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

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Title 3—The President

EXECUTIVE ORDER 11650

Inspection by Certain Classes of Persons and State and Federal Government Establishments of Returns Made in Respect of Certain Taxes Imposed by the Internal Revenue Code of 1954

By virtue of the authority vested in me by section 6103(a) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 6103(a)), it is hereby ordered that returns made in respect of the taxes imposed by chapters 1, 2, 3, 5, 6, 11, 12, and 32, subchapters B and C of chapter 33, subchapter B of chapter 37, and chapter 41 of such Code shall be open to inspection by certain classes of persons and State and Federal Government establishments in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury decision 6543, relating to inspection and use of returns by such classes of persons and State and Federal Government establishments, approved by the President on January 17, 1961, the amendments thereto approved by the President on April 4, 1963, and March 18, 1965, and the amendment thereto approved by me this date.

Richard Nixon

THE WHITE HOUSE,
February 16, 1972.

[FR Doc.72-2592 Filed 2-16-72; 2:58 pm]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the position of Deputy Assistant Secretary for Legislation (Congressional Liaison) is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (2–19–72), subparagraph (12) is added to paragraph (f) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(f) *Office of the Assistant Secretary for Legislation.* * * *

(12) One Deputy Assistant Secretary for Legislation (Congressional Liaison).

* * * * *

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

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

[FR Doc.72–2596 Filed 2–18–72;8:49 am]

PART 213—EXCEPTED SERVICE

Occupational Safety and Health Review Commission

Section 213.3344 of Schedule C is amended to reflect the following title change: From Confidential Assistant to the Chairman to Special Assistant to the Chairman.

Effective on publication in the FEDERAL REGISTER (2–19–72), paragraph (a) of § 213.3344 is amended as set out below.

§ 213.3344 Occupational Safety and Health Review Commission.

(a) One Special Assistant to the Chairman.

* * * * *

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

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

[FR Doc. 72–2597 Filed 2–18–72; 8:49 am]

PART 213—EXCEPTED SERVICE

Selective Service System

Section 213.3346 is amended to show that the position of Chief, Management Evaluation Group, is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (2–19–72), paragraph (e) is added to § 213.3346 as set out below.

§ 213.3346 Selective Service System.

* * * * *

(e) Chief, Management Evaluation Group.

(5 U.S.C. secs. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

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

[FR Doc.72–2598 Filed 2–18–72;8:49 am]

Title 6—ECONOMIC STABILIZATION

Chapter IV—Internal Revenue Service

PART 401—PROCEDURAL RULES RELATING TO ECONOMIC STABILIZATION MATTERS

Inspection of Internal Revenue Economic Stabilization Records

Part 401—Procedural Rules relating to Economic Stabilization matters is amended by adding a new Subpart K.

Subpart K, as set forth below, authorizes officers and employees of the Department of the Treasury (including the Internal Revenue Service and Office of the Chief Counsel for the Internal Revenue Service) and the Department of Justice to inspect the records of the Internal Revenue Service relating to economic stabilization matters and establishes procedures to be followed for such inspection.

Since the procedures set forth are essential to the immediate implementation of Executive Order No. 11640 and the amendment made by the Economic Stabilization Act amendments of 1971 (85 Stat. 743), the Revenue Service finds that their publication in accordance with usual rule making procedures is impracticable and that good cause exists for promulgating them in less than 30 days.

Subpart K shall become effective upon its filing for publication in the FEDERAL REGISTER.

JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

A new Subpart K is added to 6 CFR Part 401 to read as follows:

Subpart K—Inspection of Internal Revenue Economic Stabilization Records

§ 401.1001 Inspection of Internal Revenue Service stabilization records by Department of the Treasury and Department of Justice.

(a) *In general.* Pursuant to the provisions of section 205 of the Economic Stabilization Act of 1970 (Public Law 91–379, 84 Stat. 799), as amended by the Economic Stabilization Act Amendment of 1971 (Public Law 92–210, 85 Stat. 747), officers and employees of the Department of the Treasury (including the Internal Revenue Service and the Office of the Chief Counsel for the Internal Revenue Service) and the Department of Justice whose official duties require inspection of returns made in respect of any tax described in paragraph (a)(2) of § 301.6103(a)–1 of 26 CFR Part 301, or include the administration or enforcement of the provisions of the Economic Stabilization Act of 1970, as amended, may inspect the stabilization records of the Internal Revenue Service without making written application therefor. If the head of a bureau or office in the Department of the Treasury (not a part of the Internal Revenue Service or the Office of Chief Counsel for the Internal Revenue Service), or the Department of Justice, desires to inspect, or to have an employee of his bureau or office inspect, any such records in connection with some matter officially before him for reasons other than tax administration purposes or the administration or enforcement of the provisions of the Economic Stabilization Act of 1970, as amended, the inspection may, in the discretion of the Secretary of the Treasury or the Commissioner of Internal Revenue or the delegate of either, be permitted upon written application by the head of the bureau or office desiring the inspection. The application shall be made to the Commissioner of Internal Revenue, Washington, D.C. 20224, and shall show the name and address of the person about whom records are to be inspected and the reason why inspection is desired. The information obtained from inspection pursuant to this paragraph may be used as evidence in any proceeding, conducted by or before any department or establishment of the United States, or to which the United States is a party.

(b) *Definitions of terms*—(1) *Stabilization records.* For purposes of this section, the term "stabilization records" includes—

(i) All schedules, lists, written statements, or other written documents filed

by or on behalf of any person with the Internal Revenue Service, and

(ii) All other reports, information received orally or in writing, factual data, documents, papers, abstracts, memoranda, or evidence taken, or any portion thereof, relating to any person and held by the Internal Revenue Service,

to the extent any such item is with respect to the administration or enforcement of any provision of the Economic Stabilization Act of 1970, as amended, and is not part of a return (as defined in § 301.6103(a)-1(a)(3)(i) of 26 CFR Part 301).

(2) *Person.* For purposes of this section, the term "person" has the meaning given to such term under section 7701(a)(1) of the Internal Revenue Code of 1954 (68A Stat. 911; 26 U.S.C. 7701(a)(1)).

(Sec. 205, Economic Stabilization Act of 1970, Public Law 91-379, 84 Stat. 799; as amended by Economic Stabilization Act Amendment, 1971, Public Law 92-210, 85 Stat. 747)

[FR Doc.72-2583 Filed 2-18-72;8:46 am]

Title 7—AGRICULTURE

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

[Navel Orange Regulation 255, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(i), and (ii) of § 907.555 (Navel Orange Regulation 255, 37 F.R. 2927) during the period February 11, 1972, through February 17, 1972, are hereby fixed as follows:

§ 907.555 Navel Orange Regulation 255.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 996,000 cartons;

(ii) District 2: 204,000 cartons.

* * * * *

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

Dated: February 15, 1972.

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

[FR Doc.72-2576 Filed 2-18-72;8:48 am]

[Lemon Reg. 521]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.821 Lemon Regulation 521.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 15, 1972.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period February 20, through February 26, 1972, is hereby fixed at 215,000 cartons.

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

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

Dated: February 16, 1972.

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

[FR Doc.72-2641 Filed 2-18-72;8:51 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Bagging and Bale Tie Specifications

On page 19411 of the FEDERAL REGISTER of October 5, 1971, there was published a notice that the specifications for jute bagging and ties used in wrapping cotton tendered to Commodity Credit Corporation (hereinafter referred to as "CCC") under its cotton loan program (34 F.R. 7388, 36 F.R. 13804) were being reviewed to determine whether, beginning with the 1972 crop, they should be continued, modified, or rescinded. Notice thereof was published to give interested persons an opportunity to submit written data, views, and recommendations regarding the specifications. One hundred and sixteen responses were received from members of the cotton industry and other interested parties. While there was considerable variation in views, most responses recommended retention of the current specifications and expansion of the specifications to include other types of bagging and bale ties, based upon recommendations of the Joint Industry Bale Packaging Committee. After consideration of all responses and the recommendations of the Joint Committee, it has been determined that detailed specifications should be continued for the 1972 crop of cotton and augmented to include

other types of bagging and bale ties recommended by the Joint Committee. Accordingly, the specifications appearing in 34 F.R. 7388, as amended, are hereby rescinded and replaced by the regulations now being issued.

The regulations issued by CCC, published in 36 F.R. 13981 as the Cotton Loan Program Regulations, and containing the terms and conditions with respect to the Cotton Loan Program, as amended, are supplemented as follows:

Subpart—Bagging and Bale Tie Specifications

Sec.
1427.1901 Purpose.
1427.1902 Specifications for bale ties and buckles.
1427.1903 Specifications for bagging.
1427.1904 Test methods.

AUTHORITY: The provisions of this subpart issued under secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 (b) and (c); 7 U.S.C. 1441, 1444, 1421.

§ 1427.1901 Purpose.

This subpart is for the purpose of announcing the bagging and bale tie specifications applicable to wrapping 1972 and subsequent crop cotton tendered to CCC for loans, unless otherwise approved by the Executive Vice President, CCC or his designee: *Provided, however,* That all bales of cotton packaged and identified with the testing program of the Joint Industry Experimental Bale Packaging Committee sponsored by the National Cotton Council will be exempt from the provisions of this subpart.

§ 1427.1902 Specifications for bale ties and buckles.

(a) *Conventional hot rolled steel ties and buckles.* The total weight of bale ties and buckles to tie each bale of cotton shall be not less than 8½ pounds. Each bale of cotton must have not less than (1) six ties for flat bales (bales having densities less than 23 pounds per cubic foot), (2) eight ties for standard density bales (bales having densities of at least 23 but less than 27 pounds per cubic foot), or (3) eight ties for universal density bales (bales having densities of 27 through 31 pounds per cubic foot).

(b) *Cold rolled high tensile steel strapping*—(1) *For use on flat bales.* The strapping shall have a minimum width of three-fourths of an inch and minimum thickness of 0.025 inch with zero tolerance, minimum weight of 1 pound per 15.7 linear feet of strapping or 4 pounds per bale of cotton, minimum breaking strength of 2,400 pounds, minimum joint efficiency of 85 percent or 2,040 pounds, minimum of six ties per bale, and the supplier's name or trademark must be printed or embossed on every 36 inches of strapping. This strapping is approved for use on flat bales stored only in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia.

(2) *For use on gin standard density and gin universal density bales.* The strapping shall have a minimum width of three-fourths of an inch and minimum thickness of 0.031 inch with zero tolerance, minimum weight of 1 pound per 12.7 linear feet of strapping or 5 pounds per bale of cotton, minimum breaking strength of 3,200 pounds with minimum joint efficiency of 85 percent or 2,720 pounds for gin standard density bales or 4,000 pounds with minimum joint efficiency of 85 percent or 3,400 pounds for gin universal density bales, minimum of eight ties per bale, and the supplier's name or trademark must be printed or embossed on every 36 inches of strapping.

(c) *Wire ties*—(1) *For use on flat bales.* The ties shall be 9 gauge or 0.148 inch diameter wire with a plus or minus tolerance of 1 percent. The minimum breaking strength, including joint, must not be less than 2,100 pounds. There shall be a minimum of six ties per bale and a minimum weight of 4 pounds per bale. These ties are approved for use on flat bales stored only in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia.

(2) *For use on gin standard density and gin universal density bales.* The ties shall be 9 gauge or 0.148 inch diameter wire with a plus or minus tolerance of 1 percent. The minimum breaking strength of the wire must not be less than 3,400 pounds with the joint placed on top of the bale. If the joint is placed on the side of the bale, the minimum breaking strength of the wire must not be less than 3,400 pounds with a joint efficiency of not less than 90 percent or 3,200 pounds with a joint efficiency of not less than 95 percent. There must be a minimum of eight ties per bale and a minimum weight of 4 pounds per bale.

§ 1427.1903 Specifications for bagging.

Each bale must be wrapped with a pattern of bagging consisting of two pieces (panels) of bagging material. All bagging material must be clean, in sound condition and of sufficient strength to adequately protect the cotton. The material must not have salt or other corrosive material added and must not contain sisal or other hard fiber or any other material which will contaminate or adversely affect cotton as determined by the President or Executive Vice President, Commodity Credit Corporation.

(a) *New jute bagging used to wrap flat bales.* Each one-half pattern (panel) of new jute bagging used to wrap flat bales must not be less than 108 inches or more than 115 inches in length and must not be less than 47 inches or more than 56 inches in width. The bagging must contain not less than 41 warp yarns per 12 inches of bagging of a size equal to or larger than the weft (filling) yarns and must contain not less than 25 weft (filling) yarns per 12 inches of bagging. The bagging must weigh not less than 11¼ and not more than 13¼ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain).

(b) *New jute bagging used to wrap gin standard density and gin universal density bales.* Each one-half pattern (panel) of new jute bagging used to wrap gin standard density or gin universal density bales must not be less than 96 inches or more than 102 inches in length and must not be less than 40 inches or more than 48 inches in width. The bagging must contain not less than 150 warp yarns per 40 inches of bagging of a size equal to or larger than the weft (filling) yarns, must contain not less than 25 weft (filling) yarns per 12 inches of bagging, and must weigh not less than 7½ and not more than 8¾ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain): *Provided,* That new jute bagging material meeting the warp and weft requirements for jute bagging used on flat bales and weighing not less than 8¾ and not more than 11¼ pounds per pattern at 13.75 percent moisture content (not moisture regain) may be used to wrap gin standard density and gin universal density bales.

(c) *Salvage jute (burlap) bagging used to wrap flat bales.* (1) Each one-half pattern (panel) of salvage jute bagging used to wrap flat bales must not be less than 108 inches or more than 115 inches in length and must be not less than 47 inches or more than 56 inches in width. The bagging must be processed specifically for cotton bale coverings from once-used good quality closely woven heavy jute bags previously used for sugar, coffee, cocoa, or other products approved by the President or Executive Vice President, CCC. The bagging must weigh not less than 11¼ and not more than 13¼ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain).

(2) Each one-half pattern must be composed of not more than three pieces of used bag cloth of the same construction and weight. There must not be more than two crosswise sewn seams and no lengthwise sewn seams in any one-half pattern. (Seams, hems, and necessary patches in the original bags from which the bagging is made will not be considered sewn seams.) Overlap at seams and patches must not be greater than 3½ inches. Overlaps, patches, and hems sewn into bagging to increase the weight of lightweight material will not be permitted. Sewn seams must be such that the edges of the joined pieces coincide to make a symmetrical one-half pattern without appreciable displacement of the edge of one piece of bagging relative to the edge of the adjoining piece in the seam. Sewing must be with strong thread with not larger than ⅜-inch stitching.

(d) *Salvage jute (burlap) bagging used to wrap gin standard density and gin universal density bales.* (1) Each one-half pattern (panel) of salvage jute bagging used to wrap gin standard density or gin universal density bales must not be less than 40 inches or more than 48 inches in width and must be not less than 96 inches or more than 102 inches in length. The bagging must be processed specifically for cotton bale coverings from once-used good quality closely woven heavy jute bags previously used for sugar, coffee, cocoa, or other products approved by the President or Executive Vice President, CCC. The bagging must weigh not less than 7½ and not more than 11¼ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain).

(2) Each one-half pattern must be composed of not more than two pieces of used bag cloth of the same construction and width. There must not be more than one crosswise sewn seam and no lengthwise sewn seams in any one-half pattern. (Seams, hems, and necessary patches in the original bags from which the bagging is made will not be considered sewn seams.) Overlap at seams and patches must not be greater than 3½ inches. Overlaps, patches, and hems sewn into bagging to increase the weight of lightweight material will not be permitted. Sewn seams must be such that the edges of the joined pieces coincide to make a symmetrical one-half pattern without appreciable displacement of the edge of one piece of bagging relative to the edge of the adjoining piece in the seam. Sewing must be made with strong thread with not larger than ⅜-inch stitching.

(e) *Cotton bagging used to wrap flat bales.* Cotton bagging may be used to wrap flat bales stored only in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia. Each one-half pattern of cotton bagging must not be less than 108 inches or more than 112 inches in length and must not be less than 45 inches or more than 48 inches in width. The bagging must contain not less than 120 warp yarns (plied or single) per 12 inches of bagging of a size equal to or larger than the weft (filling) yarns, must contain not less than 78 weft (filling) yarns (plied or single) per 12 inches of bagging and must weigh not less than 2½ pounds per pattern at 13.75 percent moisture content (not moisture regain).

(f) *Cotton bagging used to wrap gin standard density or gin universal density bales.* Each one-half pattern of cotton bagging used to wrap gin standard density or gin universal density bales must not be less than 100 inches or more than 104 inches in length and must not be less than 45 inches or more than 48 inches in width. The bagging must contain not less than 120 warp yarns (plied or single) per 12 inches of bagging of a size equal to or larger than the weft (filling) yarns, must contain not less than 78 weft (filling) yarns (plied or single) per 12 inches of bagging, and must weigh not less than 2¼ pounds per pattern (two panels) at 13.75 moisture content (not moisture regain).

§ 1427.1904 Test methods.

The following testing methods will be used by CCC in determining whether bagging and bale ties and buckles or fasteners used to package cotton tendered for CCC loans beginning with the 1972 crop of cotton meets the above specifications. Each sample of bagging selected for testing will consist of one-half pattern.

(a) *Length.* The length of the sample will be measured directly using a measuring stick, steel tape, or other suitably graduated device. The sample will be laid out flat on a smooth horizontal surface and the length of both selvages measured. The length of the sample will be the average of the two selvage measurements rounded to the nearest inch. Measurement will be made on the sample in equilibrium with standard atmospheric conditions as specified in A.S.T.M. D 1776–62T.

(b) *Width.* The width of the sample will be measured directly using a measuring stick, steel tape, or other suitably graduated device and will include the selvages. The sample will be laid out flat on a smooth horizontal surface and the measurements made perpendicular to the selvages. Three width measurements will be taken on each sample. One measurement will be made at the center of the sample and two other measurements will be made approximately 12 inches in from each end of the sample. The average of the three measurements, rounded to the nearest inch, will be the width. Measurements will be made on the sample in equilibrium with standard atmospheric conditions as specified in A.S.T.M. D 1776–62T.

(c) *Warp yarn count.*[1] For new jute and cotton bagging, the number of warp ends in the width of the sample, including the selvages, will be counted at each end of the sample. The average of the two counts will be divided by the width, as determined above. This figure will be multiplied by 12 to determine warp yarns per 12 inches of bagging or by 40 to determine warp yarns per 40 inches of bagging.

(d) *Weft yarn count.*[1] The number of weft (filling) yarns over a measured length of 36 inches on each sample of new jute and cotton bagging will be counted. The number counted divided by 3 will be the weft yarn count per 12 inches.

(e) *Weight of bagging.* The weight of bagging will be determined by weighing on suitable accurate scales and the weight per pattern determined to the nearest one-quarter pound. Several patterns (or bales of bagging patterns) may be weighed simultaneously and the weight averaged. The weight will be calculated on the basis of 13.75 percent moisture content (not moisture regain).

(f) *Weight and strength of bale ties and buckles.* The bale ties and buckles will be weighed on suitable accurate scales and the weight determined to the nearest one-half pound. A bundle or package of ties and buckles may be weighed and averaged to determine the weight of ties and buckles necessary to package a bale of cotton. For high tensile steel strapping, a given number of feet of strapping will be weighed to determine the number of feet of strapping per pound. Breaking strength and joint efficiency tests will be made only when determined to be necessary.

Effective date. This subpart is effective for all loans made on 1972 and subsequent crops cotton.

Signed at Washington, D.C., on February 14, 1972.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.72-2586 Filed 2-18-72;8:49 am]

[1] Not applicable to jute bagging manufactured from salvage jute (burlap) bags.

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 100—STATEMENT OF ORGANIZATION

PART 238—CONTRACTS WITH TRANSPORTATION LINES

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. District No. 24—Cleveland, Ohio, of subparagraph (3) *Ports of entry for alien arriving by aircraft* of paragraph (c) *Suboffices* of § 100.4 *Field service* is amended by deleting therefrom: "Put In Bay, Ohio, Put In Bay Airport."

2. In § 100.4, paragraph (d) is amended in the following respects: Sector No. 6 is amended by deleting therefrom "Minot, N. Dak."; Sector No. 7 is amended by deleting therefrom "Sweetgrass, Mont." and by adding thereto in alphabetical sequence "Twin Falls, Idaho"; Sector No. 11 is amended by deleting therefrom "Oceanside, Calif." and by adding thereto in alphabetical sequence "San Clemente, Calif."; Sector No. 15 is amended by adding thereto in alphabetical sequence "Truth or Consequences, N. Mex."; Sector No. 16 is amended by adding thereto in alphabetical sequence "Van Horn, Tex."; Sector No. 21 is amended by deleting therefrom "Texarkana, Ark." and by adding thereto in alphabetical sequence "Little Rock, Ark." and "Miami, Okla."; and Sector No. 22 is amended by adding thereto in alphabetical sequence "Orlando, Fla." As amended, § 100.4(d) reads as follows:

(d) *Border Patrol sectors.* Border Patrol sector headquarters and stations are situated at the following locations:

* * * * *

SECTOR NO. 6—GRAND FORKS, N. DAK.

Bottineau, N. Dak.
Grand Forks, N. Dak.
Gran Marais, Minn.
International Falls, Minn.
Pembina, N. Dak.
Portal, N. Dak.
Warroad, Minn.

SECTOR NO. 7—HAVRE, MONT.

Browning, Mont.
Havre, Mont.
Malta, Mont.
Shelby, Mont.
Twin Falls, Idaho
Wolf Point, Mont.

* * * * *

SECTOR NO. 11—CHULA VISTA, CALIF.

Campo, Calif.
Chula Vista, Calif.
El Cajon, Calif.
Oxnard, Calif.
San Clemente, Calif.
San Luis Obispo, Calif.
Temecula, Calif.

* * * * *

SECTOR NO. 15—EL PASO, TEX.

Alamogordo, N. Mex.
Carlsbad, N. Mex.
Columbus, N. Mex.

El Paso, Tex.
Fabens, Tex.
Fort Hancock, Tex.
Las Cruces, N. Mex.
Lordsburg, N. Mex.
Sierra Blanca, Tex.
Truth or Consequences, N. Mex.

SECTOR NO. 16—MARFA, TEX.

Alpine, Tex.
Amarillo, Tex.
Big Spring, Tex.
Fort Stockton, Tex.
Lubbock, Tex.
Marfa, Tex.
Pecos, Tex.
Presidio, Tex.
Sanderson, Tex.
Van Horn, Tex.

* * * * *

SECTOR NO. 21—NEW ORLEANS, LA.

Baton Rouge, La.
Gulfport, Miss.
Lake Charles, La.
Little Rock, Ark.
Miami, Okla.
Mobile, Ala.
New Orleans, La.
Pensacola, Fla.

SECTOR NO. 22—MIAMI, FLA.

Jacksonville, Fla.
Miami, Fla.
Orlando, Fla.
Tampa, Fla.
West Palm Beach, Fla.

* * * * *

1. The listing of transportation lines in subparagraph (1) *Canada* of paragraph (b) *Agreements with transportation lines* of § 238.2 *Transportation lines bringing aliens to the United States from or through foreign contiguous territory or adjacent islands and lines bringing aliens destined to the United States into such territory or islands* is amended by adding the following transportation line in alphabetical sequence: "Japan Air Lines Company, Ltd."

2. The listing of transportation lines in paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by adding the following transportation line in alphabetical sequence: "Murray Hill Limousine Service Ltd."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER (2-19-72) except with regard to the amendment to § 100.4(c)(3) which shall become effective on February 24, 1972. Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment to § 100.4(d) relates to agency management; and the amendments to §§ 238.2(b)(1) and 238.3(b) each add a transportation line to the listings. With regard to the amendment to § 100.4(c)(3) which shall become effective February 24, 1972, notice of proposed rule making and delayed effective date is unnecessary because the amendment relates to agency management.

Dated: February 15, 1972.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.72-2488 Filed 2-18-72;8:49 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-SO-165]

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

Alteration of Federal Airway Segment

On December 9, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 23398) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter VOR Federal airway No. 7, west alternate segment between Birmingham, Ala., and Muscle Shoals, Ala.

Interested persons were afforded an opportunity to participate in the proposed 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 § 71.123 (37 F.R. 2009) V-7 is amended by deleting "INT Birmingham 313°" and substituting "INT Birmingham 298°" 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 Washington, D.C., on February 14, 1972.

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

[FR Doc.72-2568 Filed 2-18-72;8:48 am]

[Airspace Docket No. 71-WE-59]

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

Alteration of Control Zone and Transition Area

On January 4, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 21) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Thermal, Calif., control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are hereby adopted subject to the following changes.

Change the FEDERAL REGISTER citations of the control zone and transition area to read "§ 71.171 (37 F.R. 2056)" and "§ 71.181 (37 F.R. 2143)" respectively. In the text of the transition area delete "R-2501" and substitute "R-2521" therefor.

Effective date. These amendments shall be effective 0901 G.m.t., April 27, 1972.

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

Issued in Los Angeles, Calif., on February 10, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

In § 71.171 (37 F.R. 2056) the following control zone is added:

THERMAL, CALIF.

Within a 5-mile radius of Thermal Airport (latitude 33°37'40" N., longitude 116°09'45" W.)

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

THERMAL, CALIF.

That airspace extending upward from 700 feet above the surface within 3.5 miles each side of the Thermal VORTAC 140° radial, extending from the VORTAC to 8 miles southeast of the VORTAC, within 3.5 miles southwest of and parallel to the Thermal VORTAC 155° radial, extending from the VORTAC to 6.5 miles southeast of the VOR TAC and within 3 miles each side of the Thermal VORTAC 324° radial, extending from the VORTAC to 16 miles northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 9.5 miles northeast and 5 miles southwest of the Thermal VORTAC 140° radial extending from the VORTAC to 20 miles southeast of the VORTAC, excluding the portion within R-2521.

[FR Doc.72-2569 Filed 2-18-72;8:48 am]

[Airspace Docket No. 71-WE-60]

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

Alteration of Control Zone and Transition Area; Correction

On February 3, 1972, F.R. Doc. 72-1574 was published in the FEDERAL REGISTER (37 F.R. 2572). This document altered the descriptions of the Bakersfield, Calif.,

control zone and transition area. A review of the description of the transition area revealed that the latitude in the geographical coordinates of Meadows Field was incorrect. Action is taken herein to affect this change.

Since this change is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon is unnecessary.

In view of the foregoing in F.R. Doc. 72-1574 (37 F.R. 2572) is amended by deleting "* * * (latitude 39°25'40" N., * * *)" in the description of the Bakersfield, Calif., transition area and substituting "* * * (latitude 35°25'40" N., * * *)" therefor.

Effective date. The effective date of the original document may be retained (0901 G.m.t., March 30, 1972).

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

Issued in Los Angeles, Calif., on February 10, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.72-2570 Filed 2-18-72;8:48 am]

[Airspace Docket No. 71-WE-64]

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

Alteration of Transition Area

On January 4, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 21) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Marysville, Calif., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following change.

Change the FEDERAL REGISTER citation to read "In § 71.181 (37 F.R. 2143) * * *"

Effective date. This amendment shall be effective 0901 G.m.t., April 27, 1972.

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

Issued in Los Angeles, Calif., on February 10, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

In § 71.181 (37 F.R. 2143) the description of the Marysville, Calif., transition area is amended as follows:

In the third line of the text delete the numeral "* * * 8 * * *" and substitute "* * * 9 * * *" therefor. In the fourth line of the text delete "* * * 6.5 * * *" and substitute "* * * 17 * * *" therefor.

[FR Doc.72-2571 Filed 2-18-72;8:48 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Dimethylsulfoxide (DMSO)

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343-51; 21 U.S.C. 360b, 371(a)) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120) § 3.52 is amended as follows:

1. In paragraph (d)(1) by adding the words "§ 130.3a(a) and" after the words "in accord with."

2. By deleting subparagraph (d)(3).

Since these changes are editorial in nature, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (2-19-72).

(Sec. 512, 701(a), 52 Stat. 1055, 82 Stat. 343-51; 21 U.S.C. 360b, 371(a))

Dated: February 10, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2548 Filed 2-18-72;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

POLYVINYLPYRROLIDONE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1A2673) filed by GAF Corp., 140 West 51st Street, New York, N.Y. 10020, and other relevant material, concludes that the food additive regulations should be amended as set forth below to provide for the safe use of polyvinylpyrrolidone as a clarifying agent in wine.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1139(b) is amended by adding alphabetically to the list of foods a new item as follows:

§ 121.1139 Polyvinylpyrrolidone.

* * * * *

(b) The additive is used or intended for use in foods as follows:

Food	*Limitations*
* * *	* * *
Wine	As a clarifying agent, at a residual level not to exceed 60 parts per million.

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

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2-19-72).

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

Dated: February 10, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2549 Filed 2-18-72;8:45 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7162]

PART 301—PROCEDURE AND ADMINISTRATION

Inspection of Returns by Certain Classes of Persons and State and Federal Government Establishments

In order to clarify the definition of the term "return" under section 6103 of the Internal Revenue Code of 1954, the Regulations on Procedure and Administration (26 CFR Part 301) under such section are amended as follows:

Section 301.6103(a)-1 is amended by revising subparagraph (3)(i) of paragraph (a). The amended provision reads as follows:

§ 301.6103(a)-1 Inspection of returns by certain classes of persons and State and Federal Government establishments pursuant to Executive order.

(a) *In general.* * * *

(3) *Terms used*—(i) *Return.* For purposes of section 6103(a), the term "return" includes—

(*a*) Information returns, schedules, lists, and other written statements filed by or on behalf of the taxpayer with the Internal Revenue Service which are designed to be supplemental to or become a part of the return, and

(*b*) Other records, reports, information received orally or in writing, factual

data, documents, papers, abstracts, memoranda, or evidence taken, or any portion thereof, relating to the items included under (*a*) of this subdivision.

The items listed in (*b*) of this subdivision may be open to inspection in any case where inspection of the return is authorized by section 6103(a) and these regulations only in the discretion of the Secretary or the Commissioner or the delegate of either. The above rules and procedures also apply to any reproductions or recordings by whatever means made of any such documents or portion thereof. A notice of acquisition filed under section 4917 is a return for purposes of section 6103. An application for exemption from income tax under section 501(a) filed by an organization described in section 501 (c) or (d) in order to establish its exemption is not a return for purposes of section 6103. For provisions opening to public inspection exemption applications with respect to which a determination has been made that the organization is entitled to exemption from income tax under section 501(a), see section 6104(a) and § 301.-6104-1.

* * * * *

Because this Treasury decision constitutes a general statement of policy and establishes rules of departmental practice and procedure, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

CHARLS E. WALKER,
Acting Secretary of the Treasury.

Approved: February 16, 1972.

RICHARD NIXON,
The White House.

[FR Doc.72-2662 Filed 2-18-72;8:51 am]

Title 32—NATIONAL DEFENSE

Chapter XIV—Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1467—MANDATORY EXEMPTION OF CONTRACTS AND SUBCONTRACTS FOR STANDARD COMMERCIAL ARTICLES OR SERVICES

Modifications of an Article

The Renegotiation Board hereby adopts, without change, the proposed amendment published on January 5, 1972 (37 F.R. 99). Such regulation, as adopted, reads as set forth below.

Dated: February 16, 1972.

RICHARD T. BURRESS,
Chairman.

In § 1467.47 the term "article" is amended by adding at the end thereof a new paragraph (c) to read as follows:

§ 1467.47 The term "article."

* * * * *

(c) *Modifications of an article*—(1) *Definitions.* For the purposes of this paragraph, the term "modification" means any accessory, change, or addition to an article; and the term "modified article" means an article containing one or more modifications.

(2) *Separate consideration of article and modifications.* If, notwithstanding the modifications of an article, the article and the modified article are articles of the same kind within the meaning of § 1467.51(d), a sale of the modified article will, for the purposes of section 106(e) of the Act, be deemed to consist of a sale of the article and a sale of each modification, and each such item will be considered a separate article, without regard to whether the consideration for each item is separately stated in the contract or invoice. Accordingly, the provisions of section 106(e) of the Act will be applied separately to each part of the price of the modified article, to wit, the part attributable to the article and the parts attributable to the respective modifications.

(3) *Example.* (i) A machine having both commercial and military uses is commonly sold with differing accessories, changes, and additions. The contractor's catalog or price schedule quotes separate prices for the basic machine and each such modification. The Navy buys a quantity of the basic machines plus certain of the available accessories. In addition, the position of a certain component of the machine must be slightly altered by the contractor to serve a particular Navy need.

(ii) For exemption purposes, the basic machine will be considered a separate article and the subject of a separate sale to the Government or to a commercial customer, as the case may be. Accordingly, if the statutory requirements are otherwise met, exemption may be claimed for the related portion of the contract price, either by self-application under § 1467.48 or by application on a class basis under § 1467.51, as the facts may warrant. Each accessory will likewise be considered a separate article and the subject of a separate sale and eligible for exemption in the same manner. The repositioning of the machine component does not involve the sale of an article, or the performance of a service as defined in § 1467.52, hence the portion of the contract price attributable to such work does not qualify for exemption.

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. sec. 1219)

[FR Doc.72-2607 Filed 2-18-72;8:50 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter II—Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration)

[Docket No. R-72-167]

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Subpart A—Eligibility Requirements for Lower Income Families

SELLERS' REIMBURSEMENT AGREEMENT

Pursuant to sections 211 and 235 of the National Housing Act (12 U.S.C. 1715b, 1715z) and the Secretary's delegation of authority (36 F.R. 5006), Part 235 of the regulations is amended by adding a section authorizing insurance of a section 235 mortgage for experimental purposes in the San Francisco area office without the execution of a Sellers' Reimbursement Agreement, which is presently required by regulation in all such mortgage insurance cases.

This regulation shall become effective upon publication as the Secretary has determined that advance publication and notice and public procedure are unnecessary because immediate effectiveness of the regulation will not adversely affect any group.

The amendment is set out in full below.

§ 235.13 Exception to reimbursement agreement requirement.

The requirement for the Sellers' Reimbursement Agreement referred to in § 235.12 may be waived in the San Francisco area for experimental purposes.

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER (2-19-72).

EUGENE A. GULLEDGE,
Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner.

