent clinical laboratory experience prior to January 1, 1968: *Provided,* That a minimum of of 30 semester hours of credit toward a bachelor's degree with a chemical, physical, or biological science as his major subject or 30 semester hours in an approved school of medical technology shall reduce the required years of experience by 2 years, with any additional hours further reducing the required years of experience at the rate of 15 hours for 1 year; (ii) has performed the duties of a clinical laboratory supervisor at any time between July 1, 1961, and January 1, 1968; and (iii) has performed the duties of a supervisor for at least 2 years after July 1, 1966, or during the 15-year qualifying period specified in subdivision (i) of this subparagraph in a clinical laboratory—with a director at the doctoral level as defined in § 405.1311(e)—of a hospital, health department, university, or medical research institution; or in a laboratory approved under the supplementary medical insurance benefits program; or in a State which regulates clinical laboratory personnel, in a clinical laboratory acceptable to that State.

§ 405.1314 Condition—Clinical laboratory; tests performed.

Subject to the provision that the requirements of this section apply only to those tests and procedures performed for individuals enrolled under the supplementary medical insurance benefits program (see Subpart B of this Part 405), the clinical laboratory performs only those laboratory tests and procedures that are within the specialties in which the laboratory director or super-

visors are qualified. If a laboratory has a qualified director or supervisor in a given specialty, based on such individual having met the educational and experience requirements of paragraph (b) of this section and the laboratory has the necessary equipment, space, facilities, and personnel to perform tests in that specialty and can show successful participation in the specialty in a proficiency testing program, certification of approval in the specialty or subspecialty may be given notwithstanding the fact that the laboratory is not actually performing tests in that specialty.

(a) *Standard; proficiency testing.* All laboratories must successfully participate in a proficiency testing program as defined in § 405.1311(c) covering all clinical and anatomical laboratory specialties and subspecialties as made available in which the laboratory is approved to perform tests for individuals enrolled under the supplementary medical insurance benefits program (see Subpart B of this Part 405). Laboratories shall receive and examine and/or analyze specimens delivered by mail or messenger at such times as designated by the proficiency testing service; shall maintain records of all proficiency testing results in programs in which it is a participant and make such records, including results and interpretations, available to the Secretary upon request. Results reflecting unsatisfactory performance in an acceptable proficiency testing program constitutes a basis for revoking approval or limiting the laboratory in specialties or subspecialties it may perform. An exception to this requirement may be made where such programs as determined by the State are not readily available or are not open for enrollment at the time these regulations are published, or at the time a laboratory first applies for coverage under Subpart M of this program. For laboratories currently certified under these conditions for coverage of services at the time of publication of these regulations, this exception shall be in effect only until such programs become available or are open for enrollment, but in no event, beyond 1 year following publication of these regulations. For laboratories subsequently applying for certification, the exemption shall be in effect until such programs become available or are open for enrollment, but in no event beyond 1 year following receipt by the laboratory of its certification approval.

(b) *Standard; procedures and tests—competency.* The laboratory performs only those laboratory procedures and tests that are within the specialties or subspecialties in which the laboratory director or supervisors are qualified. The factors explaining the standards are as follows:

(1) If the laboratory director or supervisor is a physician certified in both anatomical and clinical pathology by the American Board of Pathology or the American Osteopathic Board of Pathology or possesses qualifications which are equivalent to those required for certification (board eligible), the laboratory may perform anatomical and clinical laboratory procedures and tests in all specialties.

(2) If the factor in subparagraph (1) of this paragraph is not met and the laboratory performs tests in the specialty of microbiology, including the subspecialties of bacteriology, virology, mycology, and parasitology, the director or a supervisor, as defined previously, (i) holds an earned doctoral or master's degree in microbiology from an accredited institution or is a physician and (ii) subsequent to graduation as defined in § 405.1311(d) has had at least 4 years' experience in clinical microbiology.

(3) If the factor in subparagraph (1) of this paragraph is not met and the laboratory performs tests in the specialty of serology the director or a supervisor, as defined previously (i) holds an earned doctoral or master's degree in biology, chemistry, immunology, or microbiology from an accredited institution, or is a physician and (ii) subsequent to graduation as defined in § 405.1311(d) has had at least 4 years' experience in serology.

