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PART I

(Part II begins on page 4943)

HIGHLIGHTS OF THIS ISSUE

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

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List of CFR Parts Affected

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

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

Rules and Regulations

Title 6—ECONOMIC STABILIZATION

Chapter II—Pay Board

PART 201—STABILIZATION OF WAGES AND SALARIES

Violations

Section 201.17 of the Stabilization of Wages and Salaries Regulations is amended to make more explicit the provisions relating to violations of the Economic Stabilization Act of 1970, as amended (85 Stat. 743), the decisions and orders of the Pay Board and said regulations.

Pursuant to the authority vested in the Pay Board by the Economic Stabilization Act of 1970, as amended (Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743), Executive Order No. 11640 (37 F.R. 1213, January 27, 1972), and Cost of Living Council Order No. 3 (36 F.R. 20202, October 16, 1971), as amended, the Pay Board hereby adopts the following amendments to Part 201 in implementation of the President's economic program.

Because of the need for immediate guidance from the Pay Board with respect to the provisions contained herein, it is hereby found impracticable to issue these amendments with notice and public procedure thereon under 5 U.S.C. sec. 553(b), or subject to the effective date limitation of 5 U.S.C., sec. 553(d).

Effective date. These regulations shall be effective on the date of their publication in the FEDERAL REGISTER (3-7-72).

GEORGE H. BOLDT,
Chairman of the Pay Board.

Section 201.17 is amended to read as follows:

§ 201.17 Violations.

It shall be a violation of pay Board regulations, subject to the sanctions, fines, penalties and other relief provided in the Act, for any person to:

(a) Pay any portion of a wage and salary increase not authorized by such regulations or Pay Board decision;

(b) Receive or accept any portion of a wage and salary increase not authorized by such regulations or Pay Board decision;

(c) Induce, solicit, encourage, force, or require, or attempt to induce, solicit, encourage, force or require, any other person to pay or to receive any portion of a wage and salary increase not authorized by such regulations or Pay Board decision; or

(d) Fail or refuse to comply with an order or decision of the Pay Board or to induce, solicit, encourage, force or require any other person to fail or refuse to comply with an order or decision of the Pay Board.

Notwithstanding paragraph (c) of this section, it shall not be a violation to bargain for, request, contract for or agree to (as contrasted with paying or receiving) a wage and salary increase in excess of the maximum permissible annual aggregate wage and salary increase. The preceding sentence shall not apply to those situations where the Board has denied an appeal from a determination by the Internal Revenue Service, or rendered a decision on a pay challenge or request for an exception.

[FR Doc.72-3409 Filed 3-6-72;8:48 am]

PART 201—STABILIZATION OF WAGES AND SALARIES

Executive and Variable Compensation

Correction

In F.R. Doc. 72-2402 appearing at page 3357 in the issue for Tuesday, February 15, 1972, in § 201.72(g)(4), line 4, the word "preference" should read "reference".

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 730—RICE

Subpart—1972-73 Marketing Year

PROCLAMATION OF RESULT OF MARKETING QUOTA REFERENDUM

Section 730.1508 is issued to announce the results of the rice marketing quota referendum for the marketing year August 1, 1972, through July 31, 1973, under the provisions of the Agricultural Adjustment Act of 1938, as amended. The Secretary proclaimed a marketing quota for rice for the 1972-73 marketing year and announced that a referendum would be held during the period January 17 to 21, 1972, each inclusive, by mail ballot in accordance with part 717 of this chapter.

Since the only purpose of § 730.1508 is to announce the referendum results, it is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date provisions of 5 U.S.C. 553 is unnecessary.

§ 730.1508 Proclamation of the result of the rice marketing quota referendum for the marketing year 1972-73.

In a referendum of farmers engaged in the production of rice of the 1971 crop held by mail ballot during the period January 17 to 21, 1972, each inclusive, 11,661 voted. Of those voting 11,021, or 94.5 percent favored quotas for the marketing year beginning August 1, 1972. Therefore, rice marketing quotas will be in effect for the 1972-73 market year.

(Secs. 354, 375, 52 Stat. 61, as amended, 66, as amended; 7 U.S.C. 1354, 1375)

Effective date: Upon publication in the FEDERAL REGISTER (3-7-72).

Signed at Washington, D.C., on March 1, 1972.

KENNETH E. FRICK,
Administrator, Agriculture Stabilization and Conservation Service.

[FR Doc.72-3433 Filed 3-6-72;8:50 am]

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

[Lemon Regulation 522, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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

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

handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provision in paragraph (b)(1) of § 910.822 (Lemon Regulation 522, 37 F.R. 4070) during the period February 27, 1972, through March 4, 1972, is hereby amended to read as follows:

§ 910.822 Lemon Regulation 522.

* * * * *

(b) *Order.* (1) * * * 250,000 cartons.

* * * * *

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

Dated: March 2, 1972.

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

[FR Doc.72-3432 Filed 3-6-72;8:50 am]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Revision of 1971–72 Free and Restricted Percentages and Withholding Factor for Zahidi Dates

Notice was published in the February 16, 1972, issue of the FEDERAL REGISTER (37 F.R. 3439), regarding a revision of the volume percentages applicable to marketable dates of the Zahidi variety for the 1971–72 crop year (§ 987.219; 36 F.R. 23894). The proposal was to reduce the restricted percentage for the variety from the current 10 percent to 0 percent, increase the free percentage from the current 90 percent to 100 percent, and reduce the withholding factor from the current 11.1 percent to 0 percent. The proposed revision was unanimously recommended by the California Date Administrative Committee. The Committee is established under, and its recommendation was made pursuant to, the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987; 36 F.R. 15053) regulating the handling of domestic dates produced or packed in Riverside County, Calif., effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The current available supply of Zahidi marketable dates is estimated to be 2.2 million pounds, or 0.21 million pounds less than originally estimated in October 1971. The reduction in Zahidi production is more than the quantity (0.20 million pounds) which the industry intended to remove from free tonnage outlets last October. Although the current available supply of Zahidi dates is slightly more than estimated trade demand requirements (2 million pounds), the Committee's most recent recommendation anticipated that the excess will not create marketing problems. Therefore, the Committee recommended a free percentage of 100 percent.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Committee, and other available information, it is found and determined that to revise the free and restricted percentages, and withholding factor for Zahidi dates (§ 987.219 36 F.R. 23894), as set forth below, will tend to effectuate the declared policy of the act.

Therefore, § 987.219 (36 F.R. 23894) is amended by revising paragraph (b) to read as follows:

§ 987.219 Free and restricted percentages and withholding factors.[1]

* * * * *

(b) *Zahidi variety dates.* Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent;

* * * * *

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) Under this marketing agreement and order program the percentages and withholding factors designated for a particular crop year, and any revision thereof, shall be applicable to all marketable dates certified during the entire crop year; (2) the current crop year began October 1, 1971, and the revised percentages and withholding factor herein designated will automatically apply to all marketable dates of the Zahidi variety certified on or after that date; and (3) this action relieves restrictions on handlers and must be taken promptly to achieve its purpose.

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

Dated: March 1, 1972.

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

[FR Doc.72-3403 Filed 3-6-72;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 11435, Amdt. 39–1406]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Model BAC 1–11 200 and 400 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring periodic inspections of the flap forward inboard pickup fitting assembly spigots for failure, replacement of spigots found to be failed or replacement of assemblies found to have failed spigots with improved assemblies, and permitting the discontinuance of periodic inspections after the installation of improved assemblies, on British Aircraft Corp. Model BAC 1–11 200 and 400 series airplanes, was published in 36 F.R. 19392 on October 5, 1971.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

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

BRITISH AIRCRAFT CORP. Applies to Model BAC 1–11 200 and 400 series airplanes which do not have BAC Modification PM 4621 Part (b) incorporated on all flap sections.

Compliance is required as indicated.

To prevent failures of the flap forward inboard pickup fitting assemblies (six per airplane), accomplish the following:

(a) For flap sections with a pickup fitting assembly with a spigot having P/N AB09–1723 (pre-Mod. 4621) installed:

(1) Remove the lower inboard access panel and visually inspect the pickup fitting assembly for failure of the spigot in accordance with British Aircraft Corp. Model BAC 1–11 Alert Service Bulletin No. 57–A–PM 4621, Issue 2, dated July 27, 1970 or an FAA-approved equivalent as follows:

(i) On the inboard (No. 1) flap sections, within the next 650 landings after the effective date of this AD, or before the accumulation of 7,500 landings on the pickup fitting assembly spigot, whichever occurs later, and thereafter at intervals not to exceed 650 landings from the last inspection until the spigot is replaced in accordance with paragraph (a)(4)(ii), or the assembly is replaced in accordance with paragraph (a)(4)(iii).

(ii) On the center (No. 2) and outboard (No. 3) flap sections, within the next 2,000 landings after the effective date of this AD, or before the accumulation of 7,500 landings on the pickup assembly spigot, whichever occurs later, and thereafter at intervals not to exceed 2,000 landings from the last inspection until the spigot is replaced in accordance with paragraph (a)(4)(ii), or the assembly is replaced in accordance with paragraph (a)(4)(iii).

(2) If a failed spigot is found during an inspection required by paragraph (a)(1), before further flight comply with paragraph (a)(4).

(3) Within the next 1,000 landings after the effective date of this AD or before the accumulation of 25,000 landings on the pickup assembly spigot, whichever occurs later, comply with paragraph (a)(4).

(4) Comply with either subparagraph (i), (ii), or (iii).

(i) Replace an affected spigot with a serviceable spigot of the same part number and continue to inspect in accordance with paragraph (a)(1); or

(ii) Replace an affected spigot with an improved spigot, P/N AB09–3887 (BAC Modification PM 4621, Part (a)) in accordance with British Aircraft Corp. Model BAC 1–11 Service Bulletin No. 57–PM 4621, Issue 1, dated May 18, 1970 or an FAA-approved equivalent and inspect in accordance with paragraph (b)(1); or

(iii) Replace the assembly containing the affected spigot with a new assembly (BAC Modification PM 4621, Part (b)) in accordance with British Aircraft Corp. Model BAC

1–11 Service Bulletin No. 57–PM 4621, Issue 1, dated May 18, 1970 or an FAA-approved equivalent.

(b) For flap sections with a pickup fitting assembly with a spigot having P/N AB09–3887 (post-Mod. 4621, Part (a)) installed:

(1) Remove the lower inboard access panel and visually inspect the pickup fitting assembly for failure of the spigot in accordance with British Aircraft Corp. Model BAC 1–11 Alert Service Bulletin No. 57–A–PM 4621, Issue 2, dated July 27, 1970 or an FAA-approved equivalent as follows:

(i) On the inboard (No. 1) flap sections, within the next 650 landings after the effective date of this AD or before the accumulation of 20,000 landings on the pickup fitting assembly spigot, whichever occurs later, and thereafter at intervals not to exceed 650 landings from the last inspection until the assembly is replaced in accordance with paragraph (b)(4)(ii).

(ii) On the center (No. 2) and outboard (No. 3) flap sections, within the next 2,000 landings after the effective date of this AD or before the accumulation of 20,000 landings on the pickup fitting assembly, whichever occurs later, and thereafter at intervals not to exceed 2,000 landings from the last inspection, until the assembly is replaced in accordance with paragraph (b)(4)(ii).

(2) If a failed spigot is found during an inspection required by paragraph (b)(1), before further flight comply with paragraph (b)(4).

(3) Within the next 1,000 landings after the effective date of this AD or before the accumulation of 30,000 landings on the pickup assembly, whichever occurs later, comply with paragraph (b)(4).

(4) Comply with either subparagraph (i) or (ii).

(i) Replace an affected spigot with a serviceable spigot of the same part number and continue to inspect in accordance with paragraph (b)(1); or

(ii) Replace the assembly containing the affected spigot with a new assembly (BAC Modification PM 4621, Part (b)) in accordance with British Aircraft Corp. Model BAC 1–11 Service Bulletin No. 57–PM 4621, Issue 1, dated May 18, 1970 or an FAA-approved equivalent.

This amendment becomes effective April 6, 1972.

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

Issued in Washington, D.C., on March 1, 1972.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[FR Doc.72–3380 Filed 3–6–72;8:46 am]

[Docket No. 72–EA–14, Amdt. 39–1400]

PART 39—AIRWORTHINESS DIRECTIVES

American Aviation Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to American Aviation AA–1 and AA–1A type airplanes.

There had been several reports of broken rudder cables and worn pulleys revealed during ground inspections. Because the deficiency could occur in other aircraft of similar type design and air safety was critical, an airmail dispatch was transmitted to all known owners of the subject aircraft under date of February 2, 1972, and amended by a dispatch of February 9, 1972. This latter dispatch clarified the need to inspect for both interior as well as exterior damage to the cables. The same urgency still exists and requires expeditious adoption of this airworthiness directive. Therefore notice and public procedure hereon are impractical and the amendment may be made effective in less than 30 days.

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

Applies to American Aviation Models AA–1 and AA–1A airplanes certificated in all categories.

To detect worn and broken rudder control cables and worn rudder pulleys, accomplish the following prior to the next flight after the effective date of this A.D. unless already accomplished within the last 100 hours and thereafter at intervals not to exceed 100 hours in service from the last inspection.

a. Thoroughly clean and inspect all rudder control pulleys and cables where the cables pass under the pulley grouping forward of the wing center spar. Worn rudder control cables or cables with more than four (4) internal or external broken wires or rudder pulleys indicating wear must be replaced with an unused part of the same part number or an equivalent part prior to next flight.

b. Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the repetitive inspection interval specified in this A.D. Equivalent parts and inspections must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

This amendment is effective March 14, 1972, or was effective for all recipients of the airmail dispatches of February 2 and February 9, 1972, which contained this amendment.

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

Issued in Jamaica, N.Y., on February 25, 1972.

ROBERT H. STANTON,
Acting Chief, Eastern Region.

[FR Doc.72–3378 Filed 3–6–72;8:46 am]

[Docket No. 6745, Amdt. 39–1404]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Model DH–114 "Heron" Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to supersede Amendment 39–128 (30 F.R. 11030), AD 65–20–3, with an airworthiness directive continuing the requirements of Amendment 39–128 for repetitive X-ray inspection of the tubular structure of specified engine mounting frames, P/N's 14 EM11A and 12A, for internal corrosion, and repair or replacement as necessary, and extending those requirements to engine mounting frames incorporating Heron Modification 1529 or manufactured to the standards of Modification 1529 on Hawker Siddeley Model DH–114 "Heron" airplanes was published in 36 F.R. 14760 on August 11, 1971.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

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

HAWKER SIDDELEY. Applies to Hawker Siddeley Model DH–114 "Heron" Airplanes.

Compliance is required as indicated.

To prevent hazardous internal corrosion of the tubular structure of engine mounting frames, P/N's 14EM11A and 12A, accomplish the following:

(a) For airplanes with engine mounting frames with serial numbers DHB/1 and subsequent, or with serial numbers prefixed by "DH/ * * *", that do not incorporate Modification No. 1529, within 4 years after the effective date of this AD, unless already accomplished within the last 4 years, and thereafter at intervals not to exceed 4 years from the last inspection, conduct an X-ray inspection of the tubular structure of the engine mounting frame, P/N's 14EM11A and 12A, for internal corrosion in accordance with Hawker Siddeley Aviation Ltd. Technical News Sheet Series: Heron (114) No. E.3, Issue 1, dated August 24, 1964, or Issue 3, dated September 14, 1970, or later ARB-approved issue or FAA-approved equivalent.

(b) For airplanes with engine mounting frames with serial numbers DHB/1 and subsequent, or with serial numbers prefixed by "DH/ * * *", that incorporate Modification No. 1529, within 4 years after the date of incorporation of the modification, or within 1 year after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 4 years from the last inspection, conduct an X-ray inspection of the tubular structure of the engine mounting frames, P/N's 14EM11A and 12A, for internal corrosion in accordance with Hawker Siddeley Aviation Ltd. Technical News Sheet Series: Heron (114) No. E.3, Issue 3, dated September 14, 1970, or later ARB-approved issue or FAA-approved equivalent.

(c) For airplanes with engine mounting frames with serial numbers prefixed by "S4/DHB * * *" or "BGB/DHB * * *" (manufactured to the standards of Modification No. 1529), within 10 years from the date of manufacture, and thereafter at intervals not to exceed 4 years from the last inspection, conduct an X-ray inspection of the tubular structure of the engine mounting frames, P/N's 14EM11A and 12A, for internal corrosion in accordance with Hawker Siddeley Aviation Ltd. Technical News Sheet Series: Heron (114) No. E.3, Issue 3, dated September 14, 1970, or later ARB-approved issue or FAA-approved equivalent.

NOTE: See Hawker Siddeley Technical News Sheet Series: Heron (114), No. E.3, Issue 3, dated September 14, 1970, for dates of engine mount manufacture.

(d) If internal corrosion is found during an inspection required by paragraph (a), (b), or (c), before further flight replace or repair the engine mounting frame in accordance with Hawker Siddeley factory approved instructions or an equivalent approved by

the Chief, Aircraft Certification Staff, FAA, Europe, Africa and Middle East Region, and continue to inspect in accordance with paragraph (a), (b), or (c) whichever is applicable.

This supersedes Amendment 39-128 (30 F.R. 11030), AD 65-20-3.

This amendment becomes effective April 6, 1972.

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

Issued in Washington, D.C., on March 1, 1972.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[FR Doc.72-3381 Filed 3-6-72;8:46 am]

[Docket No. 11283, Amdt. 39-1405]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Model DH-114, Series 2, "Heron" Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring dye penetrant inspection for cracks of the main undercarriage down lock operating lever assembly, and the replacement of assemblies found to be cracked on Hawker Siddeley Model DH-114, Series 2, "Heron" airplanes was published in 36 F.R. 14392 on August 5, 1971.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

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

HAWKER SIDDELEY. Applies to Hawker Siddeley Model DH-114, Series 2, "Heron" airplanes which do not incorporate Heron Modification 1592, Part A.

Compliance is required as indicated.

To prevent failure of the main undercarriage down lock operating lever assembly, accomplish the following:

(a) For airplanes with main undercarriage down lock operating lever assembly, P/N 14-2U.181A (pre Modification -608), within the next 150 hours' time in service after the effective date of this AD unless accomplished within the last 150 hours' time in service, remove the lever assembly from the airplane, remove the protective coating and paint from the assembly and inspect for cracks, using a dye penetrant method, in accordance with Hawker Siddeley Technical News Sheet Series: Heron (114) No. U.12, Issue 1, dated April 13, 1970, or later ARB-approved issue or FAA-approved equivalent. If no cracks are found visually inspect the lever assembly for corrosion.

(b) If cracks, or corrosion that cannot be removed by cleaning are found during the inspection required by paragraph (a), before further flight replace the affected part with a serviceable part of the same part number or replace the lever assembly with a new lever assembly, P/N 14-2U.181A/2, in accordance with Hawker Siddeley "Heron" Modification 1592.

(c) For airplanes with main undercarriage down lock operating lever assembly, P/N 14-2U.181A/1 (post Modification 608), within the next 150 hours' time in service after the effective date of this AD, or within 300 hours' time in service from the last inspection, whichever occurs later, and thereafter at intervals not to exceed 300 hours' time in service from the last inspection, remove the lever assembly from the airplane, remove the protective coating and paint from the assembly and inspect for cracks, using a dye penetrant method, in accordance with Hawker Siddeley Technical News Sheet Series: Heron (114) No. U.12, Issue 1, dated April 13, 1970, or later ARB-approved issue or FAA-approved equivalent.

(d) If cracks are found during an inspection required by paragraph (c), before further flight replace the lever assembly with a new lever assembly, P/N 14-2U.181A/2 in accordance with Hawker Siddeley "Heron" Modification 1592.

(e) The repetitive inspections required by paragraph (c) may be discontinued after lever assembly, P/N 14-2U.181A/2, has been installed in accordance with Hawker Siddeley "Heron" Modification 1592.

(f) Replacement parts and serviceable parts that are reinstalled must be protected with a coat of lanolin, or FAA-approved equivalent prior to their installation in the airplane.

This amendment becomes effective April 6, 1972.

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

Issued in Washington, D.C., on March 1, 1972.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[FR Doc. 72-3382 Filed 3-6-72;8:46 am]

[Docket No. 72-EA-18, Amdt. 39-1401]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 71-24-3 applicable to Pratt & Whitney JT9D-3A type aircraft engines.

As a result of developmental work by the manufacturer it has been determined that with the installation of reinforcement straps the disadvantage of wet operating engines as distinct from dry operations has been overcome. Thus this amendment will permit a relaxation of the inspections.

Since the foregoing establishes that the amendment is relaxatory in substance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended so as to amend AD 71-24-3 as follows: 1. Renumber the present paragraph 5 as paragraph 6 and insert a new paragraph 5 stating:

5. For JT9D-3A engines with diffuser cases incorporating reinforcement straps in accordance with Pratt & Whitney Aircraft Special Instruction No. 29F-71, or equivalent alteration approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, inspect all borescope positions in accordance with paragraph 4 within 250 cycles after installation of the reinforcement straps and every 250 cycles thereafter.

This amendment is effective March 14, 1972.

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

Issued in Jamaica, N.Y., on February 25, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72-3383 Filed 3-6-72;8:46 am]

[Airspace Docket No. 71-SO-79]

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

Alteration of Control Zones and Transition Area

On December 15, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 23830) stating that the Federal Aviation Administration (FAA) was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the control zones and transition area of the Melbourne, Fla., Cape Kennedy Regional Airport and Patrick Air Force Base, Cocoa, Fla.

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.

1. In § 71.171 (37 F.R. 2056) the Melbourne, Fla., and Patrick Air Force Base, Cocoa, Fla., airport control zones are amended to read as follows:

MELBOURNE, FLA.

Within a 5-mile radius of the Cape Kennedy Regional Airport (lat. 28°06'01" N., long. 80°38'00" W.); within 3 miles each side of the Melbourne VOR 100° and 262° radials, extending from the 5-mile radius zone to 8.5 miles east and west of the VOR; within 3 miles each side of the 267° bearing from the Satellite RBN, extending from the 5-mile radius zone to 8.5 miles west of the RBN; excluding the portion within the Cocoa (Patrick AFB), Fla., control zone.

COCOA (PATRICK AFB), FLA.

Within a 5-mile radius of Patrick AFB (lat. 28°14'21" N., long. 80°36'28" W.)

2. In § 71.181 (37 F.R. 2143) Melbourne, Fla., transition area is amended to read as follows:

MELBOURNE, FLA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Cape Kennedy Regional Airport (lat. 28°06'01" N., long. 80°38'00" W.); within an 8.5-mile radius of Patrick AFB (lat. 28°14'21" N., long. 80°36'28" W'); within 3 miles each side of Patrick AFB TACAN 030° radial, extending from the 8.5-mile radius area to 9.5 miles northeast of the TACAN.

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

Issued in Washington, D.C., on February 29, 1972.

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

[FR Doc.72-3384 Filed 3-6-72;8:47 am]

[Airspace Docket No. 72-WA-7]

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

Alteration of Reporting Points

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redescribe the Charlo, MT., intersection, low altitude and DME reporting points.

The Charlo reporting points are presently described through use of the Missoula, MT., VORTAC 354° radial. Action is being taken herein to redescribe these reporting points by use of the Missoula VORTAC 357° radial.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

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.

1. Section 71.203 (37 F.R. 2311) is amended as follows:

a. In Charlo INT: "354° radials." is deleted and "357° radials." is substituted therefor.

b. In Charlo DME INT: "354° radial," is deleted and "357° radial," is substituted therefor.