[FR Doc.72-2612 Filed 2-18-72;8:51 am]

Chapter X—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Eligible Communities

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of eligible communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Contra Costa	San Pablo				Feb. 18, 1972.
Do.	San Mateo	Woodside				Do.
Colorado	Boulder	Broomfield				Do.
Connecticut	Hartford	Bloomfield				Do.
Do.	New London	Groton				Do.
Do.	Litchfield	Woodbury				Do.
Florida	Broward	Deerfield				Do.
Massachusetts	Essex	Andover				Do.
Do.	Berkshire	Williamstown				Do.
Minnesota	Clay	Moorhead	I 27 027 4880 01 I 27 027 4880 02	Minnesota Conservation Department, Division of Waters, Soils, and Minerals, 345 Centennial Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Office of the City Engineer, Box 779, Moorhead, MN 56560.	Do.
Do.	Washington	Lake St. Croix Beach Village.	I 27 163 3976 01	do	Office of the Village Clerk, 482 Maple St., Lake St. Croix Beach, MN 55001.	Do.
New Jersey	Burlington	Mount Laurel Township.				Do.
Ohio	Lucas	Sylvania				Do.
Oregon	Grant	Unincorporated areas.				Do.
Pennsylvania	Chester	Thornbury Township.				Do.
Do.	Bucks	Warwick Township.				Do.
Texas	Brazoria	Alvin	I 48 039 0130 06 I 48 039 0130 07	Texas Water Development Board, Post Office Box 12386, Capital Station, Austin, TX 78701. Texas Insurance Department, 1110 San Jacinto St., Austin, TX 78701.	Office of the City Secretary, Post Office Box 1407, Alvin TX 77511.	Do.
Do.	Denton	Denton				Do.
Do.	Bowie	Texarkana				Do.
Vermont	Orleans	Barton				Do.
Washington	Whatcom	Unincorporated areas.				Do.
Wisconsin	Grant	Cassville	I 55 043 0890 01	Dept. of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, WI 53703.	Office of the Village Clerk, Village of Cassville, Cassville, WI 53806.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: February 9, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-2492 Filed 2-18-72;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 **List of communities with special hazard areas.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Contra Costa	San Pablo				Feb. 18, 1972.
Do.	San Mateo	Woodside				Do.
Colorado	Boulder	Broomfield				Do.
Connecticut	Hartford	Bloomfield				Do.
Do.	New London	Groton				Do.
Do.	Litchfield	Woodbury				Do.
Florida	Broward	Deerfield				Do.
Massachusetts	Essex	Andover				Do.
Do.	Berkshire	Williamstown				Do.
Minnesota	Clay	Moorhead	H 27 027 4880 01 H 27 027 4880 02	Minnesota Conservation Department, Division of Waters, Soils, and Minerals, 345 Centennial Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Office of the City Engineer, Box 779, Moorhead, MN 56560.	Mar. 24, 1971.
Do.	Washington	Lake St. Croix Beach Village.	H 27 163 3076 01	do	Office of the Village Clerk, 482 Maple St., Lake St. Croix Beach, MN 55001.	Do.
New Jersey	Burlington	Mount Laurel Township.				Feb. 18, 1972.
Ohio	Lucas	Sylvania				Do.
Oregon	Grant	Unincorporated areas.				Do.
Pennsylvania	Chester	Thornbury Township.				Do.
Do.	Bucks	Warwick Township.				Do.
Texas	Brazoria	Alvin	H 48 039 0130 06 H 48 039 0130 07	Texas Water Development Board, Post Office Box 12386, Capital Station, Austin, TX 78701. Texas Insurance Department, 1110 San Jacinto St., Austin, TX 78701.	Office of the City Secretary, Post Office Box 1407, Alvin, TX 77511.	Feb. 23, 1971.
Do.	Denton	Denton				Feb. 18, 1972.
Do.	Bowie	Texarkana				Do.
Vermont	Orleans	Barton				Do.
Washington	Whatcom	Unincorporated areas.				Do.
Wisconsin	Grant	Cassville	H 55 043 0890 01	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, WI 53703.	Office of the Village Clerk, Village of Cassville, Cassville, Wis. 53806.	Apr. 27, 1971.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: February 9, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-2493 Filed 2-18-72;8:45 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Columbia and Snake Rivers, Wash. and Oreg.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) §§ 207.700 *Bonneville Dam*, 207.705 *The Dalles Dam*, 207.706 *John Day Dam*, 207.715 *McNary Dam*, 207.716 *Ice Harbor Dam*, 207.717 *Lower Monumental Dam Navigations Locks and Approach Channels* are hereby revoked and § 207.718 is hereby prescribed governing the use, administration, and navigation of the Bonneville, The Dalles, John Day, McNary, Ice Harbor, Lower Monumental, and Little Goose Dams Navigation Locks and Approach Channels, Columbia and Snake Rivers, Oreg. and Wash., effective 30 days after publication in the FEDERAL REGISTER as follows:

§ 207.700 Bonneville Dam Navigation Lock and Approach Channels, Columbia River, Oreg. and Wash.; use, administration, and navigation. [Revoked]

§ 207.705 The Dalles Dam Navigation Lock and Approach Channels, Columbia River, Wash.; use, administration, and navigation. [Revoked]

§ 207.706 John Day Dam Navigation Lock and Approach Channels, Columbia River, Wash. and Oreg.; use, administration, and navigation. [Revoked]

§ 207.715 McNary Dam Navigation Lock and Approach Channels, Columbia River, Wash.; use, administration, and navigation. [Revoked]

§ 207.716 Ice Harbor Dam Navigation Lock and Approach Channels, Snake River, Wash.; use, administration, and navigation. [Revoked]

§ 207.717 Lower Monumental Dam Navigation Lock and Approach Channels, Snake River, Wash.; use, administration, and navigation. [Revoked]

§ 207.718 Navigation locks and approach channels, Columbia and Snake Rivers, Oreg. and Wash.; use, administration, and navigation.

(a) *General.* The lock and its approach channels, and all its appurtenances, shall be under the jurisdiction of the District Engineer, Corps of Engineers, U.S. Army, in charge of the locality. His representative at the dams shall be the Project Engineer, who shall customarily give orders and instructions to the lock master and assistant lock masters in charge of the lock. Hereinafter, the term "lock master" shall be used to designate the project operator in immediate charge of the lock at any given time. The lock master is not in continuous attendance at the lock and must be dispatched out of the powerhouse control room to operate the lock for each lockage request. In case of emergency and on all routine work in connection with the operation of the lock, the lock master shall have authority to take such steps as may be immediately necessary without waiting for instructions from the Project Engineer.

(b) *Immediate control.* The lock master shall be charged with the immediate control and management of the lock, and of the area set aside as the lock area, including the lock approach channels. He shall see that all laws, rules, and regulations for the use of the lock and lock area are duly complied with. He is authorized to give all necessary orders and directions, both to employees of the Government and to any and every person within the limits of the lock or lock area, whether navigating the lock or not.

(c) *Authority of lock master.* No one shall cause any movement of any vessel, boat, or other floating object in the lock or approaches except by or under the direction of the lock master or his assistants.

(d) *Signals*—(1) *Radio.* These locks are equipped with two-way FM radio operating on frequencies of 156.8000 MHz and 156.6500 MHz. Vessels equipped with two-way radio desiring a lockage shall call WUJ 312 Bonneville, WUJ 337 The Dalles, WUJ 42 John Day, WUJ 40 McNary, WUJ 41 Ice Harbor, WUJ 415 Lower Monumental, and WUJ 417 Little Goose at least one-half hour in advance of arrival so that a lock master can be dispatched and the lockage made without delay.

NOTE: For vessels not equipped with two-way radio, see lockage of small boats, paragraph (j) of this section.

(2) *Signal stations.* Pull-cord signal or intercom stations marked by large instructional signs are located near the end of the upstream and downstream lock entrance walls. Small boat operators desiring lockage may pull the cord to signal the lock master or speak directly to the control room for instructions depending on facilities provided.

(3) *Entering and exit signals.* Visual signal lights are located outside each lock gate. When the green light is on, the lock is ready for entrance and vessels may enter under full control. When the red light is on, the lock is not ready for entrance and the vessel shall stand clear. At Bonneville Dam, an amber light is also used which signals that only log rafts may enter—log rafts will not enter on green. In addition to the above visual signals, the lock master will signal that the lock is ready for entrance by sounding one long blast on the lock air horn. The lock master will signal that the lock is ready for exit by sounding one short blast on the air horn.

(e) *Permissible dimensions of boats.* Except for Bonneville lock, maximum dimensions of vessels or tows allowed in the lock chamber are 84 feet wide by 650 feet in length. Depth of water over lock gate sills depends upon reservoir elevations and may vary from day to day. Normally, the depth of water over the sills will exceed 15 feet. Except for Bonneville, staff gauges for indicating water elevations above m.s.l. are located outside and inside the lock chamber near each lock gate. At Bonneville lock, there is one staff gauge located inside the lock chamber on the south wall near the downstream mooring bit. The following table shows elevations of lock gate sills and pool elevations above m.s.l. Vessel operators shall calculate the depth of water over the gate sills before entering the lock chamber.

GATE SILL AND POOL ELEVATIONS MEASURED IN FEET ABOVE MEAN SEA LEVEL

Project	Downstream gate sill	Upstream gate sill	Minimum pool elevation	Maximum pool elevation
Bonneville	16.0	40.0	70.0	82.5
The Dalles	54.5	140.0	155.0	160.0
John Day	140.0	242.0	257.0	268.0
McNary	236.0	320.0	335.0	340.0
Ice Harbor	321.0	422.0	437.0	440.0
Lower Monumental	422.0	521.0	537.0	540.0
Little Goose	522.0	618.0	633.0	638.0

A vessel must not enter the lock if beam or length is greater than the above maximum dimensions, or if the vessel exceeds the calculated depth over the sills with adequate allowances for safe clearance. At Bonneville, the lock chamber is 76 feet wide by 500 feet long in the clear. Single tows of lesser dimensions will be permitted to lock through without disassembly. If desired, a tow of dimensions greater than 76 feet by 500 feet may be rearranged to less than clear lock dimensions prior to entering the lock, and be passed through the lock in one lockage. Such rearrangements may be done at the moorage in the downstream lock approach channel or along the upstream guide wall if it will not interfere with other river traffic. If other river traffic will be hindered, upstream rearrangements should be done above the guide wall. During periods when other river traffic will not be held up, and, if in the opinion of the lock master vehicular and pedestrian traffic over the swing bridge or other Bonneville Project functions will not be appreciably affected, rearrangement of craft within the lock chamber will be permitted provided that arrangement maneuvers will not result in barges or tugs wedging against or striking the miter gates in their recesses. Maneuvering of craft in the lock chamber will be permitted only when both miter gates at the open end of the lock are in their recesses in the lock walls. Tows wider than 50 feet will not be permitted to enter the lock during extreme high water when tailwater at the lock is higher than 35 feet above m.s.l. since the downstream guide wall will be inundated at that stage and will offer no guidance.

(f) *Precedence at lock.* Ordinarily the boat arriving before all others at the lock will be locked through first; however, depending upon whether the lock is full or empty, this precedence may be modified at the discretion of the lock

master if boats are approaching from the opposite direction and are within reasonable distance of the lock at the time of the approach by the first boat. When several boats are to pass, precedence shall be given as follows:

First. Boats and craft owned by the United States and engaged upon river and harbor improvement work.
Second. Freight and tow boats.
Third. Log rafts.
Fourth. Passenger boats.
Fifth. Small vessels and pleasure craft.

(g) *Loss of turn.* Boats that fail to enter the lock with reasonable promptness, after being authorized to do so, shall lose their turn.

(h) *Multiple lockage.* The lock master shall decide whether one or more vessels may be locked through at the same time.

(i) *Speed.* Vessels shall not be raced or crowded along side another in the approach channels. When entering the lock, speed shall be reduced to a minimum consistent with safe navigation. As a general rule, when a number of vessels are entering the lock, the following vessel shall remain at least 200 feet astern of the vessel ahead.

(j) *Lockage of small boats.* The lockage of pleasure boats, skiffs, fishing boats, and other small craft will be coordinated with the lockage of commercial craft, other than barges handling petroleum products or highly hazardous materials. If no commercial craft is scheduled to be locked through within a reasonable time not to exceed 1 hour after the arrival of the small craft at the lock, separate lockage will be made for such small craft.

(k) *Mooring in lock.* All boats, rafts, and other craft when in the locks shall be moored to the floating mooring bits and lines shall not be released until the signal is given for the vessel to leave the lock.

(l) *Mooring in approaches prohibited.* The mooring or anchoring of boats or other craft in the approaches to the lock where such mooring will interfere with navigation through the lock is prohibited. Rafts to be passed through the lock shall be moored so as not to interfere with navigation through lock or its approaches, and, if the raft is to be divided into sections for locking, the sections shall be brought into the lock as directed by the lock master. After passing through the lock, the sections shall be reassembled at such a distance from the entrance so as not to obstruct or interfere with navigation through the lock and approaches.

(m) *Waiting for lockage.* Except at Bonneville, boats and tows waiting for lockage shall wait in the clear outside of the lock approach channel, or contingent upon permission by the lock master, may at their own risk, lie inside the approach channel at a place specified by the lock master. At Bonneville, boats and tows waiting downstream of the dam for lockage shall wait in the clear downstream of the navigation lock approach channel, or contingent upon prior radio clearance of the lock master, may at their own risk, lie at the downstream moorage facility on the south shore downstream from the guide wall, provided that a 100-foot-wide open channel is maintained. Vessels waiting upstream of the dam for lockage may lay to against the guide wall, at their own risk, provided they remain not less than 400 feet upstream of the upstream lock gate; or contingent upon prior radio clearance by the lock master they may, at their own risk, tie to the upstream guide wall.

(n) *Delay in lock.* Boats or barges must not obstruct navigation by unnecessary delay in entering or leaving the lock.

(o) *Damage to lock or other structures.* The regulations in this section shall not relieve the liability of the owners and operators of vessels for any damage caused by their operations to the lock or other structures. They must use great care not to strike any part of the lock, any gate or appurtenance thereto, or machinery for operating the gates, or the walls protecting the banks of the approach channels. All boats with metal nosings or projecting irons, or rough surfaces which may damage the gates or lock walls, will not be permitted to enter the lock unless provided with suitable buffers and fenders.

(p) *Tows.* Persons in charge of vessel towing a second vessel or barge by lines shall take the second vessel or barge along side at a distance of at least 300 feet from the lock gate toward which the vessel is approaching and keep it along side until at least 300 feet clear of the gate at the end from which it is departing, except the distance at Bonneville should be 500 feet.

(q) *Crew to move craft.* The masters in charge of tows and the persons in charge of rafts and other craft must provide a sufficient number of men to move barges, rafts, and other craft into and out of the lock promptly and safely.

(r) *Handling valves, gates, bridges, and machinery.* No person, unless authorized by the lock master, shall open or close any bridge, gate, valve, or operate any machinery in connection with the lock. However, the lock master may call for assistance from the master of any boat using the lock, should such aid be necessary, and when rendering such assistance, the men so employed shall be strictly under the orders of the lock master. Masters of boats refusing to give such assistance when it is requested of them may be denied the use of the lock by the lock master.

(s) *Landing of freight.* No one shall land freight or baggage on or over the walls of the lock so as in any way to delay or interfere with navigation or the operations of the lock. Freight and baggage consigned to one of the dams shall be landed only at such places as are designated by the lock master or his assistants.

(t) *Refuse in locks.* No material of any kind shall be thrown or discharged into the lock, and no material of any kind shall be deposited in the lock area.

(u) *Statistics.* On each passage through the lock, masters or pursers of vessels shall furnish to the lock master a written statement of passengers, freight, and registered tonnage and other information as are indicated on forms furnished such masters or pursers by the lock master.

(v) *Persistent violation of regulations.* If the owner or master of any boat persistently violates the regulations in this section after due notice of the same, the boat or master may be refused lockage by the lock master at the time of violation or subsequent thereto if deemed necessary in the opinion of the lock master to protect Government property and works in the vicinity of the lock.

(w) *Hazardous areas.* At McNary, Ice Harbor, Lower Monumental, and Little Goose Dams, all water upstream to the face of the dam from a line straight across the river at the downstream end of the lock is considered hazardous and boaters may enter at their own risk.

(x) *Restricted areas.* No vessel or other floating craft shall enter or remain in any restricted area at any time without first obtaining permission from the District Engineer, U.S. Army Engineer Corps of Engineers, or his duly authorized representative.

(1) *At Bonneville Dam.* The waters restricted to only Government boats are described as all waters of the Columbia River and Bradford Slough within 1,000 feet above and 2,000 feet below the spillway dam and 500 feet above and 600 feet below the powerhouse. The restricted areas will be designated by signs posted in conspicuous and appropriate places.

(2) *At The Dalles Dam.* The waters restricted to only Government boats are described as all downstream waters other than those of the navigation lock downstream approach channel which lie between the Wasco County Bridge and the project axis including those waters between the powerhouse and the Oregon shore and all upstream waters other than those of the navigation lock upstream approach channel which lie between the project axis and a line projected from the upstream end of the navigation lock guide wall to the junction of the concrete structure with the earth fill section of the dam near the upstream end of the powerhouse.

(3) *At John Day Dam.* The waters restricted to only Government boats are described as all of the waters within a distance of 1,000 yards downstream of the dam except the lock approach channel and all waters within a distance of about 1,000 yards above the dam lying south of the navigation channel leading to the lock and bounded by a line commencing at the upstream end of the guard wall, and running in a direction 54°01'37" true for a distance of 771 yards, thence 144°01'37" true across the river to the south shoreline. The downstream limit is marked by orange and white striped monuments on the north and south shores.

(4) *At McNary Dam.* The waters restricted to only Government boats are described as all waters within a distance of about 1,000 yards above the dam lying south of the guard wall and bounded by a line commencing at the upstream end

of the guard wall and running in a direction 93°30′ true for a distance of 495 yards, thence 175°15′ true for 707 yards, thence 179°00′ true for 441 yards, thence 235°00′ true for 585 yards, thence 268°00′ true for 146 yards to the head of the fishladder.

(5) *At Ice Harbor Dam.* The waters restricted to only Government boats are described as the waters within a distance of about 800 yards above the dam lying south of the navigation channel leading to the lock and bounded by a line commencing at the upstream end of the guard wall, and running in a direction 83°00′ true for a distance of 600 yards, thence 175°00′ true across the river to the south shore.

(6) *At Lower Monumental Dam.* The waters restricted to only Government boats are described as the waters bounded by a line commencing at the upstream end of the fixed guard wall and running in a direction of 48°00′ true for a distance of 340 yards, thence 326°16′ true for a distance of 366 yards, thence 270°00′ true for a distance of about 320 yards to the north shoreline.

(7) *At Little Goose Dam.* The waters restricted to only Government boats are described as those within a distance of 800 yards above the dam lying north of the guard wall and bounded by a line commencing at the upstream end of the guard wall and running in a direction 64°13′ true for a distance of 567 yards, thence 349°03′ true for a distance of 610 yards to the north shoreline.

[Regs. Feb. 3, 1972, DAEN-CWO-N] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.72-2541 Filed 2-18-72;8:45 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1421]

RICE

Loan and Purchase Program, 1970 and Subsequent Crops

Pursuant to the authority contained in sections 4 and 5, 62 Stat. 1070, as amended; sections 101, 401, and 408, 62 Stat. 1051, as amended; 15 U.S.C. 714b and 714c; 7 U.S.C. 1421, 1441, and 1428, the Commodity Credit Corporation proposes to amend §§ 1421.303 and 1421.307 (c) of its 1970 and subsequent crops rice loan and purchase program operating regulations.

Interested persons may submit written comments, suggestions, or objections related to the proposed amendments to Edward D. Hews, Director, Commodity Loan and Service Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration all submissions must be received not later than 30 days following the publication of this notice in the FEDERAL REGISTER. The comments, suggestions, or objections will be open to public inspection at the office of the Director from 8:15 a.m. to 4:45 p.m., local time, of each business day (7 CFR 1.27(b)).

1. The amendment of § 1421.303 is proposed to delete the cross-compliance eligibility requirements for multiple farm producers and provide for determination of the eligibility for price support for rice on an individual farm basis. As amended, § 1421.303 will read as follows:

§ 1421.303 Compliance requirements.

An eligible producer shall be a producer on whose farm the rice acreage allotment established for the farm under the provisions of the Rice Acreage Allotment Regulations of Part 730 of this title has not been knowingly exceeded. If such rice was produced on a farm for which a certification is furnished under Part 718 of this title, Determination of Acreage and Compliance, and subsequent measurement of the rice acreage on such farm indicates that the acreage planted does not exceed the rice acreage allotment established for the farm by more than the larger of 0.5 acre, or 5 percent of the farm rice acreage allotment but not to exceed 15 acres, the farm rice acreage allotment will not be considered to have been knowingly exceeded.

2. The proposed amendment of paragraph (c) of § 1421.307 is made to provide that the receiving and loading out charges payable may not exceed those paid by Commodity Credit Corporation under its Uniform Rice Storage Agreement. The immediate effect of this amendment is to increase the maximum amount payable for such services from eight (8) cents to twelve (12) cents. As amended, paragraph (c) will read as follows:

§ 1421.307 Warehouse charges.

* * * * *

(c) *Refund of prepaid handling charges.* The receiving or the receiving and loading out charges on the rice referred to in paragraph (a) of this section and § 1421.23(i) shall be at the rate paid by the producer but not in excess of the rate for such services under the Uniform Rice Storage Agreement.

Signed at Washington, D.C., on February 14, 1972.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.72-2585 Filed 2-18-72;8:49 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance, Equal Employment Opportunity

[41 CFR Part 60-9]

NEWARK PLAN

Notice of Proposed Rule Making

Notice is hereby given that pursuant to Executive Order 11246 (30 F.R. 12319), as amended by Executive Order 11375 (32 F.R. 14303), the Department of Labor proposes to add to the Code of Federal Regulations a new Part 60-9 to read as set forth below.

This proposed rule making concerns matters relating to public contracts. While public participation in this rule making is not required by 5 U.S.C. 553, the Department wishes to invite written comments, suggestions, or objections regarding this proposed part. Accordingly, interested persons are invited to submit written comments regarding the proposed amendment to John L. Wilks, Deputy Assistant Secretary for Employment Standards, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, DC 20210, within 30 days of publication of this notice in the FEDERAL REGISTER.

Therefore, and pursuant to Executive Order 11246 (30 F.R. 12319, 3 CFR 1964–65, Comp., p. 406) and §§ 60–1.1 and 60–1.40 of Title 41 of the Code of Federal Regulations, Chapter 60 of the Code of Federal Regulations is to be hereby amended by adding a new Part 60-9 to read as set forth below.

PART 60–9—NEWARK PLAN

Subpart A—Purpose; Applicability; Background

Subpart B—General Findings; Minority Participation in Specific Trades; Availability; Need for Training; Impact Upon Existing Labor Force

Subpart C—Nondiscriminatory Purpose of the Plan; Requirements; Exemptions; Effective Date

Subpart D—Appendix A

AUTHORITY: The provisions of this Part 60–9 issued under secs. 201, 202, 205, 211, 301, 302, and 303 of Executive Order 11246 (30 F.R. 12319, 3 CFR 1964–65 Comp., p. 406) and § 60 1.1 and 60–1.40 of Title 41 of the Code of Federal Regulations.

Subpart A—Purpose; Applicability; Background

§ 60–9.1 Purpose.

(a) The purpose of the regulations in this part is to implement the provisions of Executive Order 11246, and the rules and regulations issued pursuant thereto, requiring a program of equal employment opportunity by Federal contractors and subcontractors and federally assisted construction contractors and subcontractors in the Newark, N.J., Standard Metropolitan Statistical Area.

(b) The regulations in this part are not intended to supersede, alter or in any way abridge the requirements imposed by the State of New Jersey pursuant to its affirmative action plan governing equal employment opportunity by contractors performing on the New Jersey State College of Medicine and Dentistry Project.

§ 60–9.2 Applicability.

While a contractor or subcontractor is performing on federally involved (Federal or federally assisted) construction contracts for projects, in the three-county Newark, N.J., Standard Metropolitan Statistical Area of Essex, Union, and Morris (hereinafter referred to as the Newark area), the estimated cost of which exceeds $500,000, all construction

activities (including all activities on nonfederally involved work) of such a contractor or subcontractor within the Newark area shall be subject to the requirements of the regulations in this part: *Provided, however,* That if an area-wide agreement is developed for any trade covered by the regulations in this part or any such trade is covered by a multitrade agreement and such an agreement is among contractors, unions, and the minority community, then the Office of Federal Contract Compliance (OFCC) may, in its complete discretion, accept such program in lieu of any or all of the requirements of the regulations in this part, subject to such terms and conditions as OFCC may specify.

§ 60–9.3 Background.

Public hearings were conducted by representatives of the Department of Labor in Newark, N.J., on March 18 and 20, 1970, to determine what action should be taken to insure equal employment opportunity in the construction industry in the Newark, N.J., area. Testimony was heard and data received on the following:

(a) The current extent of minority group participation in the construction trades as journeymen, apprentices, trainees, and helpers;

(b) The effectiveness of present employee recruitment methods;

(c) The availability of qualified and qualifiable minority group persons for employment in each construction trade, including where they are now working, how they may be brought into the trades;

(d) The effectiveness of existing training programs in the area, including the number of minorities and others recruited into the programs, the number who complete training, the length and extent of training, employer experience with trainees, the need for additional or expanded training programs;

(e) The number of additional workers that could be absorbed into each trade without displacing present employees, including consideration of present employee shortages, projected growth of the trade, projected employee turnover;

(f) The availability and utilization of minority contractors on federally involved contracts;

(g) The desirability and extent, including the geographical scope, of possible Federal action to insure equal employment opportunity in the construction trades;

(h) Recommendations of governmental compliance agencies active in the Newark, N.J., area.

Subpart B—General Findings; Minority Participation in Specific Trades; Availability; Need for Training; Impact Upon Existing Labor Force

§ 60–9.10 General findings.

(a) As a result of the material presented at the public hearings in Newark and other investigations conducted by representatives of the State of New Jersey and the U.S. Department of Labor, the State of New Jersey issued an affirmative action plan requiring goals and timetables of minority manpower utilization by all contractors performing on the New Jersey State College of Medicine and Dentistry Project in Newark, N.J. That Plan which has been successfully defended in litigation requires that contractors and subcontractors subject to its requirements meet goals of minority manpower utilization which are substantially higher than those required by the regulations in this part. This is due to the fact that the State Plan embraces one project only, having only minimal effect on the trades affected and having its situs the inner city area of Newark, N.J., including a model cities area with a substantially higher minority population and labor force than that of the Newark SMSA which is the target area of the regulations in this part which cover all of a contractor's activities on both Federal and nonfederally involved work in the Newark SMSA.

(b) The Department has taken notice of the progress made in the employment of minorities under the State Plan but continued analysis of data since obtained by the Department of Labor, reveals that minority workers (Negroes, Spanish-surnamed Americans, Orientals, and American Indians) continue to be denied full participation in certain construction trades, necessitating action on a broader scale than that taken by the State of New Jersey. This underutilization of minorities is due in substantial measure to the unique nature of employment practices in the construction industry where contractors and subcontractors rely on construction craft unions as their prime or sole labor source. Collective bargaining agreements and/or established custom and usage between construction contractors and subcontractors and labor organizations frequently provide for, or result in, exclusive hiring halls. Even where the collective bargaining agreement contains no such hiring hall provisions or the custom is not rigid, as a practical matter most people working in these classifications are referred to the jobs by such labor organizations. As a result, referral by the labor organization is a virtual necessity for obtaining meaningful employment in union construction projects. Minorities often have not gained admittance into membership of certain unions and into certain apprenticeship program, and, consequently, for these and other reasons, have not been referred for employment.

§ 60–9.11 Minority participation in the specified trades.

(a) The overall nonwhite minority population in the Newark SMSA is approximately 20 percent, 362,768 of 1,856,556 persons while that of the Newark City area is approximately 56 percent. Both of these figures are, however, conservative in that the census data, upon which these figures are based tend to include Spanish surnamed persons as white rather than minority without indicating the number of persons so classified. It is generally known that the Newark area contains a substantial Spanish surnamed population. Minority representation among journeymen employees in the Newark area construction industry is approximately 11.5 percent. However, very few of these minorities have obtained union membership in certain "skilled" trades.

(b) Statistical data:

(1) The most reliable data developed at the hearings reveal the following as the current minority representation as journeymen in unions in selected trades, for the Newark area:

	Percent
Bricklayers	14.2
Carpenters	7.8
Electricians	1.6
Glaziers	1.5
Ironworkers	0.0
Lathers	14.2
Painters	13.9
Plumbers/pipefitters/steamfitters	0.4
Roofers	2.8
Sheet metal workers	0.2

(2) It is apparent from the foregoing that certain trades evidence a significant underutilization of minority employees. Several of the above designated trades and others, however, as supported by findings of fact in that regard, do not appear to be engaged in the underutilization of minorities and accordingly will not be included under the requirements of the regulations in this part at this time. These excluded trades are the bricklayers, laborers, lathers, plasterers, and painters. Therefore, the requirements of these regulations shall apply only to the trades of asbestos workers, carpenters, electricians, elevator constructors, operating engineers, glaziers, ironworkers, plumbers, pipefitters and steamfitters, roofers, and the sheet metal workers.

§ 60–9.12 Availability of minority group persons for employment.

(a) *Population.* (1) The April 1970 population estimate of the Newark area as found by the U.S. Census Bureau was 1,856,556 and is disbursed among the three counties of Essex, Union, and Morris, and includes a minority constituency of 362,768 or approximately 20 percent.

(2) The total labor force in the Newark area is approximately 800,000 persons, of whom in excess of 150,000 or 20 percent are minorities.

(3) However, minorities represent over 14,000 or 42 percent of the unemployed in that area. Moreover, it has been found that approximately 28,900 minorities residing in the SMSA are presently underemployed.

Minorities employed part-time	6,000
Minorities employed full-time with family incomes at or below the established poverty level	12,000
Minorities absent from the work force due to employment barriers	10,900
Total	28,900

(b) *Training programs—showing of interest.* (1) Although the Hearing Panel found that minorities have been and continue to be statistically underrepresented in certain construction trades and trade unions, this is not due to any lack of available qualified or qualifiable Negro and other minority applicants in the Newark area.

(2) Rather, the Panel's analysis of all availble data reveals that existing contractor and union recruitment efforts fall far short of the type of affirmative action which would bring substantial numbers of available minorities into the construction trades.

(3) Potentially available minorities currently registered with local employment offices for employment in the construction trades total 1,031. This figure includes 489 skilled workers and 541 laborers and helpers. The specific figures for five selected trades are:

Structural metal	15
Electricians	13
Plumbers/pipefitters/steamfitters	40
Roofers	22
Carpenters	94
Total	184

Additionally, there are presently 125 minorities registered with the Apprenticeship Information Center, for training in the construction trades, including:

Electrical	61
Plumbing	2
Sheet metal	13
Structural metal	28
Total	104

Vocational schools serving the Newark SMSA have a current enrollment of 66 minorities receiving training in the specified trades:

Carpentry	23
Electrical	35
Pipefitting/plumbing	4
Sheet metal	4
Total	66

Further, the Newark Concentrated Employment Program (CEP) presently has 50 minorities registered for training in the construction trades. By trade, minority participation is as follows:

Carpentry	19
Ironwork	1
Sheet metal	1
Electrical	1
Plumbing/pipefitting	2
Roofing	1
Total	25

Thus, total minority registration and/or participation in currently operational training programs totals 1,272 for all trades, 369 for the specified trades.

(4) Also available for employment and upgrading in the specified trades are the following minority workers, currently members of referral unions.

Bricklayers	291
Glaziers	2
Lathers	43
Painters	157
Laborers	4,739
Total	5,232

(5) Additionally, non-union minorities currently employed in the specified trades in construction and non-construction employment, include:

Electricians	130
Plumbers/pipefitters	57
Sheet metal workers	37
Structural metal	30
Total	254

Therefore, it has been found and determined that 6,767 minority group persons are currently available for immediate employment and/or training in the specified trades.

(c) *Community involvement.* Testimony presented at the hearings revealed that the effectiveness of efforts to recruit minority trainees and workers in the Newark area depends in large measure upon the active involvement of minority organizations in the community. Various representatives of minority organizations indicated that they would have little, if any, difficulty in recruiting minority workers for training and jobs in sufficient numbers to meet the manpower needs of the Newark area construction industry.

(d) *Minority subcontractors.* Information gained at the hearing indicated, and it is found, that a number of minority subcontractors are operating effectively within the Newark area. Utilization of these subcontractors, particularly by nonminority contractors, could significantly expand the participation of minority craftsmen on projects of federally involved construction contractors.

§ 60–9.13 Need for training.

(a) *Existing programs.* A readily available source of minority manpower most of whom could be utilized in the skilled trades with skills refinement training only may be found in the number of minority laborers currently in labor unions having jurisdiction in the Newark area. This figure is currently placed at 1,549.

(b) *Trainable persons.* It is found and determined that a substantial number of minority persons can receive training annually in the Newark area through existing programs with additional funding. The Manpower Administration of the Department of Labor is committed to make available such funds as may be necessary to carry out reasonable and effective training programs in furtherance of the objectives of the regulations in this part and consistent with the policies and standards of the Manpower Administration as amplified in the President's statement of March 17, 1970, directing a 50 percent increase in construction skills training over the next 5 years.

§ 60–9.14 The impact of the program upon the existing labor force.

(a) *Contractors' commitments.* It has been found and determined, that a contractor covered by the regulations in this part, could commit himself to minority hiring at least up to the annual rate of job vacancies in his respective trade, without adversely affecting the existing labor force or displacing any incumbents. Data presented at the hearings revealed that the total additional manpower requirements of the primary construction trades for the 5-year period 1970–75, are conservatively estimated at approximately 2,300 new jobs, and replacement job opportunities for a yearly average in excess of 450. The annual percentage of new job openings per craft for selected trades is as follows:

Trade	Annual percentage of job openings
Electricians	5.7
Roofers	12.0
Sheet metal	7.4
Structural metal	8.9
Carpenters	2.6
Plumbers/pipefitters/steamfitters	6.4
Glaziers	3.0

These projections are not inconsistent with conservative national statistics which reveal that approximately 7.5 percent of construction trade workers are replaced each year due to death, retirement, disability and outmigration.

(b) *Timetable.* In an effort to provide an affirmative action program and practical ranges for utilization of minority manpower which can be met by employers in hiring productive, trained minority craftsmen, the regulations in this part should be developed to cover an extended period of time. Testimony at the hearing indicated that a 4-year duration for the plan is proper as the greatest need for additional manpower in the industry will take place during the first part of the decade. Therefore, it is found and determined that in order for the regulations in this part to effect equal employment to the fullest extent, the standards of minority utilization should be determined for the next 4 years.

§ 60–9.15 Conclusions of findings.

(a) *Current minority participation.* It is found in the Newark area work force data submitted at the public hearings, that minority representation in the construction industry in general is approximately 11.5 percent while certain skilled trades in the same area and industry have an even lower minority representation, e.g., electricians, 1.6 percent, sheet metal workers, 0.2 percent, etc. Thus, it appears that the most skilled and most remunerative trades have a level of minority representation far below that which should have resulted from meaningful past participation in the industry without regard to race, color, or national origin. Therefore, it is determined that the regulations in this part are necessary to provide for minority participation in the following trades:

Asbestos workers.
Carpenters.
Electricians.
Elevator constructors.
Glaziers.
Ironworkers.
Operating engineers.
Plumbers/pipefitters/steamfitters.
Sheet metal workers.
Roofers.