(4) If the factor in subparagraph (1) of this paragraph is not met and the laboratory performs tests in the specialty of hematology, including gross and microscopic examination of the blood, the director or a supervisor as defined previously, (i) holds a master's or a bachelor's degree in biology, immunology, or microbiology from an accredited institution and (ii) subsequent to graduation as defined in § 405.1311(d) has had at least 4 years' experience in hematology.

(5) If the factor in subparagraph (1) of this paragraph is not met and (i) the laboratory performs tests in the specialty of immunohematology, the director or a supervisor, as defined previously, is a physician with at least 2 years' experience in clinical hematology subsequent to graduation as defined in § 405.1311(d), or (ii) within the specialty of immunohematology, the laboratory performs tests in the subspecialties of blood grouping and Rh typing only, the director or a supervisor, as defined previously, holds a master's or bachelor's degree in biology, immunology, or microbiology from an accredited institution and subsequent to graduation as defined in § 405.1311(d) has had at least 4 years' experience in immunohematology.

(6) If the factor in subparagraph (1) of this paragraph is not met and the laboratory performs tests in the specialty of clinical chemistry, the director or a supervisor, as defined previously, (i) holds an earned doctoral or master's degree in a chemical science or its equivalent from an accredited institution or is a physician, and (ii) subsequent to graduation as defined in § 405.1311(d) has had at least 4 years' experience in clinical chemistry.

(7) If the factor in subparagraph (1) of this paragraph is not met and the laboratory performs tests in the specialty of radiobioassay, the director or a supervisor, as defined previously (i) holds an earned doctoral, master's, or bachelor's degree in a chemical, physical, or biological science from an accredited institution or is a physician, and (ii) subsequent to graduation as defined in § 405.1311(d) has had at least 1 year of experience in radiobioassay.

(8) If the factor in subparagraph (1) of this paragraph is not met and the laboratory performs tests in the specialty of tissue pathology, the director or a supervisor, as defined previously is a physician who is certified in anatomical pathology by the American Board of Pathology or the American Osteopathic Board of Pathology or possesses qualifications which are equivalent to those required for certification (board eligible).

(9) If the factor in subparagraph (1) of this paragraph is not met and the laboratory performs tests in the specialty of diagnostic cytology, the director or a supervisor, as defined previously, (i) is a physician who is certified by the American Board of Pathology, or the American Osteopathic Board of Pathology, or possesses qualifications which are equivalent to those required for certification, or (ii) is a physician who is certified by the American Society of Cytology to practice cytopathology, or possesses qualifications which are equivalent to those required for certification (board eligible) (under this provision the laboratory is qualified to perform such tests only on that anatomic site for which he is certified); or (iii) is an individual who, pursuant to a request to establish his qualifications filed prior to January 1, 1971, has demonstrated competency (*a*) through at least 7 years of accumulative experience in a position of diagnostic responsibility in the field of clinical cytology or through 5 years of full-time training in diagnostic clinical cytology with suitable endorsement by a physician who has been his supervisor in such activity; (*b*) by the publishing of treatises, texts, or other publications on the subject of diagnostic cytology which are generally acknowledged and recognized by the medical profession as authoritative in the field; (*c*) by his appointment to and service in pertinent teaching and research positions in recognized schools of medicine; (*d*) by his acceptance into or award of membership and office in professional societies in this field; and (*e*) by his receipt of other professional honors for excellence in the use of procedures in exfoliative cytology for the diagnosis of a pathological condition (under this provision the laboratory is qualified to perform such tests only on that anatomic site with respect to which such competency is so established). The Social Security Administration, after documentation of the individual's qualifications by the State agency, will, with appropriate professional advice from the Public Health Service, make all determinations with respect to the requirements set forth in this subdivision (iii). An individual who qualifies under this subdivision (iii) is deemed also to meet the requirements of § 405.1312(b)(2)(ii).

(10) If the factor in subparagraph (1) or (8) of this paragraph is not met and the laboratory performs tests in oral pathology, the director or supervisor

is a dentist who is certified in oral pathology by the American Board of Oral Pathology or possesses qualifications which are equivalent to those required for certification (board eligible).