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

Issued in Washington, D.C., on February 29, 1972.

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

[FR Doc.72-3385 Filed 3-6-72;8:47 am]

[Airspace Docket No. 71-WE-30]

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

Designation of Federal Airway Segments

On November 19, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 22072) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate west alternate segments to VOR Federal airway No. 27.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Comments were received from the Air Transport Association of America (ATA) and the State of California Department of Aeronautics. The ATA offered no objection to the proposed actions, while the California Department of Aeronautics objected to the establishment of the airway floor at 1,200 feet AGL for the proposed west alternate segment between Ukiah, Calif., and Fortuna, Calif. They contend that the establishment of the airway floor at this altitude would be restrictive to VFR flights utilizing the VFR overwater coastal flyway between Ukiah, Calif., and Fortuna, Calif.

The FAA concurs with the comment made by the California Department of Aeronautics and has taken action herein to designate the floor of V-27 west alternate at 5,300 feet MSL between Ukiah, Calif., and Fortuna, Calif. This will provide for the movement of VFR flights within the coastal flyway.

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-27 is amended by deleting all between "Ukiah, Calif., 147° radials;" and "31 miles, 32 miles, 59 MSL," and substituting "Ukiah; Fortuna, Calif., including a west alternate from Ukiah 17 miles, 77 miles, 53 MSL, Fortuna, excluding the airspace between the main and the west alternate; Crescent City, Calif., including a west alternate from Fortuna to Crescent City, excluding the airspace between the main and the west alternate;" therefor.

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

Issued in Washington, D.C., on February 29, 1972.

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

[FR Doc.72-3386 Filed 3-6-72;8:47 am]

[Airspace Docket No. 71-NW-18]

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

Alteration of Federal Airway Segment

On December 10, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 23579) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would include the airspace between the east and west alternate in the presently designated V-112 airway segment from Pendleton, Oreg., to Spokane, Wash.

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-112 is amended by deleting "Spokane, excluding the airspace between the main and west and east alternates;" and substituting therefor "to Spokane;".

(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 29, 1972.

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

[FR Doc.72-3387 Filed 3-6-72;8:47 am]

[Airspace Docket No. 71-SW-68]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Airspace

On December 15, 1971, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (36 F.R. 23831) stating that the Federal Aviation Administration was considering an amendment to Part 73 of the Federal Aviation Regulations that would increase the time of designation of Restricted Area R-2403A and R-2403B, Little Rock, Ark.

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

Subsequent to the publication of the NPRM it was noted that the stated time of designation overlapped. Action is taken herein to reflect the change. Since this amendment is editorial in nature and no substantive change in the regulation if effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

Section 73.24 (37 F.R. 2338) is amended as follows:

1. R–2403A, Little Rock, Ark., Time of Designation: "0700 Saturday to 1700 Sunday, c.s.t." is deleted, and "Daily 0700 to 2100 1 May through 31 August, to be activated by NOTAM 48 hours in advance stating periods of activation. Other times, 0700 Saturday to 1700 Sunday, 1 September through 30 April" is substituted therefor.

2. R–2403B, Little Rock, Ark., Time of Designation: "0700 Saturday to 1700 Sunday, c.s.t. activated by NOTAM 24 hours in advance" is deleted, and "Daily 0700 to 2100 1 May through 31 August, to be activated by NOTAM 48 hours in advance stating period of activation. Other times, 0700 Saturday to 1700 Sunday, 1 September through 30 April, to be activated by NOTAM 24 hours in advance." is substituted therefor.

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

Issued in Washington, D.C., on February 29, 1972.

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

[FR Doc.72-3389 Filed 3-6-72;8:47 am]

[Airspace Docket No. 71-WA-29]

PART 75—ESTABLISHMENT OF JET ROUTES, AND AREA HIGH ROUTES

Designation of Area High Routes

On December 7, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 23238) stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate an area high route from Phoenix, Ariz., to Bridgeport, Tex.

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 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

In § 75.400 (37 F.R. 2400) the following area high route is added:

Waypoint name	North Lat./West Long.	Reference facility
J990R PHOENIX, ARIZ., TO BRIDGEPORT, TEX.		
Phoenix, Ariz.	33°25'53"/111°53'17"	Phoenix, Ariz.
Mule, Ariz.	33°21'55"/109°11'49"	St. Johns, Ariz.
Truth or Consequences, N. Mex.	33°16'57"/107°16'48"	Socorro, N. Mex.
Roswell, N. Mex.	33°20'15"/104°37'15"	Roswell, N. Mex.
Plains, Tex.	33°20'52"/102°50'29"	Texico, N. Mex.
Rochester, Tex.	33°18'28"/99°50'01"	Abilene, Tex.
Bridgeport, Tex.	33°14'16"/97°45'58"	Ardmore, Okla.

(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 29, 1972.

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

[FR Doc.72-3388 Filed 3-6-72;8:47 am]

[Docket No. 11432, Amdt. 121-85]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Aviation Security; Certain Air Carriers and Commercial Operators—Security Programs and Other Requirements

The purpose of these amendments to § 121.538 of the Federal Aviation Regulations is to require each of certain air carriers and commercial operators operating large aircraft (other than helicopters) to: (1) Prepare in writing and submit for approval of the Administrator its security program showing the procedures, facilities, or a combination thereof, that it uses or intends to use to support that program; (2) when it receives a bomb or air piracy threat, notify the pilot in command of the aircraft if it is being operated, and conduct a preflight security inspection if the aircraft is then on the ground or a post flight security inspection if the aircraft is then in flight; and (3) immediately notify the Administrator upon receipt of information that an act or suspected act of aircraft piracy has been committed. These requirements together with that of Amendment 121–83 issued January 31, 1972 (37 F.R. 2500), requiring the certificate holder to adopt and put into use, within 72 hours after that amendment became effective, a screening system acceptable to the Administrator, to prevent or deter the carriage aboard its aircraft of sabotage devices or weapons in carryon baggage or on or about the persons of passengers, complete the implementation of Notice 71–29.

Interested persons have been afforded an opportunity to participate in the making of these regulations by a notice of proposed rule making (Notice 71–29) issued on September 28, 1971, and published in the FEDERAL REGISTER on September 30, 1971 (36 F.R. 19173). Due consideration has been given to all comments presented in response to that Notice.

Several public comments received in opposition to the Notice concerned the general approach to the problem, or the economic burden in relation to the benefits desired. Some comments request further FAA consultation with certificates holders and airport operators. As to this fact, innumerable FAA and industry consultations, meetings, and reviews of the air piracy problem and possible corrective actions, including a Task Force and training periods for air carrier, airport, and law enforcement personnel, have taken place during the last 10 years. It is considered that further consultations leading to proposed rule making would not serve a useful purpose, and that the need stated in the Notice requires the issuance of this rule at this time.

Some concern was expressed with the use of the term "prevent" (in the phrase "prevent or deter" in the proposal) on the grounds that the term "deter" alone would be more realistic and possible to implement. However, the phrase as proposed appropriately requires prevention when it may reasonably be achieved and deterrence where prevention cannot so be achieved.

Some commentators would drop or limit the proposed provisions concerned with the Administrator's amendment of approved security programs, especially without prior notice in emergencies. However, these provisions are considered necessary for the proper administration of the security regulations. It should be noted that similar provisions exist with respect to operations specifications for air carriers (§ 121.79).

A number of comments were generally favorable to the proposal. With this approval came several suggestions for changes that, after further consideration, have been reflected in whole or in part in the rule now issued, as follows:

(1) The more explicit term "explosive or incendiary" is used instead of the term "sabotage," for the purpose of clarification. Likewise, the phrase "unless handled" is used instead of the phrase "until cleared," with respect to cargo and checked baggage, in order to avoid the implication that the certificate holder has responsibility beyond observing its security procedures in this regard. Also, the phrase "responsible agent or representative" is used instead of the phrase "responsible representative," in connection with baggage check-in, in view of possible contractual relationships entered into by the certificate holder.

(2) In conformity with comment, the rule requires the certificate holder to submit its security program to the Administrator instead of to the Regional Director. This will assure initial uniformity and permit the approval of security programs, as a matter of administrative procedure, to be treated as experience dictates.

(3) It was suggested by comment that when a bomb threat is received the certificate holder should notify the pilot in command of the aircraft involved, in addition to conducting a security inspection. This suggestion has been followed in the final rule, as well as the addition of threat of "air piracy" to this provision.

The notice proposed that the certificate holder must submit its security program to the FAA within 90 days after the effective date of this part. This period (as well as the period for FAA's approval or modification notice) has been reduced to 60 days in the rule as issued. This time reduction is considered necessary, in the interest of safety, in

order to have security programs submitted and approved at the earliest possible time.

In view of the increased hijackings including extortion of large sums of money that have occurred recently and since the issuance of Notice 71-29, to the extent that these amendments contain requirements more burdensome than those proposed in Notice 71-29, I find that notice and public procedure thereon are impracticable and contrary to the public interest.

In consideration of the foregoing, § 121.538 of the Federal Aviation Regulations is amended, effective April 6, 1972, to read as follows:

§ 121.538 Aircraft security.

(a) For purposes of this section, "certificate holder" means an air carrier as defined in § 121.1(a) (1) or (2) and a commercial operator engaging in intrastate common carriage covered by § 121.7.

(b) Each certificate holder shall, before February 6, 1972, adopt and put into use a screening system, acceptable to the Administrator, that is designed to prevent or deter the carriage aboard its aircraft of any explosive or incendiary device or weapon in carryon baggage or on or about the persons of passengers, except as provided in § 121.585.

(c) Each certificate holder shall prepare in writing and submit for approval by the Administrator its security program including the screening system prescribed by paragraph (b) of this section, and showing the procedures, facilities, or a combination thereof, that it uses or intends to use to support that program and that are designed to—

(1) Prevent or deter unauthorized access to its aircraft;

(2) Assure that baggage is checked in by a responsible agent or representative of the certificate holder; and

(3) Prevent cargo and checked baggage from being loaded aboard its aircraft unless handled in accordance with the certificate holder's security procedures.

(d) Each certificate holder shall submit its security program to the Administrator. Each certificate holder that is operating before April 6, 1972, shall submit its program no later than June 5, 1972. Each certificate holder that obtains the issue of its certificate under this part after April 5, 1972, shall submit its program at least 60 days before the date of intended operations.

(e) Within 60 days after receipt of the program, the Administrator approves the program or notifies the certificate holder to modify the program to comply with the applicable requirements of this section. The certificate holder may petition the Administrator to reconsider the notice to modify. The petition must be filed with the Administrator within 30 days after the certificate holder receives the notice. Except in the case of an emergency requiring immediate action in the interest of safety, the filing of the petition stays the notice pending a decision by the Administrator.

(f) Each certificate holder shall maintain at least one complete copy of its approved security program at its principal business office, and shall make it available for inspection upon request of the Administrator.

(g) The Administrator may amend any screening system or any security program approved under this section upon his own initiative if he determines that safety in air transportation and the public interest require the amendment, or upon application by the certificate holder if the Administrator determines that the same considerations allow the amendment.

(1) In the case of an amendment upon his own initative, the Administrator notifies the certificate holder, in writing, of the proposed amendment, fixing a reasonable period (but not less than 7 days) within which it may submit written information, views, and arguments on the amendment. After considering all relevant material, the Administrator notifies the certificate holder of any amendment adopted, or rescinds the notice. The amendment becomes effective not less than 30 days after the certificate holder receives the notice, unless it petitions the Administrator to reconsider the amendment in which case its effective date is stayed by the Administrator. If the Administrator finds that there is an emergency requiring immediate action with respect to safety in air transportation that makes the procedure in this paragraph impracticable or contrary to the public interest, he may issue an amendment, effective without stay, on the date the certificate holder receives notice of it. In such a case, the Administrator incorporates the findings, and a brief statement of the reasons for it, in the notice of the amended screening system or security program to be adopted.

(2) An applicant must file its application for an amendment of a screening system or security program with the Administrator at least 15 days before the date it proposes for the amendment to become effective, unless a shorter period is allowed by the Administrator. Within 30 days after receiving from the Administrator a notice of refusal to approve the application for amendment, the applicant may petition the Administrator to reconsider the refusal to amend.

(h) Each certificate holder shall at all times maintain and carry out the screening system prescribed by paragraph (b) of this section and the security program approved under paragraph (c) of this section.

(i) When a certificate holder receives a bomb or air piracy threat considered to be against a particular aircraft or flight, the certificate holder shall take the following actions to determine whether any explosive or incendiary devices, or weapons are aboard the aircraft involved:

(1) Conduct a security inspection on the ground before the next flight of the aircraft or, if the aircraft is then in flight, immediately after its next landing.

(2) If the aircraft is being operated on the ground, advise the pilot in command to immediately submit the aircraft for a security inspection.

(3) If the aircraft is in flight, advise the pilot in command to take the emergency action he considers necessary under the circumstances, in accordance with § 121.557 or § 121.559, whichever is applicable.

(j) Upon receipt of information that an act or suspected act of aircraft piracy has been committed, a certificate holder shall immediately notify the Administrator.

(Secs. 313(a), 601, 604, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1424; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 29, 1972.

J. H. SHAFFER,
Administrator.

[FR Doc.72-3377 Filed 3-6-72;8:46 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 72-68]

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

Security of Cargo in Unlading Areas and Clearance of Containerized Cargo

Correction

In F.R. Doc. 72-3016 appearing at page 4186 in the issue for Tuesday, February 29, 1972, the second line of amendatory paragraph 2., following the signatures, should be deleted.

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT JUICES

Canned Peaches, Canned Pears, and Canned Fruit Cocktail; Order Amending Standards of Identity

Correction

In F.R. Doc. 72-1129 appearing at page 1167 in the issue of Wednesday, January 26, 1972, in § 27.20(d)(2) the seventh

line of item (a)(4), now reading "ing Added.' The word 'Flavoring' may be", should read "spice used. The artificial coloring may be".

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

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

PART 148w—CEPHALOSPORIN

PART 149b—AMPICILLIN

Hydroxylamine Colorimetric Assay

No adverse comments were received in response to the notice published in the FEDERAL REGISTER of December 7, 1971 (36 F.R. 23236), proposing that Parts 141, 141a, and 148w be revised to bring the hydroxylamine colorimetric assay up to date and to provide for its addition as an alternate potency test for sodium cephalothin and cephaloridine. Accordingly, the Commissioner of Food and Drugs concludes that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 141, 141a, and 148w are revised as follows. Part 149b is also revised in § 149b.2 to provide for an editorial change in the reference to the hydroxylamine colorimetric assay.

1. Part 141 is amended:

a. In § 141.102(a) by adding a new subparagraph (17), as follows:

§ 141.102 Solutions.

(a) * * *

(17) *Solution 17 (5 percent methyl alcohol in 1 percent potassium phosphate buffer, pH 6.0).*

Methyl alcohol: 50.0 ml.
1 percent potassium phosphate buffer, pH 6.0, q.s.: 1,000.0 ml.

b. In § 141.507 by revising paragraphs (b) and (c), as follows:

§ 141.507 Hydroxylamine colorimetric assay.

* * * * *

(b) *Preparation of working standard solutions.* From the following table, select the diluent and final concentration as listed for each antibiotic working standard. Dissolve and dilute an accurately weighed portion to the specified final concentration and proceed as directed in paragraph (d) of this section.

Antibiotic	Diluent (solution number as listed in § 141.102(a))	Final concentration in milligrams per milliliter of standard solution
Ampicillin	Distilled water.	1.25
Cephaloridine	do	1.0
Cephalothin	do	2.0
Cloxacillin	1	1.25
Dicloxacillin	Distilled water.	1.25
Methicillin	1	1.25
Nafcillin	1	1.25
Oxacillin	1	1.25
Penicillin G	1	1.25
Phenethicillin	1	1.25
Phenoxymethyl penicillin	17	1.25
Procaine penicillin G	17	2.0

(c) *Preparation of sample solutions.* From the following table, select the diluent and final concentration as listed for each antibiotic. Dissolve an accurately weighed portion of the sample, dilute to the appropriate final concentration, and proceed as directed in paragraph (d) of this section; if the product is packaged for dispensing, dilute an aliquot of the stock solution (prepared as described in the individual monograph) to the appropriate concentration and then proceed as directed in paragraph (d) of this section.

Antibiotic	Diluent (solution number as listed in § 141.102(a))	Final concentration in milligrams per milliliter of sample
Ampicillin	Distilled water.	1.25
Ampicillin trihydrate	do	1.25
Cephaloridine	do	1.0
Phenoxymethyl penicillin	17	1.25
Potassium penicillin G	1	1.25
Potassium phenethicillin	1	1.25
Potassium phenoxymethyl penicillin.	1	1.25
Procaine penicillin G	17	2.0
Sodium ampicillin	Distilled water.	1.25
Sodium cephalothin	do	2.0
Sodium cloxacillin monohydrate.	1	1.25
Sodium dicloxacillin monohydrate.	Distilled water.	1.25
Sodium methicillin monohydrate.	1	1.25
Sodium nafcillin monohydrate.	1	1.25
Sodium oxacillin monohydrate.	1	1.25
Sodium penicillin G	1	1.25

* * * * *

2. Part 141a is amended:

a. In § 141a.26 by revising paragraph (a)(3), as follows:

§ 141a.26 Procaine penicillin.

(a) * * *

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

* * * * *

b. In § 141a.111 by revising paragraph (a)(3), as follows:

§ 141a.111 Ampicillin trihydrate.

(a) * * *

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

* * * * *

c. In § 141a.118 by revising paragraph (a)(3), as follows:

§ 141a.118 Sodium cloxacillin monohydrate.

(a) * * *

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

* * * * *

d. In § 141a.123 by revising paragraph (a)(3), as follows:

§ 141a.123 Sodium ampicillin.

(a) * * *

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

* * * * *

3. Part 148w is amended:

a. In § 148w.1 by amending paragraph (b), as follows:

§ 148w.1 Sodium cephalothin.

* * * * *

(b) * * *

(1) * * *

(i) *Sample preparation.* Dissolve an accurately weighed sample in sufficient 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), for the microbiological agar diffusion assay, distilled water for the iodometric assay or hydroxylamine colorimetric assay, to give a stock solution of convenient concentration; also if it is packaged for dispensing, reconstitute as directed in the labeling. Then, using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with either solution 1 or distilled water as specified above to give a stock solution of convenient concentration.

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

* * * * *

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

* * * * *

b. In § 148w.2 by amending paragraph (b), as follows:

§ 148w.2 Cephaloridine.

* * * * *

(b) * * *

(1) * * *

(i) *Sample preparation.* Dissolve an accurately weighed sample in sufficient

1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), for the microbiological agar diffusion assay, distilled water for the iodometric assay or hydroxylamine colorimetric assay, to give a stock solution of convenient concentration; also if it is packaged for dispensing, reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with either solution 1 or distilled water as specified above to give a stock solution of convenient concentration.

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

* * * * *

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

4. Part 149b is amended in § 149b.2 by revising paragraph (b) (1) (iii) to read as follows:

§ 149b.2 Sterile ampicillin trihydrate.

* * * * *

(b) * * *

(1) * * *

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

* * * * *

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

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

Dated: February 28, 1972.

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

[FR Doc.72-3284 Filed 3-6-72;8:45 am]

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

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

PART 149d—NAFCILLIN

Recodification

Effective upon publication in the FEDERAL REGISTER (3-7-72), Part 149d is republished to incorporate editorial and nonrestrictive technical changes and to include all monographs in Part 141a and 146a currently providing for the certification of nafcillin products, except sodium nafcillin, sodium nafcillin capsules and sterile sodium nafcillin monohydrate packaged for dispensing, which are being deleted because the sponsor, Wyeth Laboratories, Inc., is no longer interested in marketing these products. This order revokes all prior publications of Part 149d.

§§ 141a.115, 141a.116, 141a.124, 141a.125, 141a.131 [Revoked]

1. In Part 141a, §§ 141a.115, 141a.116, 141a.124, 141a.125, and 141a.131 are revoked.

§§ 146a.2, 146a.3, 146a.120, 146a.121, 146a.127 [Revoked]

2. In Part 146a, §§ 146a.2, 146a.3, 146a.120, 146a.121, and 146a.127 are revoked.

3. Part 149d is republished as follows:

Sec.
149d.1 Nonsterile sodium nafcillin monohydrate.
149d.2 Sterile sodium nafcillin monohydrate.
149d.3–149d.10 [Reserved]
149d.11 Sodium nafcillin monohydrate capsules.
149d.12 Sodium nafcillin monohydrate for injection.
149d.13 Sodium nafcillin monohydrate for oral solution.

AUTHORITY: The provisions of this Part 149d issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

§ 149d.1 Nonsterile sodium nafcillin monohydrate.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sodium nafcillin monohydrate is the monohydrated sodium salt of 6-(2-ethoxy-1-naphthamido) penicillanic acid. It is so purified and dried that:

(i) It contains not less than 820 micrograms of nafcillin per milligram.

(ii) It passes the safety test.

(iii) Its moisture content is not less than 3.5 percent and not more than 5.3 percent.

(iv) Its pH in an aqueous solution containing 30 milligrams per milliliter is not less than 5.0 and not more than 7.0.

(v) It is crystalline.

(vi) Its sodium nafcillin monohydrate content is not less than 90 percent.

(vii) It gives a positive identity test for nafcillin.

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

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

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, crystallinity, sodium nafcillin monohydrate content, and identity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

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

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 2 micrograms of nafcillin per milliliter (estimated).

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

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

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

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

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 30 milligrams per milliliter.

(5) *Crystallinity.* Proceed as directed in § 141.504(b) of this chapter.

(6) *Sodium nafcillin monohydrate content.* Dissolve an accurately weighed portion of the sample in a sufficient accurately measured volume of distilled water to obtain a concentration of 0.05 milligram of sodium nafcillin monohydrate per milliliter (estimated). Treat a portion of the nafcillin working standard in the same manner. Using a suitable spectrophotometer equipped with quartz cells and distilled water as a blank, scan the absorption spectra of the sample and the nafcillin working standard solutions between the wavelengths of 245 nanometers and 340 nanometers. Determine the absorbance of the sample and working standard solutions at the absorption maximum at 280 ± nanometers. (The exact position of the maximum should be determined for the particular instrument used.) Calculate as follows:

$$\text{Percent sodium nafcillin monohydrate} = \frac{\text{Absorbance of sample} \times \text{weight in milligrams of standard} \times \text{volume of sample solution} \times \text{sodium nafcillin monohydrate content of standard in percent}}{\text{Absorbance of standard} \times \text{weight in milligrams of sample} \times \text{volume of standard solution}}$$

(7) *Identity.* The absorption spectrum of the sample determined as directed in subparagraph (6) of this paragraph compares qualitatively with that of the nafcillin working standard.

§ 149d.2 Sterile sodium nafcillin monohydrate.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sterile sodium nafcillin monohydrate is the monohydrated sodium salt of 6-(2-ethoxy-1-naphthamido) penicillanic acid. It is so purified and dried that:

(i) It contains not less than 820 micrograms of nafcillin per milligram.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its moisture content is not less than 3.5 nor more than 5.3 percent.

(vi) Its pH in an aqueous solution containing 30 milligrams per milliliter is not less than 5.0 and not more than 7.0.

(vii) It is crystalline.

(viii) Its sodium nafcillin monohydrate content is not less than 90 percent.

(ix) It gives a positive identity test for nafcillin.

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

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

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, moisture, pH, crystallinity, sodium nafcillin monohydrate content, and identity.

(ii) Samples required:

(*a*) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

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

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

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 2 micrograms of nafcillin per milliliter (estimated).