(b) *Effect of plan.* A construction contractor working in the Newark area could increase the minority participation in his trade significantly by hiring only minorities to fill new job openings (attrition plus growth). However, to do so would inevitably result in the exclusion of qualified nonminorities from such job opportunities. Based upon the fact that the minority population in the Newark area is approximately 20 percent of the total population, upon the fact that the minority unemployment rate in

the Newark area is substantially greater than that of nonminority unemployment, upon the fact that there exists substantial minority underemployment in the area and upon the further fact that significant and effective training programs now exist, it may be reasonably expected that in the filling of new and vacant jobs, effective affirmative action efforts should produce at least one minority applicant for each nonminority applicant for effective construction employment.

(c) *Increased minority participation.* If new and vacated positions in only the trades covered by the regulations in this part totaling approximately 2,300 through 1975 were filled by one minority worker for each nonminority worker, the resultant increased minority participation in those trades alone through June 1975 would be approximately 1,150 workers. On the basis of the findings indicated above, it is estimated that in excess of 6,000 minority persons may presently be considered available to fill such jobs, many of whom possess some degree of training. With the anticipated increase in those who should be available over the next 4 years, it appears that more than sufficient numbers of minority workers will be available to effectively fill new and vacated construction trade positions.

(d) *Purpose of ranges.* By establishing ranges which anticipate good faith efforts by construction contractors to fill new and vacated jobs on at least a 1 to 1 minority-to-nonminority basis through June 1975, contractors may recruit from available minority manpower without displacing any existing craftsmen and without discriminating against any nonminority applicant for employment.

(e) *Evaluation and advisory recommendations.* The Department recognizes that the contractors, unions, and minority community, who must operate on a day-to-day basis under the requirements of the regulations in this part, are in the best positions to evaluate the effectiveness of the regulations in this part. Therefore, the Department shall make every effort to encourage and develop a voluntary committee representing these three groups, which committee shall periodically review the effectiveness of the regulations in this part and make advisory recommendations to the Department in this regard.

Subpart C—Nondiscriminatory Purpose of the Plan; Requirements; Exemptions; Effective Date

§ 60–9.20 Non-discriminatory purpose of the plan.

The purpose of the contractor's commitment to specific goals is to meet the contractor's affirmative action obligations and is not intended and shall not be used to discriminate against any qualified applicant or employee.

§ 60–9.21 Requirements.

After full consideration and in view of the foregoing, it is determined that:

(a) No contracts or subcontracts shall be awarded for Federal and federally assisted construction in the Newark, N.J., area on projects whose estimated cost exceeds $500,000 unless the bidder completes and submits, prior to bid opening, the document identified as Appendix A, Notice of Requirement for Submission of Affirmative Action Plan to Insure Equal Employment Opportunity or a substantially similar document, which shall include specific goals of minority manpower utilization for each trade designated below which will be used by the contractor on all of his work (both Federal and non-Federal) within the Newark, N.J., area, during the term of his performance of the contract, such goals to be established by the contractor at least within the ranges established in Appendix A to the regulations in this part. Such appendix is for all purposes a part of the regulations in this part and shall be deemed a part of all contracts executed pursuant to the regulations in this part. Minority manpower means, for the purposes of the regulations in this part, Negroes, Spanish-surnamed Americans, Orientals, and American Indians. The trades utilizing the following classifications of employees are covered by the regulations in this part:

Asbestos workers.
Carpenters.
Electricians.
Elevator constructors.
Glaziers.
Ironworkers.
Operating engineers.
Plumbers/pipefitters/steamfitters.
Roofers.
Sheet metal workers.

(b) Each Federal agency shall include, or require the applicant to include, in the invitation for bids, or other solicitation used for a federally involved (Federal or federally assisted) construction contract, when the estimated total cost of the construction project exceeds $500,000, a notice stating that to be eligible for award, each bidder will be required to comply with Appendix A for the hereinbefore designated trades to be used during the term of the performance of the contract—whether or not the work is subcontracted. The form of such notice shall be substantially similar to such Appendix A.

§ 60–9.22 Exemptions.

Requests for exemptions from the regulations in this part must be in writing, with justification, to the Director, Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C. 20210, and shall be forwarded through and with the endorsement of the agency head.

§ 60–9.23 Effective date.

The provisions of this part will be effective with respect to transactions for which the invitations for bids or other solicitations for bids, or additions or amendments thereto, are sent on or after the publication of the regulations in this part.

Subpart D—Appendix A

§ 60–9.30 Appendix A.

For inclusion in the invitation or other solicitation for bids for a federally involved construction contract in the Newark, N.J., area, when the estimated total cost of the construction project exceeds $500,000.

NOTICE OF REQUIREMENT FOR SUBMISSION OF AFFIRMATIVE ACTION PLAN TO INSURE EQUAL EMPLOYMENT OPPORTUNITY

NOTICE

To Be Eligible for Award of the Contract, Each Bidder Must Fully Comply With the Requirements, Terms, and Conditions of this Appendix A

The following are hereby submitted by the undersigned bidder as its goals for minority manpower utilization ("minority" being Negro, Spanish-surnamed American, Oriental, and American Indian) to be achieved on all work of the bidder within the Newark, N.J., area, during the terms of his performance of this contract in the trades specified below in conformity with the requirements, terms, and conditions of this Appendix A as hereinafter set forth:

Trade:	*Total number of manhours to be worked by minority persons on all bidder's projects within the Newark area including on this contract, expressed in terms of a percentage of the total number of manhours to be worked until June 30, 1972*
Asbestos workers	
Carpenters	
Electricians	
Elevator constructors	
Glaziers	
Ironworkers	
Operating engineers	
Plumbers/pipefitters/steamfiters	
Roofers	
Sheet metal workers	

Trade:	*Total number of manhours to be worked by minority persons on all bidder's projects within the Newark area including on this contract, expressed in terms of a percentage of the total number of manhours to be worked from July 1, 1972 until June 30, 1973*
Asbestos workers	
Carpenters	
Electricians	
Elevator constructors	
Glaziers	
Ironworkers	
Operating engineers	
Plumbers/pipefitters/steamfitters	
Roofers	
Sheet metal workers	

Total number of manhours to be worked by minority persons on all bidder's projects within the Newark area including on this contract, expressed in terms of a percentage of the total number of manhours to be worked from July 1, 1973, until June 30, 1974

Trade:
Asbestos workers ----------
Carpenters ----------
Electricians ----------
Elevator constructors ----------
Glaziers ----------
Ironworkers ----------
Operating engineers ----------
Plumbers/pipefitters/steamfitters ----------
Roofers ----------
Sheet metal workers ----------

Total number of manhours to be worked by minority persons on all bidder's projects within the Newark area including on this contract, expressed in terms of a percentage of the total number of manhours to be worked from July 1, 1974, until June 30, 1975

Trade:
Asbestos workers ----------
Carpenters ----------
Electricians ----------
Elevator constructors ----------
Glaziers ----------
Ironworkers ----------
Operating engineers ----------
Plumbers/pipefitters/steamfitters ----------
Roofers ----------
Sheet metal workers ----------

REQUIREMENTS, TERMS, AND CONDITIONS

1. No contracts or subcontracts shall be awarded for Federal or federally assisted construction in the Newark, N.J., area on projects whose estimated cost exceeds $500,000 unless the bidder completes and submits, prior to bid opening, this document designated as Appendix A, or a substantially similar document, which shall include specific goals of minority manpower utilization for each trade designated below which will be used by the contractor on all his work (both Federal and non-Federal) within the Newark, N.J., area during the term of his performance of the contract, such goals to be established by the contractor at least within the ranges established by this appendix in section 2 thereof. Minority manpower means, for the purposes of this appendix, Negroes, Spanish surnamed Americans, Orientals, and American Indians. The trades utilizing the following classifications of employees are covered by this appendix:

Asbestos workers.
Carpenters.
Electricians.
Elevator constructors.
Glaziers.
Ironworkers.
Operating Engineers.
Plumbers/pipefitters/steamfitters.
Roofers.
Sheet metal workers.

A bidder who fails or refuses to complete or submit such goals shall not be deemed a responsive bidder and may not be awarded the contract or subcontract, but such goals need be submitted only for those trades which the contractor contemplates to be used in the performance of the federally involved contract. In no case shall there be any negotiations over the provisions of the specific goals submitted by the bidder after the opening of bids and prior to the award of the contract.

2. The following ranges, constituting acceptable minimums within which a prospective contractor or subcontractor must establish his goals are hereby established as the standards for minority manpower utilization for each of the designated trades in the Newark, New Jersey area for the next 4 years:

Trade	*Range of minority group employment until June 30, 1972*
Asbestos workers	3.3%– 6.6%
Carpenters	9.1%–10.4%
Electricians	4.3%– 7.0%
Elevator constructors	3.3%– 6.6%
Glaziers	2.7%– 4.2%
Ironworkers	4.5%– 9.0%
Operating engineers	3.3%– 6.6%
Plumbers/pipefitters/steamfitters	3.6%– 5.8%
Roofers	8.8%–14.8%
Sheet metal workers	3.9%– 7.6%

Trade	*Range of minority group employment from July 1, 1972, until June 30, 1973*
Asbestos workers	6.6%– 9.9%
Carpenters	10.4%–11.5%
Electricians	7.0%– 9.7%
Elevator constructors	6.6%– 9.9%
Glaziers	4.2%– 5.7%
Ironworkers	9.0%–13.5%
Operating engineers	6.6%– 9.9%
Plumbers/pipefitters/steamfitters	5.8%– 9.0%
Roofers	14.8%–20.8%
Sheet metal workers	7.6%–11.3%

Trade	*Range of minority group employment from July 1, 1973, until June 30, 1974*
Asbestos workers	9.9%–13.2%
Carpenters	11.5%–12.6%
Electricians	9.7%–12.4%
Elevator constructors	9.9%–13.2%
Glaziers	5.7%– 7.2%
Ironworkers	13.5%–18.0%
Operating engineers	9.9%–13.2%
Plumbers/pipefitters/steamfitters	9.0%–12.2%
Roofers	20.8%–26.8%
Sheet metal workers	11.3%–15.0%

Trade	*Range of minority group employment from July 1, 1974, until June 30, 1975*
Asbestos workers	13.2%–15.5%
Carpenters	12.6%–13.7%
Electricians	12.4%–15.1%
Elevator constructors	13.2%–15.5%
Glaziers	7.2%– 9.7%
Ironworkers	18.0%–22.5%
Operating engineers	13.2%–15.5%
Plumbers/pipefitters/steamfitters	12.2%–15.4%
Roofers	26.8%–32.8%
Sheet metal workers	15.0%–18.7%

After the first year of the program, the standards (trades and ranges) set forth herein shall be reviewed to determine whether the projections on which these standards are based adequately reflect the construction labor market situation at that time. Reductions or other significant fluctuations in federally involved construction shall be specifically reviewed from time to time as to their effect upon the practicality of the standards. In no event, however, shall the standards be increased or trades be added for the contracts after bids have been received.

The contractor's or subcontractor's goals established within the above ranges shall express the contractor's or subcontractor's commitment of the percentage of minority personnel who will be working in each specified craft on each of his projects (whether federally involved or otherwise) within the Newark, N.J., area during the term of the covered contract.

The man hours for minority workers must be substantially uniform throughout the entire length of the contract for each of the designated trades, to the effect that the percentage of minority workers in the designated trades must be working throughout the length of work on each project in each trade. The contractor or subcontractor shall be deemed to have met his commitment to specific goals for minority manpower utilization:

(a) If the minority manpower utilization rate of the contractor or subcontractor itself meets the goals on the total of all of the contractor's or subcontractor's facilities within the Newark area: *Provided, however,* That if the contractor has denied equal employment opportunity, he shall not be in compliance with this appendix, or

(b) If the contractor or subcontractor can establish that it is a member of a contractor's association or other employer organization or association, which has as one of its purposes the expanded utilization of minority manpower and the total utilization rate of minority craftsman by all member contractors and subcontractors of such an association or organization on all projects in which they are involved within the Newark area meets the contractor's or subcontractor's commitments: *Provided, however,* That if the contractor has denied equal employment opportunity, he shall not be in compliance with this appendix, or

(c) If the contractor or subcontractor can establish that it has a collective bargaining agreement with a labor organization, that it utilizes such organization as its source for over 80 percent of its manpower needs and (i) that the percentage total of minority membership of such organization and the total percentage of minorities referred for employment on all projects within the Newark area meets the contractor's or subcontractor's commitments, or (ii) that such labor organization has made good faith efforts as described in 5 below in the referral of minorities for employment and the admission of minorities to membership: *Provided, however,* That if the contractor has denied equal employment opportunity, he shall not be in compliance with this appendix.

3. Whenever a contractor or subcontractor uses trades covered by this appendix which were not contemplated at the time of his bid and he therefore does not submit goals for such trades, he shall be deemed to be committed to the minority group employment goal of the minimum percentage range for that trade for the appropriate year.

In the event that under a contract subject to this appendix any work by a trade covered by this appendix is performed after June 30, 1975, the determined ranges of minority group employment for the year ending

June 30, 1975, shall be applicable to such work.

4. The contractor's and subcontractor's commitment to specific goals is to meet affirmative action obligations and is not intended and shall not be used to discriminate against any qualified applicant or employee. Whenever it comes to the bidder's or contractor's attention that the goals are being used in a discriminatory manner, he shall immediately report that fact to the Office of Federal Contract Compliance of the U.S. Department of Labor in order that appropriate proceedings may be instituted.

5. The contractor's or subcontractor's (collectively hereinafter referred to as "contractor") commitment to specific goals for minority manpower utilization as required by this Appendix A shall constitute a commitment that it or the labor organization described in 2(c) above, will make every good faith effort to meet such goals. If the contractor has failed to meet his goals, a determination of "good faith" will be based upon his efforts or those of such labor union to broaden its recruitment base which efforts shall include but not be limited to the following as applicable:

(a) Notification to the community organizations that the contractor or union has employment opportunities available and maintenance of records regarding the organizations' response.

(b) Maintenance of a file of the names and addresses of each minority worker referred by the union or to the contractor and what action was taken with respect to each such referred worker. If such worker was not sent to the union hiring hall for referral or if such worker was not referred by the union or not employed by the contractor, the file should document this and the reasons therefor.

(c) The contractor shall promptly notify the OFCC Area Coordinator when the union or unions with whom the contractor has a collective bargaining agreement has not referred to the contractor a minority worker sent by the contractor or the contractor has other information that the union referral process has impeded him in his efforts to meet his goal.

(d) Participation in training programs in the area, especially those funded by the Department of Labor.

(e) Dissemination of the contractor's or union's EEO policy within the respective organizations as applicable, by including it in any policy manual; by publicizing it in company or union newspapers, annual report, etc.; by conducting meetings to explain and discuss the policy; by posting of the policy; and by specific review of the policy with minority employees or members.

(f) Dissemination of its EEO policy externally by informing and discussing it with all recruitment sources; by advertising in news media, specifically including minority news media; and by notifying and discussing it with all contractors and subcontractors.

(g) Specific and constant personal (both written and oral) recruitment efforts directed at all minority organizations, schools with minority students, minority recruitment organizations, and minority training organizations, within the contractor's or union's recruitment area.

(h) Specific efforts to encourage present minority employees or members to recruit their friends and relatives.

(i) Validation of all man specifications, selection requirements, tests, etc.

(j) Making every effort to provide after school, summer, and vacation employment to minority youths.

(k) Where reasonable, the development of on-the-job training opportunities and participation and assistance in any association or group training programs relevant to the contractor's or union's needs.

(l) Continuing inventory and evaluation of all minority personnel or members for promotional opportunities and encouragement of minority employees or members to seek such opportunities.

(m) Assuring that seniority practices, job classifications, etc., do not have a discriminatory effect.

(n) Assuring that all facilities and activities are nonsegregated.

(o) Continual monitoring of all personnel activities to insure that its EEO policy is being carried out.

(p) The contractor shall solicit bids for subcontracts from available minority subcontractors with the trades covered by this appendix, including circulation of minority contractor associations.

6. Each agency shall review contractors' and subcontractors' employment practices during the performance of the contract. If the contractor and subcontractor meets its goals or if the contractor or subcontractor can demonstrate that it has made every good faith effort to meet those goals, the contractor shall be presumed to be in compliance with Executive Order 11246, the implementing regulations and its obligations under this appendix and no formal sanctions or proceedings leading toward sanctions shall be instituted unless the agency otherwise determines that the contractor or subcontractor is not providing equal employment opportunities. Where the agency finds that the contractor or subcontractor has failed to comply with the requirements of Executive Order 11246, the implementing regulations and its obligations under its appendix, the agency shall take such action and impose such sanctions as may be appropriate under the Executive order and the regulations. When the agency proceeds with such formal action it has the burden of proving that the contractor has not met the requirements of this appendix, but the contractor's failure to meet his goals shall shift to him the requirement to come forward with evidence to show that either he or his union, described in 2(c) above, has made every "good faith" effort (as described in 5 above) to meet such goals. Such noncompliance by the contractor or subcontractor shall be taken into consideration by Federal agencies in determining whether such contractor or subcontractor can comply with the requirements of Executive Order 11246 and is therefore a "responsible prospective contractor" within the meaning of the Federal procurement regulations.

7. Except as provided herein, it shall be no excuse that the union with which the contractor has a collective bargaining agreement providing for exclusive referral failed to refer minority employees. Discrimination in referral for employment, even if pursuant to provisions of a collective bargaining agreement, is prohibited by the National Labor Relations Act, as amended, and title VII of the Civil Rights Act of 1964. It is the longstanding uniform policy of OFCC that contractors and subcontractors have a responsibility to provide equal employment opportunity if they want to participate in federally involved contracts. To the extent they have delegated the responsibility for some of their employment practices to a labor organization which does not meet the criteria prescribed in 5 above and they are, thus, prevented from meeting the obligations pursuant to Executive Order 11246, as amended, such contractors cannot be considered to be in compliance with Executive Order 11246, as amended, or the implementing rules, regulations, and orders.

8. All prime contractors and subcontractors shall include in all bid invitations or other prebid communications, written or otherwise, with respect to their prospective subcontractors, the goals, as applicable, which are required under this appendix. Whenever a prime contractor or subcontractor subcontracts a portion of the work in any trade designated herein, he shall include in such subcontract his commitment made under this appendix, as applicable, which shall be adopted by his subcontractor, who shall be bound thereby and by this appendix to the full extent as if he were the prime contractor. The prime contractor shall not be accountable for the failure of his subcontractor to fulfill his requirements. However, the prime contractor or subcontractor shall give notice to the Area Coordinator of the Office of Federal Contract Compliance of the Department of Labor and the contracting agency of any refusal or failure of any subcontractor to fulfill his obligations under this appendix. Failure of compliance by any subcontractor will be treated in the same manner as such failure by the prime contractor.

9. Contractors and subcontractors must keep such records and file such reports relating to the provisions of this appendix as shall be required by the contracting or administering agency.

10. Nothing in this appendix shall be interpreted to diminish the responsibilities of the contracting and administering agencies nor the obligations of contractors or subcontractors pursuant to Executive Order 11246 for those trades and those contracts not covered by this appendix.

11. The procedures set forth in this appendix shall not apply to any contract when the head of the contracting or administering agency determines that such contract is essential to the national security and that its award without following such procedures is necessary to the national security. Upon making such a determination, the agency head will notify, in writing, the Director of the Office of Federal Contract Compliance within 30 days.

12. Nothing in this appendix shall be interpreted to diminish the present contract compliance review and complaint programs.

13. Requests for exemptions from this appendix must be made in writing, with justification, to the Director, Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C. 20210, and shall be forwarded through and with the endorsement of the agency head.

14. This appendix shall be signed in the space provided below.

(Bidder)

---------- By: ----------

(Date)

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

J. D. HODGSON,
Secretary of Labor.

R. J. GRUNEWALD,
Assistant Secretary for Employment Standards.

JOHN L. WILKS,
Director, Office of Federal Contract Compliance.

[FR Doc.72-2601 Filed 2-18-72;8:51 am]

Office of Labor-Management and Welfare-Pension Reports

[29 CFR Part 460]

DESCRIPTION OF EMPLOYEE WELFARE OR PENSION BENEFIT PLANS

Additional Reporting Requirements; Correction

On February 1, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 2443), adding additional reporting requirements under the Welfare and Pension Plans Disclosure Act. The notice, in proposing additional material to 29 CFR 460.2, contained an incorrect designation of a paragraph. The corrections to be effected are set out as follows:

1. The item numbered 3 on page 2444 incorrectly stated that § 460.2 is amended by designating the existing section as paragraph (a) and adding a new paragraph (b). As corrected there is to be no change in § 460.2 except that a new paragraph (a–1) is to be added. The additional material identified as paragraph (b) of § 460.2 should be redesignated as paragraph (a–1) of § 460.2.

2. Under item 4 on page 2444, the proposed paragraph (c) of §460.5 contains references in three places to "paragraph (b) of § 460.2." Where this reference occurs there should be substituted "paragraph (a–1) of § 460.2."

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

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

[FR Doc.72-2565 Filed 2-18-72;8:48 am]

Office of the Secretary

[41 CFR Part 50–250]

MANDATORY LISTING OF JOB VACANCIES WITH FEDERAL-STATE EMPLOYMENT SERVICE SYSTEM

Obligations Attached to Listings

Pursuant to the authority contained in Executive Order No. 11598 (36 F.R. 11711), notice is hereby given that I propose to revise § 50–250.7 of Title 41, Code of Federal Regulations (36 F.R. 18399), to read as follows:

§ 50–250.7 Obligations attached to listings.

Listing of employment openings with the employment service system pursuant to the provisions of this part shall be made concurrently with the use of any other recruitment source or effort and shall involve the normal obligations which attach to the placing of a bona fide job order. These regulations do not require the hiring of any particular job applicant or from any particular group of job applicants, and nothing herein is intended to relieve a contractor or subcontractor covered by these regulations from any requirements in any Executive order, or regulations regarding nondiscrimination in employment.

Interested persons may submit written statements, data, views, or argument in regard to this proposal by mailing them to the Manpower Administrator, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, DC 20210, within 20 days after this notice is published in the FEDERAL REGISTER.

Signed in Washingon, D.C., this 10th day of February 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.72-2566 Filed 2-18-72;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 51]

GRANTS TO STATES FOR PUBLIC HEALTH SERVICES

Notice of Proposed Rule Making

Notice is hereby given that the Administrator, Health Services and Mental Health Administration, with the approval of the Secretary of Health, Education, and Welfare, proposes to revise Subpart B of Part 51 of Title 42, CFR, governing grants to States for public health services under section 314(d) of the Public Health Service Act (42 U.S.C. 246(d)), as set out below.

The principal purpose of the revision is to implement, with respect to this program, the Health Services and Mental Health Administration simplified State plan review system. Under that system, documents which are required to be included in State plans and which currently must be submitted to Health Services and Mental Health Administration headquarters for review will instead be incorporated by reference in the State plans, retained in the States, and there reviewed by staff of the regional offices.

In addition, the revised regulations would implement recent amendments to section 314(d) of the Public Health Service Act, including (1) that made by section 250(b) of Public Law 91–515 (84 Stat. 1305), requiring that the State plan be compatible with the total health program of the State; (2) that made by section 3(b) of Public Law 91–513 (84 Stat. 1241), requiring that the plan provide for services for the prevention and treatment of drug abuse and drug dependence; and (3) that made by section 331 of Public Law 91–616 (84 Stat. 1853), requiring that the plan provide for services for the prevention and treatment of alcohol abuse and alcoholism.

A number of technical and conforming changes are also included.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed revision of 42 CFR Part 51, Subpart B, to the Community Health Service, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20852, within 30 days after publication of this notice in the FEDERAL REGISTER. Comments received will be available for public inspection at Room 7–05, Parklawn Building, between the hours of 8:30 a.m. and 5 p.m., Monday through Friday.

It is therefore proposed to amend Chapter I of Title 42 in the manner set forth below.

Dated: November 24, 1971.

VERNON E. WILSON,
Administrator, Health Services and Mental Health Administration.

Approved: February 12, 1972.

ELLIOT L. RICHARDSON,
Secretary.

Subpart B of Part 51 is revised to read as follows:

Subpart B—Grants to States for Public Health Services

Sec.

AUTHORITY: The provisions of this Subpart B issued under secs. 215, 314 of the Public Health Service Act as amended; 58 Stat. 690, 80 Stat. 1180; 42 U.S.C. 216, 246.

§ 51.101 Applicability.

The regulations of this subpart apply to grants to State health and mental health authorities to assist the States, including the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, in establishing and maintaining adequate public health services, including the training of personnel for State and local health work, as authorized by section 314(d) of the Public Health Service Act, as amended.

§ 51.102 Definitions.

All terms not defined herein shall have the same meanings as given them in the Act. As used in this subpart:

(a) "Act" means section 314 of the Public Health Service Act, as amended (42 U.S.C. 246).

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved may be delegated.

(c) "State plan" refers to the information, proposals, and assurances submitted by the State authority pursuant to section 314(d) of the Act and the

regulations of this subpart for public health activities of the State and political subdivisions, and of other public and private nonprofit agencies to whom Federal or State funds are made available.

(d) "State authority" means the State health, or with respect to mental health, the State mental health authority.

§ 51.103 Submission of State plans.

In order to receive funds from an allotment under this subpart, a State must submit to and have approved by the Secretary a State plan which contains or, as required by these regulations, incorporates by reference the information and meets the requirements specified in the Act and in the regulations of this subpart. Such plan shall be submitted by the State health authority, or in the case of mental health, by the State mental health authority, after reasonable opportunity has been provided to the Governor of the State for his review and comment. Documents incorporated by reference become a part of the State plan as though fully set forth therein. Such documents must be (a) clearly identified as to subject, date, and location, (b) officially adopted and disseminated in accordance with applicable procedures, and (c) made available to the Secretary and to the public for inspection.

§ 51.104 State plan requirements.

(a) *Responsibility of State authority.* The plan must incorporate by reference documents describing the methods by which the State authority will either administer or supervise the administration of the activities to be carried out under the State plan. In providing funds to any activity which it does not administer, the State authority shall apply criteria and require conformance to standards which would assure no lower quality for services to be supported than maintained for activities which it undertakes to conduct directly.

(b) *Evaluation of activities.* The plan must incorporate by reference documents setting forth methods of evaluating the performance of activities being carried out under the plan to assure that they meet the standards set forth in the plan and those prescribed in the regulations of this subpart.

(c) *Providing and strengthening public health services.* The plan must—

(1) Incorporate by reference written policies and procedures by which other governmental and nonprofit private agencies, institutions, and organizations will be made aware of the availability of Federal and State funds for the conduct of public health activities, including those locally initiated or sponsored, under the State plan, and by which requests for commitment of such funds will be evaluated and approved; and

(2) Contain or be supported by an assurance that the funds paid to the State for the activities to be carried out under it will be used to provide and strengthen public health services in the various political subdivisions in order to improve the health of the people of the State. The plan must incorporate by reference written policies and procedures under which the State will consider, in expending such funds, (i) the extent to which services provided under the State plan are made available to all people in all areas of the State, and (ii) the extent to which such funds and services represent a strengthening of public health services in such areas, including expansion or improved alignment of services.

(d) *Participation by local, regional, metropolitan, and other public or private nonprofit agencies.* (1) The State plan shall contain or be supported by assurances that:

(i) In accordance with the standards and criteria required in paragraph (a) of this section, funds will be made available by the State authority to other public or nonprofit private agencies, institutions and organizations initiating, sponsoring, or providing public health services which qualify for inclusion in and support under the State plan;

(ii) Such agencies, institutions, and organizations to which funds are made available are required to participate in the costs of such services;

(iii) In determining to which agencies, institutions, and organizations funds are to be made available, and the amount of funds which are to be made available to each, the State authority will consider the extent to which the services to be provided will be directed to public health programs of high priority, will be of high quality, and will reach the people in local communities in greatest need of such services;

(iv) In its evaluation of requests for such funds the State authority will provide a period for review and will consider any comments relating to such requests of the regional, metropolitan, or local area comprehensive health planning agency serving the area, if such agency exists.

(2) The State plan must incorporate by reference written identification of local, regional, metropolitan, and other public or private nonprofit agencies receiving funds under the State plan, identified as public or private nonprofit agencies.

(e) *Federal funds to supplement non-Federal funds otherwise available.* The State plan must contain or be supported by assurances that Federal funds will not supplant non-Federal funds otherwise available for providing the services and carrying out the activities under the plan and that such funds will, to the extent practical, be used to increase the level of funds otherwise available for such services and activities. Substantial compliance with such assurances will be deemed to have been met if the Secretary finds that:

(1) The level of State funds available to and spent by the State authority for those public health services under the approved State plan (including State funds allocated to other public or nonprofit private agencies, institutions and organizations) is at least no lower for any fiscal year than it was for the immediately preceding fiscal year, except that the Secretary may also take into consideration the extent to which the level of such funds for any fiscal year may have included funds for an activity of a nonrecurring nature, and the extent to which reductions in population or per capita income may affect the availability of such non-Federal funds. In any case no State shall be required to share in the approved State plan in excess of the minimum requirement as determined in accordance with subsections 314(d) (5) and (6) of the Act.

(2) The aggregate level of non-Federal funds (other than State funds allocated by the State authority) available to and spent by other public or nonprofit private agencies, institutions, and organizations to which Federal grant funds are made available under the State plan from the State's allotment is no lower for any fiscal year than it was for the immediately preceding fiscal year.

(f) *Accord with comprehensive planning.* (1) Where a State comprehensive health planning agency has been designated pursuant to section 314(a) of the Act, and where such agency has adopted planning recommendations pertaining to services to be provided under the State plan for public health services, the State plan must contain an assurance that such services will be furnished in accordance with such recommendations.

(2) If the State comprehensive health planning agency has not adopted or incorporated into its planning recommendations State mental health plans, the State plan must contain an assurance that mental health services under the approved plan for this part will be consistent with such other current statewide plans for mental health planning in the State as have been adopted by the State mental health authority.

(g) *Compatability with total health program of State.* The plan shall contain or be supported by an assurance that the services to be provided under the plan are compatible with the total health program of the State.

(h) *Drug abuse and drug dependence, and alcohol abuse and alcoholism.* The State plan shall incorporate by reference written descriptions of services to be provided under the plan for the prevention and treatment of (1) drug abuse and drug dependence and (2) alcohol abuse and alcoholism, in accordance with the plans described in paragraph (f) of this section. In addition, such alcohol abuse and alcoholism services shall be consistent with the State plan for alcohol abuse and alcoholism developed pursuant to section 303 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (84 Stat. 1850; 42 U.S.C. 4573). In evaluating such plans for drug abuse and drug dependence and alcohol abuse and alcoholism services, the Secretary shall consider the extent to which the services to be provided under the plans are commensurate with the relative extent of the drug abuse and drug dependence problem and the alcohol abuse and alcoholism problem, respectively, in the State when compared to the general need for public health services in such State.

(i) *Scope and quality of services.* The following standards shall be applicable to services furnished under the plan:

(1) The plan must incorporate by reference documents showing that preventive, diagnostic, treatment, and rehabilitative programs will include special attention to the health needs of high risk population groups in terms of age, economic status, geographic location, or other relevant factors. In addition, preventive services shaH be based on sound epidemiologic principles.

(2) The plan must incorporate by reference documents showing (i) the anticipated impact on the health of the people in terms of the specific objectives toward which the activities are directed and (ii) the methods by which such services will be evaluated to determine whether such specific objectives have been achieved.

(3) Services under the plan must be provided by or supervised by qualified personnel, such qualification to be determined by reference to merit system occupational standards, State and local licensing laws and specialty Board requirements for health professionals, which standards, laws and requirements shall be incorporated by reference in the plan.

(j) *Methods of personnel administration.* The State plan shall provide for the establishment and maintenance of personnel standards on a merit basis for persons employed by the State authority, and by official local health and mental health departments, to provide or supervise the provision of public health services under the approved State plan, and of State agency supervision of compliance with such standards by official local health and mental health departments. Conformity with Standards for a Merit System of Personnel Administration, 45 CFR Part 70, issued by the Secretary of Health, Education, and Welfare, including any amendments thereto, and any standards prescribed by the U.S. Civil Service Commission pursuant to section 208 of the Intergovernmental Personnel Act of 1970 (Public Law 91–648; 84 Stat. 1915) modifying or superseding such Standards, will be deemed to meet this requirement as determined by said Commission. Laws, rules, regulations and policy statements, and amendments thereto, effectuating such methods of personnel administration and State agency supervision shall be incorporated by reference in the State plan;

(k) *Professional consultation.* The State plan must contain an assurance that the State authority will provide professional consultation as appropriate to agencies, institutions, or organizations other than the State authority providing services under the State plan; and

(l) *Location of services.* The State plan must incorporate by reference written procedures for informing the general public in the State of the kinds and locations of services which are available under the State plan.

(m) *Review and modification.* The State plan must contain an assurance that the State authority will review and evaluate its approved plan at least once annually and submit appropriate modifications thereof to the Secretary. As a minimum, the State authority shall make annual modifications of the plan which will (1) reflect budgetary and expenditure requirements for the new fiscal year and (2) update any assurances or other informational requirements included in the State plan.

(n) *Reports and records.* The State plan must contain an assurance that in addition to any other reports or records required by the regulations of this subpart or which may reasonably be required by the Secretary under the Act:

(1) The State authority shall maintain adequate records to show the disposition of all funds (Federal and non-Federal) expended for activities under the approved State plan.

(2) The State authority shall make annual expenditure reports.

(3) All records required by the Act and the regulations of this subpart shall be retained for 3 years after the close of the fiscal year in which the grant was made. Such records may be destroyed at the end of such 3-year period if the State authority has been notified of the completion of the Federal audit by such time. If the State authority has not been so notified by the end of such 3-year period, such records shall be retained (i) for 5 years after the close of the fiscal year in which the grant was made or (ii) until the State authority is notified of the completion of the Federal audit, whichever comes first. In all cases where audit questions have arisen before the expiration of such 5-year period, records shall be retained until resolution of all such questions.

(4) The State authority will afford access to the records maintained by it to the Comptroller General of the United States and the Secretary of Health, Education, and Welfare, or their authorized representatives, for purposes of audit and examination.

(o) *Accounting procedures.* The State plan shall incorporate by reference such written fiscal control and fund accounting procedures as are necessary to assure the proper disbursement of and accounting for funds paid to the State under this subpart. Such procedures shall provide for an accurate and timely recording of receipts of Federal funds paid to the State for expenditures incurred or to be incurred under the approved plan, of the amounts and purposes of expenditures made in carrying out such plan and of any unearned balances of Federal funds paid to the State. In addition, such procedures must:

(1) Provide for the determination of allowability and the allocation of costs in accordance with Chapter 5–60 of the Department of Health, Education, and Welfare Grants Administration Manual;[1]

(2) Provide for the separation of allowable expenditures as between the State plan for public health services and the State plan for mental health services and for the separation of allowable expenditures under each State plan between those which are for the provision of health services in communities of the State and those which are for other purposes;

(3) Provide adequate information to show exclusion from expenditures claimed for Federal participation of those costs for which payments have been received or are due under other Federal grants or contracts or which are required or used to match other Federal funds;

(4) Provide for maintaining an adequate record of refunds, proceeds from the sale of equipment, fees, and other similar adjustments received, which must be deducted from gross expenditures in computing expenditures available for Federal participation under the approved State plan;

(5) Provide for the maintenance of payroll and inventory records in accordance with Chapters 1–71 and 1–410, respectively, of the Department of Health, Education, and Welfare Grants Administration Manual.