(11) A laboratory whose director qualifies under § 405.1312(b)(5) is qualified to perform tests in the laboratory specialties in which such director is qualified by training and experience, or in which he has achieved a satisfactory grade through an examination conducted by or under the sponsorship of the U.S. Public Health Service, as discussed in § 405.1312(b)(5). Under this provision the laboratory is qualified to perform tests in other specialties only if the supervisor meets the appropriate requirements of subparagraphs (1)–(10) of this paragraph. The laboratory he directs may perform tests in:

(i) Microbiology: If he has (*a*) a bachelor's degree in a science and subsequent to graduation has had at least 6 years of experience in microbiology; or (*b*) a master's degree in a biological science and 4 such years of experience.

(ii) Hematology: If he has (*a*) a bachelor's degree in biology, immunology, or microbiology from an accredited institution and subsequent to graduation has had at least 6 years of clinical laboratory experience of which at least 4 years' experience are in hematology; or (*b*) a master's degree in one of the above sciences and 4 years' experience in hematology.

(iii) Serology: If he has (*a*) a bachelor's degree in biology, chemistry, immunology, or microbiology and subsequent to graduation has had at least 6 years of experience in serology; or (*b*) a master's degree in one of the above sciences and 4 years' experience in serology.

(iv) Radiobioassay: If he has (*a*) a bachelor's degree in chemical, physical, or biological science and has had at least 6 years of clinical laboratory experience at least 1 year of which is in radiobioassay; or (*b*) a master's degree in one of the above sciences and 4 years of clinical laboratory experience at least 1 year of which is in radiobioassay.

(v) Blood grouping and Rh typing: If he has (*a*) a bachelor's degree in biology, immunology, or microbiology from an accredited institution and subsequent to graduation has had at least 6 years of clinical laboratory experience of which at least 4 years' experience are in hematology; or (*b*) a master's degree in one of the above sciences and 4 years' experience in hematology.

(vi) Clinical chemistry: If he has (*a*) a bachelor's degree in a chemical science or its equivalent and 6 years of experience in clinical chemistry; or, (*b*) a master's degree in a chemical science and 4 years' experience in clinical chemistry.

(vii) Any of the above specialties, if he has a bachelor's degree in medical technology and the designated experience in the specialty.

(12) A laboratory whose director qualifies under § 405.1312(b) (1), (2), (3), or (4) is qualified to perform tests in the laboratory specialties with respect to which such director or supervisor meets the pertinent requirements of subparagraphs (1) through (11) of this paragraph.

§ 405.1315 Condition—Clinical laboratory; technical personnel.

The clinical laboratory has a sufficient number of properly qualified technical personnel for the volume and diversity of tests performed.

(a) *Standard; technologist—duties.* The laboratory employs a sufficient number of clinical laboratory technologists to proficiently perform under general supervision the clinical laboratory tests which require the exercise of independent judgment. The factors explaining the standard are as follows:

(1) The clinical laboratory technologists perform tests requiring the exercise of independent judgment and responsibility, with minimal supervision by the director or supervisors, only in those specialties or subspecialties in which they are qualified by education, training, and experience.

(2) With respect to specialties in which the clinical laboratory technologist is not qualified by education, training, or experience, he functions only under the direct supervision of the laboratory supervisor or other qualified technologist.

(3) Clinical laboratory technologists are in sufficient number to adequately supervise the work of technicians and trainees.

(4) An individual qualified as a cytotechnologist solely under paragraph (b)(6) of this section, may supervise technicians and trainees only in the specialty of cytology.

(b) *Standard; technologists—qualifications.* Each clinical laboratory technologist possesses a current license as a clinical laboratory technologist issued by the State, if such licensing exists, and meets one of the following requirements:

(1) Has earned a bachelor's degree in medical technology from an accredited college or university; or

(2) Has successfully completed 3 academic years of study (a minimum of 90 semester hours or equivalent) in an accredited college or university, which met the specific requirements for entrance into, and has successfully completed a course of training of at least 12 months in, a school of medical technology approved by the Council on Medical Education of the American Medical Association; or

(3) Has earned a bachelor's degree in one of the chemical, physical, or biological sciences, and, in addition, at least 1 year of pertinent laboratory experience and/or training covering the specialty (ies) or subspecialty(ies) in which he performs tests; provided the combination has given him the equivalent in such specialty(ies) or subspecialty(ies) of the education and training described in subparagraph (1) or (2) of this paragraph; or

(4) Has successfully completed 3 years (90 semester hours or equivalent) in an accredited college or university with a distribution of courses as provided in subdivision (i) or (ii) of this subparagraph, and, in addition, has successfully completed experience and/or training covering several fields of medical laboratory work of at least 1 year and of such quality as to provide him with education and training in medical technology equivalent to that described in subparagraph (1) and (2) of this paragraph. Distribution of course work: (Where semester hours are stated, it is understood that the equivalent in quarter hours is equally acceptable. The specified courses must have included lecture and laboratory work. Survey courses are not acceptable.)