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

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

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

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

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

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

(6) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 30 milligrams per milliliter.

(7) *Crystallinity.* Proceed as directed in § 141.504(b) of this chapter.

(8) *Sodium nafcillin monohydrate content.* Proceed as directed in § 149d.1(b)(6).

(9) *Identity.* The absorption spectrum of the sample determined as directed in subparagraph (8) of this paragraph compares qualitatively with that of the nafcillin working standard.

§ 149d.11 Sodium nafcillin monohydrate capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sodium nafcillin monohydrate capsules are composed of sodium nafcillin monohydrate and one or more suitable and harmless buffer substances and lubricants. Each capsule contains sodium nafcillin monohydrate equivalent to 250 milligrams of nafcillin. The potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of nafcillin that it is represented to contain. The moisture content is not more than 5.0 percent. The sodium nafcillin monohydrate conforms to the standards prescribed by § 149d.1(a)(1).

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

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

(i) Results of tests and assays on:

(*a*) The sodium nafcillin monohydrate used in making the batch for potency, safety, moisture, pH, crystallinity, sodium nafcillin monohydrate content, and identity.

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

(ii) Samples required:

(*a*) The sodium nafcillin monohydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

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

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation.* Place a representative number of capsules into a high-speed glass blender jar containing sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 1 to the reference concentration of 2.0 micrograms of nafcillin per milliliter (estimated) for the microbiological agar diffusion assay and to the prescribed concentration for the iodometric assay.

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

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

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

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

§ 149d.12 Sodium nafcillin monohydrate for injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sodium nafcillin monohydrate for injection is a dry mixture of sodium nafcillin monohydrate and a suitable buffer substance. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of nafcillin that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. Its moisture content is not less than 3.5 and not more than 5.3 percent. When reconstituted as directed in the labeling, the pH is not less than 5.0 and not more than 8.0. The sodium nafcillin monohydrate used conforms to the requirements of § 149d.2(a)(1).

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

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

(i) Results of tests and assays on:

(*a*) The sodium nafcillin monohydrate used in making the batch for potency, moisture, pH, crystallinity, sodium nafcillin monohydrate content, and identity.

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

(ii) Samples required:

(*a*) The sodium nafcillin monohydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 12 immediate containers.

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

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation.* Reconstitute as directed in the labeling. Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container, or if the labeling specifies the amount of potency in a given volume of the resultant preparation remove an accurately measured representative portion from each container. Dilute the sample thus obtained with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to the reference concentration of 2.0 micrograms of nafcillin per milliliter (estimated) for the microbiological agar diffusion assay and to the prescribed concentration for the iodometric assay.

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

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

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

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

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

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

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

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

§ 149d.13 Sodium nafcillin monohydrate for oral solution.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sodium nafcillin monohydrate for oral solution is a packaged combination of one immediate container of sodium nafcillin monohydrate and one immediate container of an aqueous diluent containing one or more suitable and harmless colorings, flavoring, buffers, dispersants, diluents, and preservatives. When reconstituted as directed in the labeling, each milliliter contains sodium nafcillin monohydrate equivalent to 50 milligrams of nafcillin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of nafcillin that it is represented to contain. Its moisture content is not more than 5 percent. When reconstituted as directed in the labeling, its pH is not less than 5.5 and not more than 7.5. The sodium nafcillin monohydrate used conforms to the standards prescribed by § 149d.1(a)(1).

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

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

(i) Results of tests and assays on:

(*a*) The sodium nafcillin monohydrate used in making the batch for potency, safety, moisture, pH, crystallinity, sodium nafcillin monohydrate content, and identity.

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

(ii) Samples required:

(*a*) The sodium nafcillin monohydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 6 immediate containers.

(b) *Tests and methods of assay—*(1) *Potency—*(i) *Sample preparation.* Reconstitute as directed in the labeling. Place an accurately measured representative aliquot of the sample into a 250-milliliter volumetric flask and dilute to volume with 1 percent potassium phosphate buffer, pH 6.0 (solution 1). Mix well. Further dilute an aliquot with solution 1 to the reference concentration of 2.0 micrograms of nafcillin per milliliter (estimated) for the microbiological agar diffusion assay and to the prescribed concentration for the iodometric assay.

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

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

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

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

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

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

Dated: February 28, 1972.

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

[FR Doc.72-3285 Filed 3-6-72;8:45 am]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES: DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Household Products Containing Soluble Cyanide Classified as Banned Hazardous Substances

In the matter of classifying household products containing soluble cyanide salts as banned hazardous substances within the meaning of section 2(q)(1)(B) of the Federal Hazardous Substances Act:

Three comments were received in response to the notice of proposed rule making in the above-identified matter published in the FEDERAL REGISTER of October 5, 1971 (36 F.R. 19391). One supports the proposal and the other two, from manufacturers of household substances containing soluble cyanide salts, request exemptions:

1. An exemption is requested to permit depletion of existing stocks of such household substances. The Commissioner of Food and Drugs finds that permitting the marketing of such products after the effective date of a banning order would not adequately protect the public health and safety and, accordingly, denies the request.

2. An exemption is requested to permit continued marketing of such household substances in "child-proof" packaging. The Poison Prevention Packaging Act of 1970 provides for the establishment by regulation of standards for special packaging for dangerous household substances to protect children under 5 years of age. That act, however, stipulates that "special packaging" does not mean packaging which all such children cannot open or obtain from a toxic or harmful amount of contents. Considering this and the rapid fatal effect of accidental ingestion of cyanide-containing household products, the Commissioner finds that the public health and safety can be adequately served only by keeping such substances out of channels of interstate commerce and, accordingly, denies the request.

Therefore, having considered the information set forth in the notice, the comments received, and other relevant material, the Commissioner concludes that the proposal should be adopted without substantive change. Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (sec. 2(q)(1)(B), (2), 74 Stat. 374, as amended 80 Stat. 1304–05; 15 U.S.C. 1261) and of the Federal Food, Drug, and Cosmetic Act (sec. 701 (e), (f), (g), 52 Stat. 1055–56, as amended; 21 U.S.C. 371 (e), (f), (g)), and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered,* That § 191.9(a) be amended by adding thereto a new subparagraph (5), as follows:

§ 191.9 Banned hazardous substances.

(a) Under the authority of section 2(q)(1)(B) of the act, the Commissioner declares as banned hazardous substances the following articles because they possess such a degree of hazard that adequate cautionary labeling cannot be written and the public health and safety can be served only by keeping such articles out of interstate commerce:

* * * * *

(5) Products containing soluble cyanide salts, excluding unavoidable manufacturing residues of cyanide salts in other chemicals that under reasonable and foreseeable conditions of use will not result in a concentration of cyanide greater than twenty-five parts per million.

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

Effective date. This order shall become effective 45 days after its date of publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Sec. 2(q)(1)(B), (2), 74 Stat. 374, as amended 80 Stat. 1304–05, 15 U.S.C. 1261; sec. 701 (e), (f), (g), 52 Stat. 1055–56, as amended, 21 U.S.C. 371 (e), (f), (g))

Dated: February 29, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-3397 Filed 3-6-72;8:48 am]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER U—ELECTRIC POWER SYSTEM

PART 233—SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

Regulations and Rates

MARCH 2, 1972.

The authority to issue regulations is vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9).

Beginning on page 13096 of the FEDERAL REGISTER of July 14, 1971 (36 F.R. 13096–13097) there was published a notice to amend Part 233 of Title 25 of the Code of Federal Regulations, dealing with providing additional power revenue to meet the increased cost of operating and maintaining the power system of the San Carlos Indian Irrigation Project, Arizona. The regulations were proposed pursuant to 5 U.S.C. Section 301 (1970 Ed.), section 5 of the Act of June 7, 1924 (43 Stat. 475, 476), and the Act of March 7, 1928 (45 Stat. 200, 210–211).

Interested persons were given 30 days in which to submit written comments, suggestions or objections regarding the proposed amendments.

No objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Because the additional power revenue is urgently needed to provide adequate and proper operation and maintenance of the San Carlos Indian Irrigation Project power system, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d) (3) of 5 U.S.C. 553 (Supp. V, 1965–1969). Accordingly, these regulations will become effective upon date of publication in the FEDERAL REGISTER (3–7–72).

HARRISON LOESCH,
Assistant Secretary of the Interior.

Sections 233.20, 233.51, 233.52, 233.53, and 233.54 are amended to read as follows:

§ 233.20 Connect, reconnect, and accounting charges.

A nonrefundable service establishment fee of $5 will be charged each time the Project is requested to establish or reestablish electric service to the customer's delivery point. The charge will be included in and rendered with the first month's bill for electricity after connection or reconnection service. An accounting charge of $5 will be made when a check is returned unpaid by a bank because of insufficient funds or other reasons. This charge will be in addition to any other applicable charges and will appear on the next month's bill for electricity.

§ 233.51 Rate Schedule No. 1—combination rate.

(a) *Application of schedule.* This schedule is applicable to single-phase or three-phase service for residences and small noncommercial users. Unless specifically permitted by the contract, use must be limited to the consumer's own premises and power supplied must not be resold. If more than one meter is required by the customer's installation or for the customer's convenience, bills will be independently calculated for each meter.

(b) *Monthly rate.* (1) 4 cents per kilowatt hour for the first 100 kilowatt hours.

(2) 3.5 cents per kilowatt hour for the next 100 kilowatt hours.

(3) 3 cents per kilowatt hour for the next 100 kilowatt hours.

(4) 1.75 cents per kilowatt hour for the next 200 kilowatt hours.

(5) 1.35 cents per kilowatt hour for all additional kilowatt hours.

(c) *Minimum bill.* The minimum bill shall be $4 per month except when a higher minimum bill is stipulated in the contract.

§ 233.52 Rate Schedule No. 2—general rate.

(a) This schedule is applicable to three-phase electric service for all purposes and is especially suitable for larger commercial and industrial concerns. Unless specifically permitted by the contract, use must be limited to the consumer's premises and the power supplied must not be resold. If more than one meter is required by the customer's installation, or for the customer's convenience, bills will be independently calculated for each meter.

(b) *Monthly rate.* (1) 2.6 cents per kilowatt hour for the first 25 kilowatt hours per kilowatt of billing demand.

(2) 1.7 cents per kilowatt hour for the next 50 kilowatt hours of billing demand.

(3) 1.25 cents per kilowatt hour for all additional kilowatt hours.

(c) *Discounts.* The following discounts will be applied in accordance with the contract demand as defined below. Discounts do not apply to the minimum charge.

	Percent
Less than 25 kw. of contract demand	0
25 kw. and more but less than 37 kw. of contract demand	10
37 kw. and more but less than 51 kw. of contract demand	11
51 kw. and more but less than 70 kw. of contract demand	12
70 kw. and more but less than 96 kw. of contract demand	13
96 kw. and more but less than 130 kw. of contract demand	14
130 kw. and more but less than 170 kw. of contract demand	15
170 kw. and more but less than 215 kw. of contract demand	16
215 kw. and more but less than 270 kw. of contract demand	17
270 kw. and more but less than 340 kw. of contract demand	18
340 kw. and more but less than 410 kw. of contract demand	19
410 kw. and more but less than 500 kw. of contract demand	20
500 kw. and more but less than 600 kw. of contract demand	21
600 kw. and more but less than 720 kw. of contract demand	22
720 kw. and more but less than 860 kw. of contract demand	23
860 kw. and more but less than 1,000 kw. of contract demand	24
1,000 kw. and more of contract demand	25

(d) *Minimum bill.* The minimum bill shall be 50 cents per month per kilowatt of billing demand and no discount shall apply to this minimum.

(e) *Contract demand.* Each contract shall state the number of kilowatts which the customer expects to require and desires to have reserved for his service. This quantity is called the contract demand. The stated quantity need not be the same for all months of the year, but the contract demand shall not be less than 20 kilowatts in any month for which a demand is stipulated.

(f) *Actual demand.* The actual demand for any month shall be the average amount of power used during the period of 15 consecutive minutes when such average is the greatest for the month as determined by suitable meters, or, if meters are unavailable, the actual demand shall be connected load or such portion of the connected load as the Project Engineer may determine to be appropriate based on available information as to the customer's use of connected lights, appliances, and equipment, or from check metering.

(g) *Billing demand.* The billing demand for a month shall be the contract demand or the actual demand for the month, whichever is greater.

§ 233.53 Rate Schedule No. 3—irrigation and commercial pumping rate.

(a) *Application of schedule.* This schedule is applicable to three-phase electric service for irrigation or commercial pumping loads of 25 kilowatts demand or more. The necessary metering equipment will be supplied and maintained by the Project for all installations. Each service will be at one point of delivery and measured through one meter. This schedule is not applicable to temporary, breakdown, standby, supplementary, nor resale service.

(b) *Monthly rate, either of the following.* (1) The sum of demand and energy charges as follows where Project furnishes and maintains substation facilities:

(i) Demand charges of 50 cents per kilowatt of billing demand, and

(ii) Energy charges of 6.5 mills per kilowatt hour for the first 200 kilowatt hours per kilowatt of billing demand. and

(iii) Energy charges of 9.5 mills per kilowatt hour for all additional kilowatt hours, or

(2) The sum of demand and energy charges as follows where the customer furnishes and maintains substation facilities:

(i) Demand charges of 50 cents per kilowatt of billing demand, and

(ii) Energy charges of 6.5 mills per kilowatt hour for the first 200 kilowatt hours per kilowatt of billing demand, and

(iii) Energy charges of 9 mills per kilowatt hour for all additional kilowatt hours.

(c) *Minimum bill.* The minimum bill shall be 50 cents per month per kilowatt of billing demand.

(d) *Billing demand.* The billing demand for a month shall be the contract demand or the actual demand for that month, whichever is the greater.

(e) *Contract demand.* Each customer shall state the number of kilowatts which the customer expects to require and desires to reserve for his service. This quantity is called the contract demand. The contract demand shall apply for not less than eight (8) months of the year. During the remainder of the year the customer may elect to reduce his contract demand to not less than 25 kilowatts on this schedule, arrange for power under another rate schedule, or disconnect his facilities.

(f) *Actual demand.* The actual demand for any month shall be the average amount of power used during the period of 15 consecutive minutes when such average is the greatest for the month as determined by suitable meters, or, if meters are unavailable or inoperable, the actual demand shall be the connected load or such portion of the connected load as the Project Engineer may determine to be appropriate based on available information as to the customer's use of connected load or from check metering.

(g) *Substation facilities.* Substation facilities shall be considered to include high voltage safety and isolating equipment, transformers, and substation structures. Normal utilization voltages shall be 240 volts, 480 volts, 2,400 volts, or such primary distribution voltages as may be available. Measurement of power and energy used will be at secondary voltages.

§ 233.54 Rate Schedule No. 4—street and area lighting.

(a) *Application.* This rate schedule applies to service for lighting public streets, alleys, thoroughfares, public parks, schoolyards, industrial areas, parking lots, and similar areas where dusk-to-dawn service is desired. The Project will own, operate, and maintain the lighting system including normal lamp and globe replacements.

(b) *Monthly rate.* (1) Lamps:

	Per lamp
200 watts or less, incandescent (2,800 lumens or less)	$2.80
175 watts mercury vapor (approximately 6,500 lumens)	4.50
250 watts mercury vapor (approximately 10,000 lumens)	5.40
400 watts mercury vapor (approximately 18,000 lumens)	7.00

The minimum term of a service contract will be 12 months, payable in advance. The advance payment may be waived in special cases by the Project Engineer. Installation charges, the cost of wood poles or special steel, aluminum, or other supports, special fixtures, and the cost of underground service, will be charged as determined by the Project Engineer. Special yellow lamps to repel insects will be subject to a surcharge of 50 cents per month, 12-month minimum, payable in advance.

A new section is added to Part 233 to read as follows:

§ 233.55 Rate Schedule No. 5—commercial rate.

(a) *Application of schedule.* This schedule is applicable to single-phase or three-phase service to commercial users, including but not limited to, stores, garages, service stations, taverns, motels, mobile home parks, light manufacturing and industrial plants, and installations with similar load characteristics having normal load factors and maximum demands of less than 50 kilowatts. Unless specifically permitted by the contract, use must be limited to the consumer's own premises and power supplied must not be resold. If more than one meter is required by the customer's installation or for the customer's convenience, bills will be independently calculated for each meter.

(b) *Monthly rate.* (1) 5.33 cents per kilowatt hour for the first 75 kilowatt hours.

(2) 3 cents per kilowatt hour for the next 175 kilowatt hours.

(3) 2.2 cents for the next 350 kilowatt hours.

(4) 1.8 cents for the next 600 kilowatt hours.

(5) 1.3 cents for all additional kilowatt hours.

(c) *Minimum bill.* The minimum bill shall be $4 per month except when a higher minimum bill is stipulated in the contract.

[FR Doc.72-3425 Filed 3-6-72;8:49 am]

Title 29—LABOR

Chapter I—National Labor Relations Board

PART 101—STATEMENTS OF PROCEDURE, SERIES 8

Subpart B—Unfair Labor Practice Cases Under Section 10 (a) to (i) of the Act and Telegraph Merger Act Cases

HEARINGS

Section 101.10(b) is amended by the addition of a new paragraph (4) as follows:

§ 101.10 Hearings.

* * * * *

(b) * * *

(4) Subject to the approval of the trial examiner, all parties to the proceeding voluntarily may enter into a stipulation dispensing with a verbatim written transcript of record of the oral testimony adduced at the hearing and providing for the waiver by the respective parties of their right to file with the Board exceptions to the findings of fact (but not to conclusions of law or recommended orders) which the trial examiner shall make in his decision.

This amendment is effective upon publication in the FEDERAL REGISTER (3-7-72).

[SEAL] OGDEN W. FIELDS,
Executive Secretary,
National Labor Relations Board.

[FR Doc.72-3406 Filed 3-6-72;8:48 am]

PART 102—RULES AND REGULATIONS, SERIES 8

Subpart B—Procedure Under Section 10 (a) to (i) of the Act for the Prevention of Unfair Labor Practices

APPEAL TO THE GENERAL COUNSEL

Section 102.19(c) is corrected to read as follows:

§ 102.19 Appeal to the general counsel from refusal to issue or reissue.

* * * * *

(c) The general counsel may sustain the regional director's refusal to issue or reissue a complaint, stating the grounds of his affirmance, or may direct the regional director to take further action; the general counsel's decision shall be served on all the parties. A motion for reconsideration of the decision must be filed within 10 days of service of the decision, except as hereinafter provided, and shall state with particularity the error requiring reconsideration. A motion for reconsideration based upon newly discovered evidence which has become available only since the decision on appeal shall be filed promptly on discovery of such evidence. Motions for reconsideration of a decision previously reconsidered will not be entertained, except in unusual situations where the moving party can establish that new evidence has been discovered which could not have been discovered by diligent inquiry prior to the first reconsideration.

This amendment is effective upon publication in the FEDERAL REGISTER (3-7-72).

OGDEN W. FIELDS,
Executive Secretary,
National Labor Relations Board.

[FR Doc.72-3407 Filed 3-6-72;8:49 am]

PART 102—RULES AND REGULATIONS, SERIES 8

Subpart B—Procedure Under Section 10 (a) to (i) of the Act for the Prevention of Unfair Labor Practices

DUTIES AND POWERS OF TRIAL EXAMINERS

Section 102.35 is amended by the addition of a new paragraph (i) which reads as follows and by relettering existing paragraphs (i) through (l) to read (j) through (m):

§ 102.35 Duties and powers of Trial Examiners.

* * * * *

(i) To approve a stipulation voluntarily entered into by all parties to the case which will dispense with a verbatim written transcript of record of the oral testimony adduced at the hearing, and which will also provide for the waiver by the respective parties of their right to file with the Board exceptions to the findings of fact (but not to conclusions of law or recommended orders) which the trial examiner shall make in his decision.

* * * * *

This amendment is effective upon publication in the FEDERAL REGISTER (3–7–72).

[SEAL] OGDEN W. FIELDS,
Executive Secretary,
National Labor Relations Board.

[FR Doc.72-3408 Filed 3-6-72;8:49 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart A—Vocational Rehabilitation Under 38 U.S.C. Ch. 31

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

REDUCTION OR DISCONTINUANCE OF EDUCATIONAL AWARDS

Effective dates of educational awards are required by law to conform, where feasible, to those for compensation. These regulations provide that discontinuance or reduction because of the death, divorce, or marriage of a dependent of a payee, in most instances, shall be the end of the year rather than the end of the month because of a similar provision for compensation provided by Public Law 92–198, 85 Stat. 663.

1. In Subpart A, § 21.132 (b), (c), and (d)(1) are amended to read as follows:

§ 21.132 Reduction or discontinuance.

* * * * *

(b) *Death of dependent.* Last day of attendance or last day of approved leave status (whichever is applicable), or last day of the calendar year in which death occurred, whichever is earlier.

(c) *Divorce.* Last day of attendance or last day of approved leave status (whichever is applicable), or last day of the calendar year in which the divorce occurred, whichever is earlier.

(d) *Child*—(1) *Marriage.* Last day of attendance or last day of approved leave status (whichever is applicable), or last day of the calendar year in which the marriage occurred, whichever is earlier.

* * * * *

2. In Subpart D, § 21.4135 (b), (c), and (d)(1) are amended to read as follows:

§ 21.4135 Discontinuance dates.

* * * * *

(b) *Death of dependent.* Last day of the calendar year in which death occurs unless discontinuance is required at an earlier date under other provisions.

(c) *Divorce.* (1) Veteran, chapter 34: Last day of the calendar year in which divorce occurs unless discontinuance is required at an earlier date under other provisions.

(2) Wife, chapter 35: Date the decree became final, subject to extension under paragraph (o) of this section if divorce was without fault on part of the wife.

(d) *Child*—(1) *Marriage.* Last day of the calendar year in which marriage occurred unless discontinuance is required at an earlier date under other provisions.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective January 1, 1972.

Approved: March 1, 1972.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.72-3417 Filed 3-6-72;8:49 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

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

O,O-Diethyl O-(2-Diethylamino-6-Methyl-4-Pyrimidinyl) Phosphorothioate; and Its Oxygen Analog

A notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of January 5, 1972 (37 F.R. 94), proposing establishment of a tolerance of 0.02 part per million for negligible residues of the insecticide *O,O*-diethyl *O*-(2-diethylamino-6-methyl-4-pyrimidinyl) phosphorothioate and its oxygen analog diethyl 2-diethylamino-6-methyl-4-pyrimidinyl phosphate in or on bananas.

No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), Part 180 is amended as follows:

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

§ 180.3 Tolerances for related pesticide chemicals.

* * * * *

(e) * * *

(5) * * *

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

* * * * *

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

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

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

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (3–7–72).

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: March 1, 1972.

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

[FR Doc.72-3428 Filed 3-6-72;8:50 am]

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

α-Naphthaleneacetamide

A notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of January 5, 1972 (37 F.R. 92), proposing establishment of tolerances for combined negligible residues of the plant regulator α-naphthaleneacetamide and its metabolite α-naphthaleneacetic acid (calculated as α-naphthaleneacetic acid) in or on apples and pears at 0.1 part per million. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C.

346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), Part 180 is amended as follows:

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

§ 180.3 Tolerances for related pesticide chemicals.

* * * * *

(d) * * *

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

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

§ 180.309 α-Naphthaleneacetamide; tolerances for residues.

Tolerances are established for combined negligible residues of the plant regulator α-naphthaleneacetamide and its metabolite α-naphthaleneacetic acid (caculated as α-naphthaleneacetic acid) in or on the raw agricultural commodities apples and pears at 0.1 part 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 Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (3–7–72).