[1] The Department Grants Administration Manual is available for inspection at the Public Information Office of the several Department Regional Offices and available for purchase at the Government Printing Office, GPO Document No. 894–523.

§ 51.105 State allotments.

The allotments for Federal fiscal years 1971, 1972, and 1973 shall be determined in the following manner:

(a) On the basis of population (as determined from the latest available estimate from the Department of Commerce), $3 per person up to a maximum of 100,000 persons, plus;

(b) Fifty percent of the remainder of the amount available on the basis of population (as determined for purposes of paragraph (a) of this section) and 50 percent on the basis of population weighted by financial need (as determined by the latest available estimates of per capita personal income from the Department of Commerce), adjusted so that the total allotment to any State under paragraph (a) of this section plus this paragraph (b) will not be less than the total of the amounts allotted to it under formula grants for cancer control, plus other allotments under section 314 of the Public Health Service Act prior to its amendment by Public Law 89–749, for the fiscal year ending June 30, 1967.

(c) For the purposes of these computations, American Samoa and the Trust Territory of the Pacific Islands shall each be considered to have had total allotments for fiscal year 1967 equal to the lowest total allotments of any other State for that year.

§ 51.106 Allocation of allotments for mental health.

(a) *General.* The Secretary shall allocate 15 percent of each State's allotment for each fiscal year to the State mental health authority and 85 percent to the State health authority, except that when, in any case, 15 percent of the State's allotment is less than the amount of that State's fiscal year 1967 allotment for mental health services, the percentage allocated to the mental health authority of such State shall be increased to that percentage which will provide

that such allocation for the year will equal the fiscal year 1967 allotment to that State for mental health services, and the percentage allocation for the year to the State health authority of such State shall be correspondingly reduced.

(b) *Exception.* If recommended concurrently by the State health authority and the State mental health authority, or by the Governor, for any fiscal year, the Secretary may allocate a higher percentage to the State mental health authority and a correspondingly lower percentage to the State health authority.

§ 51.107 Allocation of allotments to support services in communities.

For each fiscal year, an amount equal to at least 70 percent of the funds allotted to the State health authority and to the State mental health authority, respectively, under section 314(d) of the Act shall be available only for the provision of health services in communities of the State. Such services in communities shall include all eligible activities conducted under the State plan which, in the judgment of the Secretary or his delegate, are directly involved in the provision of services to people, in the training of personnel for community services, and in the prevention or alleviation of health, mental health, or environmental health problems in communities, whether such activities are provided by State or local agencies, but shall not include such activities as administration, planning, consultation, and data collection and analysis activities conducted by the State agency for statewide planning and administrative purposes not directly involved in the provision of services to people. The cost of data collection and analysis activities conducted by the State agency which are an integral part of services provided directly to people may be included as a part of the allotment available only for the provision of health services in communities.

§ 51.108 Expenditures and payments.

(a) *Federal share.* Each State for which a State plan for public health services has been approved shall be paid from its allotment for the fiscal year an amount which equals its "Federal share" (as defined and computed within the limits of the allotment in accordance with subsection 314(d) (5) and (6) of the Act) of the expenditures incurred by such State or a political subdivision thereof during such fiscal year under its approved State plan. The Secretary shall make such adjustments in amounts of payments as may be necessary to correct under or over payments previously made (including expenditures which are disallowed on the basis of audit findings). A State shall not be entitled to payments from any fiscal year allotment for expenditures incurred in a prior or subsequent year. Payments will be made where practicable through a letter of credit system or, when such system is not practicable, on the basis of payment requests from the State to meet its current needs.

(b) *Eligible costs.* Federal participation in providing "Public Health Services" under a State plan may include the costs of any physical, mental, or environmental health service which the State authority is authorized to undertake or support, or the costs of training, including in-service and specialized or short-term training of personnel for State and local health work, except that the following costs of services and training shall not be included:

(1) The provision of air pollution control activities to the extent such costs are precluded by the Clean Air Act (42 U.S.C. 1857 et seq.) as amended;

(2) The provision of inpatient care in hospitals or other institutions, except where the Secretary determines that such care during a limited period of time is necessary for effective evaluation, demonstration, or extension of new or improved public health procedures;

(3) Research activities, other than those which are a part of health service programs or demonstrations, or of health surveys, epidemiologic studies, or case findings;

(4) The acquisition of land or construction or acquisition of buildings;

(5) Such other costs as the Secretary may find to be inconsistent with the Act or the regulations of this subpart.

(c) *Expenditures by nonprofit private agencies.* For the purposes of determining the Federal share for any State, expenditures made by nonprofit private agencies, organizations, and groups shall be regarded as expenditures by such State or political subdivision thereof, subject to the following conditions and limitations:

(1) Such expenditures may be included only when made by such an agency, institution, or organization to which the State authority has made available funds from Federal or State sources for carrying out services to be provided under the approved State plan for the fiscal year;

(2) The amount of expenditures by such nonprofit agency which may be included for any fiscal year does not exceed the amount of the funds made available to such agency by the State under the plan plus not more than an equal amount of expenditure by such agency from nongovernmental funds;

(3) The records of the expenditures by a nonprofit private agency, in carrying out the State plan, shall be maintained and be available for inspection and audit for the period specified in § 51.104(1)(3).

(d) *Equipment.* When equipment purchased from funds spent in carrying out the approved State plan is sold, a proportionate share of any receipts realized from the sale of such equipment shall be deducted from the gross expenditures claimed for Federal participation for the year in which the receipts were received. Such share will be in the same proportion as participation of the Federal funds was in the expenditures under the State plan in the year in which the equipment was purchased. In addition, when any equipment purchased from funds spent in carrying out the approved State plan is transferred or otherwise disposed of to an activity which would not be eligible for support under this subpart, its then market value shall be deducted (in the same proportion as above) from the gross expenditures claimed for Federal participation for the year in which the transfer is made.

§ 51.109 Equipment, supplies, or personnel in lieu of cash.

At the request of and for the convenience of a State authority, the Secretary may, in lieu of cash payments, furnish to such authority equipment or supplies or detail officers or employees of the Public Health Service when he finds that such equipment, supplies, or personnel would be used in carrying out the approved State plan for public health services. In such cases, the Secretary shall reduce the payments to which such State authority would otherwise be entitled from its allotment for the fiscal year by an amount which equals the fair market value of the equipment or supplies furnished and by the amount of the pay, allowances, traveling expenses, and other costs in connection with such detail of officers or employees. For purposes of determining the amount of the expenditures for any fiscal year made in carrying out the approved State plan and the Federal share of such expenditures, the costs incurred by the Secretary in furnishing such equipment or supplies and in detailing such personnel to the State agency during the fiscal year shall be considered as expenditures made by and funds paid to the State.

§ 51.110 Nondiscrimination.

(a) Attention is called to the requirements of title VI of the Civil Rights Act of 1964 (42 U.SC. 2000d; 78 Stat. 252), which provides that no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such title VI has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80). Such regulation is applicable to services and programs provided under approved State plans for public health services receiving Federal assistance under section 314(d) of the Act, and requires receipt and acceptance by the Secretary of the applicable documentation set forth therein.

(b) All services provided under the State plan shall be made available without discrimination on the grounds of sex, creed, marital status, or duration of residence.

[FR Doc.72-2489 Filed 2-18-72;8:49 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Parts 154, 155, 156]

[CGFR 72-33]

POLLUTION PREVENTION

Vessel and Oil Transfer Facilities; Extension of Time for Comments

The Coast Guard published a notice of proposed rule making, CGFR 71-160, in the FEDERAL REGISTER of Friday, December 24, 1971 (36 F.R. 24960), that proposed amendments to the pollution regulations.

Written requests for extension of time to comment on that notice have been received. In addition, several oral requests for extension of time to submit written comments were made at the public hearing which was held on February 15, 1972, in Washington, D.C.

Extension of time is considered reasonable to allow all interested parties adequate opportunity to submit written data, views, arguments, and comments.

In consideration of the foregoing, the time for submitting written data, views, arguments, and comments on the amendments proposed in CGFR 71-160 is extended to April 21, 1972.

(Sec. 11(J)(1)(C) of the Water Pollution Control Act of 1956, added by the Water Quality Improvement Act of 1970 (84 Stat. 91); 33 U.S.C. 1161(J)(1)(C); E.O. 11548, 3 CFR, 1971 Supp., p. 545; 49 CFR 1.46(m))

Dated: February 17, 1972.

W. L. MORRISON,
Rear Admiral, Chairman,
Marine Safety Council.

[FR Doc.72-2671 Filed 2-18-72;8:51 am]

[46 CFR Parts 10, 12, 31, 71, 91, 176, 187, 189]

[CGFR 72-32]

POLLUTION PREVENTION

Inspection of Vessels and Deck and Engineer Officers Licenses; Extension of Time for Comments

The Coast Guard published a notice of proposed rule making, CGFR 71-161, in the FEDERAL REGISTER of Friday, December 24, 1971 (36 F.R. 24970), that proposed amendments to Chapter I of Title 46, Code of Federal Regulations.

Written requests for extension of time to comment on that notice have been received. In addition, several oral requests for extension of time to submit written comments were made at the public hearing which was held on February 15, 1972, in Washington, D.C.

Extension of time is considered reasonable to allow all interested parties adequate opportunity to submit written data, views, arguments, and comments.

In consideration of the foregoing, the time for submitting written data, views, arguments, and comments on the amendments proposed in CGFR 71-161 is extended to April 21, 1972.

(R.S. 4405, as amended, R.S. 4462, as amended, section 11(J)(1)(C) and (D) of the Water Pollution Control Act of 1956, added by the Water Quality Improvement Act of 1970 (84 Stat. 91), National Environmental Policy Act of 1969 (83 Stat. 352), sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 416, 33 U.S.C. 1161(J)(1)(C) and (D), 42 U.S.C. 4321 et seq., 49 U.S.C. 1655(b)(1); E.O. 11548; 3 CFR, 1971 Supp., p. 545; 49 CFR 1.46 (b) and (m))

Dated: February 17, 1972.

W. L. MORRISON,
Rear Admiral, Chairman,
Marine Safety Council.

[FR Doc.72-2670 Filed 2-18-72;8:51 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-WE-5]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Ely, Nev., 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 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.

The 700-foot portion of the transition area is required to encompass the revised dimensions for the procedure turn area. The 1,200-foot portion described on the 007°/187° T (350°/170° M) radials is required to provide controlled airspace protection for aircraft executing the prescribed holding procedures north of Ely VOR.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (37 F.R. 2143) the description of the Ely, Nev., transition area is amended to read as follows:

ELY, NEV.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ely, Nev., VOR, within 5 miles northeast and 9.5 miles southwest of the Ely VOR 303° radial, extending from the VOR to 18.5 miles northwest of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles east and 9.5 miles west of the Ely VOR 007° and 187° radials extending from 17 miles north to 2 miles south of the VOR and within 5 miles each side of the Ely VOR 167° radial, extending from the VOR to 21 miles of the VOR.

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 10, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.72-2572 Filed 2-18-72;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 72-WE-7]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Winslow, Ariz., control zone and 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 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 amendments. 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 proposals 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.

The airspace requirements for Winslow Municipal Airport, Ariz., have been

reviewed in accordance with criteria contained in the U.S. Standards for Terminal Instrument Procedures. The review revealed that the descriptions of the control zone and transition area require amending to provide sufficient controlled airspace protection for aircraft executing prescribed instrument procedures.

In consideration of the foregoing, the FAA proposes the following airspace actions.

In § 71.171 (37 F.R. 2056) the description of the Winslow, Ariz., control zone is amended to read as follows:

WINSLOW, ARIZ.

Within a 6-mile radius of Winslow Municipal Airport (latitude 35°01'15" N., longitude 110°43'15" W.), and that airspace within an arc of an 8.5-mile-radius circle centered on Winslow VORTAC, extending clockwise from a line 3.5 miles south of and parallel to the Winslow 277° radial to a line 3.5 miles north of and parallel to the Winslow 292° radial.

In § 71.181 (37 F.R. 2843) the description of the Winslow, Ariz., transition area is amended to read as follows:

WINSLOW, ARIZ.

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Winslow Municipal Airport (latitude 35°01'15" N., longitude 110°43'15" W.), and that airspace within an arc of a 10-mile-radius circle centered on Winslow VORTAC extending clockwise from a line 4 miles south of and parallel to the Winslow 277° radial to a line 4 miles north of and parallel to the Winslow 292° radial; that airspace extending upward from 1,200 feet above the surface within 9.5 miles north and 16.5 miles south of the Winslow 112° and 292° radials, extending from 15.5 miles east to 19 miles west of the VORTAC.

These amendments are 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 10, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.72-2573 Filed 2-18-72;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 72-WE-8]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Prescott, Ariz., control zone and 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 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, Calif. 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 amendments. 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 proposals 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.

The airspace requirements for Prescott Municipal Airport, Ariz., have been reviewed in accordance with the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPs). The review revealed that the descriptions of the Prescott, Ariz., control zone and transition area must be amended to provide controlled airspace protection for aircraft executing prescribed instrument procedures.

In consideration of the foregoing, the FAA proposes the following airspace actions.

In § 71.171 (37 F.R. 2056) the description of the Prescott, Ariz., control zone is amended to read as follows:

PRESCOTT, ARIZ.

Within a 6-mile radius of Prescott Municipal Airport (latitude 34°39'10" N., longitude 122°25'15" W.).

In § 71.181 (37 F.R. 2143) the description of the Prescott, Ariz., transition area is amended to read as follows:

PRESCOTT, ARIZ.

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Prescott Municipal Airport (latitude 34°39'10" N., longitude 122°25'15" W.); that airspace extending upward from 1,200 feet above the surface within a 21-mile radius of the Prescott VORTAC extending clockwise from a line 5 miles south of and parallel to the Prescott VORTAC 252° radial to a line 5 miles west of and parallel to the Prescott VORTAC 159° radial and within a 14-mile radius of Prescott VORTAC, extending clockwise from a line 5 miles west of and parallel to the Prescott VORTAC 159° radial to a line 5 miles south of and parallel to the Prescott 252° radial.

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 10, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.72-2574 Filed 2-18-72;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

[41 CFR Part 15-9]

PATENTS, DATA, AND COPYRIGHTS

Patents and Inventions

Notice is hereby given that the Environmental Protection Agency proposes a new procurement regulation concerning Patents and Inventions (41 CFR Part 15-9) to read as set forth below.

Interested parties are invited to submit comments. Communications should be submitted in triplicate to the Environmental Protection Agency, Contracts Management Division, Washington, D.C. 20460. All comments received within thirty (30) days from the date of publication in the FEDERAL REGISTER will be considered prior to adoption of the final regulation. A copy of each communication will be placed on file for public inspection in the Contracts Management Division, Waterside Mall, Room 3220, Fourth and M Streets SW., Washington, DC 20460.

Dated: February 16, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

PART 15-9—PATENTS, DATA, AND COPYRIGHTS

Subpart 15-9.5—Patents and Inventions

Sec.

AUTHORITY: The provisions of this Subpart 15-9.5 issued under 40 U.S.C. 486(c), sec. 205(c), 63 Stat. 377, as amended.

§ 15-9.500 Scope of subpart.

This subpart sets forth (a) policy and procedures regarding patents and inventions under EPA contracts involving experimental, developmental or research work, and (b) the contract clauses and regulations which define and implement said policy.

§ 15-9.501 Definitions.

Definitions applicable to this subpart are set forth in Appendix A to this subpart.

§ 15-9.502 General.

It is the policy of EPA to allocate rights to inventions that result from federally supported contracts that involve, or are likely to involve, research, developmental, or experimental work, in accordance with the guidance and criteria set forth in the Statement of Government Patent Policy by the President of the United States on August 23, 1971 (36 F.R. 16,887) (hereinafter referred to as "Statement"). The Statement sets forth

in section 1 thereof three major categories 1(a), 1(b), and 1(c) of contract or grant objectives, and prescribes the manner for allocation of rights to inventions that result from a contract which falls within the particular category.

(a) Under section 1(a) of the Statement, the United States, at the time of contracting, normally acquires or reserves the right to acquire the principal or exclusive rights to any invention made under the contract. Generally, this is implemented by the United States taking all domestic rights to such invention. However, section 1(a) permits that in exceptional circumstances, the contractor may acquire greater rights than a nonexclusive license at the time of contracting where the head of the agency certifies that such action will best serve the public interest. Section 1(a) also prescribes circumstances under which the contractor may acquire such greater rights after an invention is identified.

(b) Under section 1(b) of the Statement the contractor normally acquires principal rights at the time of contracting.

(c) Section 1(c) applies to contracts that are not covered by section 1(a) or 1(b), and provides that allocation of rights is deferred until after inventions have been identified.

§ 15–9.503 Required patent provision.

Every EPA contract involving or likely to involve, research, developmental, or experimental work shall be deemed subject to section 1(a) of the Statement and shall include the patent provisions set forth in Appendix A to this subpart.

§ 15–9.504 Request for rights to identified inventions.

A contractor may address a request for rights to a reported invention to the Contracting Officer pursuant to any of the terms of the patent provisions (Appendix A).

§ 15–9.505 Deviations.

Any request for deviation from the patent provisions in Appendix A must be submitted in writing to the Contracting Officer no later than at the time of submission of a contract proposal. Consideration of any such request submitted after submission of the proposal will be at the discretion of the Contracting Officer.

APPENDIX A

ENVIRONMENTAL PROTECTION AGENCY PATENTS AND INVENTIONS CLAUSE

A. *Definitions.* (1) "Background Patent" means a foreign or domestic patent (regardless of its date of issue relative to the date of this contract):

(i) Which the Contractor, but not the Government, has the right to license to others, and

(ii) Infringement of which cannot be avoided upon the practice of a Subject Invention or Specified Work Object.

(2) "Commercial Item" means—

(i) Any machine, manufacture or composition of matter which, at the time of a request for a license pursuant to paragraph D of this clause, has been sold, offered for sale or otherwise made available commercially to the public in the regular course of business, at terms reasonable in the circumstances, and

(ii) Any process which, at the time of a request for a license, is in commercial use, or is offered for commercial use, so the results of the process or the products produced thereby are or will be accessible to the public at terms reasonable in the circumstances.

(3) "Specified Work Object" means the specific process, method, machine, manufacture or composition of matter (including relatively minor modifications thereof) which is the subject of the experimental, developmental, or research work performed under this contract.

(4) "Contract" means any contract, agreement, or other arrangement, or subcontract entered into with or for the benefit of the Government where a purpose of the contract is the conduct of experimental, developmental, or research work.

(5) "Contractor" means any individual, partnership, public or private corporation, association, institution, or other entity which is a party to this contract and includes entities controlled by the contractor. The term "controlled" means the direct or indirect ownership or more than 50 percent of the outstanding stock entitled to vote for the election of directors, or a directing influence over such stock: *Provided, however,* That foreign entities not wholly owned by the contractor shall not be considered as "controlled" for purposes of this patent clause.

(6) "Subcontract" means any agreement made or purchase order at any tier executed by a Contractor or Subcontractor where the supplies or services covered by such agreement or purchase order are being obtained for use in the performance of this contract and a purpose of the subcontract is the conduct of experimental, developmental, or research work.

(7) "Subcontractor" means any person holding a subcontract under this contract or any lower tier subcontract under this contract.

(8) "Domestic" and "foreign" refer, respectively, (1) to the United States of America, including its territories and possessions, Puerto Rico and the District of Columbia, and (2) to countries other than the United States of America.

(9) "Government" means the Federal Government of the United States of America.

(10) "Subject Invention" means any invention, discovery, improvement, or development (whether or not patentable) made in the course of or under this contract or any subcontract (at any tier) thereunder.

(11) "Made," when used in connection with any invention, means the conception or first actual reduction to practice of such invention.

(12) To "practice an invention or patent" means the right of a licensee on his own behalf to make, have made, use or have used, sell or have sold, or otherwise dispose of according to law, any machine, design, manufacture, or composition of matter physically embodying the invention, or to use or have used the process or method comprising the invention.

(13) The term "to bring to the point of practical application" means to manufacture in the case of composition or product, to use, in the case of a process, or to operate in the case of a machine and under such conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public.

(14) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized delegee.

(15) "General Counsel" means the General Counsel of the Environmental Protection Agency or his authorized delegee.

(16) "Statement" means the President's Patent Policy Statement of August 23, 1971, 36 F.R. 16, 887.

B. *Domestic patent rights in Subject Inventions.* (1) The Contractor agrees that he will promptly disclose to the Contracting Officer in writing each Subject Invention in a manner sufficiently complete as to technical details to convey to one skilled in the art to which the invention pertains a clear understanding of the nature, purpose, operation and, as the case may be, the physical, chemical, biological, or electrical characteristics of the invention. However, if any Subject Invention is obviously unpatentable under the patent laws of the United States, such disclosure need not be made thereon. On request of the Contracting Officer, the Contractor shall comment respecting the differences or similarities between the invention and the closest prior art drawn to his attention.

(2) Except in the instances of a determination, pursuant to subparagraph (3) of this paragraph, by the Administrator to leave to the Contractor, rights greater than the nonexclusive license reserved in this paragraph, the Contractor agrees to grant and does hereby grant to the Government the full and entire domestic right, title, and interest in the Subject Invention. The Government, may upon written request, grant to the Contractor a revocable or irrevocable, as deemed appropriate, royalty-free and nonexclusive license to practice the Subject Invention. Any such license granted shall extend to any existing and future companies, controlled by, controlling or under common control with the Contractor and shall be assignable to the successor of the part of the Contractor's business to which such invention pertains.

(3) Not later than three (3) months after the disclosure of a Subject Invention pursuant to subparagraph (1) of this paragraph, and without regard to whether the invention is a primary object of this contract, the Contractor may submit a request in writing to the Contracting Officer for a determination by the Administrator leaving the Contractor greater rights than that reserved to the Contractor in subparagraph (2) of this paragraph. Such request should set forth information and facts which in the Contractor's opinion, justify a determination that:

(i) In the case of a Subject Invention which is clearly a primary object of this contract, the acquisition of such greater rights by the Contractor is both consistent with the intent of section 1(a) of the Statement and is either, a necessary incentive to call forth private risk capital and expense to bring the invention to the point of practical application or is justified because the Government's contribution to such invention is small compared to that of the Contractor; or that

(ii) The Subject Invention is not a primary object of this contract, and that the acquisition of such greater rights will serve the public interest as expressed in the Statement, particularly when taking into account the scope and nature of the Contractor's stated intentions to bring the invention to the point of commercial application and the guidelines of section 1(a) of the Statement.

The Administrator will review the Contractor's request for greater rights and will make a determination, either granting the request in whole or in part, or denying the request in its entirety. The Contractor will be notified of the Administrator's determination.

(4) In the event greater rights in any Subject Invention are vested in or granted to the Contractor pursuant to subparagraph (3) of this paragraph:

(i) The Contractor's rights in such inventions shall, as a minimum, be subject to a nonexclusive, nontransferable, paid-up license to the Government to practice the invention throughout the world by or on behalf of the Government (including any Government agency) and the States and domestic municipal governments, unless the

Administrator determines that it would not be in the public interest to acquire the license for the States and domestic municipal governments; and said license shall include the right to sublicense any foreign government pursuant to any existing or future treaty or agreement if the Administrator determines it would be in the national interest to acquire this right; and

(ii) The Contractor further agrees to and does hereby grant to the Government the right to require the granting of a license to a responsible applicant(s) under any such invention:

(*a*) On a nonexclusive or exclusive basis on terms that are reasonable under the circumstances, unless the Contractor, its licensees, or its assignees demonstrate to the Government, at the Government's request, that effective steps have been taken within three (3) years after a patent issued on any such invention to bring it to the point of practical application or that it has been made available for licensing royalty-free or on terms that are reasonable in the circumstances, or can show cause why the time period should be extended or

(*b*) On a nonexclusive or exclusive basis on terms that are reasonable in the circumstances to the extent that the invention is required for public use by governmental regulations or as may be necessary to fulfill health or safety needs or for such other public purposes as are stipulated in this contract and

(iii) The Contractor shall file in due form and within six (6) months of the granting of such greater rights a United States patent application claiming the Subject Invention and shall furnish, as soon as practicable, the information and materials required under subparagraph (2) of paragraph F. As to each Subject Invention in which the Contractor has given greater rights, the Contractor shall notify the Contracting Officer at the end of six (6) months period if he has failed to file or caused to be filed a patent application covering such invention. If the Contractor has filed or caused to be filed such an application within the six (6) month period but elects not to continue prosecution of such application, he shall so notify the Contracting Officer not less than sixty (60) days before the expiration of the response period. In either of the situations covered by the two immediately preceding sentences, the Government shall be entitled to all right, title, and interest in such Subject Inventions subject to the reservation to the Contractor of a royalty-free, nonexclusive license therein;

(iv) The Contractor shall, if requested by the Government, either before or after final closeout of this Contract, furnish written reports at reasonable intervals, as to:

(*a*) The commercial use that is being made or is intended to be made of such invention;

(*b*) The steps taken by the Contractor to bring such invention to the point of practical application, or to make the invention available for licensing.

C. *Foreign rights and obligations.* (1) Subject to the waiver provisions of subparagraph (2) of this paragraph, it is agreed that the entire foreign right, title, and interest in any subject invention shall be in the Government, as represented for this purpose by the Administrator. The Government agrees to grant and does hereby grant to the Contractor, a royalty-free nonexclusive license to practice the invention under any patent obtained on such subject invention in any foreign country. The license shall extend to existing and any future companies controlled by, controlling or under common control with the contractor, and shall be assignable to the successor of the part of the Contractor's business to which such invention pertains.

(2) The Contractor may request the foreign rights to a Subject Invention at any time subsequent to the reporting of such invention. The response to such request and notification thereof to the Contractor will not be unreasonably delayed. The Government will waive title to the Contractor to such Subject Invention in foreign countries in which the Government will not file an application for a patent for such invention, or otherwise secure protection therefor. Whenever the Contractor is authorized to file in any foreign country the Government will not thereafter proceed with filing in such country except on the written agreement of the Contractor, unless such authorization has been revoked pursuant to subparagraph (3) of this paragraph.

(3) In the event the Contractor is authorized to file a foreign patent application on a Subject Invention, the Government agrees that it will use its best efforts not to publish a description of such invention until a United States or foreign application on such invention is filed, whichever is earlier, but neither the Government, its officers, agents, or employees shall be liable for an inadvertent publication thereof. If the Contractor is authorized to file in any foreign country, he shall, on request of the Contracting Officer, furnish to the Government a patent specification in English within six (6) months after such authorization is granted, prior to any foreign filing and without additional compensation. The Contracting Officer may revoke such authorization on failure on the part of the Contractor to file any such foreign application within nine (9) months after such authorization has been granted.

(4) If the Contractor files patent applications in foreign countries pursuant to authorization granted under paragraph (2) of this section, the Contractor agrees to grant to the Government an irrevocable nonexclusive, paid-up license to practice by or on its behalf the invention under any patents which may be issued thereon in any foreign country. Such license shall include the right to issue sublicenses pursuant to any existing or future treaties or agreements between the Government and a foreign government for uses of such foreign government, provided the Administrator determines that it is in the national interest to acquire such right to sublicense. The Contractor further agrees to grant under such foreign patents a nonexclusive royalty-free license (i) to sell and to use, but not to make, any composition of matter, article of manufacture, apparatus or system, made under a license granted by the Government to practice the Subject Invention in the United States, and (ii), to practice any process comprising the Subject Invention. Said licensees must be U.S. citizens or U.S. corporations in which 75 percent of the voting stock is owned by U.S. citizens.

(5) In the event the Government or the Contractor elects not to continue prosecuting any foreign application or to maintain any foreign patent on a Subject Invention, the other party shall be notified no less than sixty (60) days before the expiration of the response period or maintenance tax due date, and upon written request, shall execute such instruments (prepared by the party wishing to continue the prosecution or to maintain such patent) as are necessary to enable such party to carry out its wishes in this regard.

D. *Licenses under Background Patents.* (1) Contractor agrees that he will make its Background Patents available for use in conjunction with a Subject Invention or Specified Work Object for use in the specific field of technology in which the purpose of this contract or the work called for or required thereunder falls. This may be done (i) by making available, in quality, quantity and price all of which are reasonable in the circumstances, an embodiment of the Subject Invention or Specified Work Object, which incorporates the invention covered by such Background Patent, as a Commercial Item, or (ii), by the sale of an embodiment of such Background Patent as a Commercial Item in a form which can be employed in the practice of a Subject Invention or Specified Work Object or can be so employed with relatively minor modifications, or (iii), by the licensing of the domestic Background Patent(s) at reasonable royalty to responsible applicants on their request.

(2) If the Administrator determines after a hearing that the quality, quantity, or price of embodiments of the Subject Invention or Specified Work Object said or otherwise made available commercially as set forth in paragraph D(1)(i) is unreasonable in the circumstances, he may require the Contractor to license such domestic Background Patent to a responsible applicant at reasonable terms, including a reasonable royalty, for use in the specific field of technology in which the purpose of this contract or the work called for thereunder falls, and for use in connection with (i) a Specified Work Object, or (ii) a Subject Invention.

(3) (i) When a license to practice a domestic Background Patent in conjunction with a Subject Invention or Specified Work Object is requested, in writing by a responsible applicant, for use in the specific field of technology in which the purpose of this contract or the work called for thereunder falls, and such background patent is not available as set forth in paragraph D(1) (i) or (ii), the Contractor shall have six (6) months from the date of his receipt of such request to decide whether to make such Background Patent so available. The Contractor shall promptly notify the Contracting Office of any request in writing for a license to practice a Background Patent in conjunction with a Subject Invention or Specified Work Object, which the Contractor or his exclusive licensee wish to attempt to make available as set forth in paragraph D(1) (i) or (ii).

(ii) If the Contractor decides to make such domestic Background Patent so available either by himself or by an exclusive licensee, he shall so notify the Administrator within the said six (6) months, whereupon the Administrator shall then designate the reasonable time within which the Contractor must make such Background Patent available in reasonable quantity and quality, and at a reasonable price. If the Contractor or his exclusive licensee decides not to make such Background Patent so available, or fails to make it available within the time designated by the Administrator, the Background Patent shall be licensed to a responsible applicant at reasonable terms, including a reasonable royalty, in conjunction with (*a*) a Specified Work Object, or (*b*) a Subject Invention, and may be limited to the specific field of technology in which the purpose of this contract or the work called for thereunder falls.

(iii) The Contractor agrees to grant or have granted to a designated applicant, upon the written request of the Government, a nonexclusive license at reasonable terms, including reasonable royalties, under any foreign Background Patent in furtherance of any treaty or agreement between the Government of the United States and a foreign government for practice by or on the behalf of such foreign government, if an embodiment of the Background Patent is not commercially available in that country, provided however that no such license will be required unless the Administrator determines that issuance of such license is in the national interest. Such license may be limited by the licensor to the practice of such Background Patent in conjunction with a Subject Invention or a Specified Work Object and for use in only the specific field of technology in

which the purpose of this contract or the work called for thereunder falls.

(iv) The Contractor agrees it will not seek injunctive relief or other prohibition of the use of the invention in enforcing its rights against any responsible applicant for such license and that it will not join with others in any such action. It is understood and agreed that the foregoing shall not affect the Contractor's right to injunctive relief or other prohibition of the use of Background Patents in areas not connected with the practice of a Subject Invention or Specified Work Object in the specific field of technology in which the purpose of this contract or the work called for thereunder falls, or where the Contractor has made available a Commercial Item as set out in paragraph D(1) (i) or (ii).

(4) For use in the specific field of technology in which the purpose of this contract or the work called for thereunder falls, and in conjunction with a Subject Invention or a Specified Work Object, the Contractor agrees to grant to the Government a license under any Background Patent. Such license shall be nonexclusive, nontransferable, royalty-free and world wide to practice such patent which is not available as a Commercial Item as specified in paragraph D(1)(ii) for use of the Federal Government in connection with pilot plants, test beds, and test modules. For all other Government uses, any royalty charged the Government under such license shall be reasonable and shall give due credit and allowance for the Government's contribution, if any, toward the making, commercial development or enhancement of the invention(s) covered by the Background Patent.

(5) Any license granted under a process Background Patent for use with a Specified Work Object shall be additionally limited to employment of the Background Patent under conditions and parameters stood and agreed that the foregoing shall not affect the Contractor's right to injunctive relief or other prohibition of the use of Background Patents in areas not connected with the practice of a Subject Invention or Specified Work Object in the specific field of technology in which the purpose of this contract or the work called for thereunder falls, or where the Contractor has made available a Commercial Item as set out in paragraph D(1) (i) or (ii).

(4) For use in the specific field of technology in which the purpose of this contract or the work called for thereunder falls, and in conjunction with a Subject Invention or a Specified Work Object, the Contractor agrees to grant to the Government a license under any Background Patent. Such license shall be nonexclusive, nontransferable, royalty-free and world wide to practice such Patent which is not available as a Commercial Item as specified in paragraph D(1)(ii) for use of the Federal Government in connection with pilot plants, test beds, and test modules. For all other Government uses, any royalty charged the Government under such license shall be reasonable and shall give due credit and allowance for the Government's contribution, if any, toward the making, commercial development or enhancement of the invention(s) covered by the Background Patent.

(5) Any license granted under a process Background Patent for use with a Specified Work Object shall be additionally limited to employment of the Background Patent under conditions and parameters reasonably equivalent to those called for or employed under this contract.

(6) It is understood and agreed that the Contractor's obligation to grant licenses under Background Patents shall be limited to the extent of the Contractor's right to grant the same without breaching any unexpired contract it had entered into prior to this contract or prior to the identification of a Background Patent, or without incurring any obligation to another solely on account of said grant. However, where such obligation is the payment of royalties or other compensation, the Contractor's obligation to license his Background Patent shall continue and the reasonable license terms shall include such payments by the applicant as will at least fully compensate the Contractor under said obligation to another.

(7) On the request of the Contracting Officer the Contractor shall identify and describe any license agreement which would limit his right to grant licenses under any Background Patent.

(8) In the event the Contractor has a parent or an affiliated company, which has the right to license a patent which would be a Background Patent if owned by the Contractor, but which is not available as a Commercial Item as specified in paragraph D(1) (i) or (ii), and a qualified applicant requests a license under such patent for use in the specific field of technology in which the purpose of this contract or the work called for thereunder falls, and in connection with the use of a Subject Invention or Specified Work Object, the Contractor shall, at the written request of the Government, recommend to his parent company, or affiliated company, as the case may be, the granting of the requested license on reasonable terms, including reasonable royalties, and actively assist and participate with the Government and such applicant, as to technical matters and in liaison functions between the parties, as may reasonably be required in connection with any negotiations for issuance of such license. For the purpose of this subparagraph, (i) a parent company is one which owns or controls, through direct or indirect ownership of more than 50 percent of the outstanding stock entitled to vote for the election of directors, another company or other entity and, (ii) affiliated companies are companies or other entities owned or controlled by the same parent company.