(i) For those whose training was completed prior to September 15, 1963: At least 24 semester hours in chemistry and biology courses of which (*a*) not less than 9 semester hours must have been in chemistry and must have included at least 6 semester hours in inorganic chemistry, and (*b*) not less than 12 semester hours must have been in biology courses pertinent to the medical sciences.

(ii) For those whose training was completed after September 14, 1963: (*a*) 16 semester hours in chemistry courses which included at least 6 semester hours in inorganic chemistry and are creditable toward a major in chemistry; (*b*) 16 semester hours in biology courses which are pertinent to the medical sciences and are acceptable toward a major in the biological sciences; and (*c*) 3 semester hours of mathematics; or

(5) With respect to individuals first qualifying prior to July 1, 1971, an exception to the requirements in subparagraph (1), (2), (3), or (4) of this paragraph is made if (i) the technologist was performing the duties of a clinical laboratory technologist at any time between July 1, 1961, and January 1, 1968, and (ii) the technologist (*a*) has had at least 10 years of pertinent clinical laboratory experience prior to January 1, 1968 (a minimum of 30 semester hours of credit toward a bachelor's degree from an accredited institution with a chemical, physical, or a biological science as his major subject or 30 semester hours in an approved school of medical technology shall reduce the required years of experience by 2 years, with any additional hours further reducing the required years of experience at the rate of 15 hours for 1 year), and (*b*) has performed the duties of a clinical laboratory technologist for at least 2 years after July 1, 1966, or during the qualifying 10 years in a clinical laboratory—with a director at the doctoral level, as defined in § 405.1311 (e)—of a hospital, university, health department, or medical research institution; or in a State which regulates clinical laboratory personnel, in a clinical laboratory acceptable to that State; or in a laboratory approved under the supplementary medical insurance benefits program; or

(6) Each cytotechnologist shall possess a current license as a cytotechnologist issued by the State, if such licensing exists, and (i) shall have successfully completed 2 years in an accredited college or university with at least 12 semester hours in science, 8 hours of which are in biology, and (*a*) has had 12 months

of training in a school of cytotechnology approved by the Council on Medical Education of the American Medical Association or (*b*) has received 6 months' formal training in a school of cytotechnology approved by the Council on Medical Education of the American Medical Association and 6 months of full-time experience in cytotechnology in a laboratory acceptable to the pathologist who directed such formal 6 months of training, or (ii) prior to January 1, 1969, shall have (*a*) been graduated from high school, (*b*) completed 6 months of training in cytotechnology in a laboratory directed by a pathologist or other physician recognized as a specialist in cytology, and (*c*) completed 2 years of full-time experience in cytotechnology.

(c) *Standard; technician—duties.* Clinical laboratory technicians are employed in sufficient number to meet the workload demands of the laboratory and they function only under direct supervision of a clinical laboratory technologist. The factors explaining the standard are as follows:

(1) Each clinical laboratory technician performs only those procedures which require a degree of technical skill commensurate with his education, training, and limited technical skill and responsibility and a minimal exercise of independent judgment.

(2) No clinical laboratory technician performs procedures in the absence of a qualified clinical laboratory technologist, supervisor or director.

(3) A technician trainee, as defined in § 405.1311(g), performs only repetitive procedures, which require a minimal exercise of independent judgment, and he may perform such procedures only under the personal and direct supervision of a technical supervisor as defined in § 405.1314(b) or a technologist as defined in paragraph (b) of this section.