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: March 1, 1972.

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

[FR Doc.72–3429 Filed 3–6–72;8:50 am]

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

Sodium Trichloroacetate

A notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of January 5, 1972 (37 F.R. 93), proposing establishment of tolerances for residues of the herbicide sodium trichloroacetate in or on the raw agricultural commodities sugar beet roots and sugarcane at 0.5 part per million.

No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), Part 180 is amended as follows:

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

§ 180.3 Tolerances for related pesticide chemicals.

(e) * * *

(4) * * *

Sodium trichloroacetate.

* * * * *

2. By adding the following new section:

§ 180.310 Sodium trichloroacetate; tolerances for residues.

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

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (3–7–72).

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: March 1, 1972.

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

[FR Doc.72–3430 Filed 3–6–72;8:50 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9–1—GENERAL

Subpart 9–1.7—Small Business Concerns

MISCELLANEOUS AMENDMENTS

The changes in AECPR Subpart 9–1.7, Small Business Concerns, are made to (1) add FPR 1–1.703–1 to the FPR provisions listed in AECPR 9–1.700 as applying to cost-type contractor activities, (2) clarify AECPR 9–1.705–3 as it applies in the case of formally advertised construction set-asides made by cost-type contractors, and (3) supplement FPR 1–1.713 Contracts with the Small Business Administration.

1. Section 9–1.700, *General*, is revised to read as follows:

§ 9–1.700 General.

The policies and procedures prescribed in this subpart and in FPR 1–1.7 apply to all AEC direct procurement. The following shall be applied to cost-type contractor procurement activities.

FPR	*AECPR*
1–1.703–1	9–1.702(b)(2).
1–1.703–2	9–1.703–2(a), 9–1.705–3(a).
	9–1.706–1(d).
1–1.706–5	9–1.706–5(b).
1–1.706–6	
	9–1.709.
1–1.710–1 (a) and (c)	
1–1.710–2	
	9–1.710–4(a).
	9–1.751.
1–1.712–2	

2. Section 9–1.705–3, *Screening of procurements*, is revised to read as follows:

§ 9–1.705–3 Screening of procurements.

(a) *Class set-asides.* An agreement has been reached between the AEC and the SBA that AEC would accept SBA initiation of class set-asides for formally advertised construction procurements estimated to cost between $2,500 and $1 million, including new construction and repair and alteration of structures. When in the judgment of the contracting officer a particular procurement falling within these dollar limits is determined unsuitable for a set-aside for exclusive small business participation, he shall notify the appropriate SBA representative of this decision. Unless SBA appeals the decision (see FPR 1–1.706–2), the contracting officer shall proceed to process the procurement on an unrestricted basis.

Small business set-aside preferences should be considered for construction procurements in excess of $1 million on a case-by-case basis, favoring such preferential participation of small business whenever appropriate. (In the case of cost-type contractor procurements, notification to SBA shall be made through AEC channels.)

3. A new paragraph (c) is added to § 9–1.705–7, *Performance of contract by SBA*, to read as follows:

§ 9–1.705–7 Performance of contract by SBA.

* * * * *

(c) Detailed arrangements for handling individual 8(a) contracts should be worked out between AEC and SBA offices, consistent with FPR 1–1.713, and AECPR 9–1.713–1. Any problems relating to contracting with the Small Business Administration which cannot be readily resolved between Managers of AEC Field Offices and Regional Directors of SBA should be reported to the Director, Division of Contracts.

4. A new § 9–1.713, *Contracts with the Small Business Administration*, is added to read as follows:

§ 9–1.713 Contracts with the Small Business Administration.

§ 9–1.713–1 Authority.

The prohibition contained in AECPR 9–1.452 relative to authorizing disputes provisions in subcontracts under fixed-price prime contracts, shall not be construed to preclude the use of the prime and subcontract language regarding contracting officer decisions and appeals therefrom as prescribed by FPR 1–1.713–3 (d) and (e) and FPR 1–1.713–4 (g) and (h).

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER (3–7–72).

Dated at Germantown, Md., this 1st day of March 1972.

For the U.S. Atomic Energy Commission.

ROBERT A. KOHLER,
Acting Director,
Division of Contracts.

[FR Doc.72–3390 Filed 3–6–72;8:47 am]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The changes made in AECPR Subpart 9–5.52, Procurement of Special Items, are made in order to clarify the requirement to obtain a clearance from the Director, Division of Contracts, for the procurement of motor vehicles from other sources in the absence of a waiver for such procurement from GSA and also to delete the responsibilities of the New York Operations Office and assign them to the Chicago Operations Office. The Suspension of Work clause found in FPR 1–7.601–4 is being added to the Outline for lump-sum architect-engineering contracts on an optional basis. The Termination for Convenience article for lump-sum architect-engineering contracts in AECPR 9–8.752 is being deleted along with the reference to it in AECPR 9–7.5007–16. Other minor editorial changes are being made.

PART 9–5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Subpart 9–5.52—Procurement of Special Items

1. In § 9–5.5201, *Motor vehicles*, § 9–5.5201–4, *Direct purchase*, is revised to read as follows:

§ 9–5.5201 Motor vehicles.

§ 9–5.5201–4 Direct purchase.

Vehicles may be procured by field offices from other sources where specific clearance has been granted by GSA. In those cases where a clearance has not been granted by GSA and where it is believed that procurement through GSA would impair or adversely affect the program, clearance for direct procurement shall be obtained from the Director, Division of Contracts, prior to the procurement. The purchase price shall not exceed any statutory limitation in effect at the time the procurement is made.

2. In § 9–5.5207, *Special materials*, § 9–5.5207–3, *Platinum*, and § 9–5.5207–4, *Radium and radium compounds*, are revised to read as follows:

§ 9–5.5207 Special materials.

§ 9–5.5207–3 Platinum.

The Chicago Operations Office is responsible for maintaining the AEC platinum supply. AEC offices and cost-type contractors shall clear with the Chicago Operations Office as to the availability of AEC platinum prior to the purchase of platinum on the open market.

§ 9–5.5207–4 Radium and radium compounds.

(a) The Division of Production and Materials Management is responsible for procuring radium and radium compounds (including radium, mesothorium, radium D, and associated radioactive substances) as requested by the Chicago Operations Office. AEC offices and cost-type contractors shall place requirements directly with the Chicago Operations Office.

(b) The Chicago Operations Office is responsible for the procurement of services for:

(1) Storage of radium salts and sources returned.

(2) Recovery of radium from AEC-owned encapsulated radium sources. AEC offices and cost-type contractors shall obtain such services in accordance with arrangements established by the Chicago Operations Office.

PART 9–7—CONTRACT CLAUSES

Subpart 9–7.50—Use of Standard Clauses

3. In § 9–7.5004, *Standard AEC clauses which are mandatory as to text*, § 9–7.5004–11, *Security*, paragraphs (a) and (g) are revised to read as follows:

§ 9–7.5004 Standard AEC clauses which are mandatory as to text.

§ 9–7.5004–11 Security.

(a) *Contractor's duty to safeguard Restricted Data, Formerly Restricted Data, and other classified information.* The contractor shall, in accordance with the Atomic Energy Commission's security regulations and requirements, be responsible for safeguarding Restricted Data, Formerly Restricted Data, and other classified information and protecting against sabotage, espionage, loss and theft, the classified documents and material in the contractor's possession in connection with the performance of work under this contract. Except as otherwise expressly provided in this contract, the contractor shall, upon completion or termination of this contract, transmit to the Commission any classified matter in the possession of the contractor or any person under the contractor's control in connection with performance of this contract. If retention by the contractor of any classified matter is required after the completion or termination of the contract and such retention is approved by the Contracting Officer the contractor will complete a certificate of possession to be furnished to the Atomic Energy Commission specifying the classified matter to be retained. The certification shall identify the items and types or categories of matter retained, the conditions governing the retention of the matter and the period of retention, if known. If the retention is approved by the Contracting Officer, the security provisions of the contract will continue to be applicable to the matter retained.

* * * * *

(g) *Subcontracts and purchase orders.* Except as otherwise authorized in writing by the Contracting Officer, the contractor shall insert provisions similar to the foregoing in all subcontracts and purchase orders under this contract.

NOTE A: Except as provided in NOTE A to § 9–7.5004–22, this clause is required in contracts entered into under sections 31 or 41 of the Atomic Energy Act of 1954, as amended, and in other contracts, subcontracts, and purchase orders the performance of which involves or is likely to involve Restricted Data, Formerly Restricted Data or other classified information.

4. In § 9–7.5007, *Suggested AEC clauses*, § 9–7.5007–16, *Termination article for lump-sum architect-engineer contracts*, is deleted and reserved.

§ 9–7.5007 Suggested AEC clauses.

§ 9–7.5007–16 [Reserved]

PART 9–8—TERMINATION OF CONTRACTS

Subpart 9–8.7—Clauses

5. Section 9–8.752 *Termination article for lump-sum architect-engineer contracts* is deleted and reserved.

§ 9–8.752 [Reserved]

PART 9–16—PROCUREMENT FORMS

Subpart 9–16.7—Forms for Negotiated Architect-Engineer Contracts

6. In § 9–16.701–50, *Forms prescribed,* revise subparagraph (4) of paragraph (b), *Statement of architect-engineer services,* under Title I—Preliminary Services and subparagraph (3) under Title II—Design Services, under paragraph (b) *Statement of architect-engineer services,* as follows:

§ 9–16.701–50 Forms prescribed.

(b) *Statement of architect-engineer services.*

TITLE I—PRELIMINARY SERVICES

* * * * *

(4) The drawings, plans, and outline specifications and documents shall be prepared in such form and furnished in such quantity as directed by the Commission.

NOTE: Specific quantities of the drawings, plans, outline specifications, and documents should be indicated here or elsewhere in the contract.

* * * * *

TITLE II—DESIGN SERVICES

* * * * *

(3) Prepare and revise, for the approval of the Commission, and furnish complete sets of contract bidding documents, including working drawings, details and specifications for construction, in such form and quantity and including such provisions as may be required by law or the directions of the Commission.

NOTE: Specific quantities of drawings and specifications should be indicated here, or elsewhere in the contract.

* * * * *

7. In § 9–16.703–50, *Terms, conditions, and provisions,* a new paragraph (31), Suspension of Work, is added as follows:

§ 9–16.703–50 Terms, conditions, and provisions.

* * * * *

31. Suspension of work (FPR 1–7.601–4). NOTE: The use of this clause is optional.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, of Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER (3–7–72).

Dated at Germantown, Md., this 1st day of March 1972.

For the U.S. Atomic Energy Commission.

ROBERT A. KOHLER,
Acting Director,
Division of Contracts.

[FR Doc. 72-3391 Filed 3-6-72; 8:48 am]

Title 42—PUBLIC HEALTH

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

SUBCHAPTER H—LEAD-BASED PAINT POISONING PREVENTION

PART 90—LEAD-BASED PAINT POISONING PREVENTION IN FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

On November 16, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 21833) proposing the addition to Title 42, Code of Federal Regulations, of a new Subchapter H, entitled "Lead-Based Paint Poisoning Prevention," and a new Part 90, entitled "Lead-Based Paint Poisoning Prevention in Federal and Federally Assisted Construction."

Interested persons were invited to submit, within 30 days, written comments, suggestions or objections regarding the proposed regulations.

Sixteen responses were received. The substance of these comments, and the Department's response thereto, is summarized below.

1. *Definition of "residential structure."* The most frequently commented-upon item was the proposed definition of "residential structure" as set forth in § 90.2(f) of the notice. Generally, it was contended that the definition was ambiguous in that (a) it defined the term "structure" as meaning only the "surfaces" of buildings, which is inconsistent with the usage of that term in the fields of construction, engineering and architecture, and (b) it inadequately described those external surfaces upon which the use of lead-based paint is prohibited.

As a result of these comments, the definition of "structure" has been changed and a new term, "applicable surfaces", has been introduced and defined in the regulations. We think these changes, along with certain other conforming changes, resolve the issues raised.

2. *Definition of lead-based paint.* Several responses objected to the definition of lead-based paint set forth in § 90.2(e) of the notice. Each proposed a reduction in the allowable lead content to less than 1 percent.

The definition of lead-based paint is taken directly from section 501(3) of the Lead-Based Paint Poisoning Prevention Act (84 Stat. 2080; 42 U.S.C. 4841(3)), and may be changed only by amendment of the statute.

After consideration of all the comments and suggestions received, Part 90 as proposed is hereby adopted, subject to the following changes:

1. Section 90.1 is changed to read as set forth below.

2. Paragraph (f) of § 90.2 is changed and a new paragraph (g) is added to read as set forth below.

3. Section 90.3 is changed by adding "on applicable surfaces" after the word "paint".

4. Paragraph (a) of § 90.4 is changed by deleting the word "in" after "lead-based paint" and inserting in lieu thereof "on applicable surfaces of", and paragraph (b) changed by deleting the word "the" after "prohibiting" and inserting in lieu thereof "such".

5. Section 90.5 is changed by inserting "(a)" before "to assist", and by adding a new paragraph, to read as set forth below.

Effective date. These regulations shall be effective upon publication in the FEDERAL REGISTER (3–7–72).

Dated: February 2, 1972.

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

Approved: February 24, 1972.

ELLIOT L. RICHARDSON,
Secretary.

Sec.
90.1 Scope.
90.2 Definitions.
90.3 Federal construction; prohibition against use of lead-based paint.
90.4 Federally assisted construction; prohibition against use of lead-based paint.
90.5 Reports to the Secretary.

AUTHORITY: The provisions of this Part 90 issued under sec. 401, 84 Stat. 2079; 42 U.S.C. 4831.

§ 90.1 Scope.

The regulations of this part are promulgated to implement section 401 of the Lead-Based Paint Poisoning Prevention Act, which directs the Secretary of Health, Education, and Welfare to take such steps and impose such conditions as may be necessary or appropriate to prohibit the use of lead-based paint in residential structures constructed or rehabilitated by the Federal Government or with Federal assistance in any form. The regulations are applicable to all Federal agencies.

§ 90.2 Definitions.

Any term not defined herein shall have the meaning given it by the Act.

(a) "Act" means the Lead-Based Paint Poisoning Prevention Act (Public Law 91–695, 84 Stat. 2078).

(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) "Federal agency" means the United States and all executive departments, independent establishments, administrative agencies and instrumentalities of the United States, including corporations in which all or substantially all of the stock is beneficially owned by the United States or by any of the foregoing departments, establishments, agencies and instrumentalities.

(d) "Agency Head" means the principal official of a Federal agency and includes those persons duly authorized to act in his behalf.

(e) "Lead-based paint" means any paint containing more than 1 per centum lead by weight (calculated as lead metal) in the total nonvolatile content of liquid paints or in the dried film of paint already applied.

(f) "Residential structure" means any house, apartment, or structure intended for human habitation including any institutional structure where persons reside such as an orphanage, boarding school dormitory, day care center, or extended-care facility.

(g) "Applicable surfaces" means all interior surfaces and those exterior surfaces, such as stairs, decks, porches, railings, windows, and doors, which are readily accessible to children under 7 years of age.

§ 90.3 Federal construction; prohibition against use of lead-based paint.

No Federal agency shall, in any residential structure constructed or rehabilitated by such agency, use or permit the use of lead-based paint on applicable surfaces.

§ 90.4 Federally assisted construction; prohibition against use of lead-based paint.

(a) Each Agency Head shall issue regulations and take such other steps as in his judgment are necessary to prohibit the use of lead-based paint on applicable surfaces of any residential structures constructed or rehabilitated by such agency under any federally assisted program.

(b) Such regulations shall require the inclusion of appropriate provisions in contracts and subcontracts pursuant to which such federally assisted construction or rehabilitation is performed, prohibiting such use of lead-based paint, and shall include provisions for enforcement of that prohibition.

§ 90.5 Reports to the Secretary.

(a) To assist the Secretary in fulfilling his responsibilities under the Act, each Federal agency shall furnish to the Secretary, not later than 3 months after the effective date of these regulations, a report of the steps it has taken to comply with this Part 90.

(b) Each Federal agency shall submit such additional reports on its activities in the implementation of this part as may be deemed necessary by the Secretary.

[FR Doc.72-3439 Filed 3-6-72;8:51 am]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5165]

[New Mexico 9512]

NEW MEXICO

Powersite Restoration No. 686; Powersite Cancellation No. 280; Partial Revocation of Waterpower Designation No. 1, New Mexico No. 1; and Revocation of Powersite Reserve No. 574

By virtue of the authority contained in section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. section 818 (1964), and pursuant to the determination of the Federal Power Commission in DA-79-New Mexico, it is ordered as follows:

1. The departmental order of August 7, 1916, creating Waterpower Designation No. 1, New Mexico No. 1, and the Executive Order of February 1, 1917, creating Powersite Reserve No. 574, are hereby revoked so far as they affect the following described lands:

SANTA FE AND CARSON NATIONAL FORESTS

NEW MEXICO PRINCIPAL MERIDIAN

T. 16 N., R. 12 E.,
Sec. 4, lots 3, 4, S½NW¼, SW¼;
Sec. 5, lots 2, 5, 6, 7, S½NE¼, E½SE¼;
Sec. 8, E½E½;
Sec. 9, W½;
Sec. 16, lots 5 and 6;
Sec. 17, lot 3.

T. 17 N., R. 12 E.,
Sec. 4, lots 5, 6 and 7;
Sec. 5, lots 13 and 18;
Sec. 8, lots 1 and 3;
Sec. 9, lots 3, 9, 12, 13;
Sec. 16, lots 3, 4, 5;
Sec. 17, lots 1, 4, 5, 6, 7, 10, 11, 12;
Sec. 20, lots 1, 2, 3, 4;
Sec. 29, lots 1 and 2;
Sec. 32, lots 1 to 11, inclusive;
Sec. 33, lots 5, 6, 7, 8.

T. 18 N., R. 12 E.,
Sec. 1, lots 7 and 8;
Sec. 2, lot 5;
Sec. 10, lots 3, 4, SW¼NE¼, S½NW¼, SE¼;
Sec. 11, lot 3;
Sec. 12, E½, E½W½, SW¼SW¼;
Sec. 13, N½NE¼, SW¼NE¼, NW¼, N½SW¼, NW¼SE¼;
Sec. 14, lot, 2, NE¼, E½SW¼, SW¼SW¼, N½SE¼, SW¼SE¼;
Sec. 15, lots 1, 3, 4, 5, 6, N½NE¼, SE¼NE¼, E½SW¼, E½NE¼NE¼SE¼, E½W½NE¼NE¼SE¼, W½E½NW¼NE¼SE¼, W½NW¼NE¼SE¼, S½NE¼SE¼;
Sec. 21, lot 1;
Sec. 22, lots 3 to 12, inclusive, E½NW¼, SE¼SE¼;
Sec. 23, lot 1, NE¼NW¼, SW¼NW¼, NW¼SW¼;
Sec. 27, lots 11, 12, 13, 14, 15, 16;
Sec. 28, lots 4, 6, 7;
Sec. 33, lots 1 to 10, inclusive, NW¼SW¼.

T. 19 N., R. 12 E.,
Sec. 13, SE¼SE¼;
Sec. 21, S½NE¼, SE¼;
Sec. 22, W½SW¼;
Sec. 24, E½, SE¼NW¼, NE¼SW¼, S½SW¼;
Sec. 25, N½N½, SW¼NE¼, S½NW¼, N½SW¼, SW¼SW¼;
Sec. 26, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 27, W½, NW¼SE¼, S½SE¼;
Sec. 28, NE¼, N½SE¼, SE¼SE¼;
Sec. 34;
Sec. 35, N½NE¼, SW¼NE¼, NW¼, N½SW¼;
Sec. 36, SE¼NE¼, SE¼.

T. 18 N., R. 13 E. (unsurveyed),
All lands of the United States which, when surveyed, shall be included within legal subdivisions situated in whole or in part within a quarter of a mile of Pecos River or Mora Creek.

T. 19 N., R. 13 E. (unsurveyed),
All lands of the United States which, when surveyed, shall be included within legal subdivisions situated in whole or in part within a quarter of a mile of Pecos River or Mora Creek below the mouth of its tributary, Valdez Creek.

T. 20 N., R. 13 E. (unsurveyed),
All lands of the United States which, when surveyed, shall be included within legal subdivisions situated in whole or part within a quarter of a mile of Pecos River.

PUBLIC DOMAIN AND PATENTED LANDS

T. 22 S., R. 27 E.,
Sec. 23, NE¼NE¼.

T. 22 S., R. 28 E.,
Sec. 29, SW¼SE¼;
Sec. 33, SW¼NW¼, SW¼.

T. 23 S., R. 28 E.,
Sec. 3, S½NW¼, S½;
Sec. 4, lots 1, 2, 3, 4, S½N½;
Sec. 5, lot 1, S½NE¼, E½SW¼, N½SE¼, SW¼SE¼;
Sec. 9, NE¼NW¼.

The areas described aggregate approximately 15,712.95 acres in San Miguel and Eddy Counties, of which approximately 14,352 acres are located within the Santa Fe and Carson National Forests.

The State of New Mexico failed to exercise its preference right of application for highway rights-of-way or material sites as provided by section 24 of the Federal Power Act of June 10, 1920, supra, when notified of the proposed restoration of the lands from powersite withdrawals.

2. The lands described as the S½NE¼, E½SW¼, N½SE¼, and SW¼SE¼, sec. 5, T. 23 S., R. 28 E., are patented lands. The remainder, which are unappropriated public domain lands outside of the national forests, shall at 10 a.m. on April 5, 1972, be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on April 5, 1972, shall be considered as

simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The public lands within the Santa Fe and Carson National Forests shall at 10 a.m. on April 5, 1972, be open to such forms of disposition as may by law be made of national forest lands.

All of the above-identified public domain and national forest lands have been and continue to be open to applications and offers under the mineral leasing laws, and to location and entry under the U.S. mining laws.

Inquiries concerning the lands should be addressed to Chief, Division of Technical Services, Bureau of Land Management, Post Office Box 1449, Santa Fe, NM 87501.

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 28, 1972.

[FR Doc.72-3369 Filed 3-6-72;8:46 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1091]

PART 1033—CAR SERVICE

Norfolk and Western Railway Co. Authorized To Operate Over Tracks of Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 1st day of March 1972.

It appearing, that because of bridge damage the Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees, is unable to operate over its line between Plymouth, Ind., and South Bend, Ind.; that shippers located on this line at Lakeville, Ind., are hereby deprived of railroad service; that all other shippers served by this line being located within the station limits of South Bend, Ind., or of Plymouth, Ind., continue to receive railroad service provided by other lines of the Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees; that the Norfolk and Western Railway Co. has agreed to serve shippers located at Lakeville, Ind., on the tracks of the Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees; that the Commission is of the opinion that operation by the Norfolk and Western Railway Co. at Lakeville, Ind., over approximately 4,946 feet of trackage of the Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees, is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1091 Service Order No. 1091.

(a) *Norfolk and Western Railway Co. authorized to operate over tracks of the Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees.* The Norfolk and Western Railway Co. be, and it is hereby authorized to operate over tracks of the Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees, between Penn Central milepost 171.22 and Penn Central milepost 172.13 at Lakeville, Ind., a distance of approximately 4,946 feet.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the Norfolk and Western Railway Co. over tracks of the Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees, is deemed to be due to carrier's disability, the rates applicable to traffic moved by the Norfolk and Western Railway Co. over these tracks of the Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees, shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 11:59 p.m., March 3, 1972.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-3438 Filed 3-6-72;8:51 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Service

[9 CFR Part 3]

ANIMAL WELFARE

Proposed Mandatory Exercise Requirements

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the provisions of the Act of August 24, 1966 (Public Law 89–544), as amended by the Animal Welfare Act of 1970 (Public Law 91–579) (7 U.S.C. 2131 et seq.), the Animal and Plant Health Service is considering revising the standards in Subparts A, B, C, D, and E of Part 3, Subchapter A, Chapter I, Title 9, Code of Federal Regulations, with respect to mandatory exercise requirements for animals, especially dogs and cats.