E. *Related inventions.* (1) The Contractor shall submit to the Contracting Officer within six (6) months after the submission of the final report required by paragraph F(6), written information concerning the conception or actual reduction to practice, or both, as may be applicable, of every invention made by the Contractor pertaining to the work called for in this contract which was conceived or first actually reduced to practice within the period of three (3) months prior, during, or three (3) months subsequent to the term of this contract, which invention would be a Subject Invention if made under this contract, but which the Contractor believes was made outside the performance of work required under this contract. The Contracting Officer may require additional information to be furnished in confidence by the Contractor. At the request of the Contracting Officer made during or subsequent to the term of this contract, including any extensions for additional research and development work, the Contractor shall furnish information concerning any other invention which appears to the Contracting Officer to reasonably have the possibility of being a Subject Invention.

(2) All information supplied by the Contractor hereunder shall be of such nature and character as to enable the Contracting Officer reasonably to ascertain whether or not the invention concerned is a Subject Invention. Failure to furnish such information called for herein shall, in any subsequent proceeding, place on the Contractor the burden of going forward with the evidence to establish that such invention is not a Subject Invention. If such evidence is not then presented the invention shall be deemed to be a Subject Invention. After receipt of information furnished pursuant hereto, the Contracting Officer shall not unduly delay rendering his opinion on the matter. In the case of a contract, the Contracting Officer's decision shall be subject to the Disputes Clause of such contract. The Contractor may furnish the information required under this paragraph E of this clause as Contractor confidential information, which shall be identified as such.

F. *General provisions.* (1) The Contractor shall obtain the execution of and deliver to the Contracting Officer any document relating to Subject Inventions as the Contracting Officer may require under the terms hereof to enable the Government to file and prosecute patent applications therefor in any country and to evidence and preserve its rights. Each party hereto agrees to execute and deliver to the other party on its request suitable documents to evidence and preserve license rights derived from this clause.

(2) The Government and the Contractor shall promptly notify each other of the filing of a patent application on a Subject Invention any any country, identifying the country or countries in which such filing occurs and the date and serial number of the application, and on request shall furnish a copy of such application to the other party and a copy of any action on such patent application by any Patent Office and the responses thereto. Any applications or responses furnished shall be kept confidential.

(3) Any other provisions of this clause notwithstanding, the Contracting Officer, or his authorized representative shall, until the expiration of three (3) years after final payment under this Contract, have the right to examine in confidence any books, records, documents, and other supporting data of the Contractor which the Contracting Officer or his authorized representative shall reasonably deem directly pertinent to the discovery or identification of Subject Inventions or to the compliance by the Contractor with the requirements of this clause.

(4) Notwithstanding the grant of a license under any patents to the Government pursuant to any provisions of this clause, the Government shall not be prevented from contesting the validity, enforceability, scope, or title of such licensed patent.

(5) The Contractor shall furnish to the Contracting Officer interim reports every twelve (12) months, or earlier as may be required in this contract, the initial period of which shall commence with the date of this contract. Each report shall list all Subject Inventions required to be disclosed which were made during the interim reporting period or certify that there are no such unreported Inventions.

(6) The Contractor shall submit a final report under this contract listing all Subject Inventions required to be disclosed which were made in the course of the work performed under this contract, and all subcontracts entered into containing a patent rights clause. If to the best of the Contractor's knowledge and belief, no Subject Inventions have resulted from this contract, the Contractor shall so certify to the Contracting Officer. If there are no such subcontracts, a negative report is required.

(7) The interim and final reports required under paragraph F (5) and (6) and Subject Invention disclosures required under paragraph B(1) shall be submitted on Agency forms which will be furnished by the Contracting Officer on request. Any equivalent form approved by the Contracting Officer may be used in lieu of Agency forms. Such reports and disclosures shall be submitted in triplicate.

(8) Any action required by or of the Government under this patent clause shall be undertaken by the Contracting Officer as its

duly authorized representative unless otherwise stated.

(9) The Government may duplicate and disclose reports and disclosures of Subject Inventions required to be furnished by the Contractor pursuant to this clause without additional compensation.

(10) The Contractor shall furnish to the Contracting Officer, in writing, and as soon as practicable, information as to the date and identity of any first public use, sale, or publication of any Subject Invention made by or known to the Contractor, or of any contemplated publication of the Contractor.

(11) The Administrator shall determine the responsibility of an applicant for a license under any provision of this patent clause when this matter is in dispute and his determination thereof shall be final and binding.

(12) The Contractor shall furnish promptly to the Contracting Officer on request an irrevocable power to inspect and make copies of each U.S. patent application filed by or on behalf of the Contractor covering any Subject Invention.

(13) The Contractor shall include in the first paragraph in any U.S. patent application which it may file on a Subject Invention the following statement:

"This invention resulted from work done under Contract No. ------ with the Environmental Protection Agency and is subject to the terms and provisions of said contract."

(14) Any action by the Contracting Officer affecting the disposition of rights to patents or inventions pursuant to this Clause shall be taken only after review by the Office of General Counsel.

(15) All information furnished in confidence pursuant to this patent clause shall be clearly identified by an appropriate written legend. Such information shall be subject to the provisions of the Freedom of Information Act 5 U.S.C. 552 and shall in any event cease to be confidential if it is or becomes generally available to the public, or has been made or becomes available to the Government (i) from other sources, or (ii) by the Contractor without limitation as to use, or was already known to the Government when furnished to it.

G. *Withholding of payment.* This section does apply to a no-fee contract with an educational institution.

(1) If the Contractor fails to deliver to the Contracting Officer the interim reports required by paragraph G(5) or fails to furnish the written disclosures for all Subject Inventions required by paragraph B(1), shown to be due in accordance with any interim report delivered under paragraph G(5) or otherwise known to be unreported, there shall be withheld from payment until the Contractor shall have corrected such failure either ten percent (10%) of the amount of this contract, as from time to time amended, or ten thousand dollars ($10,000), whichever is less. After payment of eighty percent (80%) of the amount of the contract, as from time to time amended, payment shall be withheld until a reserve of either ten percent (10%) of the amount of this contract or ten thousand dollars ($10,000), whichever is less, shall have been set aside. Final payment under this Contract shall not be made before the Contractor delivers to the Contracting Officer:

(i) The final report required by paragraph G(6); and

(ii) Written disclosures for all inventions required by paragraph B(1) which are shown to be due in accordance with interim reports delivered under paragraph G(5) or in accordance with such final report, or are otherwise known to be unreported; and

(iii) The information as to subcontracts required by paragraph I(2).

No amount shall be withheld under this section when the amount specified by this section is being withheld under other provisions of this contract. The withholding of any amount or subsequent payment thereof to the Contractor shall not be construed as a waiver of any rights accruing to the Government under this Contract. This subparagraph shall not be construed as requiring the Contractor to withhold any amounts from a subcontractor to enforce compliance with the patent provisions of a subcontract. In cost-type contracts, "amount of this contract" shall mean "estimated cost of this contract."

H. *Warranties.* (1) The Contractor warrants that whenever he has divested himself of the right to license any Background Patent (or any invention owned by the Contractor which could become the subject of a Background Patent) prior to the date of this contract, such divestment was not done to avoid the licensing requirements set forth in paragraph D of this patent clause. After a Background Patent, or invention which could become the subject of a Background Patent, is identified, the Contractor shall take no action which shall impair the performance of his obligation to issue Background Patent Licenses pursuant to this contract.

(2) The Contractor warrants that he will take no action which will impair his obligation to assign to the Government any invention first actually reduced to practice in the course of or under this contract.

(3) The Contractor warrants that he has full authority to make obligations of this clause effective, by reason of agreements with all of the personnel, including consultants (other than subcontractor personnel and consultants) who might reasonably be expected to make inventions, and who will be employed in work on the project contemplated by this contract, to assign to the Contractor all discoveries and inventions made within the scope of their employment.

I. *Subcontracts.* (1) The Contractor, shall, unless otherwise authorized or directed by the Contracting Officer, include a patent clause containing provisions that correspond to those of this clause, except for the "withholding of payment" provision, in any subcontract hereunder where a purpose of the subcontract is the conduct of experimental, developmental or research work. In the event of refusal by a subcontractor to accept this clause, the Contractor:

(i) Shall promptly submit a written report to the Contracting Officer setting forth the subcontractor's reasons for such refusal or the reasons the Contractor is of the opinion that the inclusion of this clause is inappropriate, and other pertinent information which may expedite disposition of the matter; and

(ii) Shall not execute the subcontract without the written authorization of the Contracting Officer.

The Contractor shall not in any subcontract, or by using such subcontract as consideration therefor, acquire any rights to Subject Inventions for his own use (as distinguished from such rights as may be required solely to fulfill his contract obligations to the Government in the performance of this contract). Reports, instruments and other information required to be furnished by a subcontractor to the Contracting Officer under the provisions of a patent clause in a subcontract hereunder may, upon mutual consent of the Contractor and the subcontractor (or by direction of the Contracting Officer) be furnished to the Contractor for transmission to the Contracting Officer.

(2) The Contractor, at the earliest practicable date, shall also notify the Contracting Officer in writing of any subcontract containing a patent clause, furnish him a copy of such clause and notify him when such subcontract is completed. The Contractor hereby assigns to the Government all rights of the Contractor to enforce a subcontractor's obligations with respect to Subject Inventions, Background Patents, and pursuant to section E of this clause. The Contractor shall cooperate with the Government at the Government's request and expense in any legal action to secure the Government's rights.

[FR Doc.72-2589 Filed 2-18-72;8:49 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

FLUID MILK

Change in Date of Public Hearing and Extension of Time for Comment

On December 28, 1971, there was published in the FEDERAL REGISTER (36 F.R. 25052) a notice that the Small Business Administration would hold a public hearing on February 24, 1972, on its proposal to lower the size standard for the purpose of bidding on Government procurements of fluid milk (Census Classification Code 2026), from 750 employees to 500 employees.

The date for the hearing has been rescheduled for March 2, 1972, at 10 a.m., e.s.t., in Room 214 of the offices of the Small Business Administration, 1441 L Street NW., Washington, DC.

The time for submission of written comment also is hereby extended to March 2, 1972.

Dated: February 16, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72-2630 Filed 2-18-72;8:51 am]

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Notice of Proposed Rule Making

Notice is hereby given that the Administrator of the Small Business Administration hereby proposes to amend the definition of a small business for SBA loans.

Under the currently effective regulation if an applicant for an SBA loan has one or more affiliates primarily engaged in industries different than that of the applicant, the applicant's size status is determined by computing the percentage that the applicant's size is of the size standard for the industry in which it is primarily engaged and adding to it the percentage that the size of each of its affiliates is of the size standard for the industry in which each affiliate is primarily engaged. In order for the applicant to be eligible the total of such percentages must not exceed one hundred percent (100%).

It has come to the attention of the SBA that there are concerns that have

affiliates which are engaged in other industries but which primarily sell to members of the affiliated group and therefore are not in competition in the open market, and that the size of such a concern together with its affiliates might be within the size standard for the industry in which the applicant is primarily engaged, and yet such concern be ineligible due to application of the percentage rule.

Under such circumstances it is proposed to amend § 121.3–10 of Part 121, Chapter 1, Title 13 of the Code of Federal Regulations by revising the fourth and sixth sentences thereof to read as follows:

§ 121.3–10 Definition of small business for SBA loans.

* * * If an applicant for an SBA loan has external-operating affiliates (i.e. affiliates which are primarily engaged in selling to the general public or to concerns other than the applicant concern or an affiliate thereof) and such external-operating affiliates are engaged in industries subject to size standards different than that of the applicant concern, the applicant concern's size status shall be determined by computing the percentage that the size of the applicant concern including any internal-operating affiliates (i.e. affiliates primarily engaged in selling to the applicant or an affiliate thereof) is of the size standard for the industry in which the applicant together with its internal-operating affiliates is primarily engaged; and adding to it the percentage that the size of each of its external-operating affiliates is of the size standard for the industry in which each such external-operating affiliate is primarily engaged. * * * If a concern, including its internal-operating affiliates if any, is engaged in more than one industry, the applicable size standard shall be that for its primary industry. In determining which of the industries is the primary industry, consideration shall be given to these criteria among others: distribution among such industries of receipts, employment and cost of doing business. * * *

Interested parties may file with the Small Business Administration within 15 days of publication of this proposal in the FEDERAL REGISTER, written statements of facts, opinions, or arguments concerning the proposal.

All correspondence shall be addressed to:

William L. Pellington, Acting Director, Size Standards Staff, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

Dated: February 16, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72–2631 Filed 2–18–72;8:51 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

ROLLER CHAIN, OTHER THAN BICYCLE, FROM JAPAN

Antidumping Proceeding Notice

On December 27, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that roller chain, other than bicycle, from Japan is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

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

Approved: February 14, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-2584 Filed 2-18-72;8:49 am]

Internal Revenue Service

[Cost of Living Council Ruling 1972-19]

UNSOLD NEWSPAPERS AND MAGAZINES SOLD AS USED PRODUCTS

Cost of Living Council Ruling

Facts. Company A purchases unsold newspapers and magazines from publishers. It sorts these materials as to color and texture and bundles them into commercial lots for sale to paper companies for recycling. It now wants to raise its prices for the sorted materials.

Issue. Are sales of unsold materials, sorted and bundled into commercial lots exempt from the Economic Stabilization Regulations as sales of "used products"?

Ruling. Sales of these materials are not exempt as "used products" under the Economic Stabilization Regulations, 6 CFR 101.34(e), 37 F.R. 1237 (January 27, 1972). When a person carries on the trade or business of making, fabricating or assembling a product by manual labor or machinery for sale to other persons he is a "manufacturer" within the definition provided by the Economic Stabilization Regulations, 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971), and his prices are governed by 6 CFR 300.12, 36 F.R. 23974 (December 16, 1971).

To the extent that the company has taken unsold newspapers and magazines and sorted them as to color and texture and bundled the sorted materials, the company has altered that product so as to make a distinctly separate product (i.e., bundles of sorted newspapers and magazines as to color and texture). The company therefore fits the definiton of a manufacturer and all such transactions are governed by the Regulations. Accordingly, the sale of the newspapers and magazines as described in the facts do not qualify as used products.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: February 16, 1972.

LEE H. HENKEL, JR.,
Acting Chief Counsel, Internal Revenue Service.

Approved: February 16, 1972.

SAMUEL R. PIERCE, JR.,
General Counsel, Department of the Treasury.

[FR Doc.72-2577 Filed 2-18-72;8:46 am]

[Price Commission Ruling 1972-62]

LANDLORD'S RECORDS AS TO BASE PRICES

Price Commission Ruling

Facts. A landlord has notified a tenant that his rent will be increased when his lease expires.

Issue. How can the tenant determine what the landlord may charge under the Economic Stabilization regulations?

Ruling. A landlord may charge no more than the "base price" for a rental unit. Economic Stabilization Regulations 6 CFR 300.11, 36 F.R. 21792 (November 13, 1971). Generally, the base price is the rental stipulated for the unit or a substantially identical unit at least 10 percent of the leases executed during the period July 16–August 14, 1971. Economic Stabilization Regulations 6 CFR 300.507 (b), 36 F.R. 21792 (November 13, 1971). A landlord must keep records and make them available at the request of any tenant, or representative of the Price Commission (including the Internal Revenue Service). Economic Stabilization Regulations 6 CFR 300.15, 36 F.R. 23974 (December 16, 1971). Upon the request of any tenant, or prospective tenant, the landlord must make available records which reflect:

(1) The base price for each rental unit; and,

(2) The reason for any difference between the base price and the maximum rental the landlord was allowed to charge for the unit during the 90-day freeze; and

(3) The reason for any difference between the base price and the price allowable on or after November 14, 1971.

This ruling is not applicable to transactions occuring after December 28, 1971, or requests for information concerning those transactions. New regulations have been issued which govern those transactions. See Economic Stabilization Regulations, 6 CFR 301.501, 36 F.R. 25386 (December 30, 1971).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 14, 1972.

LEE H. HENKEL, JR.,
Acting Chief Counsel, Internal Revenue Service.

Approved: February 14, 1972.

SAMUEL R. PIERCE, JR.,
General Counsel, Department of the Treasury.

[FR Doc.72-2578 Filed 2-18-72;8:46 am]

[Price Commission Ruling 1972-63]

2½ PERCENT INCREASE FROM PRIOR PERIOD

Price Commission Ruling

Facts. On December 30, 1971, a lease was executed by X and Y calling for a 1-year lease of X's unit of residential housing by Y commencing January 1, 1972. Under the terms of the lease, Y agreed to pay a monthly rent which included a base rent properly computed under Subpart C of Part 301 of the Economic Stabilization Regulations, 6 CFR 301, 36 F.R. 25386 (December 30, 1971), and allowable costs occurring after December 28, 1971, allocable to the residence and attributable to an increase in costs for municipal services under Economic Stabilization Regulations, 6 CFR 301.102(b)(ii), 36 F.R. 25386 (December 30, 1971). The monthly rent charged did not include an increase of 2½ percent of base rent allowable under the Economic Stabilization Regulations, 6 CFR 301.102 (a)(1), 36 F.R. 25386 (December 30, 1971). Under the terms of the lease, on December 1, 1972, X delivered to Y a notification of rental increase, effective January 1, 1973, in the form and manner

prescribed by the regulations. However, the proposed increase is 5 percent of base rent which is based upon an allowable 2½-percent increase for the 12-month period beginning January 1, 1973, and an additional 2½ percent of base rent for the previous 12-month period which X neglected to charge under the present lease.

Issue. May a lessor charge, offer to charge, or give notice of intent to charge a rent reflecting an increase of 2½ percent of base rent for a prior 12-month period (but one which commenced after December 28, 1971) which he failed to charge during such prior period?

Ruling. Under the Economic Stabilization Regulations, 6 CFR 301.102(a)(1), 36 F.R. 25386 (December 30, 1971), a monthly rent for a residence which becomes occupied after December 28, 1971, may reflect 2½ percent of the base rent with respect to each 12-month period beginning after that date. The parenthetical statement within paragraph (a)(1) makes it clear that only a 2½-percent increase is allowable during any 12-month period beginning after December 28, 1971, i.e., the 2½ percent may not be accumulated from one period to another, and the rent may not be increased by more than 2½ percent of base rent under § 301.102(a)(1) for any such 12-month period. Therefore, X may not increase the rent currently charged by 5 percent of base rent on January 1, 1973, but he may increase the rent currently charged by 2½ percent of base rent.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 14, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 14, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2579 Filed 2-18-72;8:46 am]

[Price Commission Ruling 1972-64]

PARKING UNDER COMMERCIAL AGREEMENT

Price Commission Ruling

Facts. X had an agreement with Y under which X parked his car on a specified spot on Y's downtown parking lot at a specified monthly rate, subject to rules posted by Y. Under the agreement, X could lock his car and retain the key. The agreement has lapsed, and both parties seek to adopt another similar agreement.

Issue. Is the monthly rate in the new agreement considered as rent or as fees to a service organization for purposes of the regulations?

Ruling. Amounts paid for parking on a commercial parking lot under the above facts are fees for parking, and not rents. This is because X was entitled only to park his car on the specified spot, and only in accordance with the rules posted by the operator under the proposed agreement. His rights under the contract thus arose under Y's possessory interest. Since X did not have an interest in the property giving him a right to exclusive possession which could be asserted against the whole world, including Y, the agreement can not be deemed a "lease"; see C.J.S. Landlord & Tenant section 202(6). Therefore the payments under the agreement are not rent, but payments for the service of granting a license to park on Y's property and the provisions of § 300.14 of the Economic Stabilization Regulations apply to increases in the fees.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 15, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 15, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2580 Filed 2-18-72;8:46 am]

[Price Commission Ruling 1972-65]

SUBSTANTIAL NUMBER OF TRANSACTIONS

Price Commission Ruling

Facts. A owns 100 apartment units of comparable size and location. During the period beginning July 16, 1971, and ending August 14, 1971, he entered into leases on all 100 units. The rentals on five of the units were $100 per month; another five were rented at the rate of $90 per month; 10 were rented at the rate of $80 per month, and the remainder were rented at $75 per month.

Issue. What is A's "base price" for purposes of the Economic Stabilization Regulations?

Ruling. A's "base price" is $90 per month. Section 300.507(b)(1) of the Economic Stabilization Regulations 6 CFR 300.507, 36 F.R. 23974 (December 16, 1971), provides that the base price for a lease of an interest in real property is the highest price charged by the person with respect to the same or substantially identical rental units in a substantial number of transactions during the freeze base period. As defined in the Economic Stabilization Regulations, 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971), "freeze base period" means the period from July 16 to August 14, 1971. The highest price charged in a "substantial number of transactions" is the highest price at or above which 10 percent of the units were priced in transactions during the freeze base period under § 300.505(c) of the Economic Stabilization Regulations, 6 CFR 300.505, 36 F.R. 21792 (November 13, 1971).

Since, on these facts, five units were rented at the rate of $100 per month and five more units were rented at $90 per month in transactions occurring during the freeze base period, 10 apartments, or 10 percent of the apartments rented during the freeze base period, were rented at $90 per month or more. Therefore, $90 per month is the highest price at or above which 10 percent of the units were priced in transactions during the freeze base period, and is the base price.

This ruling is not applicable to transactions occurring after December 28, 1971. New regulations, effective December 29, 1971, control such transactions. See Economic Stabilization Regulations 6 CFR 301.1 et seq., 36 F.R. 25386 (December 30, 1971).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 15, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 15, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2581 Filed 2-18-72;8:46 am]

[Price Commission Ruling 1972-66]

TAXI RATE REPORTING REQUIREMENTS

Price Commission Ruling

Facts. Taxi Cab Company, a regulated public utility as defined by Economic Stabilization Regulations, 6 CFR 300.16, 37 F.R. 652 (January 14, 1972), owns and operates a fleet of taxis in a metropolitan area. Its annual revenues are less than $100 million. Its rates and rate increases are regulated by a local agency.

Issue. Is Taxi Cab Company required to report any rate increases to the Price Commission?

Ruling. No. The regulation covering reporting firms, Economic Stabilization Regulations, 6 CFR 300.52(c), 37 F.R. 426 (January 11, 1972), does not apply to public utilities covered by § 300.16. Section 300.16 contains the reporting requirements applicable to public utilities. These requirements only apply to firms with annual revenues of $100 million or more, prenotification firms. While public utilities with less revenue are not required to report under this section, the Price Commission does retain full authority to disapprove a rate increase and/or require the public utility to furnish additional information, but must exercise this authority within 10 days after the public utility has received final approval from the regulatory agency for the price increase or within 10 days, after the price increase has been placed into effect, whichever is earlier. (§ 300.16 (l) and (m).)

Taxi Cab Company must, however, obtain from its regulatory agency a certification for each rate increase it receives or, if necessary, self-certify for each rate increase, as provided in § 300.16 (e) and (f).

This ruling has been approved by the General of the Price Commission.

Dated: February 15, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 15, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2582 Filed 2-18-72;8:46 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

ASSISTANT SECRETARY OF DEFENSE (HEALTH AND ENVIRONMENT)

Responsibilities, Functions, and Authorities

The Secretary of Defense approved the following:

I. *General.* Pursuant to the authority vested in the Secretary of Defense and the provisions of title 10, United States Code, section 136(b) as amended, one of the positions of Assistant Secretary authorized by law is hereby designated the Assistant Secretary of Defense (Health and Environment) with responsibilities, functions and authorities as prescribed herein.

II. *Responsibilities.* The Assistant Secretary of Defense (Health and Environment) is the principal staff adviser and coordinator for the Secretary of Defense for health and sanitation matters, including care and treatment of patients, preventive medicine, clinical investigations, hospitals and related health facilities, medical materiel, nutrition, drug and alcohol abuse control, and health personnel and the procurement, education and training, and retention of such personnel. He is also the principal adviser and coordinator for the Secretary of Defense for environmental quality matters.

III. *Functions.* Under the direction, authority and control of the Secretary of Defense, the Assistant Secretary of Defense (Health and Environment) shall perform the following functions within his assigned responsibilities:

A. Recommend policies and guidance governing DOD planning and program development.

B. Develop systems and standards for the administration and management of approved plans and programs.

C. Review and evaluate programs of DOD components for carrying out approved policies and standards.

D. Establish requirements for DOD research and development programs in relevant fields to be carried out by the Director of Defense Research and Engineering, and keep abreast of technical developments to provide their orderly transition to operational status.

E. Recommend appropriate steps which will provide for more effective, efficient and economical administration, and operation in the Department of Defense including the elimination, transfer, reassignment, and consolidation of functions.

F. Promote close cooperation and mutual understanding between the Department of Defense, other Federal agencies, and the civil health and medical professions.

G. Provide specific policy and guidance for the procurement, professional development, and retention of medical and dental personnel, as well as such other personnel as may be required to discharge DOD health and environmental quality responsibilities.

H. Provide policy guidance, management control, and coordination for the DOD Drug Abuse Control Program and the DOD Alcohol Abuse Control Program. These programs include educational and informational materials on the dangers of illegal or improper drug and alcohol use.

I. Insure the identification of environmental quality problems associated with the development, production, and use of new materials and provide for their abatement and control. Where inadequate data exists concerning the effects and control of these materials, conduct studies to develop environmental control policy in consultation with appropriate heads of other agencies.

J. Consult with responsible officials in other Federal agencies at the earliest feasible stage in the planning of new activities to ensure that insofar as practical, the latest antipollution techniques and methods are used in the protection and enhancement of the environment.

K. Such other functions as the Secretary of Defense assigns.

IV. *Relationships.* A. In the performance of his functions, the Assistant Secretary of Defense (Health and Environment) shall:

1. Coordinate actions, as appropriate, with DOD components having collateral or related functions.

2. Maintain active liaison for the exchange of information and advice with DOD components, other Federal agencies, and professional groups (e.g., American Hospital Association and American Medical Association).

3. Make full use of established facilities in the Office of the Secretary of Defense, and other elements of the DOD rather than unnecessarily duplicating such facilities.

B. The heads of DOD components and their staffs shall fully cooperate with the Assistant Secretary of Defense (Health and Environment) and his staff in a continuous effort to achieve efficient administration of the Department of Defense and to carry out effectively the direction, authority and control of the Secretary of Defense.

V. *Authorities.* A. The Assistant Secretary of Defense (Health and Environment), in the course of exercising full staff functions, is hereby specifically delegated authority to:

1. Issue instructions and one-time directive-type memoranda, in writing, appropriate to carrying out policies approved by the Secretary of Defense for his assigned fields of responsibilities in accordance with DOD Directive 5025.1.[1] Instructions to the military departments will be issued through the Secretaries of those departments or the designees. Instructions to unified and specified commands will be issued through the Joint Chiefs of Staff.

2. Obtain and provide such information, advice and assistance from DOD components as he deems necessary.

3. Communicate directly with heads of DOD components, including the Secretaries of the military departments, the Joint Chiefs of Staff, the Directors of Defense Agencies, and the commanders of the unified and specified commands. Communications of the Assistant Secretary of Defense (Health and Environment) to the commanders of unified and specified commands shall be coordinated with the Joint Chiefs of Staff.

4. Communicate with other government agencies, representatives of the legislative branch, and members of the public, as appropriate, in carrying out assigned functions.

B. Other authorities specifically delegated by the Secretary of Defense to the Assistant Secretary of Defense (Health and Environment) will be referenced in an enclosure to this Directive.

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

DELEGATIONS OF AUTHORITY

Pursuant to the authority vested in the Secretary of Defense, the Assistant Secretary of Defense (Health and Environment) has been delegated, subject to the direction, authority, and control of the Secretary of Defense, authority to:

1. Make determinations with respect to the uniform implementation of laws relating to separation from the military departments by reason of physical disability as prescribed in DoD Directive 1332.18,[1] dated September 9, 1968.

[FR Doc.72-2588 Filed 2-18-72;8:49 am]

DEPARTMENT OF THE INTERIOR

National Park Service

GRAND TETON NATIONAL PARK

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Grand Teton National Park, proposes to issue a concession permit to Lee D. Hughs authorizing him to

[1] Filed as part of original. Extra copies available from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Attention: Code 300.

provide concession facilities and services for the public at Fontenelle Reservoir, an area administered by the Superintendent, Grand Teton National Park, Wyo., for a period of 5 years from January 1, 1972, through December 31, 1976.

The foregoing concessioner has performed his obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice. Interested parties should contact the Superintendent, Grand Teton National Park, Post Office Box 67, Moose, Wyo. 83012, for information as to the requirements of the proposed permit.

Dated: January 4, 1972.

GARY E. EVERHARDT,
Superintendent,
Grand Teton National Park.

[FR Doc.72-2559 Filed 2-18-72;8:47 am]

Office of Hearings and Appeals

[Docket No. M72-24]

NORTH AMERICAN COAL CORP.

Notice of Petition for Modification of Mandatory Safety Standard

In regard petition of the North American Coal Corp. for modification of mandatory safety standard (section 308(d)), Docket No. M72-24.

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. section 861(c) (1970)), notice is given that the North American Coal Corp., Ohio Division, has filed a petition to modify the application of 30 CFR 75.803 to its No. 1 Mine located in York Township, Belmont County, Ohio.

30 CFR 75.803 is a repetition of section 308(d) of the Act, 30 U.S.C. section 868(d) (1970), which reads as follows:

(d) Six months after the operative date of this title, high-voltage, resistance grounded systems shall include a fail safe ground check circuit to monitor continuously the grounding circuit to assure continuity and the fail safe ground check circuit shall cause the circuit breaker to open when either the ground or pilot check wire is broken, or other no less effective device approved by the Secretary or his authorized representative to assure such continuity, except that an extension of time, not in excess of 12 months, may be permitted by the Secretary on a mine-by-mine basis if he determines that such equipment is not available.

Petitioner requests an exception from this standard only for the D North circuit and describes the circumstances as follows: The No. 1 mine is operating on a 4.16-kv. underground distribution system. Three substations are maintained at the three portal areas, two of which serve the actual mine load. A fan, rectifier, and miscellaneous outside load is served from one oil circuit breaker. The second breaker feeds a 4.16-kv. circuit to the 37 South borehole. This 37 South circuit is ground monitored and in compliance with § 75.803. Immediately outside the station this 37 South circuit is tapped and taken approximately 10,000 feet to the D North borehole.

The borehole enters the mine on the main motor road. The roof and borehole casing height is approximately 11 feet above the rail. Disconnect switches are located 20 feet away from the borehole. After crossing the motor road, the cable is taken through a hole drilled in the pillar, then out into a crosscut and finally to the rectifier room.

The cable is then terminated on switches mounted on an old rotary converter board. After going through an oil switch, the high voltage is taken to a small room where it feeds three transformers. The secondary of the transformers in turn feeds a diode bridge.

The No. 1 Mine operates on a track haulage system and the D North set is a main link in the future development of the mine. Being isolated, D North is visited only for maintenance and inspection purposes.

The 4.16-kv. line to D North is constructed over a rugged and hilly terrain. A 4/0 copper static wire is run on the pole tops with three 4/0 phase conductors on timbers below. There are numerous long spans of around 1,000 feet supported on two-pole structures.

To provide adequate grounding that will pose no hazard to the miners, the No. 1 Mine has established a ground bed on the surface around the borehole. This ground bed has then been connected to the borehole casing at both top and bottom. It has also been connected to the overhead static wire and to the ground conductors in the borehole cable. Inside the mine this ground has been connected to the switch-gear and transformer frames. The ground side of the lightning arresters has been taken to a separate ground bed no less than 25 feet from the nearest ground rod used to establish the borehole ground bed.

Petitioner is confident that a safe system is provided by maintaining low resistance ground beds at the substation, lightning arresters and borehole.

Inasmuch as this circuit serves a single stationary load and inasmuch as the circuit is located in an isolated part of the mine and offers no hazard such as cable handling, petitioner requests permission to retain this 4,160-volt circuit which extends 150 feet into No. 1 Mine at D North without installing a ground check circuit along the 10,000-foot length of above surface line.

Parties interested in this petition should file their answers or comments within 30 days from the date of publication of this notice in the FEDERAL REGISTER with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, VA 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

FEBRUARY 11, 1972.

[FR Doc.72-2555 Filed 2-18-72;8:47 am]

[Docket No. M72-25]

NORTH AMERICAN COAL CORP.

Notice of Petition for Modification of Mandatory Safety Standard

In regard petition of the North American Coal Corp. for modification of mandatory safety standard (section 308 (d)), Docket No. M72-25.

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. section 861(c) (1970)), notice is given that the North American Coal Corp., Ohio Division, has filed a petition to modify the application of 30 CFR 75.803 to its No. 3 Mine located in Mead Township, Belmont County, Ohio.

30 CFR 75.803 is a repetition of section 308(d) of the Act, 30 U.S.C. section 868(d) (1970), which reads as follows:

(d) Six months after the operative date of this title, high-voltage, resistance grounded systems shall include a fail safe ground check circuit to monitor continuously the grounding circuit to assure continuity and the fail safe ground check circuit shall cause the circuit breaker to open when either the ground or pilot check wire is broken, or other no less effective device approved by the Secretary or his authorized representative to assure such continuity, except that an extension of time, not in excess of 12 months may be permitted by the Secretary on a mine-by-mine basis if he determines that such equipment is not available.

Petitioner requests an exception from this standard only for the 24 South circuit and describes the circumstances as follows: The No. 3 Mine is operating on a 4.16-kv. underground distribution system. Two substations are presently operated, one just recently erected and scheduled to serve a fan and a borehole, the other serving a fan and three boreholes. The two mine feeder circuits to 31 South and 33 South boreholes are ground monitored and in compliance with § 75.802. The 24 South circuit on the other hand is a 14,000-foot line without a ground wire and a pilot wire.

The primary load being served is a 500-kw. diode converted rectifier. In the same room two 300-kw. motor generator units are set up as a source of standby d.c. power. The switching is done through 400-a. solid blade, single phase disconnects mounted on a rack.

The borehole is accessible through a posted walkway of approximately 4 feet high by 4 feet wide. This entry is used

only by electrical personnel and fire bosses. The cable is visible and suspended on insulated hangers its entire length.

The No. 3 Mine operates on a track haulage system transporting coal no less than 40,000 feet to a rotary dump. 24 South is virtually not visited except for maintenance and inspection purposes, and this d.c. source is a major link of the track haulage system.

The 4.16-kv. circuit feeding the 24 South borehole is constructed over hilly terrain. There are four long spans between 900 and 1,000 feet and two spans around 600 feet. There are approximately 50 single poles supporting spans of about 150 feet.

In many places, the phase conductor ground clearance is only 20 feet, so it would not be possible to drop the cross arms to install a static wire above. Bayonets would have to be installed to support the static wire on all the single poles. However, the two-pole dead ends on the long spans would have to be replaced since the weight of the static wire could not be supported on bayonets. This would require that the line be deenergized for the installation of this static wire and that would leave the No. 3 Mine without d.c. power on that section of track.