(d) *Standard; technician—qualifications.* Each clinical laboratory technician possesses a current license as a clinical laboratory technician issued by the State, if such licensing exists, and meets one of the following requirements:

(1) He is a high school graduate and has completed at least 1 year in a technician training program in a school accredited by an accrediting agency approved by the Secretary; or

(2) He is a high school graduate and has served 2 years as a technician trainee in a clinical laboratory with a director at the doctoral level as defined in § 405.1311(e) or in a laboratory approved under the supplementary medical insurance benefits program or, in a State which regulates clinical laboratory personnel, in a clinical laboratory acceptable to that State.

(3) He is a high school graduate and has successfully completed an official military medical laboratory procedures course of at least 50 weeks' duration, and has held, at the journeyman's level, the military enlisted occupational specialty of Medical Laboratory Specialist (Laboratory Technician).

(4) With respect to individuals first qualifying prior to July 1, 1971, an exception to the requirements is subparagraphs (1), (2), or (3) of this paragraph is made if the technician (i) was performing the duties of a clinical laboratory technician any time between July 1, 1961, and January 1, 1968, and (ii) has had at least 5 years of pertinent clinical laboratory experience prior to January 1, 1968 (a minimum of 30 semester hours of credit toward a bachelor's degree from an accredited institution with a chemical, physical, or a biological science as his major subject or 30 semester hours in an approved school of medical technology shall reduce the required years of experience by 2 years, with any additional hours further reducing the required years of experience at the rate of 15 hours for 1 year) and has performed the duties of a clinical laboratory technician for at least 2 years after July 1, 1966, or during the qualifying 5 years in (*a*) a clinical laboratory—with a director at the doctoral level as defined in § 405.1311(e)—of a hospital, university, health department, or medical research institution; or (*b*) in a State which regulates clinical laboratory personnel, in a clinical laboratory acceptable to that State; or (*c*) in a laboratory approved under the supplementary medical insurance benefits program.

(e) *Standard; personnel policies.* There are written personnel policies, practices, and procedures that adequately support sound laboratory practice. The factors explaining the standard are as follows:

(1) Current employee records are maintained and include a résumé of each employee's training, experience, duties, and date or dates of employment.

(2) Files contain evidence of adequate health supervision of employees, such as results of preemployment and periodic physical examinations, including chest X-rays, immunization records, and records of all illnesses and accidents.

(3) Work assignments are consistent with qualifications.

(4) There is a program for employee orientation.

§ 405.1316 Condition—Clinical laboratory management.

The clinical laboratory maintains records and facilities which are adequate and appropriate for the services offered.

(a) *Standard; laboratory procedure manual.* A compilation of all methods for tests which are performed in or offered by the laboratory is kept and is available in the appropriate bench area in the laboratory in a card file, notebook, methods manual, procedural textbooks or set of flow charts. Each method must be completely described, including sources of reagents, media, standards, and calibration procedures. It includes pertinent references and should be dated. A record of changes in procedures, analytical methods and recalibration is maintained, dated, and approved in writing by the director or supervisor. Each procedure is reviewed and dated by the director or supervisor at least annually.

(b) *Standard; laboratory management.* Space and facilities are adequate to properly perform the services which are performed in or offered by the laboratory. The factors explaining the standard are as follows:

(1) Workbench space is ample, well-lighted and convenient to sink, water, gas, suction and electrical outlets as necessary.

(2) Work areas are arranged so as to minimize problems in transportation and communication.

(3) The laboratory is properly ventilated.

(4) Volatile chemicals and inflammable solvents are properly stored in areas unlikely to ignite same or restricted from open flame or heat.

(5) Temperature and humidity are controlled within limits required for proper performance of tests and operation of instruments affected by these variations.

(6) Adequate fire precautions are known, posted, and observed.

(c) *Standard; collection of specimens.* No person other than a licensed physician or one otherwise authorized by law, manipulates a patient for the collection of specimens except that qualified technical personnel of the laboratory may collect blood or remove stomach contents and collect material for smears and culture under the direction or upon the written request of a licensed physician.

(d) *Standard; sterilization.* Syringes, needles, lancets or other blood letting devices capable of transmitting infection from one person to another are not reused unless they are properly sterilized prior to each use after first having been wrapped or covered in a manner which will insure that they remain sterile until the next use. Appropriate sterilization and disinfection techniques are utilized as required for tests performed on potentially contaminated material and for the protection of laboratory personnel. Disposable syringes, needles, pipettes, Petri dishes, and other disposable items are appropriately discarded immediately after use. Each sterilizing cycle contains an indicator device which assures proper sterilization, or an adequate recording thermometer is used and records kept of temperature readings.