The statement of considerations which was included with the miscellaneous amendments to the regulations and standards under the Act, as published in the FEDERAL REGISTER on December 24, 1971, discussed the present status of mandatory exercise requirements for animals. Although such requirements were not mentioned in the proposal (36 F.R. 20473–20480) published prior to the amendments of December 24, 1971, a number of comments were received indicating that dogs held and used for research should be removed from cages and placed in runs or rooms for exercise each day. In the more than 4 years since the promulgation of the initial regulations and standards under Public Law 89–544, there has been no definitive research to indicate that exercise for animals should be a mandatory requirement. Several preliminary studies have been conducted to determine possible parameters for such scientific studies. The Department recognized that under the Animal Welfare Act it was responsible for developing minimum standards for the humane care and handling of animals, as charged by Congress, but on the basis of facts available at that time, it did not feel that exercise outside a cage should be included as a mandatory requirement.

The department did declare its intent to revise the standards and request data, views, and arguments from the public as to what standards, if any, should be issued with respect to the exercise requirements for animals. The Department will consult with persons with expertise relevant to any analysis and evaluation of the written data, views, and arguments as submitted and all other available knowledge and material to determine the relationship of exercise to the health and and well-being of an animal.

This notice is for the purpose of requesting data, views, arguments, and any other information from the public relating to the need, if any, of revising the standards to include mandatory exercise requirements for animals. Such data, views, arguments, or information may contain published scientific articles or other evidence supporting the views of the writer.

Any person who wishes to submit written data, views, arguments, or information concerning this notice may do so by filing them with the Deputy Administrator, Animal and Plant Health Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, within 60 days after publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 29th day of February 1972.

F. J. MULHERN,
Administrator.

[FR Doc.72-3405 Filed 3-6-72;8:48 am]

[9 CFR Part 3]

ANIMAL WELFARE

Proposed Space Requirements

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the provisions of the Act of August 24, 1966 (Public Law 89–544), as amended by the Animal Welfare Act of 1970 (Public Law 91–579) (7 U.S.C. 2131 et seq.), the Animal and Plant Health Service is considering revising the standards in Subpart E of Part 3, Subchapter A, Chapter I, Title 9, Code of Federal Regulations, with respect to space requirements for animals other than dogs, cats, rabbits, guinea pigs, hamsters, and nonhuman primates.

The statement of considerations which was included with the miscellaneous amendments to the regulations and standards under the Act, as published in the FEDERAL REGISTER on December 24, 1971, discussed the Department's reasons for not including more specific space requirements for animals covered by the standards. The Department recognizes that the problem is compounded in magnitude by the differences in sizes, activity patterns, social patterns and environmental needs of animals. The Department utilized the expertise and knowledge of an expert committee comprised of nationally known zoo directors, zoo curators, and zoo veterinarians in developing the standards set forth in Subpart E. It was the consensus of the committee that definitive information was not available on the minimum space required for the large number and variety of warmblooded animals covered by the Act. Although information is being accumulated on minimum space requirements for a number of animals, the Department needs to canvas the resources of the public to obtain all data and information available on such minimum space requirements.

This notice is for the purpose of requesting data, views, arguments, and any other information from the public relating to standards covering the minimum space requirements for all warmblooded animals other than dogs, cats, rabbits, guinea pigs, hamsters, and nonhuman primates. We would hope to receive comments regarding space requirements for animals being transported, being held for permanent exhibition, or being used for circus or animal act exhibition. Such data, views, arguments, or information may contain published scientific articles or other evidence or material supporting the views of the writer. The written comments may be for one species of animal, classes of animals, groupings of animals, or in whatever manner the writer feels standards should be published.

Any person who wishes to submit written data, views, arguments, or information concerning this notice may do so by filing them with the Deputy Administrator, Animal and Plant Health Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, within 60 days after publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 29th day of February 1972.

F. J. MULHERN,
Administrator.

[FR Doc.72-3404 Filed 3-6-72;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

NITROGLYCERIN PREPARATIONS

Packaging Requirements and Warnings Directed to Pharmacist and Patient; Proposed Statement of Policy

Information including laboratory data available to the Food and Drug Administration, indicates that improper packaging of nitroglycerin preparations, either before or after dispensing to the patient,

will likely result in a substantial loss of nitroglycerin because of the volatility of the nitroglycerin component. This information raises serious questions concerning the packaging practices for nitroglycerin preparations and their relationship to the potency characteristics of the drug at the time of dispensing and use by the patient.

The United States Pharmacopeia has notified the Food and Drug Administration that it proposes to modify the packaging and labeling requirements for nitroglycerin tablets in a forthcoming Interim Revision Announcement. Briefly, the Pharmacopeia proposes requiring that this preparation be packaged in tight containers, preferably of glass, holding not more than 100 tablets; that the labeling indicate that the tablets are to be dispensed in the original, unopened container; and that the label of all containers, including those on the container dispensed to the patient, bear a statement directing the user to keep the tablets in the original container and to close tightly between uses.

The Food and Drug Administration and The United States Pharmacopeia recognize the need for immediate collateral action to insure potency of all nitroglycerin preparations at the time of use by the patient.

Accordingly, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501, 502, 505, 701, 52 Stat. 1049–53 as amended, 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 351, 352, 355, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that the following new section be added to Part 3:

§ 3._____ Nitroglycerin for human use; packaging and warnings.

(a) Nitroglycerin preparations have long been used used under medical supervision for the management of angina pectoris. The volatility of nitroglycerin has been recognized for many years, and consequently packaging requirements for preparations containing this drug provide for storage in tight containers. When glass containers were used almost exclusively this limited packaging requirement was probably adequate, even though no provisions were made to inform the user that his filled prescription should be kept in a tight container. The recent trend toward packaging containers made of materials other than glass presents new problems because of the different properties of such materials. Recent information, including laboratory data, available to the Food and Drug Administration indicates that improper packaging of the drug either before or after dispensing to the patient will likely result in a substantial loss of nitroglycerin. The Food and Drug Administration's studies indicate that commonly used plastic containers and certain kinds of strip packaging allow appreciable evaporation of nitroglycerin from nitroglycerin tablets.

(b) The Commissioner views these findings as raising serious questions concerning the packaging practices for nitroglycerin preparations and their relationship to the potency characteristics of the drug at the time of dispensing and use by the patient. Stability studies with containers other than glass are needed before reasonable assurance can be made that packaging and storage in these containers does not contribute to the loss of nitroglycerin in any dosage form.

(c) The following packaging and labeling is required for preparations containing nitroglycerin:

(1) Preparations containing nitroglycerin shall be packaged in glass containers with tightly fitting metal screw caps or in other containers approved by the Food and Drug Administration. No more than 100 dosage units shall be packaged in any such container.

(2) In addition to other required labeling information, the following warnings shall be displayed on the container in a prominent and conspicuous manner:

(i) *"Warning.* This drug should be stored in a cool place and dispensed only in the original, unopened container."

(ii) *"Warning.* To prevent loss of potency, keep these tablets in the original container. Close tightly immediately after use."

(d) The holder of an approved new-drug application for a nitroglycerin preparation should either submit a supplement to his new-drug application under the provisions of § 130.9(d) of this chapter to provide for the use of glass containers and labeling as described in this section or submit data or reference to data adequate to show that such changes are not necessary.

(e) For containers other than glass, approval must be obtained from the Food and Drug Administration on the basis of data submitted by interested persons establishing its suitability for packaging of nitroglycerin. Upon review and approval of alternate packaging this section will be amended to provide for such packaging.

(f) (1) Any nitroglycerin drug preparation which is shipped within the jurisdiction of the act and which is contrary to the provisions of this section after 30 days from the date of its publication in the FEDERAL REGISTER may be made the subject of regulatory proceedings.

(2) Any nitroglycerin drug preparation which is dispensed within the jurisdiction of the act and which is contrary to the provisions of this section after 60 days from the date of its publication in the FEDERAL REGISTER may be made the subject of regulatory proceedings.

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

Dated: February 25, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-3398 Filed 3-6-72;8:48 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 72-WE-4-AD]

BOEING 707 AND 720 SERIES AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing 707 and 720 series airplanes. There have been failures of the spring pins, which connect the emergency escape slide girt attachment ring to the floor fitting base on the Boeing Model 707 and 720 series airplanes. This failure could result in loss of escape slide retention during deployment. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require replacement of the existing spring pin with a more corrosion-resistant spring pin.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Regional Counsel, FAA Western Region, Attention: Airworthiness Rules Docket, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received on or before April 10, 1972, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in the notice may be changed in light of comments received. All comments will be available, both before and after the closing date of comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BOEING. Applies to 707 and 720 Series Airplanes utilizing single attachment point escape slides listed in Boeing Service Bulletin 3078, dated January 10, 1972, or later FAA-approved revision.

To preclude loss of escape slide retention at the forward and aft passenger doors accomplished the following:

Within the next 500 hours in service after the effective date of the AD, unless previously accomplished, replace the two spring pins in the floor attach fitting with new spring pins in accordance with Boeing Service Bulletin No. 3078, dated January 10, 1972, or later FAA-approved revision, or an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Issued in Los Angeles, Calif., on February 25, 1972.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.72-3379 Filed 3-6-72;8:46 am]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Price Commission Ruling 1972-87]

AMBULANCE SERVICE

Price Commission Ruling

Facts. Ambulance Service is in the business of providing emergency transportation and emergency first aid for injured or seriously ill individuals.

Issue. Is Ambulance Service a noninstitutional provider of health services?

Ruling. No. Economic Stabilization Regulations, 6 CFR Part 300 Appendix I section (b)(35), 36 F.R. 25384 (December 30, 1971) defines noninstitutional provider of health services as "any other institution (which is not listed) that provides health services." While Ambulance Service does in fact provide health services, this service is incidental to its primary service, emergency transportation. Since ambulance services do not provide health services as their primary function, they may not be considered noninstitutional providers of health services and do not qualify for treatment under Economic Stabilization Regulations, 6 CFR 300.19, 36 F.R. 25384 (December 30, 1971).

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

Dated: February 29, 1972.

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

Approved: February 29, 1972.

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

[FR Doc.72-3410 Filed 3-6-72;8:48 am]

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding 1 year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public safety.

Adsit, Robert Lee, 662 Albona Place, Pomona, CA, convicted on June 28, 1949, in the U.S. District Court for the District of Colorado; and on June 19, 1955, in the Compton, Calif., Municipal Court.

Alexander, Earl Green, 15505 11-Mile Road, Apartment 3, Roseville, MI, convicted on May 9, 1950, in the Superior Court, County of Yakima, State of Washington.

Bissonette, Merton, 810 Bissonette Road, Oscoda, MI, convicted on June 2, 1948, by the Circuit Court of Iosco County, Mich.

Bryant, Franklin, 333 Centennial Street, Dallas, TX, convicted on February 17, 1955, in the District Court of Dallas County, Tex.

Canida, William Ray, Post Office Box 253, Bay City, OR, convicted on October 10, 1962, in the Circuit Court of Yamhill County, State of Oregon; and on November 2, 1959, in the Circuit Court of Tillamook County, State of Oregon.

Carter, Allan Bruce, 1053 West Fourth Avenue, Eugene, OR, convicted on September 26, 1962, and on May 14, 1962, in the Circuit Court of the State of Oregon for Lane County.

Cosner, William Harrison, 13417 Lakeshore Drive, Fenton, MI, convicted on March 23, 1955, in the Recorder's Court of the city of Detroit, Mich.

Craft, Donald Ray, 1314 Penmar Avenue, SE., Roanoke, VA, convicted on October 18, 1962, on March 20, 1963, and on April 9, 1963, by the Hustings Court in and for the city of Roanoke, Va.

DePaul, Louis, Jr., 3602 Edgegreen Avenue, Baltimore, MD, convicted on March 20, 1942, in the U.S. District Court for New Jersey.

Deschenes, Arthur J., 131 West Kingsbridge Road Bronx, NY, convicted on December 17, 1946, by the Supreme Court in and for Bronx County, N.Y.

Dodson, Jack M., Rural Delivery 1, Everett, Pa., convicted on September 9, 1970, in the U.S. District Court for the Western District of Pennsylvania, Pittsburgh, Pa.

Glover, William O., 4135 Southeast 64th Avenue, Portland, OR, convicted on May 2, 1949, in the Boone County Circuit Court, Lebanon, Ind.

Grassler, David Eugene, 109 East Canal Street, Apartment 3, Navarre, OH, convicted on December 1, 1966, in the U.S. District Court for the Southern District of Indiana; and on March 28, 1967, in the U.S. District Court for the Western District of Kentucky.

Green, Michael Roy, 2111 McKinley Street, Sioux City, IA, convicted on February 27, 1970, in the Woodbury County, Iowa, District Court.

Harris, Curtis Lee, 4171 Chene Street, Detroit, MI, convicted on October 20, 1960, in the Recorder's Court for the city of Detroit, Mich.

Hesse, Roland Andrew, 2657 Cleveland Avenue, New Orleans, LA, convicted on April 2, 1970, in the U.S. District Court, Eastern Judicial District of Pennsylvania, Philadelphia, Pa.

Isenberg, Roger Dale, 3027 Pascal Street, Roseville, MN, convicted on May 12, 1969, in the Ramsey County District Court, St. Paul, Minn.

Jisonna, John Howard, 150 Asylum Street, Bridgeport, CT, convicted on October 29, 1965, in the Second Circuit Court, Bridgeport, Conn.; and on May 18, 1965, in the Circuit Court of Fairfield, Conn.

Kasper, George A., Post Office Box 104, Star Route 3, Hibbing, MN, convicted on June 1, 1970 in the Ninth Judicial District Court, County of Itasca, State of Minnesota.

Keeney, Charles Ross, Route 1, Union Bridge, Md., convicted on October 3, 1961, in the Frederick County Circuit Court, Maryland.

Kegler, Solomon, 1305-B 22d Avenue North, Birmingham, AL, convicted on November 18, 1960, in the Tenth Judicial Circuit Court in Birmingham, Ala.

Knutson, Barbara Ann, 240 Mount Washington Avenue, Eau Claire, WI, convicted on October 14, 1969, by the U.S. District Court in and for the Western Judicial District, Madison, Wis.

Laney, Eugene McNeil, 3102 Buddy Lawrence Street, Corpus Christi, TX, convicted on May 17, 1940, by the U.S. District Court, in and for the Southern District of Texas, Brownsville Division.

Litzell, Darwin Chelsey, Box 175, Woodville, WI, convicted on August 10, 1969, in the St. Croix County Court, Hudson, Wis.

Lorenz, Frank John, 16156 Blair Street, West Olive, MI, convicted on September 30, 1960, on January 5, 1961, and on June 11, 1962, in the Ottawa County Circuit Court, Michigan.

Lutz, Jim Clarence, 733½ Sterling Road, Bakersfield, CA, convicted on June 6, 1962, by the Superior Court in and for Kern County, Calif.

McCook, William D., Route 1, Sanderson, Fla., convicted on July 7, 1938, and on April 14, 1941, in the U.S. District Court, Southern Judicial District of Florida, Jacksonville Division; and on October 2, 1939, on September 21, 1942, and on September 20, 1949, in the U.S. District Court, Middle District of Georgia.

Madera, Frank, 147-72 Huxley Street, Rosedale, NY, convicted on February 21, 1940, in the Kings County Criminal Court, Kings County, N.Y.

Malava, Hawaii Uota, 54-127 Homestead Road, Hauula, Oahu, HI, convicted on July 27, 1951, in the First Circuit Court, Territory of Hawaii.

Medina, Teofilo Vargas, Sr., 1243 East 14th Street, Santa Ana, CA, convicted on March 29, 1945, in the U.S. District Court, Northern Division, Ogden, Utah.

Patterson, Daniel R., 1411 South Seventh Avenue, Yakima, WA, convicted on May 23, 1968, in the Superior Court of the State of Washington for Yakima County.

Pfantz, Jim L., Box 271, Campbellsport, WI, convicted on February 26, 1970, in Fond du Lac County Court, Fond du Lac, Wis.; and on July 2, 1968, in Juvenile Court, Lincoln County, Wis.

Poole, Arthur, 826 East 167th Street, Bronx, NY, convicted on October 30, 1940, in the Manhattan Criminal Court, New York.

Powell, Mark Lawrence, 1127 Walnut Street, No. B, Lebanon, PA, convicted on September 16, 1969, by general court martial, Headquarters, U.S. Army Theater Support Command, Europe.

Primiano, Nicholas Francis, 40 Barbara Street, Staten Island, NY, convicted on February 9, 1961, by the Supreme Court of Kings County, N.Y.

Roan, Allan Donald, 16626 Southeast, 34th Street, Bellevue, WA, convicted on April 3, 1959, in the Superior Court for King County, Wash.

Smith, John William, 1115 Moseley Drive, Lynchburg, VA, convicted on September 10, 1963, in the Circuit Court for Buckingham County, Va.

Stone, Hugh Dillard, R.F.D. 1, Box 68A, Alberta, Va., convicted on November 16, 1964, in the U.S. District Court for the Eastern District of Virginia.

Stoolfire, Robert Wallace, 389 Northwest Cedar Street, Post Office Box 595, Pilot Rock, OR, convicted on July 14, 1961, in the Circuit Court of the State of Oregon for Lane County.

Taylor, Thomas Cluff, 135 East Gordon Lane, Salt Lake City, UT, convicted on May 17, 1967, in the U.S. District Court for the District of Utah, Central Division.

Tharp, Lee Frederick, Box 236, Rising Sun, MD, convicted on July 14, 1961, in the Peoples Court, Bel Air, Md.

Tuggle, Milton Jefferson, 18272 Manor, Detroit, MI, convicted on May 5, 1949, in the Municipal Court of Milwaukee County, State of Wisconsin.

Vierra, James Ortiz, 1704–C Laumaile Street, Honolulu, HI, convicted on February 17, 1950, in the Circuit Court for the First Circuit, Territory of Hawaii.

Walls, Garry Robert, 9234 20th Street SE., Everett, WA, convicted on November 12, 1964, in the Superior Court of the State of Washington in and for the County of Snohomish.

Williams, Charles Rea, 707 East Marshall, Carrollton, MO, convicted on October 13, 1966, in the Circuit Court of Carroll County, Mo.

Wilson, Franklin Taylor, Box 669, Ralls, TX, convicted on March 24, 1931, in the U.S. District Court, Northern District of Texas, Wichita Falls Division.

Zak, Jake Jacob, 26020 Radcliff Place, Oak Park, MI, convicted on January 8, 1946, in the Recorder's Court for the City of Detroit, Mich.

Signed at Washington, D.C., this 24th day of February 1972.

[SEAL] REX D. DAVIS,
Director, Alcohol, Tobacco and Firearms Division.

[FR Doc.72-3416 Filed 3-6-72;8:49 am]

Office of the Secretary

[Treasury Department Order No. 128 (Rev. 4)]

OFFICE OF FOREIGN ASSETS CONTROL

Authority and Functions

Treasury Department Order No. 128 (Revision 3) is amended to read as follows:

By virtue of the authority vested in me as Secretary of the Treasury I hereby order that:

(1) There is established in the Treasury Department the Office of Foreign Assets Control, successor to Foreign Funds Control. The Office shall function under the immediate supervision of a Director of Foreign Assets Control, who shall be designated, with my approval, by the Special Assistant to the Secretary (National Security Affairs). The Director shall report to the Special Assistant to the Secretary (National Security Affairs).

(2) The Director of Foreign Assets Control shall exercise and perform all authority, duties, and functions which I am authorized or required to exercise or perform under—

(a) Sections 3 and 5(b) of the Trading with the Enemy Act, as amended, and any proclamations, orders, regulations, or rulings that have been or may be issued thereunder, and

(b) Executive Order 11322 of January 5, 1967, and Executive Order 11419 of July 29, 1968, issued pursuant to section 5 of the United Nations Participation Act of 1945 and all other authority residing in the President.

(3) The Director of Foreign Assets Control shall be assisted in the exercise and performance of such authority, duties, and functions by such assistants and other staff as may be appointed or detailed for the purpose.

(4) This order shall take effect immediately.

Dated: March 1, 1972.

[SEAL] JOHN B. CONNALLY,
Secretary of the Treasury.

[FR Doc.72-3426 Filed 3-6-72;8:51 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Phoenix Area Office Redelegation Order 3, Amdt. 3]

SUPERINTENDENTS ET AL.

Delegation of Realty Authority

FEBRUARY 16, 1972.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938).

This delegation is issued under the authority delegated to the Commissioner of Indian Affairs from the Secretary of the Interior in section 25 of Secretarial Order 2508 (10 BIAM 2.1) and redelegated by the Commissioner to the Area Directors in 10 BIAM 3.

The Phoenix Area Office Redelegation Order 3 published on page 11108 in the July 1, 1969 issue of the FEDERAL REGISTER (34 F.R. 11108), as amended, is further amended by revoking, revising, adding, and renumbering sections under the heading "Lands and Minerals" in Part 2—Authority to Superintendents Functions Relating to Specific Programs.

1. As amended, the table of sections for Part 2—Authority to superintendents functions relating to specific programs reads as follows:

PART 2—AUTHORITY TO SUPERINTENDENTS FUNCTIONS RELATING TO SPECIFIC PROGRAMS

* * * * *

LANDS AND MINERALS

Sec.
2.11 Rights-of-way.
2.12 Tax exemption certificates.
2.13 Adoption or application of State or local laws.
2.14 Revocation of Departmental reserves.
2.15 Mineral leasing—coal, sand, gravel, pumice, and building stone.
2.16 Mineral leasing—all other minerals except oil and gas.
2.17 Oil and gas leasing, Uintah and Ouray.
2.18 Surface leases, terms to 10 years.
2.19 Surface leases, terms to 65 years.
2.20 Homesite leases, tribal lands.
2.21 Residential leases, Fort Apache.
2.22 Land acquisitions, partitions, exchanges, and sales.
2.23 Sales of improvements on tribal lands.

* * * * *

2. As amended, Part 2—Authority to superintendents functions relating to specific programs reads as follows:

PART 2—AUTHORITY TO SUPERINTENDENTS FUNCTIONS RELATING TO SPECIFIC PROGRAMS

* * * * *

LANDS AND MINERALS

* * * * *

SEC. 2.14 *Revocation of Departmental reserves.* The authority of the Area Director to revoke Departmental reserves of Indian lands of agency, school or other administrative purposes under the jurisdiction of the Bureau of Indian Affairs, when the Superintendent determines such lands are no longer needed for the purposes for which they were set aside, and the restoration of jurisdiction over the lands to the tribe: *Provided*, That before such action is taken the Area Title Plant and/or the Field Solicitor has examined title.

SEC. 2.15 *Mineral leasing—coal, sand, gravel, pumice and building stone.* The authority of the Area Director relating to the leasing or permitting of tribal or individually owned Indian lands for the following minerals: Coal, sand, gravel, pumice, and building stone. This authority does not apply to lands purchased or reserved for agency, school, or other administrative purposes. Also, this authority does not apply in the case of leases or permits of such lands for coal to matters involving (1) the payment of overriding royalty and (2) assignments of separate horizons or strata of the subsurface.