To provide adequate grounding that will pose no hazard to the miners, the No. 3 Mine has established a ground bed on the surface around the borehole. This ground bed has then been connected to the ground conductors in the borehole cable which in turn has been fastened to the frames of the switchgear, rectifier, and motor generator sets. The ground side of the lightning arresters has been taken to a separate ground rod driven no less than 25 feet from the nearest ground rod used to establish the borehole ground bed.

Petitioner is confident that a safe system is provided by maintaining low resistance ground beds at the substation, lightning arresters and borehole.

Inasmuch as this circuit serves a single stationary load and inasmuch as the circuit is located in an isolated part of the mine and offers no hazard such as handling cable, petitioner requests permission to retain this 4,160-volt circuit which extends 400 feet into the No. 3 Mine at 24 South without installing a ground check circuit along the 14,000-foot length of above surface lines.

Parties interested in this petition should file their answers or comments within 30 days from the date of publication of this notice in the FEDERAL REGISTER with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, VA 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

FEBRUARY 11, 1972.

[FR Doc.72-2556 Filed 2-18-72;8:47 am]

Office of the Secretary

[INT FES 72-2]

PROPOSED DUST ABATEMENT AT CANYON FERRY LAKE, MONT.

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of Interior has prepared a final environmental statement for the authorized program for dust abatement at Canyon Ferry Lake, Canyon Ferry Unit, Pick-Sloan Missouri Basin Program, Mont. The environmental statement concerns the plan for dust abatement which involves construction of dikes at the upper end of Canyon Ferry Lake to form subimpoundments to cover exposed areas, dredging of fine material from the lakeside into the subimpoundments, and flooding the subimpoundments for development of wildlife habitat.

Copies are available for inspection at the following locations:

Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.

Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colo., Telephone (303) 234-3007.

Office of the Regional Director, Bureau of Reclamation, Post Office Box 2553, Billings, MT., Telephone (406) 245-6711.

Upper Missouri Projects Office, Bureau of Reclamation, Post Office Box 1620, Great Falls, MT. 59401, Telephone (406) 452-6455.

Single copies of the final environmental statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Dated: February 14, 1972.

WILLIAM W. LYONS,
Deputy Assistant Secretary
of the Interior.

[FR Doc.72-2557 Filed 2-18-72;8:47 am]

[INT DES 72-34]

LYMAN-TORRINGTON 115-KV. TRANSMISSION LINE AND TORRINGTON SUBSTATION

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 construction of the Lyman-Torrington 115-kv. transmission line and Torrington Substation, an authorized feature of the Pick-Sloan Missouri Basin Program. This statement concerns the construction of the 13.3-mile transmission line from the existing Lyman Substation to the proposed Torrington Substation site and the construction of the Torrington Substation. The principal function of the project is to provide adequate additional power to improve the reliability of the existing 34.5-kv. system presently serving the city of Torrington (population 4,237) and other municipal and rural loads in the area.

Copies are available from:

Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.

Division of Engineering Support, E&R Center, Technical Service Branch, Building 67, Denver Federal Center, Denver, Colo. 80225, Telephone (303) 234-3007.

Office of Regional Director, Bureau of Reclamation, Building 20, Denver Federal Center, Denver, Colo., Telephone (303) 234-4441.

Single copies of the draft environmental statement may be obtained on request to the above offices. In addition, copies are available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151 for $3 each. Please refer to the statement number above.

Dated: February 14, 1972.

WILLIAM W. LYONS,
Deputy Assistant Secretary
of the Interior.

[FR Doc.72-2558 Filed 2-18-72;8:47 am]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

CARMEN LIVESTOCK EXCHANGE ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility number, name, location of stockyard, and date of posting

OK-112, Carmen Livestock Exchange, Carmen, Okla., Apr. 29, 1959.

OK-123, Duncan Livestock Auction, Duncan, Okla., Nov. 15, 1949.

OK-128, Osage County Livestock Auction, Fairfax, Okla., July 18, 1967.

OK-156, Farmers Livestock Exchange, Pauls Valley, Okla., Nov. 4, 1959.

OK-161, Poteau Livestock Commission Co., Inc., Poteau, Okla., Oct. 19, 1966.

TX-163, Delta Sales Yard, Elsa, Tex., Mar. 6, 1959.

TX-200, Kerens Auction Barn, Kerens, Tex., Jan. 22, 1960.

TX-201, Kerrville Auction Company, Kerrville, Tex., June 14, 1957.

TX-223, Memphis Live Stock Auction Company, Inc., Memphis, Tex., Mar. 6, 1961.

TX-226, Mesquite Livestock Commission Co., Mesquite, Tex., Jan. 21, 1959.
TX-235, Havard's Horse Sale, Nacogdoches, Tex., Feb. 7, 1967.
TX-239, Palestine Commission Company, Palestine, Tex., June 5, 1967.
TX-260, Sonora Livestock Exchange Company, Sonora, Tex., Sept. 15, 1965.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER (2-19-72).

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 10th day of February 1972.

EDWARD L. THOMPSON,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.72-2529 Filed 2-18-72;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 2354]

COMBINATION DRUG CONTAINING PHENOBARBITAL, ACETAMINOPHEN, PHENACETIN, ATROPINE SULFATE, SCOPOLAMINE HYDROBROMIDE, AND HYOSCYAMINE HYDROBROMIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Hasamal tablets containing phenobarbital, acetaminophen, phenacetin, atropine sulfate, scopolamine hydrobromide, and hyoscyamine hydrobromide; Charles C. Haskell Division, Arnar-Stone Laboratories, Inc., 601 East Kensington Road, Mount Prospect, Ill. 60056 (NDA 2-354).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that the drug:

1. Is possibly effective for relief of pain in headache or toothache, and for symptomatic relief of primary dysmenorrhea.

2. Lacks substantial evidence of effectiveness as a fixed combination for relief of fever.

3. Lacks substantial evidence of effectiveness for relief of cough associated with upper respiratory infection.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any previously approved new-drug application for which the drug is classified in paragraph A above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking. Such a supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new-drug application.

2. If any such preparation is on the market without an approved new-drug application, its labeling should be revised if it includes those claims for which substantial evidence of effectiveness is lacking as described in paragraph A above. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. The notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), (f) the marketing status of a drug labeled with those indications for which it is regarded as possibly effective.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 2354, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Original new-drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 27, 1972.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.72-2550 Filed 2-18-72;8:45 am]

[DESI 7110; Docket No. FDC-D-291; NDA 7-110, etc.]

CORTISONE; DEXAMETHASONE; HYDROCORTISONE; METHYLPREDNISOLONE; PREDNISOLONE; AND TRIAMCINOLONE FOR PARENTERAL USE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following glucocorticoid drugs:

1. Aristocort Forte Suspension, containing triamcinolone diacetate; Lederle Laboratories, Division American Cyanamid Co., Pearl River, N.Y. 10965 (NDA 12-802).

2. Aristocort Intralesional Suspension, containing triamcinolone diacetate; Lederle Laboratories (NDA 11-685).

3. Cortef Acetate Sterile Injectable Suspension, containing hydrocortisone acetate; The Upjohn Co., 7171 Portage Road, Kalamazoo, Michigan 49002 (NDA 9-378).

4. Cortef Sterile Aqueous Suspension, containing hydrocortisone; The Upjohn Co. (NDA 9-864).

5. Cortef Sterile Solution, containing hydrocortisone; The Upjohn Co. (NDA 9-379).

6. Cortiphate Injection, containing hydrocortisone sodium phosphate; Travenol Laboratories, Inc., Division of Baxter Laboratories, Inc., 6301 Lincoln Avenue, Morton Grove, Illinois 60053 (NDA 12-784).

7. Cortisone Acetate Aqueous Suspension; Vitamix Pharmaceuticals, Inc., 2900 North 17th Street, Philadelphia, Pennsylvania 19132 (NDA 10-603).

8. Cortisone Acetate Sterile Aqueous Suspension; The Upjohn Co. (NDA 8-126).

9. Cortone Acetate Saline Suspension, containing cortisone acetate; Merck, Sharp & Dohme, Division of Merck & Co., Inc., West Point, Pa. 19486 (NDA 7-110).

10. Cortril Aqueous Suspension, containing hydrocortisone acetate; marketed by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, New York 10017 (NDA 9-164).

11. Cortril Soluble Parenteral, containing hydrocortisone sodium succinate; Chas. Pfizer & Co. (NDA 10-291).

12. Decadron Phosphate Injection, containing dexamethasone sodium phosphate; Merck, Sharp & Dohme (NDA 12-071).

13. Deltacortril Aqueous Suspension, containing prednisolone acetate; Chas. Pfizer & Co. (NDA 11-158).

14. Depo-Medrol Aqueous Suspension, containing methylprednisolone acetate; The Upjohn Co. (NDA 11-757).

15. Hy-Cor Acetate Aqueous Suspension, containing hydrocortisone acetate; Gold Leaf Pharmacal Co., subsidiary of Ormont Drug & Chemical Co., Inc., 223 South Dean Street, Englewood, N.J. 07631 (NDA 9-786).

16. Hydeltrasol Injection, containing prednisolone sodium phosphate; Merck, Sharp & Dohme (NDA 11–583).

17. Hydeltra-T.B.A. Suspension, containing prednisolone butylacetate; Merck, Sharp & Dohme (NDA 10–562).

18. Hydrocortisone Acetate Aqueous Suspension; Maurry Biological Co., Inc., 6109 South Western Avenue, Los Angeles, California 90047 (NDA 9–637).

19. Hydrocortisone Acetate Suspension; Philadelphia Laboratories, Inc., 9815 Roosevelt Boulevard, Philadelphia, Pa. 19114 (NDA 10–058).

20. Hydrocortisone Acetate Suspension; Vitamix Pharmaceuticals, Inc. (NDA 10–650).

21. Hydrocortone Acetate Saline Suspension, containing hydrocortisone acetate; Merck, Sharp & Dohme (NDA 8–228).

22. Hydrocortone Phosphate Injection, containing hydrocortisone sodium phosphate; Merck, Sharp & Dohme (NDA 12–052).

23. Hydrocortone-T.B.A. Suspension, containing hydrocortisone butylacetate; Merck, Sharp & Dohme (NDA 9–465).

24. Kenalog Parenteral Aqueous Suspension, containing triamcinolone acetonide; E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, New Jersey 08903 (NDA 12–041).

25. Meticortelone Aqueous Suspension, containing prednisolone acetate; Schering Corp., 60 Orange Street, Bloomfield, N.J. 07003 (NDA 10–255).

26. Meticortelone Soluble, containing prednisolone sodium succinate; Schering Corp. (NDA 11–061).

27. Prednisolone Acetate Suspension; Philadelphia Laboratories, Inc. (NDA 11–896).

28. Solu-Cortef Mix-O-Vial, containing hydrocortisone sodium succinate; The Upjohn Co. (NDA 9–866).

29. Solu-Medrol Mix-O-Vial, containing methylprednisolone sodium succinate; The Upjohn Co. (NDA 11–856).

30. Sterane Aqueous Suspension, containing prednisolone acetate; Chas. Pfizer and Co., Inc. (NDA 11–446).

The drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new-drug application is required from any person marketing such drugs without approval.

The Food and Drug Administration is prepared to approve abbreviated new-drug applications and abbreviated supplements to previously approved new-drug applications under conditions described in this anouncement.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. These preparations for parenteral use are effective or probably effective by the appropriate route of administration for the indications listed in the "Indications" section of this announcement. The probably effective indications are those relating to use in angioedema, urticaria, diffuse interstitial pulmonary fibrosis (Hamman-Rich Syndrome), intractable sprue, severe trichinosis, dental postoperative inflammatory reactions, ganglia, rectal administration in ulcerative colitis, and use in anaphylaxis.

2. These preparations lack substantial evidence of effectiveness for their recommended use in gout; chronic gouty arthritis; chronic bursitis, synovitis; myositis; fibrositis; plantar fasciitis; intermittent hydrarthrosis; collagen diseases; inflammatory or allergic dermatoses; various other dermatoses; nummular eczema and dermatitis; insect bites or reactions to insect bites; allergy; respiratory allergies; various eye disorders; gastrointestinal diseases; malignant diseases; certain metastatic carcinomas; secondary glaucoma; as rapid diagnostic agents to distinguish between adrenocortical hyperplasia and tumor; osteochondritis; whiplash injuries; hyperextension neck injury; acute torticollis; muscle trauma (avulsion, contusion, hemorrhage); various strains and sprains; lumbago; coccydynia; tensor fascia lata syndrome; hallux rigidus and limitus; trigger points (localized painful areas in muscles); exostosis; calcaneal spur; rheumatoid nodules; neurofibroma; radiculitis; acute dermatoses; surgical infections; retinitis centralis; Rh incompatibilities; "incurable diseases"; sebaceous cyst; acne; alopecia totalis; and pruritis ani.

3. Except as noted above these preparations are possibly effective for their other labeled indications.

B. *Form of drug.* These glucocorticoid preparations are in aqueous solution or supension, or sterile powder form suitable for parenteral administration.

C. *Labeling conditions.* 1. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Act and regulations promulgated thereunder, and those parts of its labeling indicated below are substantially as follows: (Optional additional information, applicabe to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below).

DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTIONS

Naturally occurring glucocorticoids (hydrocortisone), which also have salt-retaining properties, are used as replacement therapy in adrenocortical deficiency states. Their synthetic analogs are primarily used for their potent anti-inflammatory effects in disorders of many organ systems.

Glucocorticoids cause profound and varied metabolic effects. In addition, they modify the body's immune responses to diverse stimuli.

INDICATIONS

A. When oral therapy is not feasible and the strength, dosage form, and route of administration of the drug reasonably lend the preparation to the treatment of the condition, those products labeled for intravenous or intramuscular use are indicated as follows:

1. *Endocrine disorders.*

Primary or secondary adrenocortical insufficiency (hydrocortisone or cortisone is the drug of choice; synthetic analogs may be used in conjunction with mineralocorticoids where applicable; in infancy, mineralocorticoid supplementation is of particular importance).
Acute adrenocortical insufficiency (hydrocortisone or cortisone is the drug of choice; mineralocorticoid supplementation may be necessary, particularly when synthetic analogs are used).
Preoperatively and in the event of serious trauma or illness, in patients with known adrenal insufficiency or when adrenocortical reserve is doubtful.
Shock unresponsive to conventional therapy if adrenocortical insufficiency exists or is suspected.
Congenital adrenal hyperplasia.
Nonsuppurative thyroiditis.

2. *Rheumatic disorders.* As adjunctive therapy for short-term administration (to tide the patient over an acute episode or exacerbation) in:

Post-traumatic osteoarthritis.
Synovitis of osteoarthritis.
Rheumatoid arthritis.
Acute and subacute bursitis.
Epicondylitis.
Acute nonspecific tenosynovitis.
Acute gouty arthritis.
Psoriatic arthritis.
Ankylosing spondylitis.
Juvenile rheumatoid arthritis.

3. *Collagen diseases.* During an exacerbation or as maintenance therapy in selected cases of:

Systemic lupus erythematosus.
Acute rheumatic carditis.

4. *Dermatologic diseases.* Pemphigus.

Severe erythema multiforme (Stevens-Johnson syndrome).
Exfoliative dermatitis.
Bullous dermatitis herpetiformis.
Severe seborrheic dermatitis.
Severe psoriasis.

5. *Allergic states.* Control of severe or incapacitating allergic conditions intractable to adequate trials of convention treatment in:

Bronchial asthma.
Contact dermatitis.
Atopic dermatitis.
Serum sickness.
Seasonal or perennial allergic rhinitis.
Drug hypersensitivity reactions.
Urticarial transfusion reactions.
Acute noninfectious laryngeal edema (epinephrine is the drug of first choice).

6. *Ophthalmic diseases.* Severe acute and chronic allergic and inflammatory processes involving the eye, such as:

Herpes zoster ophthalmicus.
Iritis, irridocyclitis.
Chorioretinitis.
Diffuse posterior uveitis and chloroiditis.
Optic neuritis.
Sympathetic ophthalmia.
Anterior segment inflammation.

7. *Gastrointestinal diseases.* To tide the patient over a critical period of disease in:

Ulcerative colitis—(Systemic therapy).
Regional enteritis—(Systemic therapy).

8. *Respiratory diseases.*

Symptomatic sarcoidosis.
Berylliosis.
Fulminating or disseminated pulmonary tuberculosis when concurrently accompanied by appropriate antituberculous chemotherapy.
Aspiration pneumonitis.

9. *Hematologic disorders.*

Acquired (autoimmune) hemolytic anemia.
Idiopathic thrombocytopenic purpura in adults (I.V. only; I.M. administration is contraindicated).

10. *Neoplastic diseases.* For palliative management of:

Leukemias and lymphomas in adults.
Acute leukemia of childhood.

11. *Edematous state.* To induce diuresis or remission of proteinuria in the nephrotic syndrome, without uremia, of the idiopathic type or that due to lupus erythematosus.

12. *Miscellaneous.* Tuberculous meningitis with subarachnoid block or impending block when concurrently accompanied by appropriate antituberculous chemotherapy.

In addition to the above indications, those preparations containing "cortisone, hydrocortisone prednisolone, or methylprednisolone" are indicated for systemic dermatomyositis (polymyositis). Those containing "dexamethasone" are indicated for diagnostic testing of adrenocortical hyperfunction.

All of these drugs may also be useful in the following conditions:

To control severe or incapacitating allergic conditions intractable to adequate trials of convention treatment in angioedema and urticaria and as an adjunct to epinephrine in anaphylaxis; as an enema or drip in selected cases to tide the patient over a critical period of disease in ulcerative colitis, to tide the patient over in a critical period of intractable sprue; in diffuse interstitial pulmonary fibrosis (Hamman-Rich Syndrome); severe trichinosis; and to control dental postoperative inflammatory reactions.

B. When the strength and dosage form of the drug lend the preparation to the treatment of the condition, those products labeled for "intra-articular or soft tissue administration" are indicated:

As adjunctive therapy for short-term administration (to tide the patient over an acute episode or exacerbation) in:

Synovitis of osteoarthritis.
Rheumatoid arthritis.
Acute and subacute bursitis.
Acute gouty arthritis.
Epicondylitis.
Acute nonspecific tenosynovitis.
Posttraumatic osteoarthritis.

C. When the strength and dosage form of the drug lend the preparation to the treatment of the condition, those products labeled for "intralesional" administration are indicated for:

Keloids.
Localized hypertrophic, infiltrated, inflammatory lesions of: lichen planus, psoriatic plaques, granuloma annulare and lichen simplex chronicus (neurodermatitis).
Discoid lupus erythematosus.
Necrobiosis lipoidica diabeticorum.
Alopecia areata.

They may also be useful in cystic tumors of an aponeurosis or tendon (ganglia).

CONTRAINDICATIONS

Systemic fungal infections.

WARNINGS

In patients on corticosteroid therapy subjected to any unusual stress, increased dosage of rapidly acting corticosteroids before, during, and after the stressful situation is indicated.

Corticosteroids may mask some signs of infection, and new infections may appear during their use. There may be decreased resistance and inability to localize infection when corticosteroids are used.

Prolonged use of corticosteroids may produce posterior subcapsular cataracts, glaucoma with possible damage to the optic nerves, and may enhance the establishment of secondary ocular infections due to fungi or viruses.

Usage in pregnancy. Since adequate human reproduction studies have not been done with corticosteroids, the use of these drugs in pregnancy, nursing mothers, or women of childbearing potential requires that the possible benefits of the drug be weighed against the potential hazards to the mother and embryo or fetus. Infants born of mothers who have received substantial doses of corticosteroids during pregnancy should be carefully observed for signs of hypoadrenalism.

Average and large doses of cortisone or hydrocortisone can cause elevation of blood pressure, salt and water retention, and increased excretion of potassium. These effects are less likely to occur with the synthetic derivatives except when used in large doses. Dietary salt restriction and potassium supplementation may be necessary. All corticosteroids increase calcium excretion.

While on Corticosteroid Therapy Patients Should Not Be Vaccinated Against Smallpox. Other Immunization Procedures Should Not Be Undertaken in Patients Who Are on Corticosteroids, Especially in High Doses, Because of Possible Hazards of Neurological Complications and Lack of Antibody Response.

The use of (name of drug) in active tuberculosis should be restricted to those cases of fulminating or disseminated tuberculosis in which the corticosteroid is used for the management of the disease in conjunction with appropriate antituberculous regimen.

If corticosteroids are indicated in patients with latent tuberculosis or tuberculin reactivity, close observation is necessary as reactivation of the disease may occur. During prolonged corticosteroid therapy, these patients should receive chemoprophylaxis.

Because rare instances of anaphylactoid reactions have occurred in patients receiving parenteral corticosteroid therapy, appropriate precautionary measures should be taken prior to administration, especially when the patient has a history of allergy to any drug.

PRECAUTIONS

Drug-induced secondary adrenocortical insufficiency may be minimized by gradual reduction of dosage. This type of relative insufficiency may persist for months after discontinuation of therapy; therefore, in any situation of stress occurring during that period, hormone therapy should be reinstituted. Since mineralocorticoid secretion may be impaired, salt and/or a mineralocorticoid should be administered concurrently.

There is an enhanced effect of corticosteroids in patients with hypothyroidism and in those with cirrhosis.

Corticosteroids should be used cautiously in patients with ocular herpes simplex for fear of corneal perforation.

The lowest possible dose of corticosteroid should be used to control the condition under treatment, and when reduction in dosage is possible, the reduction must be gradual.

Psychic derangements may appear when corticosteroids are used, ranging from euphoria, insomnia, mood swings, personality changes, and severe depression to frank psychotic manifestations. Also, existing emotional instability or psychotic tendencies may be aggravated by corticosteroids.

Aspirin should be used cautiously in conjunction with corticosteroids in hypoprothrombinemia.

Steroids should be used with caution in nonspecific ulcerative colitis, if there is a probability of impending perforation, abscess or other pyogenic infection, also in diverticulitis, fresh intestinal anastomoses, active or latent peptic ulcer, renal insufficiency, hypertension, osteoporosis, and myasthenia gravis.

Growth and development of infants and children on prolonged corticosteroid therapy should be carefully followed.

The following additional precautions apply for parenteral corticosteroids. Intra-articular injection of a corticosteroid may produce systemic as well as local effects.

Appropriate examination of any joint fluid present is necessary to exclude a septic process.

A marked increase in pain accompanied by local swelling, further restriction of joint motion, fever, and malaise are suggestive of septic arthritis. If this complication occurs and the diagnosis of sepsis is confirmed, appropriate antimicrobial therapy should be instituted.

Local injection of a steroid into a previously infected joint is to be avoided.

Corticosteroids should not be injected into unstable joints.

The slower rate of absorption by intramuscular administration should be recognized.

ADVERSE REACTIONS

Fluid and electrolyte disturbances:

Sodium retention.
Fluid retention.
Congestive heart failure in susceptible patients.
Potassium loss.
Hypokalemic alkalosis.
Hypertension.

Musculoskeletal:

Muscle weakness.
Steroid myopathy.
Loss of muscle mass.
Osteoporosis.
Vertebral compression fractures.
Aseptic necrosis of femoral and humeral heads.
Pathologic fracture of long bones.

Gastrointestinal:

Peptic ulcer with possible subsequent perforation and hemorrhage.
Pancreatitis.
Abdominal distention.
Ulcerative esophagitis.

Dermatologic:

Impaired wound healing.
Thin fragile skin.
Petechiae and ecchymoses.
Facial erythema.
Increased sweating.
May suppress reactions to skin tests.

Neurological:

Convulsions.
Increased intracranial pressure with papilledema (pseudotumor cerebri) usually after treatment.
Vertigo.
Headache.

Endocrine:

Menstrual irregularities.
Development of Cushingoid state.
Suppression of growth in children.
Secondary adrenocortical and pituitary unresponsiveness, particularly in times of stress, as in trauma, surgery, or illness.
Decreased carbohydrate tolerance.
Manifestations of latent diabetes mellitus.
Increased requirements for insulin or oral hypoglycemic agents in diabetics.

Ophthalmic:

Posterior subcapsular cataracts.
Increased intraocular pressure.
Glaucoma.
Exophthalmos.

Metabolic:

Negative nitrogen balance due to protein catabolism.

The following *additional* adverse reactions are related to parenteral corticosteroid therapy:

Rare instances of blindness associated with intralesional therapy around the face and head.

Hyperpigmentation or hypopigmentation.

Subcutaneous and cutaneous atrophy.

Sterile abscess.

Postinjection flare, following intra-articular use).

Charcot-like arthropathy.

DOSAGE AND ADMINISTRATION

The initial dosage of (name) may vary from (insert amount) to (insert amount) mg. per day depending on the specific disease entity being treated. In situations of less severity, lower doses will generally suffice while in selected patients higher initial doses may be required. Usually the parenteral dosage ranges are one-third to one-half the oral dose given every 12 hours. However, in certain overwhelming, acute, life-threatening situations, administration in dosages exceeding the usual dosages may be justified and may be in multiples of the oral dosages.

The initial dosage should be maintained or adjusted until a satisfactory response is noted. If after a reasonable period of time there is a lack of satisfactory clinical response (name) should be discontinued and the patient transferred to other appropriate sponse (name) should be discontinued and therapy. *It Should Be Emphasized That Dosage Requirements Are Variable and Must Be Individualized on the Basis of the Disease Under Treatment and the Response of the Patient.* After a favorable response is noted, the proper maintenance dosage should be determined by decreasing the initial drug dosage in small increments at appropriate time intervals until the lowest dosage which will maintain an adequate clinical response is reached. It should be kept in mind that constant monitoring is needed in regard to drug dosage. Included in the situations which may make dosage adjustments necessary are changes in clinical status secondary to remissions or exacerbations in the disease process, the patient's individual drug responsiveness, and the effect of patient exposure to stressful situations not directly related to the disease entity under treatment; in this latter situation it may be necessary to increase the dosage of (name) for a period of time consistent with the patient's condition. If after long-term therapy the drug is to be stopped, it is recommended that it be withdrawn gradually rather than abruptly.

Usual initial parenteral corticosteroid dosages:

	Milligrams per day
Cortisone	20–300
Dexamethasone	0.50–9.0
Hydrocortisone	15–240
Methylprednisolone	3–48
Prednisolone	4–60
Triamcinolone	3–48

D. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

1. For holders of "deemed approved" new-drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling, an abbreviated supplement for updating information, and adequate data to show the biologic availability of the drug in the formulation which is marketed as described in paragraphs (a) (1) (i), (ii), and (iii) of the notice of July 14, 1970. Biologic availability data for a drug administered by the intravenous route is not required.

2. For any person who does not hold an approved or effective new-drug application, the submission of an abbreviated new-drug application, to include adequate data to assure the biologic availability of the drug in the formulation which is or is intended to be marketed, as described in paragraph (a) (3) (ii) of that notice. Biologic availability data for a drug administered by the intravenous route is not required.

3. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

4. For indications for which the drug has been classified as probably effective (included in the "Indications" section above) and possibly effective (not included in the "Indications" section above), continued use as described in paragraphs (c), (d), (e), and (f) of that notice.

E. *Opportunity for a hearing.* 1. The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new-drug applications and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraph A.2 of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Any related drug for human use, not the subject of an approved new-drug application, offered for the indications for which substantial evidence of effectiveness is lacking may be affected by this action.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355), and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

3. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing, together with a well-organized and full factual analysis of the clinical and other investigational data that the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in section 130.12(a) (5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

4. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

Representatives of the Administration are willing to meet with any interested person who desires to have a conference concerning proposed changes in the labeling set forth herein. Requests for such meetings should be made to the Office of Scientific Evaluation (BD–100), at the address given below, within 30 days after the publication of this notice in the FEDERAL REGISTER.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 7110, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.

Original abbreviated new-drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

Request for hearing (identify with docket number): Hearing Clerk, Office of General Counsel (GC–1), Room 6–88, Parklawn Building.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

Received requests for a hearing may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 7, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–2551 Filed 2–18–72;8:46 am]

[Docket No. FDC–D–373; NADA No. 5–951V etc.]

DR. MAYFIELD LABORATORIES ET AL.

Certain Products Containing Sulfathiazole; Notice of Withdrawal of Approval of New Animal Drug Applications

A notice of opportunity for a hearing was published in the FEDERAL REGISTER

of October 7, 1971 (36 F.R. 19521), proposing to withdraw approval of the following new animal drug applications covering drugs containing sulfathiazole:

1. Dr. Mayfield Calf Scour Tablets; NADA (new animal drug application) No. 5-951V; Dr. Mayfield Laboratories, 1209 South Main Street, Charles City, Iowa 50616;

2. Dr. Mayfield Poultry Sulfa Tablets; NADA No. 5-951V; Dr. Mayfield Laboratories;

3. Dr. Mayfield Poultry Sulfa; NADA No. 5-951V; Dr. Mayfield Laboratories;

4. Sulfathiazole Tablets; NADA No. 4-971V; Haver-Lockhart Laboratories, Post Office Box 676, Kansas City, Mo. 66141;

5. Duatok Sulfathiazole Sodium N.F. Soluble Powder; NADA No. 5-273V; American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540; and

6. Sulfathiazole Solution Veterinary; NADA No. 7-100V; Fleming Specialty Co., Post Office Box 2613, Charlotte, N.C. 28201.

Dr. Mayfield Laboratories and American Cyanamid Co. both requested that the Commissioner of Food and Drugs enter a final order withdrawing approval of their new animal drug applications. Neither Fleming Specialty Co. nor Haver-Lockhart Laboratories filed a written appearance of election regarding whether or not they wished to avail themselves of the opportunity for a hearing within the 30-day period provided for such filing in said notice. This is construed as an election by said firms not to avail themselves of the opportunity for a hearing.

Based on the ground set forth in said notice and response to said notice, the Commissioner concludes that approval of the above listed new animal drug applications should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA 5-951V, NADA 4-971V, NADA 5-273V, and NADA 7-100V, including all amendments and supplements thereto is hereby withdrawn effective on the date of publication of this document.

Dated: February 10, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2554 Filed 2-18-72;8:46 am]

[DESI 8089]

GLYCOBIARSOL WITH CHLOROQUINE PHOSPHATE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Milibis with Aralen Phosphate Tablets containing glycobiarsol with chloroquine phosphate; formerly marketed by Winthrop Laboratories, Division of Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016 (NDA 8-089).

The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that there is a lack of substantial evidence within the meaning of the Federal Food, Drug, and Cosmetic Act, that this drug is effective as a fixed-dose combination for uses prescribed, recommended, or suggested in its labeling, i.e., for treatment of and prophylaxis against amebiasis and for suppression of malaria, and that each component in this formulation contributes to the total effects claimed for such combination drug.

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the above-listed new drug application.

Prior to initiating such action, however, the Commissioner invites the holder of the new drug application for this drug and any interested person who might be adversely affected by its removal from the market to submit pertinent data bearing on the proposal within 30 days after publication hereof in the FEDERAL REGISTER.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well organized, and include data from adequate and well controlled clinical investigations (identified for ready review) as described in section 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

This announcement of the proposed action and implementation of the NAS-NRC report for this drug is made to give notice to persons who might be adversely affected by the withdrawal of this drug from the market. Any related drug for human use, not the subject of an approved new drug application, may be affected by the proposed action.

The above-named holder of the new drug application for this drug has been furnished a copy of the NAS-NRC report.

Communications forwarded in response to this announcement should be identified with the reference number DESI 8089 and be directed to the attention of appropriate office listed below and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 27, 1972.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.72-2552 Filed 2-18-72;8:46 am]

[DESI 12813]

OPHTHALMIC PREPARATION CONTAINING PHENYLEPHRINE HYDROCHLORIDE, SODIUM SULFACETAMIDE, PREDNISOLONE ACETATE, AND ANTIPYRINE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Blephamide Liquifilm Ophthalmic Suspension containing phenylephrine hydrochloride, sodium sulfacetamide, prednisolone acetate, and antipyrine; Allergan Pharmaceuticals, Inc., 1000 South Grand Avenue, Santa Ana, Calif. 92705 (NDA 12-813).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that the combination drug is possibly effective for the treatment of nonpurulent blepharitis and blepharoconjunctivitis (seborrheal, staphylococcal, allergic) and nonpurulent conjunctivitis (allergic and bacterial).

B. *Marketing status.* Marketing of such drug with labeling which recommends or suggests its use for indications for which it has been classified as possibly effective may be continued for 6 months as described in paragraphs (d), (e), and (f) of the notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273).

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 12813, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original new drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 28, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2553 Filed 2-18-72;8:46 am]

PAINTS AND OTHER SURFACE-COATINGS CONTAINING HEAVY METALS

Request for Data

In the FEDERAL REGISTER of November 2, 1971 (36 F.R. 20985), the Commissioner of Food and Drugs proposed that certain paints and other surface-coatings containing heavy metals be declared hazardous substances that require special labeling for child protection. In the same issue of the FEDERAL REGISTER (36 F.R. 20986), the Commissioner published a petition submitted by Joseph A. Page et al., proposing to classify as banned hazardous substances paints which are for household use and contain more than minute traces of lead. Interested persons were allowed 60 days to file written comments regarding these proposals.

By a letter dated February 2, 1972, petitioners requested that the Commissioner ask paint companies to submit certified analyses of their product lines "[in] order to assist in resolution of the argument of technical incapacity that the paint industry is making * * *." In consideration of this request and in view of the numerous conflicting and apparently irreconcilable comments received in response to the above proposals, the Commissioner concludes that such data would be of value in preparing the final order.

Therefore, the Commissioner hereby requests that all manufacturers of paint and/or other surface-coatings submit the following information for their interior and general purpose exterior paints and for those paints and coatings which are supplied to industry for use on toys and other children's articles as well as furniture and other household articles which may be accessible to children:

1. The total amount of each of the heavy metals lead, antimony, arsenic, barium, cadmium, mercury, and selenium (all calculated as the metal) present in the contained solids or dried paint film together with identification of the quantitative method used for such determination;

2. If barium is present, the percentage of the total barium which is water soluble barium (calculated as the metal);

3. The amount, if any, of each of the above heavy metals that was intentionally added to the product together with the reason for such addition; and

4. A current label for each analyzed product.

Products should be tested for the specified heavy metals by any generally accepted quantitative method having a sensitivity of at least 0.01 percent of the metal in the contained solids or dried paint film and a reproducibility of plus or minus 10 percent of the particular metal.

The requested data should be submitted by April 7, 1972, to the Bureau of Product Safety, 5401 Westbard Avenue, Bethesda, Maryland 20016.

Dated: February 17, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-2648 Filed 2-18-72;8:51 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-72-148]

AREA DIRECTORS AND DEPUTY AREA DIRECTORS

Redelegation of Authority With Respect to Requisitions for Third Party Contracts

The Assistant Secretary for Community Planning and Management is amending the redelegations of authority to Area Directors and Deputy Area Directors (35 F.R. 15408, October 2, 1970) to include under the powers set forth in section A.IV.2 the authority to approve requisitions for third party contracts.

Accordingly, the redelegations of authority published at 35 F.R. 15408 are amended to add before the period at the end of section A.IV.2 the following phrase: "* * * and third party contracts".