(e) *Standard; examination and reports.* The laboratory examines specimens only at the request of a licensed physician, dentist, or other person authorized by law to use the findings of laboratory examinations and reports only to those authorized by law to receive such results. The factors explaining the standard are as follows:

(1) If the patient is sent to the laboratory, a written request for the desired laboratory procedures is obtained from a person authorized by law to use findings of laboratory examinations.

(2) If only a specimen is sent, it is accompanied by a written request.

(3) If the laboratory receives reference specimens from another laboratory, it reports back to the laboratory submitting the specimens.

(f) *Standard; specimens—records.* The laboratory maintains a record indicating the daily accession of specimens each of

which is numbered or otherwise appropriately identified. The factor explaining the standard is as follows:

Records contain the following information:

(1) The laboratory number or other identification of the specimen.

(2) The name and other identification of the person from whom the specimen was taken.

(3) The name of the licensed physician or other authorized person or clinical laboratory which submitted the specimen.

(4) The date the specimen was collected by the physician or other authorized person.

(5) The date the specimen was received in the laboratory.

(6) The condition of unsatisfactory specimens when received (e.g., broken, leaked, hemolyzed or turbid, etc.).

(7) The type of test performed.

(8) The date test was performed.

(9) The result of the laboratory test or cross-reference to results and the date of reporting.

(g) *Standard; laboratory report and record.* The laboratory report is sent promptly to the licensed physician or other authorized person who requested the test and a suitable record of each test result is preserved by the laboratory for a period of at least 2 years after the date of submittal of report or for a period of time required by State law for such records, whichever is longer. The factors explaining the standards are as follows:

(1) The laboratory director is responsible for the laboratory report.

(2) Duplicate copies or a suitable record of laboratory reports are filed in the laboratory in a manner which permits ready identification and accessibility.

(3) Tissue pathology reports utilize acceptable terminology of a recognized system of disease nomenclature.

(4) The results of laboratory tests or procedures or transcripts thereof are not sent to the patient concerned except with the written consent of the physician or other authorized person who requested the test.

(5) The report forms are designed to facilitate comparison with pertinent "normal" ranges as determined by the laboratory performing the tests.

(6) A list of analytical methods employed by the laboratory and a basis for the listed "normal" range is maintained in the laboratory. The list shall be made available to any physician ordering an examination upon request.

(7) If the laboratory refers specimens to another laboratory, the laboratory receiving the specimens meets the applicable conditions under the health insurance program. Each physician ordering an examination is notified that the specimen was referred to another laboratory. Such notice must show the name and address of the laboratory to which the specimen is referred.

§ 405.1317 **Quality control.**

There is an adequate quality control program in effect to assure the medical reliability of laboratory data.

(a) *Standard; equipment and reagents.* Equipment and reagents are adequate to properly perform the services offered by the laboratory. The factors explaining the standard are as follows:

(1) Performance of all instruments and equipment is evaluated sufficiently often to insure proper function at all times. An effective system includes a preventive maintenance program plus an appropriate periodic inspection or test for proper operation of equipment and instruments. All automated analytical devices are recalibrated and checked according to the directions of the manufacturer.

(2) Volumetric measuring equipment is of such quality and maintained in such condition to assure accuracy and precision of results.

(3) Temperature-controlled equipment including incubators, water baths, refrigerators, and drying ovens are checked at appropriate intervals to assure accurate operation. Continuous monitoring by recording thermograph is done when appropriate.

(4) A record is maintained for each piece of equipment showing the date of inspection, record of repairs or recalibrations, and dates equipment was out of service.

(5) All solid and liquid reagents, solutions, and standards are prepared, stored, standardized, dispensed, and periodically analyzed to assure accuracy and precision of results. All reagents and solutions are labeled to indicate identity, titer, strength, or concentration. The label includes such pertinent information as hazards involved in use, recommended storage and appropriate dating indicating preparation and expiration date. Monitoring systems for reagents and materials are such as to demonstrate satisfactory performance by parallel testing with preparations of known acceptable quality.

(b) *Standard; specimen stability.* Specimens shipped to laboratories through the mail and accepted by them for analysis are sufficiently stable to assure satisfactory clinical accuracy.