SEC. 2.16 *Mineral leasing—all other minerals except oil and gas.* To the Superintendents of the Colorado River, Nevada, Salt River, Papago, Pima, and Uintah, and Ouray Agencies, only, the authority of the Area Director relating to the leasing or permitting of tribal or individually owned Indian lands for all other minerals except oil and gas. This authority does not apply to:

(1) Lands purchased or reserved for agency, school, or other administrative purposes; and,

(2) Modification of any forms approved by the Commissioner.

* * * * *

SEC. 2.19 *Surface leases, terms to 65 years.* To the Superintendents of the Colorado River, Nevada, Salt River, Papago, Pima, and Uintah, and Ouray Agencies, only, the authority of the Area Director relating to surface leases for terms up to sixty-five (65) years pursuant to 25 CFR 131.

* * * * *

SEC. 2.22 *Land acquisitions, partitions, exchanges, and sales.* To the Superintendents of the Colorado River, Nevada, Salt River, Papago, Pima, and Uintah, and Ouray Agencies, only, the authority of the Area Director concerning acquisitions, partitions, exchanges, and sales except sales to non-Indians; subject to the condition that when fee lands are being acquired, the case will be referred to the Field Solicitor's Office for title examination.

SEC. 2.23 *Sales of improvements on tribal lands.* The approval, with tribal consent, of sales of improvements made upon tribal lands by individual Indians.

* * * * *

LA FOLLETTE BUTLER,
Acting Area Director.

Approved: February 24, 1972.

JOHN O. CROW,
Deputy Commissioner of Indian Affairs.

[FR Doc.72-3370 Filed 3-6-72;8:46 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, or Corrections

By notice in the FEDERAL REGISTER of February 20, 1971, Part II, there was published a list of the properties included in the National Register of Historic Places. This list has been amended by a notice in the FEDERAL REGISTER of March 2 (36 F.R. 3930–31), April 6 (36 F.R. 6526–28), May 4 (36 F.R. 8333–36), June 3 (36 F.R. 10811–13), July 8 (36 F.R. 12868–70), August 3 (36 F.R. 14275–76), September 8 (36 F.R. 18016–19), October 5 (36 F.R. 19409–10), November 2 (36 F.R. 20995–96), December 7 (36 F.R. 23258), and January 4 (37 F.R. 24–27). Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following properties have been added to the Register:

ALABAMA

Mobile County

Mobile, De Tonti Square Historic District.

ARIZONA

Cochise County

Tombstone, *Tombstone City Hall*, 315 East Fremont Street.

CALIFORNIA

Los Angeles County

Los Angeles, *Catholic-Protestant Chapels*, Eisenhower Avenue near Bonsall Avenue.

COLORADO

Denver County

Denver, *Brown, Molly, House*, 1340 Pennsylvania Street.
Denver, *Denver Mint*, West Colfax Avenue and Delaware Street.

Las Animas County

Trinidad, *Jaffa Opera House*, 100–116 West Main Street.

DELAWARE

Kent County

Dover, *Delaware State Museum*, 316 South Governors Avenue.
Smyrna vicinity, *Duck Creek Village*, Delaware 65, between Duck Creek and Green's Branch.

New Castle County

Rockland, *Rockland*, intersection of Rockland and Mount Lebanon roads, Brandywine, and Routes 232 and 235.
Wilmington, *Lower Louviers and Chicken Alley*, 1 Black Gates Road.
Wilmington, *Walker's Mill and Walker's Banks*, east bank of Brandywine at Rising Sun Lane Bridge.

GEORGIA

Baldwin County

Milledgeville, *Atkinson Hall*, Georgia College Campus.

Bibb County

Macon, *Findlay House*, 785 Second Street.
Macon, *Lanier, Sidney, Cottage*, 935 High Street.
Macon, *Munroe-Goolsby House*, 159 Rogers Avenue.
Macon, *Old U.S. Post Office and Federal Building*, 475 Mulberry Street.
Macon, *Randolph-Whittle House*, 1231 Jefferson Terrace.
Macon, *Rogers, Rock, Home*, 337 College Street.

Clayton County

Jonesboro, *Jonesboro Historic District.*

Coweta County

Newnan, *Gordon-Banks House*, Route 4.

Fulton County

Atlanta, *Peters, Edward C., House*, 179 Ponce de Leon Avenue.

Glynn County

Jekyll Island, *Jekyll Island Club*, between Riverview and Old Village Boulevard.

Lumpkin County

Dahlonega, *Price Memorial Hall*, College Avenue.

Morgan County

Madison, *Bonar Hall*, Dixie Avenue.

Muscogee County

Columbus, *Dinglewood*, 1429 Dinglewood.
Columbus, *Hilton*, 2505 Macon Road.
Columbus, *The Lion House*, 1316 Third Avenue.
Columbus, *McGehee-Woodall House*, 1534 Second Avenue.
Columbus, *The Wynn House*, 1230 Wynnton Road.
Columbus, *Wynnwood*, 1846 Buena Vista Road.

HAWAII

Honolulu County

Honolulu, *Aliiolani Hale*, King Street.

KENTUCKY

Franklin County

Frankfort, *Kentucky Governor's Mansion*, Capital Avenue.

LOUISIANA

Orleans Parish

New Orleans, *Lafayette Cemetery No. 1*, 1400 Washington Avenue.

MARYLAND

Anne Arundel County

Sandy Point, *Sandy Point Farm House*, Sandy Point State Park.

Baltimore (independent city)

First Unitarian Church, 2–12 West Franklin Street.

Baltimore County

Brooklandville, *Brooklandwood*, Falls Road

Cecil County

Cecilton, Greenfields on U.S. 213.
Perryville, *Principio Furnace*, on Post Road, 1.5 miles east of Perryville.

Frederick County

Catoctin Furnace, *Catoctin Furnace Historic District*, on U.S. 15, 12 miles northwest of Frederick.
Frederick, *Hanson-Thomas Houses*, 108 and 110 West Patrick Street.

Harford County

Bel Air, *Hays-Heighe House*, 401 Thomas Run Road.

Kent County

Chestertown, *Godlington Manor*, Wilkins Lane.

MASSACHUSETTS

Hampden County

Springfield, *First Church of Christ, Congregational*, 50 Elm Street.
Springfield, *Hampden County Courthouse*, Elm Street.

MICHIGAN

Chippewa County

Sault Ste. Marie, SS *Valley Camp*, Old Union Carbide dock.

Huron County

Bad Axe, *Sleeper, Albert E., House*, 302 West Huron.

Ingham County

Lansing, *Davis, Benjamin, House*, 528 South Washington Avenue.

MINNESOTA

Dakota County

Mendota, *Sibley House.*

Koochiching County

Little Fork vicinity, *Laurel Mounds*, W½, NE¼, sec. 32, T. 70 N., R. 26 W.

MISSOURI

Gasconade County

Hermann, *Hermann Historic District.*

Jackson County

Kansas City, *Union Station*, Pershing Road and Main Street.

St. Louis County

St. Louis vicinity, *Jefferson Barracks Historic District*, 10 miles south of St. Louis on the Mississippi River.

MONTANA

Yellowstone County

Billings, *Billings Chamber of Commerce Building*, 303 North 27th Street.

NEVADA

Clark County

Las Vegas, *Las Vegas Mormon Fort*, 900 Las Vegas Boulevard North.

NEW JERSEY

Atlantic County

Atlantic City, *Traymore Hotel*, Illinois Avenue and the Boardwalk.

Bergen County

Paramus, *Terhune-Gardner-Lindenmeyer House*, 218 Paramus Road.

Cumberland County

Greenwich, *Greenwich Historic District*, Main Street from the Cohansey River north to Othell.

NEW YORK

Albany County

Albany, *Old Post Office*, corner of Broadway and State Street.

Dutchess County

Poughkeepsie, *Mill Street-North Clover Street Historic District*, Mill, Mansion, Vassar, North Clover Streets, Davies and Lafayette Place.
Poughkeepsie, *Poughkeepsie City Hall*, 228 Main Street.
Poughkeepsie, *Second Baptist Church*, 36 Vassar Street.
Poughkeepsie, *Vassar Institute*, 12 Vassar Street.

Kings County

New York City, *The Grecian Shelter* Prospect Park near Parkside Avenue.
New York City, *Old Brooklyn Fire Headquarters*, 365–367 Jay Street.

New York County

New York City, *Fire House, Engine Company 31*, 87 Lafayette Street.
New York, *U.S. Customhouse*, Bowling Green.

Richmond County

Staten Island, *Battery Weed*, Fort Washington Reservation.

NORTH CAROLINA

Alleghany County

Whitehead vicinity, *Brinegar Cabin*, at mile 238.5, Blue Ridge Parkway.

Burke County

Morganton, *Creekside*, intersection of U.S. 70 and 70–A west of Morganton.
Morganton vicinity, *Pleasant Valley*, junction of Routes 1423, 1439, and 1638.

Camden County

Camden, *Camden County Courthouse*, on North Carolina 343, 0.25 mile north of junction with U.S. 158 and U.S. 168.

Craven County

New Bern, *Attmore-Oliver House*, 513 Broad Street.
New Bern, *Central Elementary School*, 311–313 New Street and 517 Hancock Street.
New Bern, *Coor-Gaston House*, 421 Craven Street.
New Bern, *First Presbyterian Church and Churchyard*, New Street between Middle and Hancock Streets.
New Bern, *Simpson-Oaksmith-Patterson House*, 226 East Front Street.

Cumberland County

Fayetteville, *Nimocks House*, 225 Dick Street.

Durham County

Bahama vicinity, *Hardscrabble*, southwest of Bahama on Route 1003, 0.9 mile west of the junction with Route 1461.

Edgecombe County

Battleboro, *Old Town Plantation*, U.S. 97, 4.7 miles east of the junction with U.S. 301.

Gates County

Gatesville, *Elmwood Plantation*, 0.6 mile north of the junction of Route 1400 and North Carolina 37.

Jones County

Trenton, *Grace Episcopal Church*, Lake View Drive and Weber Street.

Mecklenburg County

Huntersville, *Cedar Grove*, Route 2136, 0.8 mile northeast of junction with Route 2131.

Orange County

Chapel Hill, *Chapel of the Cross*, 304 East Franklin Street.

Pasquotank County

South Mills, *Morgan House*, 4.1 miles north of the junction of Route 1333 and U.S. 17.

Pender County

Vista, *Sloop Point*, off Route 1561, 2.4 miles from the junction with U.S. 17.

Perquimans County

Bethel Vicinity, *Myers-White House*, northeast of Bethel on Route 1347, 0.7 mile east of the junction with Route 1339.

Randolph County

Flint Hill Vicinity, *Skeen's Mill Covered Bridge*, Southwest of Flint Hill, 1.7 miles west on Route 1406 from the junction with Route 1408.
Pisgah, *Pisgah Community Covered Bridge*, Route 1109, 0.5 mile south of the junction with Route 1112.

Rowan County

Rockwell vicinity, *Grace Evangelical and Reformed Church*, south of Rockwell near the intersection of Routes 1221 and 2335.
Salisbury, *Henderson, Archibald, Law Office*, corner of Church and Fisher Streets.
Salisbury, *McNeely-Strachan House*, 226 South Jackson Street.
Salisbury, *Maxwell Chambers House*, 116 South Jackson Street.
Salisbury, *Zion Lutheran Church*, Route 1006, 0.5 mile from the junction with Route 1221.
Spencer, *Long, Alexander, House*, Sowers Ferry Road.

Wake County

Raleigh, *Andrews-Duncan House*, 407 North Blount Street.
Raleigh, *Hawkins-Hartness House*, 310 North Blount Street.
Raleigh, *Heck-Andrews House*, 309 North Blount Street.

Watauga County

Valle Crucis vicinity, *Mast Farm*, on Route 1112, 0.4 mile east of the junction with Route 1135.

Wilkes County

Purlear vicinity, *Cleveland, Robert, Log House*, on Route 1300, 0.2 mile northwest of the junction with Route 1317.

PENNSYLVANIA

Philadelphia County

Philadelphia, *The Athenaeum of Philadelphia*, 219 South Sixth Street.
Philadelphia, *Fairmount Park*, extends along both banks of the Schuylkill River and Wissahickon Creek, from the Art Museum at Spring Garden Street to Northwestern Avenue.
Philadelphia, *Ivy Lodge*, 29 East Penn Street.
Philadelphia, *Metropolitan Opera House*, 858 North Broad Street.

RHODE ISLAND

Newport County

Newport, *Cook, Clark, House*, 285 Thames Street.
Newport, *House*, 319 Thames Street.
Newport, *Newport Steam Factory*, 449 Thames Street.
Newport, *Sayer Building*, 281–283 Thames Street.
Newport, *Tillinghast, Charles, House*, 243–245 Thames Street.

Providence County

Providence, *Arnold-Palmer House*, 33 Chestnut Street.
Smithfield, *Allenville Mill*, 5 Esmond Street.

TENNESSEE

Clairborne County

Tazewell, *Parkey House*, Main Street.

Davidson County

Nashville, *J. S. Reeves and Co. Building*, 208–210 Public Square.

TEXAS

Bexar County

San Antonio, *King William Historic District*.
San Antonio, *La Villita Historic District*, bounded by Durango, Navarro, Alamo Streets and the San Antonio River.

Washington County

Chappell Hill, *Browning House*, 0.6 mile south of U.S. 290 and F.M. 1155 intersection.

WISCONSIN

Brown County

Green Bay, *East Moravian Church*, 512 Moravian Street.

Columbia County

Portage, *Old Indian Agency House*, northeast end of Old Agency House Road near northeast corporate limits of Portage.

Crawford County

Prairie du Chien, *Rolette House*, northeast corner of North Water and Fisher Streets.

Iowa County

Dodgeville, *Iowa County Courthouse*, northwest corner of Iowa and Chapel Streets.

Rock County

Milton, *Milton House*, 18 South Janesville Street.

ROBERT M. UTLEY,
Acting Director, Office of Archeology and Historic Preservation.

[FR Doc.72-3478 Filed 3-6-72;8:51 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[Marketing Agreement 146]

1971 CROP PEANUTS

Indemnification

Pursuant to the provisions of section 36 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 F.R. 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information, it is hereby found that the amendment hereinafter set forth to the Terms and Conditions of Indemnification Applicable to 1971 Crop Peanuts (36 F.R. 12632) will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement.

Amendment of the terms and conditions is necessary to permit indemnification of handlers sustaining losses due to rejections not recognized in the original issuance. Such losses arise from situations where analysis of the product made from a lot of peanuts is unwholesome due to aflatoxin. As a consequence, the manufacturer withholds the product (including any portion thereof returned to the manufacturer) from the market and, to cover his loss, rejects the handler invoice on the peanuts and claims reimbursement. This causes a loss to the handler which should be indemnified.

Therefore, after the present seventh paragraph of the Terms and Conditions of Indemnification Applicable to 1971 Crop Peanuts there is added the following paragraph:

Claims for indemnification on 1971 crop peanuts may be filed by any handler sustaining a loss as result of a buyer withholding from human consumption a portion or all the product made from a lot of peanuts which has been determined to be unwholesome due to aflatoxin. The Committee shall pay, to the extent of the raw peanut equivalent value of the peanuts used in the product so withheld, such claims as it determines to be valid.

This amendment should be issued as soon as possible so as to implement and effectuate the provisions of the marketing agreement dealing with indemnification, and no useful purpose will be served by any postponement thereof. Marketing of the 1971 peanut crop is partly completed and one handler is involved in a claim of the type covered by the amendment. Hence, this amendment should be effective as soon as possible, i.e., on the effective date specified herein. Handlers of peanuts who will be affected by such amendment have signed the marketing agreement authorizing the issuance of such terms and conditions.

The foregoing amendment is hereby approved, issued and is to become effective this 1st day of March 1972.

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

[FR Doc.72-3401 Filed 3-6-72;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

FIJI

Notice of Finding Regarding Foreign Social Insurance or Pension System

Section 202(t)(1) of the Social Security Act (42 U.S.C. 402(t)(1)) prohibits payment of monthly benefits to aliens, subject to the exceptions described in sections 202(t)(2) through 202(t)(5) of the Social Security Act (42 U.S.C. 402(t)(2) through 402(t)(5)), for any month after they have been outside the United States for 6 consecutive calendar months.

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) provides that section 202(t)(1) shall not apply to any individual who is a citizen of a foreign country which the Secretary of Health, Education, and Welfare finds has in effect a social insurance or pension system which is of general application in such country and under which (A) periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death, and (B) individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in the Commissioner of Social Security by the Secretary of Health, Education, and Welfare, and redelegated to him, the Director of the Bureau of Retirement and Survivors Insurance has approved a finding that Fiji does not have a social insurance or pension system which pays periodic benefits, or the actuarial equivalent thereof, on account of old age, retirement, or death.

Accordingly, it is hereby determined and found that Fiji does not have in effect a social insurance or pension system which meets the requirements of section 202(t)(2)(A) of the Social Security Act (42 U.S.C. 402(t)(2)(A)).

Subparagraphs (A) and (B) of section 202(t)(4) of the Social Security Act (42 U.S.C. 402(t)(4) (A) and (B)) provide that section 202(t)(1) shall not be applicable to benefits payable on the earnings record of an individual who has 40 quarters of coverage under social security or who has resided in the United States for a period or periods aggregating 10 years or more. However, the provisions of subparagraphs (A) and (B) of section 202(t)(4) shall not apply to an individual who is a citizen of a foreign country that has in effect a social insurance or pension system which is of general application in such country and which satisfies the provisions of subparagraph (A) of section 202(t)(2) but not the provisions of subparagraph (B) of section 202(t)(2).

By virtue of the finding herein, the limitation on payment of monthly benefits to aliens included in section 202(t)(1) does not apply to citizens of Fiji receiving benefits on the earnings records of individuals who have 40 quarters of coverage under social security or who have resided in the United States for a period or periods aggregating 10 years or more.

Dated: February 28, 1972.

HUGH F. MCKENNA,
Director, Bureau of Retirement and Survivors Insurance.

[FR Doc.72-3420 Filed 3-6-72;8:49 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-358]

CINCINNATI GAS & ELECTRIC CO. ET AL.

Notice of Hearing on Application for Construction Permit

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held, at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Cincinnati Gas & Electric Co., Columbus & Southern Ohio Electric Co., and Dayton Power & Light Co. (the applicants), for a construction permit for a boiling water nuclear reactor designated as the William H. Zimmer Nuclear Power Station, which is designed for initial operation at approximately 2,436 thermal megawatts with a net electrical output of approximately 810 megawatts. The proposed facility is to be located at the applicants' site 24 miles southeast of Cincinnati on the Ohio side of the Ohio River and about one-half mile north of Moscow, Ohio. The hearing will be held in the vicinity of the site of the proposed facility.

The Board will be designated by the Atomic Energy Commission (Commission). Notice as to its membership will be published in the FEDERAL REGISTER.

The date and place of a prehearing conference will be set by the Board. The date and place of the hearing will be set at or after the prehearing conference. In setting these dates due regard will be had for the convenience and necessity of the parties or their representatives, as well as of the Board members. Notices of the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

Upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review, the Director of Regulation will consider making affirmative findings on Items 1-3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of a construction permit to the applicant.

Issues pursuant to the Atomic Energy Act of 1954, as amended:

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicant has described the proposed design of the facility including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facility;

3. Whether the applicant is financially qualified to design and construct the proposed facility; and

4. Whether the issuance of a permit for construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

Issue pursuant to National Environmental Policy Act of 1969 (NEPA):

5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permit should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n) of the Commission's rules of practice, the Board will (1) without conducting a de novo review of the application, consider the issues of whether the application and the record of the proceeding contain sufficient information, and the review of the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation on Items 1–4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the construction permit proposed to be issued by the Director of Regulation; and (2) determine whether the environmental review conducted by the Commission's regulatory staff pursuant to Appendix D of 10 CFR Part 50 has been adequate.

In the event that this proceeding becomes a contested proceeding, the Board will decide any matters in controversy among the parties and consider and initially decide, as issues in this proceeding, Items 1–5 above as a basis for determining whether the construction permit should be issued to the applicant.

With respect to the Commission's responsibilities under NEPA and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, (1) determine whether the requirements of section 102(2) (C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permit should be granted, denied, or appropriately conditioned to protect environmental values.

As they become available, the application, the proposed construction permit, the applicant's summary of the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS), the Safety Evaluation by the Commission's regulatory staff, the applicant's Environmental Report, the Detailed Statement on Environmental Considerations, and the transcripts of the prehearing conference and of the hearing, will be placed in the Commission's Public Document Room 1717 H Street NW., Washington, DC., where they will be available for inspection by members of the public. Copies of those documents will also be made available at the Clermont County Library, Third and Broadway Streets, Batavia, Ohio 45103, for inspection by members of the public during business hours. Copies of the proposed construction permits, the ACRS report, the regulatory staff's Safety Evaluation and the Detailed Statement on Environmental Considerations may be obtained, when available, by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of 10 CFR 2.714 of the Commission's rules of practice, must be received in the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street NW., Washington, DC, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating only to matters outside the Commission's jurisdiction will be denied. A petition for leave to intervene which is not timely will be denied unless, in accordance with 10 CFR 2.714, the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding and has all the rights of the applicant and regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, purusant to the provisions of 10 CFR 2.705 of the Commission's rules of practice, must be filed by the applicant not later than twenty (20) days from the date of publication of this notice in the FEDERAL REGISTER. Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and 20 conformed copies of each such paper with the Commission.

With respect to this proceeding, the Commission has delegated to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission has established the Appeal Board pursuant to 10 CFR 2.785 of the Commission's rules of practice, and has made the delegation pursuant to paragraph (a) (1) of that section. The Appeal Board is composed of Algie A. Wells, Esq., and Dr. John Buck, with a third member to be designated by the Commission.

A "Notice of Receipt of Application for Construction Permit and Operating License; Time for Submission of Views on Antitrust Matters" was published in the FEDERAL REGISTER on May 21 and 28, and June 4 and 11, 1971. The notice afforded an opportunity for any person wishing to have his views on the antitrust aspects of the application presented to the Attorney General for consideration to submit such views to the

Commission within 60 days after May 21, 1971.

Dated at Germantown, Md., this 3d day of March 1972.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. McCOOL,
Secretary of the Commission.

[FR Doc.72-3481 Filed 3-6-72;8:51 am]

[Docket No. 50-293]

BOSTON EDISON CO.

Notice of Availability of AEC Draft Detailed Statement on Environmental Considerations for the Pilgrim Nuclear Power Station

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Atomic Energy Commission (the Commission) in 10 CFR Part 50 Appendix D, notice is hereby given that a Draft Detailed Statement on the environmental considerations related to the proposed issuance of an operating license to the Boston Edison Co. for the Pilgrim Nuclear Power Station located on the company's site on the western shore of Cape Cod Bay in the town of Plymouth, Mass., has been prepared and has been made available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Plymouth Public Library, North Street, Plymouth, Mass. 02360. The Draft Detailed Statement is also being made available to the public at the Office of Planning and Programming Coordination, 209 Leverett Saltonstall Building, 100 Cambridge Street, Boston, MA 02202, and at the Southeastern Massachusetts Regional Planning and Economic Development District, 68 Winthrop Street, Taunton, MA 02780.

A notice was publised in the FEDERAL REGISTER on January 19, 1972 (37 F.R. 820) concerning the availability of the Boston Edison Co.'s Environmental Report Supplements dated November 8, 1971. These reports have been analyzed by the Commission's Division of Radiological and Environmental Protection in the preparation of the Draft Detailed Statement.