(Secretary's delegation of authority to the Assistant Secretary for Community Planning and Management, 36 F.R. 5004, Mar. 16, 1971)

Effective date. The effective date of this redelegation is February 22, 1972.

SAMUEL C. JACKSON,
Assistant Secretary for Community Planning and Management.

[FR Doc.72-2611 Filed 2-18-72;8:51 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 72-29]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from December 28, 1971, to January 3, 1972 (List No. 1–72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

NOTE: For Motorboats of Classes A, 1, or 2 Not Carrying Passengers for Hire.

Approval No. 160.052/411/0, Type I, Model AP, adult unicellular plastic foam buoyant vest manufactured in accordance with U.S.C.G. Specification Subpart 160.052, dwg. No. 052–4 dated December 27, 1971, and dwg. No. 052–1 dated December 27, 1971, manufactured by Farber Bros., 821–841 Linden Avenue, Memphis, TN 38101, effective December 28, 1971.

Approval No. 160.052/412/0, Type I, Model CPM, child medium unicellular plastic foam buoyant vest manufactured in accordance with U.S.C.G. Specification Subpart 160.052, dwg. No. 052–3 dated December 27, 1971, and dwg. No. 052–1 dated December 27, 1971, manufactured by Farber Bros., 821–841 Linden Avenue, Memphis, TN 38101, effective December 28, 1971.

Approval No. 160.052/413/0, Type I, Model CPS, child small unicellular plastic foam buoyant vest manufactured in accordance with U.S.C.G. Specification Subpart 160.052, dwg. No. 052–2 dated December 27, 1971, and dwg. No. 052–1 dated December 27, 1971, manufactured by Farber Bros., 821–841 Linden Avenue, Memphis, TN 38101, effective December 28, 1971.

HYDRAULIC AND MANUAL RELEASES FOR LIFESAVING EQUIPMENT

Approval No. 160.062/3/0, Model S-880 hydraulic and manual release for lifesaving equipment, for buoyant loads

of 200 to 3,750 pounds; identified by assembly drawing S-880, revision A dated November 1971 and drawing list dated December 28, 1971, to be used in accordance with installation and pretensioning details shown on gripe and release installation drawing SPC-LRC-1044 dated August 1971, manufactured by Switlik Parachute Co., Inc., 1325 East State Street, Trenton, NJ 08607, effective December 29, 1971.

PROTECTING COVER FOR LIFEBOATS

Approval No. 160.065/6/0, "Robertson's Anti-Exposure Cover," Type I, protecting cover for the occupants of all types of aluminum, steel and fibrous glass reinforced plastic (FRP) lifeboats, for lengths of 16' to 37' lifeboats, identified by general arrangement dwg. No. A-13325 Sheet 1 of 2 dated July 8, 1966, modifications to the cover and supports may be necessary in the case of some motor-propelled lifeboats equipped with vertical (dry) exhaust lines, radio cabins and antenna masts, manufactured by A. L. Robertson, Inc., 325 South Kresson Street, Baltimore, MD 21224, effective January 3, 1972. (It is an extension of Approval No. 160.065/6/0 dated March 20, 1967.)

Approval No. 160.065/7/0, "MASECO," Type MARK II, protecting cover for the occupants of all types of aluminum, steel and fibrous glass reinforced plastic (FRP) lifeboats, for lengths of 16' through 37' lifeboats, identified by master drawing, dwg No. PC 85-24A, Rev. A dated March 9, 1967, modifications to the cover and supports may be necessary in the case of some motor-propelled lifeboats equipped with vertical (dry) exhaust lines, radio cabins and antenna masts, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective January 3, 1972. (It is an extension of Approval No. 160.065/7/0 dated March 23, 1967, and change of address of manufacturer.)

Dated: February 15, 1972.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.72-2587 Filed 2-18-72;8:49 am]

[CGFR 72-31]

NEW LONDON HARBOR

Security Zone

By virtue of the authority vested in the Commandant, U.S. Coast Guard, by Executive Order 10173, as amended (33 CFR Part 6), section 6(b)(1), 80 Stat. 937, 49 U.S.C. 1655(b)(1), 49 CFR 1.46 (b) and the redelegation of authority to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters as contained in the FEDERAL REGISTER of September 30, 1971 (36 F.R. 19160), I hereby affirm for publication in the FEDERAL REGISTER the order of B. E. Engel, Rear Admiral, U.S. Coast Guard, Commander, Third Coast Guard District, who has exercised authority as Commander, Third Coast Guard District, such order reading as follows:

NEW LONDON HARBOR

SECURITY ZONE

Under the present authority of section 1 of title II of the Espionage Act of June 15, 1917, 40 Stat. 220, as amended, 50 U.S.C. 191, Executive Order 10173, as amended, and 14 U.S.C. 91, I declare that from 11:30 a.m., e.s.t., on Saturday, February 19, 1972, until U.S.S. *Cavalla* is secured to the wet dock at Electric Boat Division, General Dynamics Corp., the following area is a security zone and I order it be closed to any person or vessel due to launching of the U.S.S. *Cavalla*.

The waters of New London Harbor, New London, Conn., between the latitudes 41°20' 32" North and 41°21'03" North.

No person or vessel shall remain in or enter this security zone without permission of the Captain of the Port.

The Captain of the Port, New London, Conn., shall enforce this order. In the enforcement of this order, the Captain of the Port may utilize, by appropriate agreement, personnel and facilities of any other Federal agency, or of any state or political subdivision thereof.

For violation of this order, section 2 of title II of the Espionage Act of June 15, 1917 (40 Stat. 220 as amended, 50 U.S.C. 192), provides:

If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or obstructs or interferes with the exercise of any power conferred by this chapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than 10 years and may, in the discretion of the court, be fined not more than $10,000.

(a) If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or knowingly obstructs or interferes with the exercise of any power conferred by this chapter, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000.

Dated: February 17, 1972.

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

[FR Doc.72-2663 Filed 2-18-72;8:51 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-200]

BABCOCK & WILCOX CO.

Order Authorizing Dismantling of Facility

By application dated October 12, 1971, and supplements dated January 21 and February 1, 1972, the Babcock & Wilcox Co. requested authority to dismantle the Babcock & Wilcox Test Reactor (BAWTR) in accordance with the dismantling plan attached to the application. Operation of the BAWTR was discontinued on December 22, 1971.

We have reviewed the application in accordance with the provisions of the Commission's regulations and have found that the dismantling and disposal will be accomplished in accordance with the regulations in 10 CFR Chapter I, and will not be inimical to the common defense and security or to the health and safety of the public.

Accordingly, it is hereby ordered that Babcock & Wilcox may proceed with the dismantling of the deactivated BAWTR covered by Provisional Operating License No. TR-4, as amended, in accordance with the application of October 12, 1971, as amended, and the decommissioning plan.

After completion of the dismantling and the decontamination, the submission of a report on the radiation survey to confirm that radiation levels in the facility areas meet the values defined in the decommissioning plan, an inspection by representatives of the Commission, consideration will be given to whether a further order should be issued terminating Provisional Operating License No. TR-4.

Dated at Bethesda, Md., this 4th day of February 1972.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.72-2561 Filed 2-18-72;8:47 am]

[Docket No. 50-302]

FLORIDA POWER CORP.

Notice of Availability of Applicant's Environmental Report; Operating License Stage

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 new report entitled "Crystal River Unit 3 Applicant's Environmental Report Operating License Stage," dated January 4, 1972 (the new report) for the Crystal River Nuclear Generating Plant Unit 3 submitted by the Florida Power Corp. has been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Crystal River Public Library, Crystal River, Fla. 32629. The new report supersedes in its entirety the previous, now obsolete report dated February 1971. The new report 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 Tampa Bay Regional Planning Council, 3151 Third Avenue North, St. Petersburg, FL 33713.

The new report discusses environmental considerations related to the proposed operation of the Crystal River Nuclear Generating Plant Unit 3, located on the corporation's site on the Gulf of Mexico,

70 miles north of Tampa, Fla., and 7½ miles northwest of Crystal River, Citrus County, Fla.

After the new 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 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.72-2562 Filed 2-18-72;8:47 am]

[Docket No. 50-302A]

FLORIDA POWER CORP.

Notice of Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated February 11, 1972, a copy of which is attached below.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed within thirty (30) days after publication of this notice in the FEDERAL REGISTER, either (1) by delivery to the AEC Public Document Room at 1717 H Street NW., Washington, DC, or (2) by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch.

For the Atomic Energy Commission.

Lyall Johnson,
Director, Division of State and Licensee Relations.

FLORIDA POWER CORPORATION

Crystal River Nuclear Generating Plant, Unit 3, AEC Docket No. 50-302 Department of Justice File 60-415-38

FEBRUARY 11, 1972.

You have requested our advice pursuant to the provisions of section 105 of the Atomic Energy Act of 1954, as recently amended by Public Law 91-560 (December 19, 1970), in regard to the above-cited application.

Introduction. The Crystal River No. 3 unit, an 825-mw. nuclear unit, will be applicant's first nuclear generating unit. It is to be located at Florida Power Corp.'s Crystal River Generating Station located in western Citrus County, Fla., where it presently has two fossil fuel units. A hearing on its application for operating license was requested on June 2, 1971, by the Gainesville Utilities Department pursuant to the provisions of section 105c(3) of the Atomic Energy Act of 1954, as amended.

Applicant. Applicant is one of three major independent vertically integrated electric utilities in Florida; the other two are the Florida Power and Light Co. serving in southern and east coast Florida, and the Tampa Electric Co. serving in metropolitan Tampa and the surrounding area. Applicant serves central and west coast areas of Florida, in St. Petersburg and to the north, having a total service area in excess of 20,000 square miles. Other major systems in Florida include the Gulf Power Co. serving the Florida Panhandle (a subsidiary of the Southern Co. system which extends over Georgia and portions of Alabama and Mississippi) and the large municipal systems in the cities of Jacksonville and Orlando.

Applicant's 1970 peak load was approximately 2 million kilowatts. Applicant's total assets as of 1970 exceeded $676 million; its electric operating revenues for 1970 were $158,145,000.

Its eight major steam generating stations with a total capability in excess of 2 million kilowatts and its gas turbine stations with a total of 239,000 kilowatts are integrated into a generating system by over 3,300 circuit miles of high voltage transmission, including 698 miles of 230-kv. transmission, over a thousand miles of 115-kv. transmission, and almost 1,500 miles of 69-kv. transmission. The foregoing transmission is virtually all the high voltage transmission in its area.

The population in the retail territory served by Applicant is approximately 2,140,000 which it serves through approximately 13,000 pole miles of distribution facilities. Its bulk power supply system is interconnected with and coordinated with bulk power supply facilities of the Southern System, the Tampa Electric Co., Florida Power and Light Co., and the city of Orlando, through high voltage interconnections. It also has or will soon have interconnections with the city of Gainesville, the city of Sebring, the city of Tallahassee, and the city of Wauchula. It supplies electric power in bulk to a number of municipal and cooperative retail distribution systems operating in its general area.

Competition. Florida law does not require electric utilities to restrict their retail or wholesale service areas. Bills which would restrict service areas have been proposed from time to time in the Florida legislature but have failed to pass. The Florida Public Service Commission has approved a number of voluntary territorial agreements reached by Applicant with several adjacent systems.

Some of the foregoing territorial agreements purported to cover the provision of power in bulk. However, these provisions were the subject of a complaint filed under section 1 of the Sherman Act in a District Court in Florida by the Department and in a consent decree entered August 19, 1971, in U.S. v. Florida Power Corp., et al., 68-297, Civ. T., 1971 Trade Cases ¶ 73, 637, Applicant agreed to remove any such agreements with other electric utilities so far as the provision of electric power in bulk was concerned, including coordinating power and energy.

There is a small amount of hydroelectric power marketed from a Federal hydroelectric project on the Florida-Georgia boundary. Some of the larger municipals in the area generate all or part of their bulk power supply but the economic feasibility of obtaining a competitive bulk supply is dependent in large measure on their obtaining the economies of scale available from access to coordination over which Applicant has control.

Market power. Applicant owns and controls all the high voltage transmission in its general area which gives it the ability to integrate its generation and load into a large system and through its interconnections with other utilities (and consequent access to major regional systems) to obtain the economies of scale and the ability to install large generating units such as the captioned unit. It has engaged and is now engaging in the sale in bulk of the full electric power supply requirements of a number of distribution systems operating in its service area but it is alleged that it has at other times refused to engage in such sale. It has from time to time interconnected its bulk power supply system through high voltage interconnections for the purpose of sharing reserves and coordinating the development of its system with that of adjacent systems, and engaging in other varieties of coordination. It has been alleged that it has from time to time refused to coordinate its generation with that of some of the smaller systems in its area or has sought to condition such coordination on the execution of a territorial allocation. Pursuant to an order of the Federal Power Commission, the city of Gainesville was granted relief from Florida Power Corp.'s refusal to interconnect and coordinate installed reserves and other varieties of operating coordination. 40 FPC 1227 affd in part 425 F. 2d 1196 (CA 5, 1970) affd wholly, Gainesville Utilities Dept., et al. v. Florida Power Corp., 402 U.S. 515 (1971). However, the Federal Power Commission is limited in the varieties of coordination it may compel by a proviso in section 202b of its Act which limits compulsory coordination to that which can be effected without compelling the jurisdictional utility to increase its generating capacity. The Applicant has voluntarily engaged in some transactions of coordinated development with major and small utilities in its area by purchasing "unit power." It has been alleged that from time to time it has refused to engage in such transactions.

An alternative for small systems in Florida to engage in coordinated development is by transactions with other small systems. However, such arrangements would be economically feasible only if such systems could wheel power over transmission lines of the Applicant. The Federal Power Commission lacks authority to compel Applicant to enter into wheeling arrangements which might permit smaller systems in Applicant's area to achieve a feasible program of coordinated development among themselves. Although Applicant now wheels power over its system between the Southeastern Power Administration's Jim Woodruff project and a number of independent systems in its area, it has been alleged that Applicant has at other times refused to engage in wheeling transactions.

Discussion. Applicant's strategic dominance over high voltage transmission in a major area in Florida may give it control over its competitors' access to a competitive bulk power supply. Such control of bulk power supply may also impair competition at the retail level. U.S. v. Otter Tail Power Co., 1971 Trade Cases ¶ 73, 692 (D. Minn. Sept. 9, 1971). Thus, Applicant's policies regarding whether or not it will sell power in bulk to independent distribution systems and whether or not it will interconnect and the extent to which it will coordinate with smaller systems maintaining independent generating facilities could lead to unlawful

monopolization of the electric power business in a major area of Florida, if the market power Applicant holds by virtue of its ownership of transmission were to be abused. Small systems in this area have represented to the Department that the past course of conduct pursued by the Applicant has had this effect.

When these matters were raised with representatives of the Applicant, they denied that its actions were made with the intent to monopolize or with such effect. However, Applicant has agreed to pursue henceforth a course of action which should preclude such problems arising in the future. Applicant has agreed to undertake commitments to interconnect and coordinate reserves with any entity in its area having a bulk power supply, to purchase and sell bulk power to any other such entity and to coordinate in the planning of new generation and transmission, and to wheel power over Applicants' system between entities with which it is interconnected. These commitments, set forth in the attached letter of Applicant to the Department of Justice dated December 6, 1971, collectively state a policy which should tend to eliminate abuses possible from Applicant's unregulated monopoly control over transmission.

The commitments in the attachment were explored fully with Applicant to determine whether they would provide a satisfactory basis for recommending issuance of a license conditioned by such commitments, without necessity for hearing. In the course of these discussions, Applicant stated that its commitment to:

* * * interconnect with and coordinate reserves by means of the sale and exchange of emergency bulk power with any entity or entities in its service area engaging in or proposing to engage in electric bulk power supply on terms that will provide for Applicant's costs (including a reasonable return) in connection therewith and allow the other participant(s) full access to the benefits of reserve coordination (Letter, paragraph no. 1).

includes interconnection at the highest transmission voltage available from installed facilities in the area where such arrangement was economically feasible, and that it contemplates an arrangement similar to that of the "Gainesville" interconnection in which the smaller system's reserve responsibility is not tied to its largest unit size, and in which emergency power supply is not limited to a fixed amount, but would be supplied to the fullest extent available where such supply does not impair service to Applicant's customers.

Applicant also clarified its commitment to:

* * * facilitate the exchange of bulk power by transmission over its system between or among two or more entities with which it is interconnected on terms which will fully compensate it for the use of its system to the extent that subject arrangements reasonably can be accommodated from a functional and technical standpoint (Letter, paragraph no. 3).

as not being limited to systems to which it is interconnected at the time of its commitment, but as also including those with which it might, in the future, be interconnected, including those interconnections obtained by virtue of its commitments in paragraph No. 1 of its attached letter.[1]

Applicant declines to commit itself to sales of "unit power" or "deficiency power" at the cost of new power supply, or to engage in joint ventures which could have the same result.[2] It asserts that it has never made any such sales to any electric utility and has not engaged in joint ventures. However, Applicant assures us that it would engage in these transactions with smaller systems in its area if it entered into such transactions with any "wholesale customer." (In this context Applicant uses the term "wholesale customer" to include any other party to an interconnection arrangement.) Applicant is agreeable to this understanding being reflected in the conditions to the license which it seeks.

As noted above, Applicant apparently has not discriminated against smaller systems by engaging in "unit power sales" or sales of "deficiency power" to other entities at Applicant's costs of new power supply, or by engaging in joint ventures with any other entity. Also, the size and geographical distribution of smaller systems in Applicant's area of Florida is such that the commitments Applicant is now making and willing to have imposed as conditions to its license, particularly the commitment to wheel power contained in paragraph No. 3 of its letter of December 6, 1971, afford such smaller systems the opportunity to construct at least one alternative which would give them competitively reliable and competitively low cost bulk power. For example, independent smaller systems in the area could construct large units to supply their needs, protecting themselves against the risk of forced outage by typical industry reserve sharing arrangements with and through Applicant's system. Further, they could enter into coordinated development with any other independent system reached by Applicant's transmission lines. If experience under the license conditions which we now recommend shows that this result would not be obtained, this would be a factor for consideration in antitrust review of any subsequent license applications by this Applicant.

It appears that if Florida Power Corp.'s commitments were to be imposed as license conditions by the Commission, the question of accommodating antitrust policies with power needs in this case would be satisfactorily resolved. Accordingly, we recommend that the commitments proposed by Florida Power Corp. be imposed by the Commission as license conditions as agreed to by the Applicant. If this were done there would be no need for an antitrust hearing in this matter.

[FR Doc.72-2540 Filed 2-18-72;8:45 am]

[Dockets Nos. 50-266, 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Notice of Availability of Applicants' Environmental Report and AEC Draft Detailed Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that reports entitled "Applicants' Environmental Report—Operating License Stage, September 10, 1970," and "Applicants' Supplemental Environmental Report on the Point Beach Nuclear Plant, Units 1 and 2, November 8, 1971," (collectively "the report") submitted by Wisconsin Electric Co. and Wisconsin Michigan Co. are available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Manitowoc Public Library, 808 Hamilton Street, Manitowoc, WI 54220. The report is also being made available to the public at the State Planning Bureau, Department of Administration, 1 West Wilson Street, State Office Building, Madison, WI 53701.

This report discusses environmental considerations related to the proposed issuance of an operating license for the Point Beach Nuclear Plant Unit No. 2 and the continued operation of the Point Beach Nuclear Plant Unit No. 1, located in Manitowoc County, Wis.

The report has been analyzed by the Commission's Division of Radiological and Environmental Protection and a draft detailed statement on the environmental considerations related to the proposed issuance of an operating license for the Point Beach Nuclear Plant, Unit 2, and the continued operation of the Point Beach Nuclear Plant, Unit 1, dated February 10, 1972, has been prepared and has been made available for public inspection at the locations designated above. Copies of the Commission's February 10, 1972, draft detailed statement on the environmental considerations may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection. This statement supersedes the May 11, 1971, detailed statement for which a notice of avilability was published in the FEDERAL REGISTER on May 25, 1971 (36 F.R. 9478).

Pursuant to sections A.7 and D.1 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 on the proposed action, the report and the draft detailed statement for the Commission's consideration. Federal and State agencies are being provided with copies of the report and the draft detailed statement (local agencies may obtain these documents on request), and when comments thereon of the Federal, State, and local officials are received, they will be made available for public inspection at the above-designated locations. Comments on the draft detailed statement on environmental considerations from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection.

Dated at Bethesda, Md., this 14th day of February 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-2563 Filed 2-18-72;8:47 am]

[1] Filed as part of original document.

[2] Gainesville requested participation in the captioned unit as early as 1968.

CIVIL AERONAUTICS BOARD

[Docket No. 24165]

COMPANIA MEXICANA DE AVIACION, S.A. (CMA)

Notice of Postponement of Prehearing Conference

Foreign air carrier permit; amendment to authorize service to St. Louis, Mo.; Chicago, Ill.; and Kansas City, Mo.

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on February 29, 1972 (37 F.R. 1502, Jan. 29, 1972) is hereby postponed to March 9, 1972, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC. The postponement is at the request of the applicant.

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 28, 1972.

Dated at Washington, D.C., February 15, 1972.

[SEAL] WILLIAM H. DAPPER,
Hearing Examiner.

[FR Doc.72-2603 Filed 2-18-72;8:50 am]

[Docket No. 24168]

KAR-AIR OY

Notice of Postponement of Prehearing Conference

Renewal and amendment of foreign air carrier permit authorizing charter flights serving any point or points in the United States.

Notice is hereby given that the prehearing conference in the above-entitled proceeding has been postponed from February 28, 1972 (37 F.R. 2536, Feb. 2, 1972), to March 1, 1972, at 11 a.m. (local time) in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., February 16, 1972.

[SEAL] JOHN E. FAULK,
Hearing Examiner.

[FR Doc.72-2604 Filed 2-18-72;8:50 am]

[Docket No. 24130, etc.]

TEXAS INTERNATIONAL AIRLINES, INC.

Notice of Hearing Regarding Acquisition of Control by Jet Capital Corporation

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding will be held on March 2, 1972, at 10 a.m., local time, in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the Report of Prehearing Conference 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 15, 1972.

[SEAL] HYMAN GOLDBERG,
Hearing Examiner.

[FR Doc.72-2605 Filed 2-18-72;8:50 am]

[Docket No. 24191; Order 72-2-62]

UNITED AIR LINES, INC.

Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of February 1972.

By tariff revisions [1] marked to be effective March 2, 1972, United Air Lines, Inc. (United), proposes to offer midweek round-trip excursion fares from 17 northern and midwestern points to Florida and return. The fares, which are to be effective through June 1, 1972, are generally common fared at $115.74 to Miami and $102.78 to Tampa with discounts ranging between 20 and 35 percent from normal fares. Application is limited to flights departing the point of origin or turnaround on Tuesdays, Wednesdays, and Thursdays and a 5- to 21-day stay is required.

United also proposes to advance the application of its existing off-peak GIT fares in the same markets to March 2, 1972, from April 15, 1972, on Tuesdays, Wednesdays, and Thursdays only for groups of 15, generally common fared at $106.48 to Miami and $97.22 to Tampa at discounts between 25 and 39 percent. The existing peak season GIT fares for groups of 20 or more reflect discounts between 5 and 10 percent. Return travel may not commence prior to the calendar week following departure and a $75 minimum ground add-on applies. Blackouts covering the Easter period are included under both the excursion and GIT fare proposals.

In support of its proposals, United states that the mid-week application of both fares is intended to encourage travel during the slack demand days of Tuesday, Wednesday, and Thursday. It contends that the fares are being proposed for short experimental periods and expects that there will be sufficient time to analyze their effectivenes. United has provided estimates of "contribution to profit" for both proposals; $96,000 for the 5- to 21-day excursion fares and $23,600 for the GIT's. The estimates assume 75-percent and 40-percent diversion factors, respectively, and reflect only "incremental" costs.

Eastern Air Lines, Inc. (Eastern), has complained against the excursion fare proposal requesting its suspension and investigation.[2] It contends that the use of discount fares during the peak season should be discouraged and that the proposed fares would cause substantial dilution and diversion while generating insufficient traffic to have justified their implementation.

Eastern claims that its experience has shown that traffic on the midweek days of Tuesday, Wednesday, and Thursday is not markedly different from that of the other days of the week as a percentage of total weekly traffic. This fact, it asserts, renders United's tendered purpose of combating the midweek slump invalid and that its statistics on generation and diversion are unreliable and entitled to no consideration. Both Eastern and Delta have filed defensively in competitive markets.

In answer to the complaint United has submitted data refuting Eastern's traffic data. United's data shows a traffic slump on midweek days during the peak month of March. United alleges that Eastern's traffic data is the result of a survey rather than actual passengers boarded and that even Eastern's chart suports its conclusion that there is a midweek slump. Further, United asserts that it is proposing an innovative experimental fare for a short period so that an analysis may be made to determine if sufficient new revenue is generated to warrant the discount fares. United contends that Eastern has failed to present facts warranting investigation and requests that the complaint be dismissed.

Upon consideration of the tariff filing, the complaint and answers thereto, and al revelant matters, the Board finds that the complaint does not set forth sufficient facts to warrant investigation of the proposal and the request therefor and consequently the request for suspension will be denied and the complaint dismissed.

United has shown that it experiences a very severe days-of-the-week traffic peaking problem in the Florida markets. Moreover, the traffic exposed to diversion is quite limited since the fares are for the most part restricted to low density markets. While we believe that substantial fare discounts such as those herein proposed generally cannot be justified during peak travel periods, in view of the limited risk involved we will permit United's experiment which is designed to make use of unused capacity resulting from a marked peaking problem.

However, we will expect the carriers offering these fares to bear the risk of the experiment, and we will also expect the carriers to maintain records of traffic, revenues, and expenses sufficient for a full evaluation of profit impact. These reports should be submitted no later than July 1, 1972, for both the individual excursion fares (for the period through June 1972) and the GIT fares (for the period through April 14, 1972).

[1] United Air Lines, Inc., Tariffs CAB Nos. 319 and 330.

[2] Delta Air Lines, Inc. (Delta), filed an answer in support of Eastern's complaint.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof, *It is ordered*, That:

1. The complaint of Eastern Air Lines, Inc., in Docket 24191 is hereby dismissed; and

2. A copy of this order be served upon Delta Air Lines, Inc., Eastern Air Lines, Inc., and United Air Lines, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-2502 Filed 2-18-72;8:50 am]

CIVIL SERVICE COMMISSION

GRANT FUNDS

Notice of Date After Which Grant Funds Will Be Available for Reallocation

Notice is hereby given that pursuant to section 506(b)(4) of the Intergovernmental Personnel Act of 1970, the Commission has established May 16, 1972, as the date after which any fiscal year 1972 formula grant funds not applied for will be available for reallocation.

The establishment of this date will enable the Commission to reallocate any unobligated fiscal year 1972 grant funds allocated under section 506(b)(1) of the Act to insure the most equitable and efficient use of funds.

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

[FR Doc.72-2599 Filed 2-18-72;8:50 am]

COMMISSION ON CIVIL RIGHTS

ILLINOIS

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that a public hearing of the U.S. Commission on Civil Rights will commence on March 23, 1972, and that an executive session, if appropriate, will be convened on March 23, 1972, to be held at the U.S. District Court, U.S. Post Office and Courthouse, 1500 Washington Avenue, Cairo, IL. The purpose of the hearing is to collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, or national origin and in the administration of justice which affect the employment opportunities, housing opportunities, educational opportunities, or economic security of persons residing in the city of Cairo, Ill., and in the State of Illinois; to appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, or national origin as these affect the employment opportunities, housing opportunities, educational opportunities, or economic security of persons in the above areas, and to disseminate information with respect to denials of equal protection of the laws, in the city of Cairo, Alexander County and the State of Illinois because of race, color, religion, or national origin in the fields of employment, housing, education, and in the administration of justice.

Dated at New York, N.Y., February 14, 1972.

THEODORE M. HESBURGH, C.S.C.,
Chairman.

[FR Doc.72-2673 Filed 2-18-72;8:51 am]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, February 23, 1972, in Room 603 of the City Hall Annex, Juniper and Filbert Streets in Philadelphia, beginning at 2 p.m. The subjects of the hearing are as follows:

I. Proposal to amend the Comprehensive Plan in accordance with Article 11 of the Delaware River Basin Compact so as to include the following projects:

(a) *Womelsdorf-Robesonia Reservoir Authority.* A water treatment plant to improve the quality of water supply sources used by the Womelsdorf-Robesonia Reservoir Authority. A 1-million-gallon-a-day filtration plant will be constructed in Heidelberg Township, Berks County, Pa. Water will continue to be drawn from the Furnace Creek Reservoir as in the past.

(b) *Ancient Oak Water Co.* A well water supply project to augment water supplies at the Ancient Oak West Subdivision in Lower Macungie Township, Lehigh County, Pa. Existing Well No. 3 and the new well, designated as Well No. 4, are each capable of supplying an average demand of 133,000 gallons per day. Well No. 4 will normally serve as a standby well.

II. Proposal to approve the following water pollution abatement schedule as submitted in accordance with section 3-4.2(2) of the Basin Regulations—Water Quality:

(a) *A-69-2 (second revision): City of Wilmington.* An allocation of 13,400 pounds per day of carbonaceous (first stage) oxygen demand has been made for this waste treatment facility located in Wilmington, Del., and discharging into Zone 5 of the Delaware Estuary. An abatement schedule for this facility was approved on January 15, 1969, revised September 29, 1970. It requires a minimum waste reduction of 87.5 percent and that treatment facilities to accomplish this reduction shall go into operation no later than December 1973. The proposed revision changes the interim dates of the abatement schedule but the completion date remains unchanged.

Documents relating to the items listed for hearing may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission.

W. BRINTON WHITALL,
Secretary.

FEBRUARY 11, 1972.

[FR Doc.72-2560 Filed 2-18-72;8:47 am]

FEDERAL MARITIME COMMISSION

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Esq., Kurrus and Jacobi, 2000 K Street NW., Washington, DC 20006.

Agreement No. 8210-14 amends the basic agreement by deleting that part of Article 4b which allows cargo consigned from LeHavre or Bordeaux to be forwarded between these ports at the expense of the carrying line.

Dated: February 16, 1972.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.72-2606 Filed 2-18-72;8:50 am]

FEDERAL POWER COMMISSION

[Dockets Nos. E7631, E7633]

CITY OF CLEVELAND, OHIO, AND CLEVELAND ELECTRIC ILLUMINATING CO.

Order Granting Reconsideration and Referring Further Motions to Presiding Examiner

FEBRUARY 8, 1972.

Permanent interconnection; temporary interconnection; antitrust.

City of Cleveland, Ohio, versus Cleveland Electric Illuminating Co., Docket No. E–7631; Cleveland Electric Illuminating Co., Docket No. E–7633.

On January 26, 1972, the Cleveland Electric Illuminating Co. (Company) filed its application for rehearing and motion for stay of the Commission's order of January 26, 1972. That Commission order denied the Company's motion to extend the time for filing of its testimony beyond the date set in the Commission's order of December 16, 1971. The application requests that the Commission grant the rehearing of its order and further requests a stay of such order pending further action on this application for rehearing.[1]

Our order of December 16, 1971, provided that the Company and the city of Cleveland, Ohio (City), must file their cases-in-chief on January 26, 1972. Our order of January 26, 1972, again stated that their respective cases-in-chief should be filed on that date. However, we have reconsidered our orders concerning the filing date and believe that in the circumstances, the Company's suggestion that it and the City be granted a 30-day extension to file their respective cases-in-chief is appropriate. Accordingly, we now change the January 26, 1972, filing date established in our order of December 16, 1971, as affirmed by our orders of January 10, 1972 and January 26, 1972, to reflect a 30-day extension. The Company and the City will now file their respective cases-in-chief on February 25, 1972. We will alter the balance of the dates established in our order of December 16, 1971, accordingly.

A Presiding Examiner was designated on January 27, 1972, in this proceeding and all further motions shall be referred to him.

The Commission orders:

(A) The application for rehearing and stay filed in this consolidated docket on January 26, 1972, by the Cleveland Electric Illuminating Co. shall be considered as a motion for reconsideration.

(B) Our order of December 16, 1971, directing the city of Cleveland and the Cleveland Electric Illuminating Co. to file their respective cases-in-chief on January 26, 1972, is hereby superseded to the extent that the parties will file their respective cases-in-chief on February 25, 1972.

(C) The dates set in our order of December 16, 1971, to the extent that they were affirmed in our orders of January 10, 1972, and January 26, 1972, respectively, concerning the filing of testimony by the Commission staff any intervenors, rebuttal testimony, a prehearing conference, and commencement of cross examination are hereby superseded to the extent that: The Commission staff and any intervenors shall serve their respective prepared testimony and exhibits on or before April 5, 1972; any rebuttal testimony and exhibits by both the city of Cleveland and the Cleveland Electric Illuminating Co. shall be served on or before April 25, 1972; a prehearing conference before a duly assigned Presiding Examiner shall be held on May 8, 1972; at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426; and cross-examination of all of the evidence shall commence on May 22, 1972, commencing at 10 a.m., e.d.s.t. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426.

(D) All further Motions shall be referred to the Presiding Examiner in this proceeding.

By the Commission.

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

[FR Doc.72–2545 Filed 2–18–72;8:45 am]

[1] The Commission's order of January 26, 1972, is interlocutory in nature and not subject to the filing of an application for rehearing. Therefore, the application shall be considered as a motion for reconsideration.

[Docket No. E–7702]

NIAGARA MOHAWK POWER CORP.

Notice of Proposed Changes in Rates and Charges

FEBRUARY 16, 1972.

Take notice that on January 19, 1972, Niagara Mohawk Power Corp. (Niagara Mohawk) tendered for filing in Docket No. E–7702 proposed increases in its electric service rates to the villages of Holley, Brocton, Green Island, and Richmondville, N.Y. (Villages) as follows:

Village	Percentage of annual increases (percent)	Annual amount
Holley	13.5	$13,398.06
Brocton	13.4	10,331.61
Green Island	18.2	10,623.66
Richmondville	18.6	9,918.89

Niagara Mohawk also proposes inclusion of a fuel adjustment clause in its Rate Schedule R–1 which covers electric service to the Villages of Green Island and Richmondville only. The proposed effective date of the proposed changes is March 1, 1972.

Each of the Villages was sent copies of the applicable filing and accompanying documents.

Electric service comparable to that supplied to the Villages is supplied to the city of Jamestown, N.Y. With respect to Jamestown, the company says that "* * * it is anticipated that Niagara Mohawk will be supplanted by the Power Authority of the State of New York as a wholesale supplier to that municipality within the immediate future and prior to the proposed effective date of March 1, 1972."

In the letter of transmittal, Niagara Mohawk certified that (with respect to each of the proposed increases) "it will comply with the requirements of the Price Commission of the Cost of Living Council as set forth under Chapter III, § 300.16 of the rules and regulations issued November 12, 1971, and published in the FEDERAL REGISTER on November 13, 1971, as amended on November 17, 1971."

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 25, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The Company's application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72–2613 Filed 2–18–72;8:51 am]

[Docket No. E–7703]

PACIFIC POWER & LIGHT CO.