(1) The methods used for the collection of specimens (including, when applicable, patient preparation prior to specimen collection), proper identification, storage, and preservation are recorded and made available to physicians using the services of the laboratory.

(2) Only specimens which are sufficiently stable to provide accurate and precise results suitable for clinical interpretation are accepted for analysis.

(c) *Standard; quality control systems—methodologies.* Provision is made for a quality control program covering all types of analysis performed by the laboratory for verification and assessment of accuracy, measurement of precision and detection of error. The factors explaining the standard are as follows:

(1) *Clinical chemistry.* Each method in clinical chemistry is rechecked at least once on each day of use. For each method, automated or manual, data is available to document the routine precision and the schedule of recalibration. At least one standard and one reference sample (control) is included with each run of unknown specimens where such standards and reference samples are available. Control charts are maintained and displayed.

(2) *Hematology.* Instruments and other devices used in hematological examination of specimens are recalibrated or retested or reinspected, as may be appropriate, each day of use. Reference materials, such as hemoglobin pools and stabilized cells, are tested at least once each day of use to insure accuracy of results. The accuracy and precision of blood cell counts and hematocrit and hemoglobin measurements are tested each day of use.

(3) *Immunohematology. Blood grouping—RH typing only.* (i) ABO grouping shall be performed by testing unknown red cells with anti-A and anti-B grouping serums licensed under Part 73, Title 42, Code of Federal Regulations, using the technique for which the serum is specifically designed to be effective. For confirmation of ABO groupings, the unknown serum shall be tested with known A^1 and B red cells.

(ii) The potency and reliability of reagents shall be checked each day of use.

(iii) The Rh_o(D) type shall be determined by testing unknown red cells with anti-Rh_o (anti-D) typing serum licensed under Part 73, Title 42, Code of Federal Regulations, or possessing equivalent potency, using the technique for which the serum is specifically designed to be effective. Anti-Rh_o' (CD), anti-Rh_o'' (DE), and anti-Rh_orh'rh'' (CDE) serums licensed pursuant to Part 73, Title 42, Code of Federal Regulations, may be used for typing of donor blood. All Rh_o negative donor and patient cells shall be tested for the Rh_o variant (D^u). A control system of patient's cells suspended in his own serum or in albumin is employed when the test is performed in a protein medium.

(iv) Rh_o(D) positive and negative control tests are used for each test system employed to check the reactivity of the anti-Rh_o(D) serum each day of use. Reactivity of known cells used for antibody screening is tested each day of use with a suitable positive and negative control. The reactivity of antihuman globulin reagents (Coombs' serum) is tested each day of use and whenever a new lot of reagent is used.

(4) *Microbiology.* Chemical and biological solutions, reagents, and antisera are tested and inspected before or concurrently with use for reactivity and deterioration.

(i) *Bacteriology and mycology.* Staining materials are tested for intended reactivity by concurrent application to smears or micro-organisms with predictable staining characteristics. Each batch of medium is tested before or concurrently with use with selected organisms to confirm required growth characteristics, selectivity, enrichment, and biochemical response.

(ii) *Parasitology.* A reference collection of slides, photographs, or gross

specimens of identified parasites is available in the laboratory for appropriate comparison with diagnostic specimens. A calibrated ocular micrometer is used for determining the size of ova and parasites, if size is a critical factor.

(iii) *Virology.* Systems for the isolation of viruses and reagents for the identification of viruses is available to cover the entire range of viruses which are offered. Records are maintained which reflect the systems used and the reactions observed. In tests for the identification of viruses, controls are employed which will identify erroneous results. If serodiagnostic tests for virus diseases are performed, requirements for quality control as specified for serology are complied with.

(5) *Serology.* (i) Serologic tests on unknown specimens are run concurrently with a positive control serum of known titer or control of graded reactivity plus a negative control in order to detect variations in reactivity levels.

(ii) Each new lot of reagency is tested concurrently with one of known acceptable reactivity before the new reagent is placed in routine use.