Copies of the Commission's Draft Detailed Statement on the environmental considerations may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection.

Pursuant to sections A.6, A.7, and D of Appendix D to 10 CFR Part 50, interested persons may, within thirty (30) days from date of publication of this notice in the FEDERAL REGISTER, submit comments for the Commission's consideration on the Draft Detailed Statement. Federal and State agencies are being provided with copies of the Draft Detailed Statement (local agencies may obtain this document on request), and when comments thereon of the Federal, State, and local officials are received, they will be made available for public inspection at the above-designated locations. Comments on the Draft Detailed Statement on environmental considerations from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection.

Dated at Bethesda, Md., this 29th day of February 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc.72-3364 Filed 3-6-72;8:45 am]

[Docket No. 50-270]

DUKE POWER CO.

Order Extending Provisional Construction Permit Completion Date

By application dated January 25, 1972, Duke Power Co. requested an extension of the latest completion date specified in Provisional Construction Permit No. CPPR-34. The permit authorizes the construction of a pressurized water nuclear reactor designated as the Oconee Nuclear Station Unit 2 at the applicant's site in Oconee County, S.C., approximately 8 miles northeast of Seneca, S.C.

Good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55(b) of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered*, That the latest completion date specified in Provisional Construction Permit No. CPPR-34 is extended from February 28, 1972, to February 28, 1973.

Date of issuance: March 1, 1972.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.72-3392 Filed 3-6-72;8:47 am]

[Docket No. 50-366]

GEORGIA POWER CO.

Determination To Grant Exemption From Licensing for Certain Construction Activities at Edwin I. Hatch Nuclear Plantsite

Pursuant to the provisions of 10 CFR 50.12 of the Atomic Energy Commission's (Commission) regulations, the Commission has granted an exemption from the requirements of 10 CFR 50.10(b) to the Georgia Power Co. (the applicant) for certain additional construction activities involving Unit 2 of its Edwin I. Hatch Nuclear Plant prior to the issuance of construction permits and the completion of the National Environmental Policy Act of 1969 (NEPA) environmental review.

In an application dated July 24, 1970, the applicant applied for permits to construct a boiling water nuclear power reactor designated as the Edwin I. Hatch Nuclear Plant Unit 2 (facility), at the applicant's site in Appling County, Ga.

In a letter dated July 1, 1971, and supplemented by letters of August 2 and 6, 1971, the applicant requested an exemption from the provisions of 10 CFR 50.10 (b) that would allow the performance of certain construction work prior to the issuance of a construction permit. In addition, the applicant provided information pertaining to the environmental impact of the requested exemption in a document entitled "Statement of Reasons Why Exemption Should be Granted to Allow Certain Activities Prior to Issuance of a Construction Permit at Georgia Power Co. Edwin I. Hatch Nuclear Plant Unit No. 2" dated December 28, 1971.

On the basis of our review of the information provided by the applicant in support of the request for an exemption and after consideration and balancing of the environmental factors specified in the proposed revision to 10 CFR 50.12 published in the FEDERAL REGISTER on December 1, 1971 (36 F.R. 22848), it has been determined that the requested exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest and should be authorized.

The basis for granting this exemption prior to the completion of the ongoing NEPA review of these facilities is set forth in a document entitled "Discussion and Findings by the Division of Reactor Licensing, U.S. Atomic Energy Commission, Relating to a Request for an Exemption from Licensing for Certain Construction Activities at the Edwin I. Hatch Nuclear Plant Unit 2, Prior to the Completion of the NEPA Environmental Review, AEC Docket No. 50-366," dated February 16, 1972.

The applicant's letters of July 1, August 2, and August 6, 1971, and the "Statement of Reasons" of December 28, 1971, relating to this request for an exemption, a letter from the Director, Division of Reactor Licensing to the applicant dated February 29, 1972, granting the exemption, and the "Discussion and Findings" referred to above, are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Appling County Public Library, Parker Street, Baxley, Ga. Copies of the "Discussion and Findings" document may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 29th day of February 1972.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.72-3365 Filed 3-6-72;8:45 am]

[Docket No. 40-8027]

KERR-McGEE CORP.

Determination Not To Suspend Operations Pending Completion of NEPA Environmental Review

In the matter of Kerr-McGee Corp., Sequoyah Uranium Hexafluoride Production Plant, Gore, Okla., Docket No. 40-8027, License No. SUB-1010.

Kerr-McGee Corp., Kerr-McGee Building, Oklahoma City, Okla. 73102, holds License No. SUB-1010, issued by the Atomic Energy Commission on February 20, 1970. The license authorizes the licensee to operate a plant for producing uranium hexafluoride (UF_6) from uranium concentrates (U_3O_8). The plant is located in a rural area approximately 2 miles southeast of Gore, Okla., and 4 miles west of Vian, Okla. The facility is designed to produce 5,000 tons of uranium hexafluoride per year.

In accordance with section E.3 of the Commission's regulations implementing the National Environmental Policy Act of 1969 (NEPA), Appenedix D of 10 CFR Part 50, the licensee has furnished to the Commission a written statement of reasons, with supporting factual submission, why the license should not be suspended, in whole or in part, pending completion of the NEPA environmental review. This statement of reasons was furnished to the Commission on October 20, 1971, and supplemented by information furnished the Commission on November 15, 1971, January 25, 1972, and February 3, 1972. The Director of Regulation has considered the licensee's submission in the light of the criteria set out in section E.2 of Appendix D, and has determined, after considering and balancing the criteria in section E.2 of Appendix D, that operations at the Sequoyah Uranium Hexafluoride Plant authorized pursuant to License No. SUB-1010 should not be suspended pending completion of the NEPA environmental review.

Further details of this determination are set forth in a document entitled "Discussion and Findings by the Division of Materials Licensing, U.S. Atomic Energy Commission, Relating to Consideration of Suspension Pending NEPA Environmental Review of the Operating License for the Sequoyah Uranium Hexafluoride Plant, AEC Docket No. 40-8027, February 9, 1972."

The determination herein and the discussion and findings hereinabove referred to do not preclude the Commission, as a result of its ongoing environmental review, from continuing, modifying, or terminating the license or from appropriately amending the license to protect environmental values.

Any person whose interest may be affected by this proceeding, other than the licensee, may file a request for a hearing within thirty (30) days after publication of this determination in the FEDERAL REGISTER. Such a request shall set forth the matters, with reference to the factors set out in section E.2 of Appendix D, alleged to warrant a determination other than that made by the Director of Regulation and shall set forth the factual basis for the request. If the Commission determines that the matters stated in such a request warrant a hearing, a notice of hearing will be published in the FEDERAL REGISTER.

The licensee's statement of reasons, furnished pursuant to section E.3 of Appendix D, as to why the license should not be suspended pending completion of the NEPA environmental review, and the document entitled "Discussion and Findings by the Division of Materials Licensing, U.S. Atomic Energy Commission, Relating to Consideration of Suspension Pending NEPA Environmental Review of the Operating License for the Kerr-McGee Sequoyah Uranium Hexafluoride Plant, AEC Docket No. 40-8027, February 9, 1972," are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Sallisaw City Library, 111 North Elm, Sallisaw, OK 74955. Copies of the "Discussion and Findings * * *" document may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Materials Licensing.

Dated at Bethesda, Md., this 29th day of February 1972.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.72-3393 Filed 3-6-72;8:47 am]

[Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP. ET AL.

Order Extending Provisional Construction Permit Completion Date

By application dated January 28, 1972, Wisconsin Public Service Corp., Wisconsin Power & Light Co., and Madison Gas and Electric Co. requested an extension of the latest completion date specified in Provisional Construction Permit No. CPPR-50. The permit authorizes the construction of a pressurized water nuclear reactor designated as the Kewaunee Nuclear Power Plant at the applicant's site in the town of Carlton, Kewaunee County, Wis.

Good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55(b) of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered*, That the latest completion date specified in Provisional Construction Permit No. CPPR-50 is extended from March 1, 1972 to December 31, 1972.

Date of issuance: February 29, 1972.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[FR Doc.72-3396 Filed 3-6-72;8:47 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23941]

AIR HAITI, S.A.

Notice of Prehearing Conference and Hearing

Application for amendment of foreign air carrier permit to authorize New York service.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 22, 1972, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Joseph L. Fitzmaurice.

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 March 17, 1972.

Dated at Washington, D.C., March 1, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-3422 Filed 3-6-72;8:51 am]

[Docket No. 23708]

AIR WEST TACOMA DELETION CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 29, 1972, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Merritt Ruhlen.

In order to facilitate the conduct of the conference parties are instructed to submit to the Examiner and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before March 15, 1972, and the other parties on or before March 22, 1972. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights.

Dated at Washington, D.C., March 2, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-3424 Filed 3-6-72;8:51 am]

[Docket No. 24024]

PIAIR LTD.

Notice of Postponement of Hearing Regarding Foreign Air Carrier Permit

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding has been postponed from March 8, 1972 (37

F.R. 2462, February 1, 1972), to April 10, 1972, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC before the undersigned.

Dated at Washington, D.C., February 28, 1972.

[SEAL] HENRY WHITEHOUSE,
Hearing Examiner.

[FR Doc.72-3423 Filed 3-6-72;8:51 am]

[Docket No. 24245; Order 72-3-2]

WORLD AIRWAYS, INC.

Order Granting Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of March 1972.

On February 24, 1972, World Airways, Inc., filed an application seeking exemption from section 403 of the Act in order to transport passengers and cargo between Honolulu, Hawaii, and Wake Island from February 29, 1972, to June 30, 1972, under contract to the Federal Aviation Administration. The contract is for a minimum of seven round-trip flights at $9,645 for all-cargo flights and $10,979 for mixed passengers/cargo flights. The contract also provides for a ferry charge of $10,692 between Oakland, Calif., and Honolulu. World filed a supplement to the application on February 28, 1972, specifying certain cost information.

In support of its application, World submits that the contracted service is a unique operation that does not lend itself to the normal tariff provisions because the FAA will furnish many services that normally would be supplied by the carrier; that on the basis of its current costs a profit will be produced and contribute to its other operations; and that it therefore would be in the public interest to grant the application. World further alleges that enforcement of section 403 would not be in the public interest due to the limited duration and scope of the contracted service; and that it is authorized to state the president of Air Micronesia, the only air carrier now providing service between the Hawaiian Islands and Wake Island, has no objection to the grant of this exemption for the period through June 30, 1972.

The Board has determined to grant the application. The contracted rates do not appear unreasonable in light of the fact that the FAA will furnish fuel and food, and will also pay landing fees and for conversion of the aircraft's configuration. In view of this, and the unique nature and limited duration of the contracted services, the Board finds that the enforcement of section 403 of the Act would be an undue burden on World and would not be in the public interest.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly section 416(b) thereof,

It is ordered, That:

World Airways, Inc., is hereby exempted from section 403 of the Act and Part 221 of the economic regulations insofar as necessary to permit it to provide the transportation described in its application in Docket 24245.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc.72-3421 Filed 3-6-72;8:49 am]

ENVIRONMENTAL PROTECTION AGENCY

2,4-DICHLOROPHENYL *p*-NITROPHENYL ETHER

Notice of Extension of Temporary Tolerances

Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, was granted temporary tolerances for residues of the herbicide 2,4-dichlorophenyl *p*-nitrophenyl ether in or on rice straw at 0.5 part per million and rice at 0.1 part per million on May 20, 1968 (notice was published in the FEDERAL REGISTER of May 28, 1968 (33 F.R. 7775)). At the request of the firm, the temporary tolerances were extended to May 20, 1970 (notice was published in the FEDERAL REGISTER of May 2, 1969 (34 F.R. 7252)), and a renewal was granted to March 18, 1972 (notice was published in the FEDERAL REGISTER of March 24, 1971 (36 F.R. 5531)).

The firm has requested a 1-year extension of the renewal to obtain additional efficacy data. It is concluded that such extension will protect the public health. A condition under which the temporary tolerances are extended is that the herbicide will be used in accordance with the temporary permits which are being issued concurrently by the Environmental Protection Agency and which provide for distribution under the Rohm and Haas Co. name.

As extended these temporary tolerances expire March 18, 1973.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: March 1, 1972.

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

[FR Doc.72-3427 Filed 3-6-72;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19168-19170; FCC 72-149]

COWLES FLORIDA BROADCASTING, INC., ET AL.

Redesignation Order Redesignating Applications for Hearing on Stated Issues

In regard applications of Cowles Florida Broadcasting, Inc. (WESH-TV), Daytona Beach, Fla., Docket No. 19168, File No. BRCT-354, for renewal of license; Cowles Florida Broadcasting, Inc. (WESH-TV), Daytona Beach, Fla., Docket No. 19169, File No. BPCT-4158, for modification of authorized facilities; Central Florida Enterprises, Inc., Daytona Beach, Fla., Docket No. 19170, File No. BPCT-4346, for a construction permit.

1. The Commission has under consideration: (1) An order of the U.S. Court of Appeals for the District of Columbia Circuit (adopted January 21, 1972, in Cases Nos. 24,471 and 24,491) directing the Commission to comply with the mandate of that court in "Citizens Communications Center, et al. v. F.C.C.", 447 F. 2d 1201 (1971), "* * * forthwith by redesignating the Hampton Roads case for hearing," and (2) our order adopted this date, complying with the Court of Appeals' mandate by redesignating for hearing the Hampton Roads proceeding.

2. The above-captioned applications were originally designated for hearing by our order (FCC 71-237, 36 F.R. 4901, released March 10, 1971) as subsequently amended (FCC 71-823, 36 F.R. 16706, released August 20, 1971). The issues upon which the applications are to be heard, the reasons their designation, and the matters of fact and law involved have been adequately set forth in prior orders and are hereby incorporated by reference. In conformity with our action in the Hampton Roads proceeding, we shall redesignate the above applications for hearing on the issues heretofore specified for determination in this proceeding.

3. Since the existing participants in this case have already filed with the Commission written notices of appearance, pursuant to § 1.221 of the rules, we deem the filing of additional notices to be unnecessary. Moreover, to insure fair and equitable treatment of all parties, we believe that each applicant herein should be allowed a period of thirty (30) days from the date of release of this order within which to amend its application as

a matter of right subject to the limitations of § 1.522(a) of the rules.[1]

4. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Cowles Florida Broadcasting, Inc., and Central Florida Enterprises, Inc., are redesignated for hearing in a consolidated proceeding upon the issues heretofore specified for determination and hereby incorporated by reference.

5. *It is further ordered,* That the Hearing Examiner and, where appropriate, the Review Board are directed to take any further steps necessary to conform the conduct of the proceeding to this order.

6. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

7. *It is further ordered,* That the above-captioned applicants may amend their applications as a matter of right subject to the limitations of § 1.522(a) of the rules within a period of time ending thirty (30) days from the release date of this order.

Adopted: February 16, 1972.

Released: February 24, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-3413 Filed 3-6-72;8:49 am]

[FCC 72-183]

STATIONS WTVJ, MIAMI, FLA., AND KHOU-TV, HOUSTON, TEX.

Memorandum Opinion and Order Regarding "Prime Time" Waiver

In the matter of requests for one-time waiver of the "prime time access rule", § 73.658(k) of the Commission rules, by Stations WTVJ, Miami, Fla., and KHOU-TV, Houston, Tex.

1. The Commission here considers two "one-time" requests for waiver of the prime time access rule, § 73.658(k) of the Commission's rules, which in general limits stations in the top 50 markets (including Miami and Houston) to no more than 3 hours of network programs per night during their prime hours. The requests are by the licensees of Stations "WTVJ," Miami, and "KHOU-TV," Houston (respectively Wometco Enterprises, Inc., and Gulf Television Corp.). Both requests are occasioned by the fact that the network (CBS in both cases) will carry special material on two evenings in late February, instead of two usual network programs, and the stations wish to handle these somewhat differently from their presentation of the usual network program scheduled at the time involved. Neither station would, with the waiver, exceed the 21 hours in 7 days which would be permitted under the rule if it were applied on a weekly basis.

2. The WTVJ request is almost identical with one submitted last fall concerning October dates, which we granted on October 14, 1971 (FCC 71-1074), but indicated that it was granted only because of the imminence of the date involved and that similar waiver would not be granted in the future. WTVJ regularly carriers a "National Geographic" syndicated series of hour-long programs from 7 to 8 p.m. on Mondays. The following day, Tuesday, it carries at the same hour the regular CBS "Glen Campbell Hour," delayed from the previous Tuesday. On Tuesday, February 22, CBS will not present its regular Glen Campbell program, but instead will present a 1-hour program in a new "National Geographic" series: If WTVJ followed its usual practice, it would present this at 7 p.m. the following Tuesday, February 29. However, it does not wish to do this, but instead wants to treat this CBS program as part of its regular National Geographic series, presenting it on Monday, February 28 at 7 p.m., instead of using one of its regular syndicated programs of this material. Since the CBS program of course, originated on the network, and since on Mondays WTJV presents the regular CBS 3 hours from 8 to 11, this would mean 4 hours of network programs that evening, requiring a waiver. WTVJ states that it wants to give the maximum support to its syndicated series, and therefore does not want to present the same type of material on two successive nights, which would be the case if it followed its usual practice, and which could lead to viewer confusion. Therefore, it seeks a waiver to present 4 hours of network material on Monday, February 28. This would be compensated by presentation of less, only 1 hour, on Tuesday, with the usual WTVJ Glen Campbell period being filled with a syndicated variety program, more like the usual Glen Campbell material.

3. The KHOU-TV request represents the following circumstances: KHOU-TV normally preempts the 90-minute CBS Friday night movie for a local feature film, and carries the CBS movie on Sunday evenings after prime time, 11 p.m.-12:30 a.m., c.t. However, on Friday, February 25, CBS, instead of its regular movie, will present the Thomas Wolfe dramatic classic "Look Homeward Angel." KHOU-TV plans to delay this until Sunday, in accordance with its usual practice, but in view of the program's special merit and educational value, it wants to carry it at "an earlier and more desirable time period", Sunday, from 9:30 to 11 instead of 11 to 12:30. Thus, it requests waiver to present 3½ hours of network material on Sunday, February 27, which of course would be compensated by the fact that it will present only 1 hour on Friday, February 25.

4. It appears that in both of these cases waiver is warranted, taking into account the "one time" nature of these situations, the special character of the network programs which prompts the requests, and the fact that, in both cases, there appears to be public-interest considerations in favor of the arrangement proposed if waiver is granted. It does not appear that the availability of prime time to nonnetwork sources—one of the important objectives of the rule—will be substantially impaired. Accordingly, both of the requests are granted.

5. In view of the foregoing: *It is ordered,* That: the provisions of § 73.658(k) of the Commission's rules, the "prime time access rule", are waived, to permit Station WTVJ, Miami, Fla., to carry up to 4 hours of network programing on Monday, February 28, 1972, and Station KHOU-TV, Houston, Tex., to present up to 3½ hours of network programing on Sunday, February 27: *Provided,* That in both cases the total network programing presented during prime time on these dates and the other evening involved for each station (Tuesday, February 29 for WTVJ and Friday, February 25 for KHOU-TV) shall not exceed 6 hours.

Adopted: February 23, 1972.

Released: February 24, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-3412 Filed 3-6-72;8:49 am]

[Docket No. 18559, etc., FCC 72-143]

UNITED TELEVISION CO., INC., ET AL.

Redesignation Order Redesignating Applications for Hearing on Stated Issues

In regard applications of United Television Co., Inc. (WFAN-TV), Washington, D.C., Docket No. 18559, File No. BRCT-585, for renewal of license; United Television Co., Inc. (WFAN-TV), Washington, D.C., Docket No. 18561, File No. BPCT-3917, for construction permit; United Broadcasting Co., Inc. (WOOK), Washington, D.C., Docket No. 18562, File No. BR-1104, for renewal of license; Washington Community Broadcasting Co., Washington, D.C., Docket No. 18563, File No. BP-17416, for construction permit for new standard broadcast station.

1. The Commission has under consideration: (1) An order of the U.S. Court

[1] In view of our action herein, we believe that it would be appropriate for each of the parties to give earnest consideration to the question of the acceptability of those aspects of the record already completed in this proceeding. Thus, the parties will be accorded 45 days following the release of this order within which to attempt to reach a stipulation concerning the validity of those portions of the existing record which may be admitted into evidence in the ensuing proceeding in this case.

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

[1] Commissioners Robert T. Bartley and Nicholas Johnson dissenting. Commissioner H. Rex Lee absent.

of Appeals for the District of Columbia Circuit (adopted January 21, 1972, in Cases Nos. 24,471 and 24,491) directing the Commission to comply with the mandate of that court in "Citizens Communications Center, et al. v. F.C.C.," 447 F 2d 1201 (1971), "* * * forthwith by redesignating the Hampton Roads case for hearing," and (2) our order, adopted this date, complying with the Court of Appeals' mandate by redesignating for hearing the Hampton Roads proceeding.

2. The above-captioned applications were originally designated for hearing by our order (FCC 69-618, 18 FCC 2d 363, released June 13, 1969) as subsequently amended (FCC 71-816, 36 F.R. 16710, released August 20, 1971). The issues upon which the applications are to be heard, the reasons for their designation, and the matters of fact and law involved have been adequately set forth in prior orders and are hereby incorporated by reference. In conformity with our action in the Hampton Roads proceeding, we shall redesignate the above applications for hearing on the issues heretofore specified for determination in this proceeding.

3. Since the existing participants in this case have already filed with the Commission written notices of appearance, pursuant to § 1.221 of the rules, we deem the filing of additional notices to be unnecessary. Moreover, to insure fair and equitable treatment of all parties, we believe that each applicant herein should be allowed a period of thirty (30) days from the date of release of this order within which to amend its application as a matter of right subject to the limitations of § 1.522(a) of the rules.[1]

4. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of United Television Co., Inc., United Broadcasting Co., Inc., and Washington Community Broadcasting Co. are redesignated for hearing in a consolidated proceeding upon the issues heretofore specified for determination and hereby incorporated by reference.

5. *It is further ordered,* That the Hearing Examiner and, where appropriate, the Review Board are directed to take any further steps necessary to conform the conduct of the proceeding to this order.

6. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

7. *It is further ordered,* That the above-captioned applicants may amend their applications as a matter of right subject to the limitations of § 1.522(a) of the rules within a period of time ending thirty (30) days from the release date of this order.

Adopted: February 16, 1972.

Released: February 24, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-3411 Filed 3-6-72;8:49 am]

[1] In view of our action herein, we believe that it would be appropriate for each of the parties to give earnest consideration to the question of the acceptability of those aspects of the record already completed in this proceeding. Thus, the parties will be accorded 45 days following the release of this order within which to attempt to reach a stipulation concerning the validity of those portions of the existing record which may be admitted into evidence in the ensuing proceeding in this case.

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

FEDERAL MARITIME COMMISSION

INTERNATIONAL PASSENGER SHIP ASSOCIATION

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or 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 for approval by:

Mr. William J. Armstrong, Secretary, Caribbean Cruise Association, 17 Battery Place, Suite 631, New York, NY 10004.

Agreement No. 9856 between the parties identified hereafter, was originally filed as an agreement modifying Agreement No. 9823 (Caribbean Cruise Association). However, because of the extensive revisions being made, the broad jurisdiction of the proposed association, the change in the basic concept of operations, and the fact that we understand that upon approval of this proposed Agreement the Caribbean Cruise Association (Agreement No. 9823), the Atlantic Passenger Steamship Conference (Agreement No. 7840) and the Trans-Atlantic Passenger Steamship Conference (Agreement No. 120) will be terminated, it was decided to treat the proposed agreement as a new agreement which was assigned Federal Maritime Commission No. 9856.