Notice of Proposed Changes in Rates and Charges

FEBRUARY 16, 1972.

Take notice that on January 24, 1972, Pacific Power & Light Co. (Pacific Power) tendered for filing in Docket No. E–7703 proposed increases in its electric service rates to the city of Ashland, Oreg. The nature of the filing is contained in the transmittal letter as follows:

Service under this agreement is scheduled to commence on February 28, 1972.

A copy of this agreement is being filed with the Oregon Public Utility Commissioner.

This agreement provides for the sale by Pacific to the city of Ashland of all the city's electrical requirements at two 12,500-volt points of delivery, and, at the option of the city, at one of the two listed rates.

Service is presently provided to the city under Rate Schedule FPC No. 47, which has not been changed since its effective date of February 28, 1952. Pacific's rates to consumers in Oregon, Washington, and California have been increased several times during this period, the most recent increase having been authorized in 1970.

In terms of gross revenues, the new rate schedules provide for an increase after the sixth year of approximately 9.5 percent, and an average increase in gross revenues over the 10-year initial period of 7.45 percent.[1]

[1] The increase was taken in steps at the request of the city for budgetary reasons.

Order No. 70-664 by the Public Utility Commissioner of Oregon (October 5, 1970) authorized an increase in gross revenues in the rates subject to his jurisdiction of 9.3 percent, and that order with Decision No. 777419 of the Public Utilities Commission of California (September 23, 1970) and Cause No. U 9947 of the Washington Utilities and Transportation Commission (May 8, 1970) authorized an overall increase in gross revenues from rates subject to their jurisdiction of 10.45 percent.

The agreement provides for two alternate rates at the option of the city. Both rates were designed to produce approximately the same revenues at present load levels. Rate No. 1 includes a demand charge, was requested by the city, and was designed with smaller end-step energy charge to provide incentive for the city to increase its load factor. Rate No. 2 is the revision of the present rate in Rate Schedule FPC No. 47 and does not include a demand charge.

Enclosed are two copies of a statement comparing sales and services and revenues therefrom, by months and for the year, under both the rate schedule proposed to be superseded and the proposed changed rate schedule, each applied to transactions for the 12 months immediately preceding and succeeding the date on which the new rate schedule is to become effective.

Pacific does not supply similar wholesale for resale services within the States of Oregon, Washington, or California with which a comparison can be made.

The proposed estimated annual amounts of increased revenues are as follows:

Demand and energy levels	Rate No. 1	Rate No. 2
12 months ending February 1972.	$13,276.85	$18,585.98
12 months ending February 1973.	12,419.46	19,102.42

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 25, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The company's application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2614 Filed 2-18-72;8:51 am]

[Docket No. RP72-74]

SOUTHERN NATURAL GAS CO.

Order Denying Motion for Consolidation of Proceedings, Scheduling Formal Hearing, and Establishing Procedures

FEBRUARY 10, 1972.

The proceeding in Docket No. RP72-74 involves the reasonableness of the curtailment plan filed by Southern Natural Gas Co. (Southern) in response to the Commission's Order No. 431, which was issued April 15, 1971. By order issued December 23, 1971, Southern's curtailment plan was suspended for 1 day.

On December 15, 1971, Georgia Industrial Group (GIG)[1] filed a motion for consolidation of the proceedings in Dockets Nos. RP71-3 and RP72-74. In support of its motion, GIG states that the two proceedings are similar in certain respects and, consequently, consolidation would save administrative time and effort and would avoid duplication.

The proceeding in Docket No. RP71-3 is a complaint proceeding initiated by Carolina Pipeline Co. (Carolina) against Southern and is concerned with the question of properly allocating available gas volumes on Southern's system for direct and resale sales between steam electric generating plants and all other industries. Hearings on Carolina's complaint have been held, briefs have been filed, and the record is before the Examiner for his initial decision.

On December 27, 1971, Carolina filed an objection to GIG's motion stating that consolidation of the proceedings would unduly delay a determination in the complaint proceeding. We agree. While some of the issues may be similar in both proceedings, we believe that expedition and orderly administrative process requires denial of GIG's motion.

As found in our order of December 23, 1971, Southern's curtailment plan may be unlawful under the Natural Gas Act. Additionally, by our order of January 20, 1972, we permitted numerous parties to intervene many of whom have protested Southern's proposed curtailment plan. We will thus initiate a formal hearing to determine the justness and reasonableness of the proposed curtailment plan and will establish procedures to effectuate that determination.[2]

The Commission finds:

(1) Good cause exists to deny GIG's motion to consolidate the proceedings involved in Dockets Nos. RP71-3 and RP72-74.

(2) Good cause exists for formal hearings to be held in Docket No. RP72-74 and for the procedures hereinafter ordered.

The Commission orders:

(A) The motion for consolidation of the proceedings in Dockets Nos. RP71-3 and RP72-74 filed by GIG on December 15, 1971, is hereby denied.

(B) A formal hearing shall be convened in Docket No. RP72-74 in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, on March 14, 1972, at 10 a.m. (e.s.t.), concerning the issues involved in testing the reasonableness of Southern's curtailment plan. The Chief Examiner will designate an appropriate officer of the Commission to preside at the formal hearing, pursuant to the Commission's rules of practice and procedure.

(C) Southern and any supporting interveners shall serve on all parties including the Presiding Examiner and our staff, its direct case in Docket No. RP72-74 on or before February 24, 1972, and the hearing ordered by paragraph (B) above shall commence with cross-examination of Southern's direct case and shall proceed, under procedures established by the Presiding Examiner including settlement conferences if deemed appropriate, to an expeditious conclusion and determination.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2546 Filed 2-18-72;8:45 am]

[1] The Group consists of: American Industrial Clay of Sandersville, Anglo-American Clay Corp., Burgess Pigment Co., Chemical Products Corp., Cherokee Brick & Title Co., Englehard Minerals & Chemicals Corp., Georgia Kaolin Co., Glass Containers Corp., Griffin Pipe Products Co. (Amsted Industries, Inc), National Biscuit Co., Owens-Illinois, Inc., Southwire Co., Thiele Kaolin Co., and Thompson, Wienman & Co.

[2] We do not here dispose of the five pending applications for rehearing in this proceeding.

[Docket No. CP72-192]

UNITED GAS PIPE LINE CO.

Notice of Application

FEBRUARY 7, 1972.

Take notice that on January 28, 1972, United Gas Pipe Line Co. (applicant), 1500 Southwest Tower, Houston, Tex. 77002, filed in Docket No. CP72-192 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas by Applicant for Trunkline Gas Co. (Trunkline), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to transport up to 5,000 Mcf of natural gas per day for Trunkline from applicant's purchase meter station in East Donner Field, Terrebonne Parish, La., to th tailgate of Humble Oil & Refining Co.'s Garden City Plant in St. Mary Parish, La. Applicant proposes to charge Trunkline the initial rate of 5 cents per Mcf for the transportation service. Applicant states that it has sufficient existing pipeline capacity to transport such gas for Trunkline and that no new facilities will be required to render such service.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 29, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2544 Filed 2-18-72;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST FLORIDA BANCORPORATION

Order Approving Acquisition of Bank

First Florida Bancorporation, Tampa, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of First National Bank of Titusville, Titusville, Fla. (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 controls 23 banks with total aggregate deposits of $445 million, representing 3 percent of commercial bank deposits in Florida and is the sixth largest banking organization in the State.[1] Acquisition of Bank (deposits of $16 million) would not change this ranking and would add only one-tenth percent to applicant's share of deposits in the State. There is no existing competition between any of applicant's subsidiaries or Bank, with the closest subsidiary about 35 miles away. Moreover, due to this distance, the large number of intervening banks and Florida's branching laws, there is little likelihood of substantial competition developing between this or any other of applicant's subsidiaries and Bank. Additionally, there is little probability of de novo entry by applicant into the Northern Brevard area in which Titusville is located since this area has become economically unattractive due to the cutbacks in the space program at nearby Cape Kennedy. Moreover, applicant's acquisition of Bank could have procompetitive effects since Bank is only the sixth largest of 10 banks—with less than 10 percent of the area deposits—and two of the larger area banks are affiliated with large holding companies. Applicant could enable Bank to more vigorously compete with these institutions. Considerations relating to competition are consistent with approval of the application.

The financial and managerial resources and prospects of applicant, its subsidiary banks, and Bank are satisfactory and consistent with approval. Considerations relating to the convenience and needs of the communities are also consistent with approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] February 14, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2564 Filed 2-18-72;8:47 am]

[1] Banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved by the Board through Dec. 31, 1971.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, Brimmer, and Sheehan. Absent and not voting: Chairman Burns.

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

FEBRUARY 16, 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 112822 Sub 211, Bray Lines, Inc., continued to May 2, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I & S No. M-25435, Joint Motor-Water Rates, Jacksonville, Fla., to Puerto Rico, now assigned February 23, 1972, at Washington, D.C., is canceled.

MC 108359 Sub 6, Western New York Motor Lines, Inc., assigned March 6, 1972, MC 135728, Richard J. Franks, assigned March 9, 1972, MC 116519 Sub 15, Frederick Transport Ltd., assigned March 15, 1972, MC 116519 Sub 13, Frederick Transport Ltd., assigned March 13, 1972, MC 135437 Sub 1, Tri-Northeastern Transport, Inc., assigned March 17, 1972, will be held in Room 913, Federal Building, 111 West Huron Street, Buffalo, NY.

MC 56679 Sub 63, Brown Transport Corp., assigned for hearing March 20, 1972, in Room 305, 1252 West Peachtree Street NW., Atlanta, GA.

MC-C-7397, Paul V. Adams Trucking, Inc.—Investigation and Revocation of Certificates, and MC 9429 Sub 7, Paul V. Adams Trucking, Inc., transferred to Portland, Maine, on February 16, 1972, in Room 232, 156 Federal Street.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2610 Filed 2-18-72;8:50 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 16, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42352—*Iron and steel articles between points in Illinois Freight Association territory.* Filed by Illinois Freight Association, agent (No. 374), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application, from and to points in Illinois Freight Association territory, located on the Missouri Pacific Railroad Co., Chicago, Rock Island and Pacific Railroad Co. and Chicago, South Shore and South Bend Railroad Co.

Grounds for relief—Motor competition.

Tariff—Supplement 154 to Illinois Freight Association, agent, tariff ICC 1087. Rates are published to become effective on March 24, 1972.

FSA No. 42353—*Liquid caustic soda and chlorine to points in southern territory.* Filed by M. B. Hart, Jr., agent (No. A6297), for interested rail carriers. Rates on sodium (soda), caustic (sodium hydroxide), and chlorine, in tank carloads, as described in the application, from Charleston, Tenn., and Nixon, Ga., to specified points in southern territory.

Grounds for relief—Market competition and rate relationship.

Tariffs—Supplements 75 and 339 to Southern Freight Association, agent, tariffs ICC S-938 and S-484, respectively. Rates are published to become effective on March 23, 1972.

AGGREGATE-OF-INTERMEDIATES

FSA No. 42354—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 653), for interested rail carriers. Rates on carbon dioxide, liquid, in tank car loads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 130 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998. Rates are published to become effective on March 17, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-2609 Filed 2-18-72;8:50 am]

[Notice 24]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 15,1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR, Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2229 (Sub-No. 167 TA), filed February 2, 1972. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 47407, Dallas, TX 75247. Applicant's representative: Martin B. Turner, Post Office Box 47407, Dallas, TX 75247. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* except those of unusual value, livestock, commodities in bulk, household goods as defined in practices of motor carriers of household goods, 17, MCC 476, and requiring special equipment, from De Ridder, La., over U.S. Highway 190 to the plantsite of Boise Southern Co. located approximately 6 miles west and 1 mile north of De Ridder, La., and return over the same route, serving no intermediate points, for 180 days. NOTE: Applicant states it intends to tack its authority with MC-2229 and subs thereunder. Supporting shipper: Boise Cascade Corp., Transportation and Distribution Department, Post Office Box 7747, Boise, ID 83707. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 2860 (Sub-No. 109 TA), filed January 31, 1972. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Applicant's representative: Addison Hand (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container components and ends*, including the *return of pallets, packaging, and rejected materials*, from Baltimore, Md.; Paterson, Pennsauken, Hillside, N.J.; and Maspeth, N.Y.; to the plantsite and warehouse of Annheuser-Busch, Inc., located in James City County, Va., for 180 days. Supporting shippers: Continental Can Co., Inc., 633 Third Avenue, New York, NY 10017; American Can Co., American Lane, Greenwich, Conn. 06830. Send protests to: District Supervisor Richard M. Regan, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 76472 (Sub-No. 18 TA), filed January 31, 1972. Applicant: MATERIAL TRUCKING CO., 924 South Heald Street, Wilmington, DE 19801. Applicant's representative: William Saienni (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ilmenite ore*, in bulk, from points in Ocean County, N.J., to Edgemore, Del., for 180 days. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 78276 (Sub-No. 5 TA), filed January 31, 1972. Applicant: MAZZEO & SONS EXPRESS, a corporation, 311 South River Street, Hackensack, NJ 07601. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between the New York, N.Y., commercial zone, on the one hand, and, on the other, Hallendale, Hialeah, Jacksonville, Miami, and West Palm Beach, Fla., for 180 days. NOTE: Applicant states it desires to tack with present authority in the New York, N.J., commercial zone. Supporting shipper: BBC Agency, 1048 Northwest Third Street, Hallendale, Fla., and nine other shippers attached to this application. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 96098 (Sub-No. 57 TA), filed January 31, 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 *contract carrier*, by motor vehicle, over irregular routes, transporting: *Under MC-96098 printing paper*, from Urbana, Franklin, and Dayton, Ohio, to points in New York, New Jersey, Connecticut, and Pennsylvania, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized under the commodity description next above are limited to a transportation service to be performed, under a continuing contract or contracts with St. Regis Paper Co. of New York, N.Y., and Howard Paper Mills, Inc., of Urbana, Ohio; *under MC-96098 Sub-No. 28, printing paper*, from Urbana, Franklin, and Dayton, Ohio, to points in New York, New Jersey, Connecticut, and Pennsylvania, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract or contracts with St. Regis Paper Co., of New York, N.Y., and Howard Paper Mills, Inc., Urbana, Ohio; *under MC-96098 Sub-No. 46, printing paper, gummed paper, gummed paper tape, and paper backed with aluminum foil*, from Troy, Dayton, Urbana, and Franklin, Ohio, to points in Massachusetts, Rhode Island, Maryland, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts with St. Regis Paper Co., of New York, N.Y., and Howard Paper Mills, of Urbana, Ohio, for 150 days. NOTE: The permits presently held by the applicant contain a restriction limiting transportation service to be performed for St. Regis Paper Co. This application requests the addition of Howard Paper Mills, Inc., as a shipper since the properties at Urbana, Franklin, and Dayton, Ohio, have been purchased by it from St. Regis. Supporting shipper: Howard Paper Mills, Inc., Urbana, Ohio. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, PA 17108.

No. MC 107544 (Sub-No. 105 TA) (Correction), filed January 25, 1972, published FEDERAL REGISTER February 9, 1972, corrected and republished in part as corrected this issue. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, VA 24354. NOTE: The purpose of this partial republication is to show the correct origin point as Richmond

County, Ga., in lieu of Richmond County, Va., shown erroneously in previous publication. The rest of the notice remains the same.

No. MC 114273 (Sub-No. 113 TA), filed February 2, 1972. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue SW., Cedar Rapids, IA 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, IA 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail sales stores, from Lawrence, Kans., to points in Iowa and points in Minnesota on and south of U.S. Highway 14 and Rock Island and Moline, Ill., restricted to the transportation of traffic originating at the above-specified origin and destined to the above-specified destinations, and restricted against the transportation of commodities in bulk, in tank vehicles, for 180 days. Supporting shipper: S. S. Kresge Co., 2727 Second Avenue, Detroit, MI 48201. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 124004 (Sub-No. 21 TA), filed December 23, 1971. Applicant: RICHARD DAH, INC., 620 West Mountain Road, Sparta, NJ 07871. Applicant's representative: George A. Olsen, Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry meat and bone scrap*, in bulk, in dump vehicles, from Jersey City, N.J., to Manchester, Conn., for 150 days. Supporting shipper: Paterson Tallow Co., Inc., Post Office Box 287, Jersey City, NJ 07308. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07108.

No. MC 124078 (Sub-No. 509 TA), filed February 2, 1972. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, from the plantsite of Midwest Terminal Warehouse, Kansas City, Mo., to points in Iowa, Kansas, Nebraska, and Oklahoma, for 180 days. Supporting shippers: Olin Corp., Agricultural Division, Post Office Box 991, Little Rock, AR 72203 (R. H. May, Supervisor, Rates and Analysis); Willchemco, Inc., National Bank of Tulsa Building, Tulsa, Okla. 74103 (J. J. Stefanec, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 125535 (Sub-No. 4 TA), filed February 2, 1972. Applicant: JOHN SHARP TRUCKING COMPANY, INC., 346 Central Avenue, Woodbury, NJ 08097. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refrigeration and freezing units, machines, and equipment and parts and supplies connected therewith*, crated (except those which because of size or weight require the use of special equipment or handling), *and shelves, bins, containers, and checkout counters*, from the plantsite and storage facilities of Hussman Refrigerator Co., at or near Bellmawr, N.J., to points in Virginia, West Virginia, Maryland, Connecticut, Massachusetts, Pennsylvania, New York, Delaware, Rhode Island, and the District of Columbia, damaged and defective equipment described above, from the destination points specified above, to the plantsite and storage facilities of Hussman Refrigerator Co., at Cherry Hill, N.J., and at or near Bellmawr, N.J. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts with Hussman Refrigerator Co., for 180 days. NOTE: Applicant states it intends to tack with this authority. Supporting shipper: Hussman Refrigerator Co., 12999 St. Charles Rock Road, Bridgeton, MO 63044. Send protests to: District Supervisor Richard M. Regan, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 126473 (Sub-No. 20 TA), filed January 31, 1972. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, Iowa 52580. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Tama Meat Packing Corp. at Tama, Iowa, to points in California, Colorado, Florida, Georgia, Kentucky, Louisiana, Maine, Massachusetts, Mississippi, Nebraska, New Jersey, New York, North Dakota, Pennsylvania, South Dakota, Tennessee, and Texas; and (2) *hides*, from the plantsite of Tama Meat Packing Corp. at Tama, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shipper: Tama Meat Packing Corp., Tama, Iowa 52339. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 128490 (Sub-No. 7 TA), filed February 3, 1972. Applicant: ROBERT J. ERICKSON, doing business as BOB ERICKSON TRUCKING, Route 2, Rush City, Minn. 55069. Applicant's representative: A. R. Fiwler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fire protection sprinkler systems*, including *materials, equipment, and tools* used in the installation thereof, from Rush City, Minn., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin; and *returned shipments of such merchandise* from above-specified destination points to Rush City, Minn., for 180 days. Supporting shipper: United Sprinkler, Minneapolis, Minn. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 129486 (Sub-No. 5 TA), filed February 3, 1972. Applicant: PAGE TRUCKING COMPANY, INC., Post Office Box 14, Hines, MN 56647. Applicant's representative: Gene P. Johnson, 514 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail and wholesale food and grocery business houses, from Iowa City, Iowa, to the facilities of L. B. Hartz Wholesale, Inc., at Thief River Falls, Minn., for 180 days. Supporting shipper: L. B. Hartz Wholesale, Inc., 120 South Arnold, Thief River Falls, MN 56701. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 133846 (Sub-No. 4 TA), filed February 3, 1972. Applicant: FLITE LINE SERVICE, INC., 1601 Wolf Street, Philadelphia, PA 19145. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, PA 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk), between Logan International Airport, Boston, Mass.; LaGuardia Airport and J. F. Kennedy International Airport, New York, N.Y.; Newark Airport, Newark, N.J.; Philadelphia International Airport, Philadelphia, Pa.; Friendship International Airport, Anne Arundel County, Md.; Dulles International Airport, Chatilly, Va.; and Washington National Airport, Arlington County, Va.; on the one hand, and, on the other, Norfolk Municipal Airport, Norfolk, Va.; Patrick Henry Airport, Newport News, Va.; Richard E. Byrd Flying Field, Richmond, Va.; Greensboro-Highpoint Airport, Guilford County, N.C.; Douglas Municipal Airport, Mecklenburg County, N.C.; Raleigh-Durham Airport, Wake County, N.C.; Greenville-Spartanburg Airport, Greenville County, S.C.; Columbia Airport, Lexington County, S.C.; Charleston AFB/Municipal Airport, Berkelee County, S.C.; Atlanta Airport, Atlanta, Ga.; Thomas Cole Imeson Airport, Jacksonville, Fla.; Herndon Airport, Orlando, Fla.; Tampa International Airport, Tampa, Fla.; and Miami

International Airport, Miami, Fla. Restriction: Restricted to transportation of traffic having: (1) A prior or subsequent movement by air, or (2) tendered by a direct air carrier, for 180 days. Supporting shippers: Pan American World Airways, J. F. Kennedy International Airport, Jamaica, N.Y. 11430; Seaboard World Airlines, Seaboard World Building, J. F. Kennedy International Airport, Jamaica, N.Y. 11430; Eastern Air Lines Inc., International Airport, Miami, Fla. 33148. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 133962 (Sub-No. 4 TA), filed February 2, 1972. Applicant: JAMES W. ALDRICH, 3420 Northeast Ninth Avenue, Ocala, FL 32670. Applicant's representative: Norman J. Bolinger, 1729 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal, charcoal briquets, vermiculite, and hickory chips*, in bags; and (2) *charcoal lighter fluid, and charcoal grills and accessories*, from the plantsites of Husky Industries, Inc., at Jacksonville, Ocala, and Romeo, Fla., to points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia, service to be performed under a continuing contract or contracts with Husky Industries, Inc., for 180 days. Supporting shipper: Husky Industries, Inc., Jacksonville, Fla. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 135352 (Sub-No. 3 TA), filed February 3, 1972. Applicant: VANDER HART TRANSFER & STORAGE, INC., 1207 Franklin Street, Pella, IA 50219. Applicant's representative: Cecil L. Goettsch, 11th Floor, Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, furniture parts, and furniture components; and plastic articles*, from Pella and Des Moines, Iowa, to St. Louis, Mo., for 180 days. Supporting shipper: Foam Molding Corp. of Iowa, 8000 University Avenue, Des Moines, IA 50311. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 136346 (Sub-No. 1 TA), filed January 27, 1972. Applicant: JAMES S. SMITH, Fairfax, Mo. 64446. Applicant's representative: Howard L. McFadden, Suite 200, 131 East High Street, Jefferson City, MO 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone, sand, gravel, and rock*, from points in Cass, Nemaha, Otoe, Richardson, and Sarpy Counties, Nebr., to points on and west of U.S. Highway 71 in Nodaway County, Mo., and points in Atchison and Holt Counties, Mo., for 150 days. Supporting shippers: Tri City Concrete Co., Tarkio, Mo.; Atchison County Court, Rock Port, Mo.; Herbert & Broomer Construction Co., St. Joseph, Mo.; Sly Lumber Co., Fairfax, Mo.; McIntire Lumber Co., Mound City, Mo. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 136348 (Sub-No. 1 TA), filed February 2, 1972. Applicant: FRANCIS WHOLESALE COMPANY, 423 Westfield Street, Greenville, SC 29601. Applicant's representative: Harry A. Chapman, Jr., Post Office Box 10167 F.S., Greenville, SC 29603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale and retail grocery stores and supermarkets including but not limited to fresh, frozen, and processed meats, between the warehouses and facilities of Pearce, Young, Angel, Inc., and its affiliates at Greenville, Charleston, and Columbia, S.C.; Charlotte, Asheville, and Raleigh, N.C.; Jacksonville, Fla.; and Peachtree City, Ga., for 180 days. Supporting shippers: Pearce, Young, and Angel, Greenville, S.C.; Greenville Freezer Storage, Inc., Greenville, S.C. (subsidiary of PYA). Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

No. MC 136375 TA, filed February 2, 1972. Applicant: DONCO CARRIERS, INC., Post Office Box 75410, Oklahoma City, OK 73107. Applicant's representative: Wm. L. Peterson, Jr., Post Office Box 917, Oklahoma City, OK 73101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are used in the manufacture of products by the food, drug, and agricultural industries (a) from the plantsites of Hoffman-Taff, Inc., located at Springfield and Verona, Mo., and West Alexandria, Ohio, to points in the United States west of the western boundaries of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas, and (b) from the warehouse of Hoffman-Taff, Inc., located at Dallas, Tex.; Roselle, N.J.; Des Moines, Iowa; Minneapolis, Minn.; Gainesville, Ga.; and Chattanooga, Tenn., to points in the United States west of the western boundaries of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas; and (2) *packaging supplies, and equipment and ingredients* used in the manufacture of the commodities described in (1) above, except commodities in bulk, from points in the United States west of the western boundaries of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas to the plantsites and warehouse location described in paragraphs (1) (a) and (b) above, for 180 days. Supporting shipper: A. C. Fletcher, General Traffic Manager, Hoffman-Taff, Inc., Post Office Box 1246 S.S.S., Springfield, MO 65805. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-2608 Filed 2-18-72;8:50 am]

PAY BOARD

[Order 3]

CHAIRMAN

Delegation of Authority

Pursuant to the authority vested in the Pay Board by Executive Order No. 11640, and Cost of Living Council Order No. 3, as amended, it is hereby ordered as follows:

1. There is delegated to the Chairman of the Pay Board responsibility for all administrative functions, including, but not limited to, contracting, acquisition of supplies, financial certifications, allocation of funds, travel approval, personnel actions, and staff organization.

2. There is delegated to the Chairman authority to recommend litigation and to represent the Pay Board in litigation: *Provided, however,* That such litigation shall be only for the purpose of enforcing policies and regulations established by the Pay Board.

3. There is delegated to the Chairman authority to approve for publication "Questions and Answers" and rulings concerning the interpretation of (a) the Economic Stabilization Act of 1970, as amended, (b) Pay Board policy decisions, and (c) Pay Board regulations.

4. There is delegated to the Chairman authority to rule on the following cases:

a. Category I Pay Adjustments—The Chairman shall have authority to approve pay adjustments within the General Wage and Salary Standard or within the exceptions to such standard as established by the Board. All cases not within such guidelines must be decided by the Pay Board.

b. Category II Pay Adjustments—The Chairman shall have authority to approve or deny requests for exceptions; provided, however, at the request of the person aggrieved by decision of the Chairman, the Pay Board may review and act upon such decision of the Chairman.

c. Category III Pay Adjustments—The Chairman shall have authority to approve or deny requests for exceptions submitted to the Pay Board until such

time as authority to rule on such requests is delegated to the Internal Revenue Service. Following such delegation, the Chairman shall have authority to rule on appeals from Internal Revenue Service determinations. In either case, any person aggrieved by a decision of the Chairman may request further review from the Pay Board. The Pay Board shall review and act upon such requests only if seven members of the Board or a majority of a designated subcommittee of the Board certify that such review should be considered.

5. There is delegated to the Chairman the authority to rule on appeals from Internal Revenue Service determinations made pursuant to paragraphs (d), (e), and (f) of § 201.13 of the Pay Board regulations. Any person aggrieved by a decision of the Chairman may request further review from the Pay Board. The Pay Board shall review and act upon such requests only if seven members of the Board or a majority of a designated subcommittee of the Board certify that such review should be considered.

6. There is delegated to the Chairman authority to rule on appeals from Internal Revenue Service determinations such as interpretations, rulings or opinions concerning the Economic Stabilization Act of 1970, as amended, and Pay Board regulations.

7. There is delegated to the Chairman the authority in certain cases of retroactive and deferred increases to request additional information pursuant to §§ 201.13(b)(4) (i)(*b*) and (ii) and 201.15(b)(1) of Pay Board regulations.

8. The Pay Board retains, and does not here delegate, authority to review challenged pay adjustments as to deferred increases under § 201.14 of Pay Board regulations.

9. The Chairman is hereby authorized to redelegate any authority delegated to him in paragraphs 1–7.

10. This delegation shall be effective as of January 21, 1972.

By the direction of the Pay Board.

GEORGE H. BOLDT,
Chairman, Pay Board.

[FR Doc. 72-2685 Filed 2-18-72;12:11 p.m.]

[Order 3A]

EXECUTIVE DIRECTOR

Delegation of Authority

Pursuant to the authority delegated to the Chairman of the Pay Board by section 9 of Pay Board Order No. 3, it is hereby ordered as follows:

1. There is redelegated to the Executive Director of the Pay Board the authorities delegated to the Chairman of the Pay Board by sections 1–7 of Pay Board Order No. 3.

2. The Executive Director of the Pay Board is authorized to redelegate any or all of the authorities set out in such order to such officers and employees of the Pay Board staff as he deems necessary for the orderly and efficient performance of Pay Board functions.

3. This delegation shall be effective as of January 21, 1972.

GEORGE H. BOLDT,
Chairman, Pay Board.

[FR Doc.72-2686 Filed 2-18-72;12:11 pm]

[Order 4]

SECRETARY OF THE TREASURY

Delegation of Authority Concerning Implementation of Stabilization of Wages and Salaries

In view of the changes made by the enactment of the Economic Stabilization Act Amendments of 1971 to the Economic Stabilization Act of 1970, as amended (hereinafter the Act), the Pay Board has determined that it would be appropriate to reaffirm and clarify the authority of the Secretary of the Treasury with respect to the implementation of stabilization of wages and salaries. Pursuant to the authority vested in the Pay Board by section 7 of Executive Order No. 11640, and by Cost of Living Council Order No. 3, as amended, it is hereby ordered as follows:

1. The delegation of authority to the Secretary of the Treasury contained in Pay Board Order No. 1 is hereby reaffirmed and continued. It has been determined that this order confers upon the Secretary of the Treasury the authority to perform functions which include, but are not limited to, the following:

(a) Determinations that certain proposed retroactive payments in all Pay Categories satisfy the criteria for such payments pursuant to 6 CFR 201.13 (d), (e), and (f): *Provided*, That in the event of an adverse ruling an appeal may be made to the Pay Board; and

(b) Processing challenges by parties at interest made in accordance with 6 CFR 201.14 to existing contracts or pay practices previously set forth, investigating such challenges, and reporting the positions of all parties at interest, including the forwarding of supporting documents, to the Pay Board for determination.

2. In addition to the authority delegated by Order No. 1 and continued by this order, the Secretary of the Treasury, or his duly authorized agent, shall have the authority to sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant books, papers, and other documents, and to administer oaths, all in accordance with section 206 of the Act, for any purpose related to the Act.

3. In addition to the authority delegated by Order No. 1 and continued by this order, the Secretary of the Treasury shall have, effective December 31, 1971, the authority to review reports of wage and salary increases allowed as self-executing exceptions pursuant to 6 CFR 201.11(c).

4. In addition to the authority delegated by Order No. 1 and continued by this order, the Secretary of the Treasury shall have, effective January 21, 1972, the authority to:

(a) Approve requests for exceptions concerning Category III pay adjustments which meet the conditions set forth in 6 CFR 201.11(a)(1) (tandem relationships); in 6 CFR 201.11(a)(2) (essential employees); or in such additional criteria for exceptions as may hereafter be established by the Pay Board, and

(b) Deny all requests for exceptions concerning Category III pay adjustments which do not meet the conditions of the criteria specified in section 4(a) of this order.

5. In addition to the authority delegated by Order No. 1 and continued by this order, the Secretary of the Treasury shall have, effective January 27, 1972, the authority to:

(a) Review certifications of retroactive pay adjustments made by Category II or Category III employers in accordance with 6 CFR 201.13(b)(4)(i)(*a*).

(b) Review certifications of retroactive pay adjustments or certain deferred increases made by Category II or Category III employers in accordance with 6 CFR 201.15(b)(2);

(c) Make determinations for parties at interest in accordance with 6 CFR 201.15(b)(3) as to whether the requirements for retroactive pay adjustments or certain deferred increases pursuant to 6 CFR 201.15 (a) and (c) have been met; and

(d) Make a determination or transmit to the Pay Board for determination any application by a party at interest in accordance with 6 CFR 201.15(b)(3) that claims that the requirements for a retroactive pay adjustment or a deferred increase pursuant to 6 CFR 201.15(a) have been met without meeting the requirements of 6 CFR 201.15(c).

6. Where references are made in this order to specific CFR sections, such delegated authority shall extend to any subsequent renumbering of such sections. Where substantive changes are made to said enumerated CFR sections, the authority delegated in this order shall extend to such changes unless expressly stated otherwise by the Pay Board in its regulations.

7. The Secretary of the Treasury may redelegate to any agency, instrumentality, or official of the United States any authority under this order, and may, in carrying out the functions delegated by this order, utilize the services of any other agencies, Federal or State, as may be available and appropriate.

8. Unless otherwise provided, this order shall be effective as of December 22, 1971.

By direction of the Board.

GEORGE H. BOLDT,
Chairman of the Pay Board.

[FR Doc.72-2687 Filed 2-18-72;12:11 pm]

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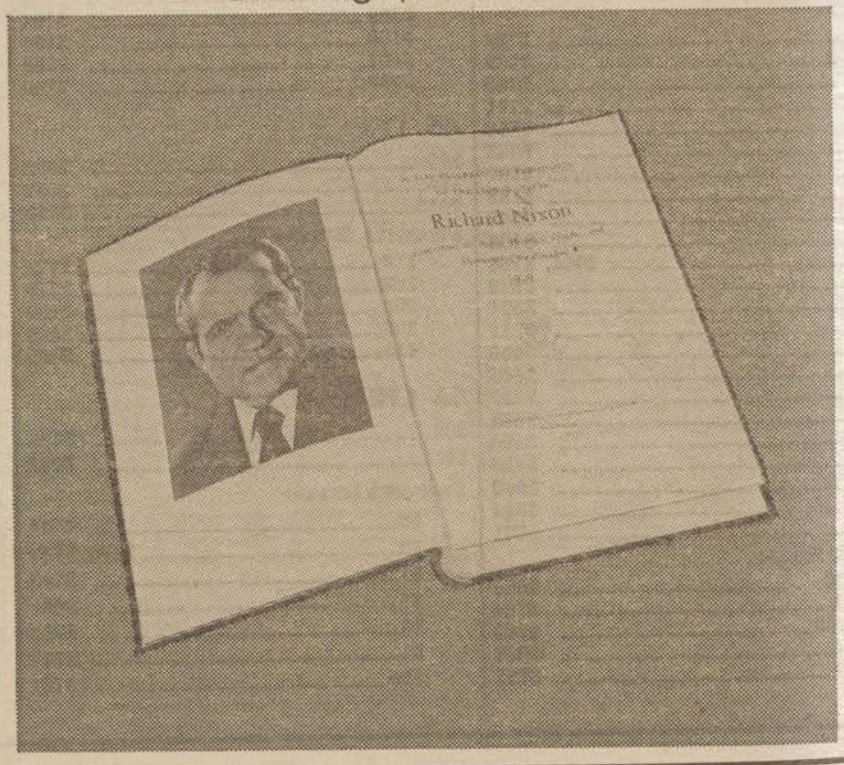

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