(iii) Equipment, glassware, reagents, controls, and techniques for tests for syphilis conform to those recommended in the latest U.S. DHEW, PHS publication pertaining to the performance of tests for syphilis.[1]

(6) *Radiobioassay.* The counting equipment is checked for stability at least once on each day of use, with radioactive standards or reference sources. Reference samples with known activity and within expected levels of normal samples, are processed in replicate quarterly. For each method, records are maintained and are available to staff to document the routine precision and the recalibration schedule.

(7) *Diagnostic cytology; Histopathology; Oral pathology*—(i) *Diagnostic cytology.* The qualified physician director or supervisor rescreens for proper staining and correct interpretation at least a 10 percent random sample of gynecological smears which have been interpreted to be in one of the benign categories by cytotechnologists. All gynecological smears interpreted to be in the "suspicious" or positive categories by screeners are confirmed by the qualified physician supervisor, and the report is signed by a physician qualified in pathology or cytology. All nongynecological preparations, positive and negative, are reviewed. Nonmanual methods provide quality control similar to that provided in other nonmanual laboratory procedures. All smears are retained for not less than 2 years from date of examination.

(ii) *Histopathology and oral pathology.* All special stains are controlled for intended reactivity by use of positive slides. Stained slides are retained for intended reactivity by use of positive slides. Stained slides are retained for not less than 2 years from date of examination and blocks are retained for not less than 1 year from such date. Remnants of tissue specimens are retained in a fixative solution until those portions submitted for microscopy have been examined and a diagnosis made by a pathologist.

[1] Obtainable from U.S. Government Printing Office.

[FR Doc.72-2298 Filed 2-15-72;8:53 am]

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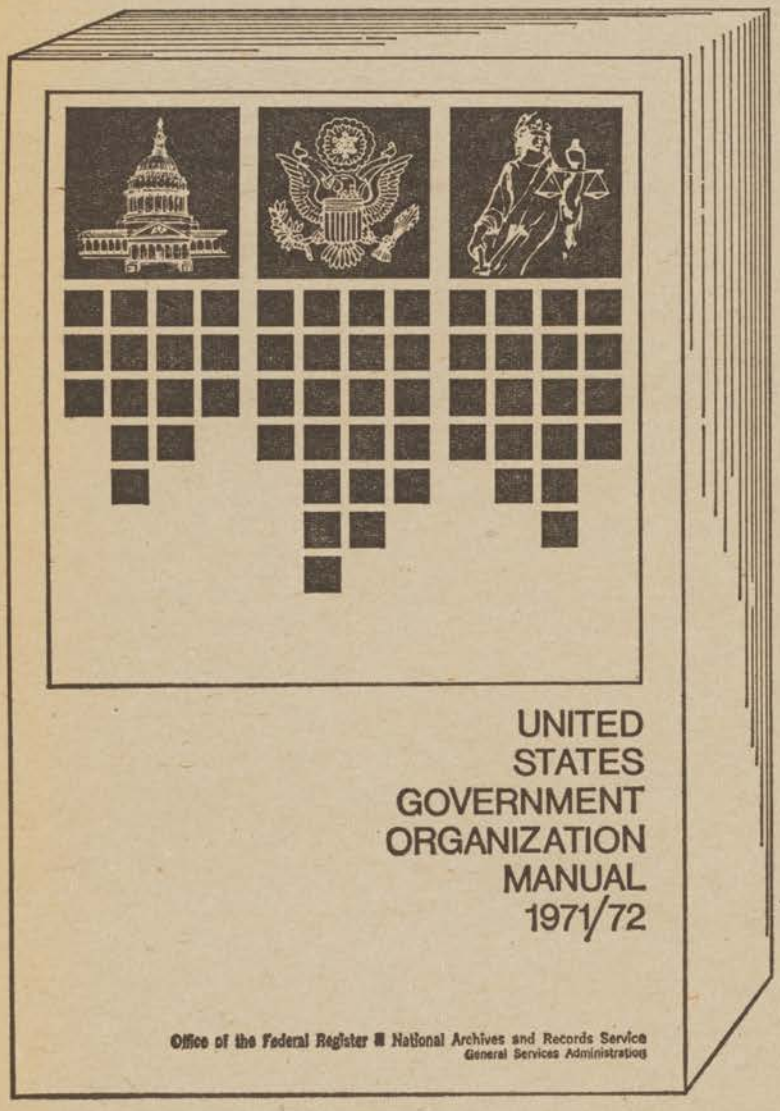

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