Agreement No. 9856 includes the following:

1. Articles.
2. Subagency Appointment Agreement.
3. Regulations governing subagencies.

The Articles of the proposed agreement cover name, purpose and organization; jurisdiction; membership; fares and rates of commission; agencies; joint promotion and advertising; self-policing and compliance with law. Of particular interest, among other things, is the provision for the establishment of sections by member lines having a similarity of geographic operations or marketing and/or competitive conditions. The sections will be autonomous provided that any action taken by any section is not to be more liberal than the action taken by the association as a whole, except as agreed by the Principals' Forum. The jurisdiction of the association encompasses trans-Atlantic service and any other voyages operated by a member line, as defined therein, except those voyages which are wholly within the jurisdiction of the Trans-Pacific Passenger Conference.

The Subagency Appointment Agreement has been revised.

The regulations governing Subagencies have been revised and now include standards for appointment of Subagencies.

The parties to Agreement No. 9856 are:

Chandris America Lines, S.A. (Chandris America Lines, Inc., G.A.).
French Line (Compagnie Generale Transatlantique).
German Atlantic Line (Deutsche Atlantik Schiffahrts-Gesellschaft m.b.H. & Co.).
Hapag-Lloyd Aktiengesellschaft (North German Lloyd Passenger Agency, Inc., G.A.).
Holland America Line (N.V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij "Holland-Amerika Lijn").
Home Lines (Home Lines, Inc.).
Incres Line (Victoria Steamship Co., Ltd.).
Italian Line ("Italia" Societa per Azioni di Navigazione).
Norwegian America Line (Den Norske Amerikalinje A/S, Olso).
Paquet Lines—Nouvelle Compagnie de Paquebots.
Swedish American Line (Aktiebolaget Svenska Amerika Linien).

Dated: March 2, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-3418 Filed 3-6-72;8:49 am]

UNITED STEVEDORING CORP. AND BOSTON SHIPPING ASSOCIATION

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Leo F. Glynn, Esq., Glynn & Dempsey, 1 Boston Place, Boston, MA 02108.

In Docket No. 70-3, United Stevedoring Corp. v. Boston Shipping Association (BSA), the Commission found certain agreements between the members of BSA to be subject to section 15, Shipping Act, 1916, and ordered they be filed for Commission approval. In compliance with the Commission's order, BSA has filed the following documents which have been designated collectively as FMC Agreement No. T-2574.

1. Articles of Incorporation and bylaws of the BSA;

2. Understanding regarding the allocation of labor gangs among stevedores; and

3. A descriptive statement of the "first call-recall" system applicable to the utilization of the labor gangs.

Dated: March 2, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-3419 Filed 3-6-72;8:49 am]

FEDERAL POWER COMMISSION

[Docket No. E-7634]

COLUMBUS AND SOUTHERN OHIO ELECTRIC CO.

Notice of Application

MARCH 3, 1972.

Take notice that on June 3, 1971, Columbus and Southern Ohio Electric Co. (Columbus) filed an application pursuant to section 203 of the Federal Power Act for authority to lease certain electric facilities from Cincinnati Gas & Electric Co. (Cincinnati) and the Dayton Power and Light Co. The initial application was supplemented on September 20, 1971, by a joint application of all three abovementioned parties for the lease of facilities and was further supplemented by letter application of October 5, 1971.

All applicants are incorporated under the laws of the State of Ohio and are engaged in the electric utility business in the State of Ohio.

The facilities involved in the application consist of 13.2 miles of 345-kv. transmission line running from Columbus' Bixby substation to Columbus. Beatty substation and located a few miles south of the city of Columbus, Ohio. The line was built to transmit electric power and energy generated by a jointly owned facility of the three parties to the application, which station is now under construction and scheduled for service January 1, 1973. The line which was put into operation on June 21, 1971, is also jointly owned, in equal shares, by the three parties to the application.

According to the application, until the completion of the jointly owned generating station neither Dayton nor Cincinnati would have a use for the transmission line, however, Columbus can make use of the full capacity of the line in its operation prior to the activation of the generating station. The term of the lease is from June 21, 1971, to December 31, 1972.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 15, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-3479 Filed 3-6-72;8:51 am]

[Dockets Nos. RP69-27, RP70-19, RP70-40, RP71-1]

TRANSWESTERN PIPELINE CO.

Notice of Petition To Amend Stipulation and Agreement

MARCH 3, 1972.

Take notice that Transwestern Pipeline Co. (Transwestern), on February 4, 1972, filed a petition to amend the stipulation and agreement approved in these proceedings by the Commission's order issued November 24, 1970, in the above proceedings and modified by its order issued December 30, 1971.

The proposed amendment would extend from February 29, 1972, to December 31, 1972, the period of time during which Transwestern may track increases and decreases in its CDQ rates pursuant to Article III thereof, and similarly extend the period of time during which Transwestern shall make refunds under Article IV of said agreement. Transwestern states that increased rates of several of its suppliers will exceed $4,767,000 for the period between February 1, 1972 through and including December 31, 1972, and that unless the tracking provisions of its settlement agreement are extended, as proposed in the amendment thereto, Transwestern will be required to file a general rate increase in the near future.

Copies of this petition were served on all parties to these proceedings, all of Transwestern's jurisdictional customers and interested State commissions.

Answers or comments relating to the petition may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before March 15, 1972.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-3480 Filed 3-6-72;8:51 am]

[Docket No. RI72-182 etc.]

AMERADA HESS CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

FEBRUARY 23, 1972.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

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[1] Does not consolidate for hearing or dispose of the several matters herein.

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission,

[SEAL] KENNETH F. PLUMB,
Secretary.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI72-182	Amerada Hess Corp	148	4	Transwestern Pipeline Co. (Gomez Field, Pecos County, Tex.) (Permian Basin).	$8,737	1-24-72		3-26-72	[3] 16.8936	[3] 17.8678	RI69-93.
RI72-183	Koch Industries, Inc	2	9	El Paso Natural Gas Co. (acreage in San Juan County, N. Mex., San Juan Basin).	19,643	2- 2-72		8- 4-72	14.0	29.11	RI69-537.
	do	5	5	do	90,736	2- 2-72		8- 4-72	14.0	29.11	RI65-636.
	do	6	8	do	13,146	2- 1-72		8- 3-72	14.0	29.11	RI65-636.
	do	1	6	do	8,658	2- 1-72		8- 3-72	14.0	29.11	RI69-536.
RI72-184	Pubco Petroleum Corp	16	7	El Paso Natural Gas Co. (Aztec Pictured Cliffs Field, San Juan County, N. Mex., San Juan Basin).	330	2- 3-72		4- 5-72	13.2188	21.33	RI70-217.
	do	13	25	El Paso Natural Gas Co. (Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex., San Juan Basin).	51,098	2- 3-72		4- 5-72	15.2510	21.33	RI70-218.
	do	4	32	El Paso Natural Gas Co. (Pictured Cliffs Field, San Juan and Rio Arriba Counties, N. Mex., San Juan Basin).	69,245	2- 3-72		4- 5-72	13.2188	21.33	RI70-217.
	do	7	11	El Paso Natural Gas Co. (South Blanco Pictured Cliffs Field, Rio Arriba County, N. Mex., San Juan Basin).	2,000	2- 3-72		4- 5-72	13.2175	21.33	RI70-217.

*Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Applicable only to acreage covered by basic contract and Supplements Nos. 1-5 thereto.
[2] Not applicable to acreage added by Supplements Nos. 28, 29, and 30.
[3] The pressure base is 14.65 p.s.i.a.

The proposed increases involved here for sales to El Paso in San Juan Basin are based on a favored-nation clause which was allegedly activated by Aztec Oil & Gas Co.'s unilateral rate increase to 29.23 cents which became effective subject to refund in Docket No. RI71-744 on August 1, 1971. El Paso Natural Gas Co. is expected to protest these favored-nation increases, as they have previous filings, on the basis that they are not contractually authorized. In view of the contractual problem presented, the hearing herein shall concern itself with the contractual basis for these favored-nation filings as well as the justness and reasonableness of the proposed increased rates. Those proposed increases which exceed the corresponding rate filing limitations imposed in southern Louisiana of 21.33 cents per Mcf are suspended for 5 months. The proposed increases to 21.33 cents per Mcf do not exceed the corresponding rate filing limitations imposed in southern Louisiana and are suspended for 1 day since Pubco has waived its right to file for additional increases for a period of 1 year from the dates such increases were filed except in the event that the Commission determines higher rates to be acceptable or that the buyer and seller agree by negotiation to higher rates.

All of the producers' proposed rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

CERTIFICATION OF ABBREVIATED SUSPENSION

Pursuant to § 300.16(1)(3) of the Price Commission rules and regulations, 6 CFR Part 300 (1972), the Federal Power Commission certifies the abbreviated suspension period in this case as follows:

(1) This proceeding involves producer rates which are established on an area rather than company basis. This practice was established by Area Rate Proceeding, Docket No. AR61-1 et al., Opinion No. 468, 34 FPC 159 (1965), and affirmed by the Supreme Court in Permian Basin Area Rate Case, 390 U.S. 747 (1968). In such cases as this, producer rates are approved by this Commission if such rates are contractually authorized and are at or below the area ceiling.

(2) In the instant case, the requested increases in Rate Schedule Nos. 148, 13, 4, and 7 do not exceed the area ceiling.

(3) By Order No. 423 (36 F.R. 3464) issued February 18, 1971, this Commission determined as a matter of general policy that it would suspend for only 1 day a change in rate filed by an independent producer under section 4(d) of the Natural Gas Act (15 U.S.C. 717c(d)) in a situation where the Commission decides to suspend such rate change under section 4(e) of the Act (15 U.S.C. 717c(e)).

(4) In the discharge of our responsibilities under the Natural Gas Act, this Commission has been confronted with conclusive evidence demonstrating a natural gas shortage. (See Opinions Nos. 595, 598, and 607, and Order No. 435). The Commission is of the opinion in this case that the abbreviated suspension authorized herein will be consistent with the letter and intent of the Economic Stabilization Act of 1970, as amended, as well as the rules and regulations of the Price Commission, 6 CFR Part 300 (1972). Specifically, this Commission is of the opinion that the authorized suspension is required to assure continued, adequate and safe service and will assist in providing for necessary expansion to meet present and future requirements of natural gas.

[FR Doc.72-3257 Filed 3-6-72;8:45 am]

[Docket No. RI72-181]

MOBIL OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

FEBRUARY 23, 1972.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date

shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

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

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI72-181	Mobil Oil Corp	480	(1)(2)	Phillips Petroleum Co. (McElroy and Dune Fields, Crane and Upton Counties, Tex.) (Permian Basin Area).		1-27-72	3-29-72	[14] Accepted			
	do		[3] 1	do		1-27-72	3-29-72	[14] Accepted			
	do		[4] 2	do		1-27-72	3-29-72	[14] Accepted			
	do		[5] 3	do		1-27-72	3-29-72	[14] Accepted			
	do		[6] 4	do		1-27-72	3-29-72	[14] Accepted			
	do		[7] 5	do		1-27-72	3-29-72	[14] Accepted			
	do		[8] 6	do		1-27-72	3-29-72	[14] Accepted			
	do		[9] 7	do		1-27-72	3-29-72	[14] Accepted			
	do		[10] 8	do		1-27-72	3-29-72	[14] Accepted			
	do		9	do	[12]	1-27-72		3-29-72	[11]	[13] 20.98	

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Mobil proposes to continue percentage type sale under a fixed price arrangement.
[2] Contract also covers production from terminated contracts dated Apr. 20, 1951, Sept. 30, 1949, Feb. 1, 1954, Sept. 20, 1951, and Nov. 28, 1956, except as to term, pricing provisions and pressure base.
[3] List of producing properties covered under this filing.
[4] Amendment dated Aug. 14, 1962.
[5] Cancels contract dated Mar. 1, 1949.
[6] Cancels contract dated Apr. 20, 1951.
[7] Cancels contract dated Sept. 30, 1949.
[8] Cancels contract dated Feb. 1, 1954.
[9] Cancels contract dated Sept. 20, 1951.
[10] Cancels contract dated Nov. 28, 1956.
[11] No current fixed rate—Sale previously made under a percentage type arrangement.
[12] Not determinable due to prior percentage type arrangement.
[13] Unilateral rate increase.
[14] Accepted for filing to be effective Mar. 29, 1972.

Mobil Oil Corp. has submitted a unilateral rate increase to 20.98 cents per Mcf for sales oc casinghead gas to Phillips Petroleum Co. in the Permian Basin Area of Texas currently being made under six percentage type contracts which were terminated in accordance with the contract provisions effective August 1, 1971. Since the unilateral rate increase does not exceed the corresponding rate filing limitations imposed in southern Louisiana, the proposed increase is suspended until March 29, 1972 (61 days after filing).

Mobil's proposed rate and charge exceeds the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

CERTIFICATION OF ABBREVIATED SUSPENSION

Pursuant to § 300.16(i)(3) of the Price Commission rules and regulations, 6 CFR Part 300 (1972), the Federal Power Commission certifies the abbreviated suspension period in this case as follows:

(1) This proceeding involves producer rates which are established on an area rather than company basis. This practice was established by Area Rate Proceeding, Docket No. AR61-1 et al., Opinion No. 468, 34 FPC 159 (1965), and affirmed by the Supreme Court in Permian Basin Area Rate Case, 390 U.S. 747 (1968).

(2) In the discharge of our responsibilites under the Natural Gas Act, this Commission has been confronted with conclusive evidence demonstrating a natural gas shortage. (See Opinions Nos. 595, 598, and 607, and Order No. 435). The Commission is of the opinion in this case that the abbreviated suspension authorized herein will be consistent with the letter and intent of the Economic Stabilization Act of 1970, as amended, as well as the rules and regulations of the Price Commission, 6 CFR Part 300 (1972). Specifically, this Commission is of the opinion that the authorized suspension is required to assure continued, adequate and safe service and will assist in providing for necessary expansion to meet present and future requirements of natural gas.

[FR Doc.72-3258 Filed 3-6-72;8:45 am]

FEDERAL RESERVE SYSTEM

MERCANTILE BANCORPORATION INC.

Order Approving Acquisition of Bank

Mercantile Bancorporation Inc., St. Louis, Mo., 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 at least 90 percent of the voting shares of Franklin County Bank and Trust Co., Washington, Mo. (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, the largest banking organization and largest bank holding company in Missouri on the basis of deposits, has six subsidiary banks with aggregate deposits of $1.134 billion, representing 9.9 percent of total commercial bank deposits in the State. (All banking data are as of June 30, 1971, adjusted to reflect holding company acquisitions and formations approved by the Board through January 31, 1972.) Consummation of the proposal herein would increase applicant's share of commercial bank deposits in the State to 10.1 percent.

Bank ($18.2 million of deposits) is the second largest of seven banks operating in the Washington banking market, which is approximated by the northern half of Franklin County and the southeast corner of Warren County, and holds about 23.5 percent of the deposits in the market. Although Bank is one of the larger banks in the market, it is not dominant. The first and third largest banks in the market hold, respectively, 26.4 and 23.3 percent of deposits. Applicant's subsidiary closest to bank is located 40 miles northeast of Bank, and none of applicant's subsidiaries competes with Bank to any significant extent. Furthermore, in light of the facts of record, including the large number of banks in the area, Missouri's restrictive branching law, and the unattractiveness of Bank's service area for de novo entry, the development of potential competition appears unlikely. It appears, therefore, that no meaningful existing competition would be eliminated, nor significant potential competition foreclosed, by consummation of applicant's proposal, nor that there would be adverse effects on any bank in the area involved.

The financial and managerial resources and future prospects of applicant, its subsidiaries, and Bank are regarded as satisfactory and consistent with approval of the application. The major banking needs of the Washington area are being met by the existing financial institutions. Applicant proposes, however, to assist Bank in providing trust, bond, and related corporate services. By means of participations with applicant's subsidiaries, Bank would be better able to increase its lending in the area of home mortgages and business loans. The addition of services and Bank's increased lending capability which would be made possible by consummation of the proposal should benefit the residents of Bank's service area. Considerations relating to convenience and needs of the area are consistent with and lend some weight toward approval of the application. It is the Board's

judgment that consummation of the proposed acquisition would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[4] February 29, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-3366 Filed 3-6-72;8:45 am]

STATE NATIONAL BANCSHARES, INC.

Order Approving Formation of Bank Holding Company

State National Bancshares, Inc., El Paso, Tex., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of (1) 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to The State National Bank of El Paso, El Paso, Tex. (State Bank) and (2) indirect control of 30.07 percent of the voting shares of Bassett National Bank, El Paso, 24.99 percent of the voting shares of Citizens State Bank of Ysleta, Ysleta, and 24.27 percent of the voting shares of The First National Bank of Fabens, Fabens, all in Texas. The bank into which State Bank is to be merged has no significance except as a means of acquiring all of the shares of State Bank. Accordingly, the proposed acquisition of the successor organization is treated herein as the proposed acquisition of the shares of State Bank.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant is a recently organized corporation formed for the express purpose of acquiring State Bank ($184.1 million in deposits). The Flory Co.,[1] at the present time a wholly owned subsidiary of State Bank, owns 30.07 percent of the voting shares of Bassett Bank ($13.7 million in deposits), 24.99 percent of Ysleta Bank ($6.3 million in deposits), and 24.27 percent of the voting shares of Fabens Bank ($5.2 million in deposits). (All banking data are as of December 31, 1970.)

State Bank, Bassett Bank, Ysleta Bank, and Fabens Bank are the second, sixth, 10th, and 11th largest of 13 banks in the El Paso SMSA and control 33.1 percent, 2.5 percent, 1.1 percent, and 0.9 percent, respectively, of area deposits. Applicant would become the second largest banking organization in the area[2] with 37.6 percent of area deposits.

Although all four banks whose shares are to be acquired by applicant are located in the same area, no meaningful existing or potential competition would be eliminated by consummation of the proposal. State Bank and Bassett Bank have been affiliated since 1964 through common ownership (State Bank shareholders presently own 67.4 percent of Bassett Bank), and The Flory Co. has owned a substantial amount of stock of Ysleta Bank since 1962 and of Fabens Bank since 1965. Since the proposal is a formalization of an existing banking structure and there appears to be little likelihood of discontinuance of the present relationships, consummation of the proposal should have little effect on competition in the El Paso area. Moreover, State Bank is located in downtown El Paso, while the other three banks are suburban or rural banks which service primarily their own local areas. Based upon the foregoing and other facts of record, the Board concludes that consummation of the proposal would not have an adverse effect on competition in any relevant area.

On the record before the Board, considerations relating to the financial and managerial resources and future prospects of Applicant and of each of the banks whose shares are to be acquired are generally satisfactory and consistent with approval of the application.

Affiliation with applicant should enable Bassett Bank, Ysleta Bank, and Fabens Bank to accommodate more easily larger loan requests, especially those from large manufacturing firms locating in the El Paso area. Considerations relating to the convenience and needs of the communities to be served are consistent with approval. It is the Board's judgment that consummation of 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.[3] 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 Dallas pursuant to delegated authority.

By authority of the Board of Governors,[4] February 29, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-3367 Filed 3-6-72;8:45 am]

TRANS TEXAS BANCORPORATION, INC.

Order Approving Formation of Bank Holding Company

Trans Texas Bancorporation, Inc. (Applicant), El Paso, Tex., has applied for the Board approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of El Paso National Bank (El Paso Bank), First State Bank (First Bank), Northgate National Bank of El Paso (Northgate Bank), and Border City Bank (Border Bank), all of El Paso, Tex.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant is a recently organized corporation formed for the express purpose of acquiring El Paso Bank ($201.4 million in deposits), First Bank ($18.6 million in deposits), Northgate Bank $14 million in deposits) and Border Bank ($1 million in deposits). (All banking data are as of June 30, 1971.) These banks are respectively the first, fifth, sixth, and 13th largest of the 13 banks in the El Paso banking market and control, respectively, 35.5, 3.3, 2.5, and 0.2 percent of market deposits. Upon consummation of the proposal, Applicant's 41.5 percent of deposits would make it the largest banking organization in the market. State National Bancshares, Inc., whose application was approved by the Board today, would be the second largest organization with 37.6 percent of area deposits.

Majority shareholders of El Paso Bank organized First Bank in 1948, Northgate Bank in 1959, and Border Bank in 1971. El Paso Bank is a full service bank serving the entire El Paso area, whereas the other three serve primarily their own particular suburban area. All four banks are in the same market area and absent the common ownership would be competitors to some extent despite the disparities in their size.

The U.S. Department of Justice advised the Board that in its opinion consummation of the proposal would have a significantly adverse effect on competition. Its advice was based on its view

[4] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sheehan.

[1] As a part of this transaction, The Flory Co. will become a direct subsidiary of applicant. The Flory Co. now holds certain nonbanking interests, which the Act requires that applicant will divest itself of within 2 years, or within such other time as may be prescribed by section 4 of the Act.

[2] This reflects the market position of Trans Texas Bancorporation, Inc., whose application to form a bank holding company has been approved by the Board.

[3] Dissenting Statement of Governor Robertson filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or the Federal Reserve Bank of Dallas.

[4] Voting for this action: Governors Mitchell, Daane, Maisel, Brimmer and Sheehan. Voting against this action: Governor Robertson. Absent and not voting: Chairman Burns.

that the subject banks were in actual competition and that there was some degree of impermanence in the control relationship.

On the basis of the record, the Board concludes that there is no significant existing competition between the banks involved. This is due to the fact that two individuals and their business associates control a majority of the voting shares of El Paso Bank, 86 percent of the shares of First Bank, 86 percent of the shares of Northgate Bank, and 75 percent of the shares of Border Bank. The two individuals themselves control over 25 percent of the voting shares of each of the three smaller banks.

In view of the close relationship between the banks over a long period of time, and the lack of any evidence on the record that dissipation of the common control is likely in the future, the Board concludes that present and potential competition would neither be foreclosed by approval of the application nor encouraged by its denial. Neither does it appear that competition with and between other banks in the area would be affected in any significant way.

Considerations relating to the financial and managerial resources and future prospects of Applicant and the banks concerned are satisfactory and consistent with approval. Since the institutions involved are presently under common control it is unlikely that consummation of the proposal will have a significant effect on the banking convenience and needs of the communities to be served, although Applicant does propose to expand the services offered by the smaller banks. These considerations are consistent with but provide little weight toward approval of the applications. It is the Board's judgment that consummation of 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 Dallas pursuant to delegated authority.

By order of the Board of Governors,[1] February 29, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-3368 Filed 3-6-72;8:45 am]

[1] Voting for this action: Governors Mitchell, Daane, Maisel, Brimmer, and Sheehan. Voting against this action: Governor Robertson. Absent and not voting: Chairman Burns. Governor Robertson dissents for the reasons set forth in his dissent in the matter of the application of State National Bancshares, Inc., to become a bank holding company, which was approved on this date.

NATIONAL CAPITAL PLANNING COMMISSION

[NCPC File No. 0735]

PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY IN NATIONAL CAPITAL REGION

Policies and Procedures

The Commission's policies and procedures for Protection and Enhancement of Environmental Quality in the National Capital Region, as amended through August 9, 1971, were published by the Council on Environmental Quality on December 11, 1971 (36 F.R. 23706–23709). On March 2, 1972, the Commission adopted the following amendments:

1. Delete subparagraph numbered "(b)" in the first paragraph of section 2 and renumber subparagraphs "(c)" through "(i)" as subparagraphs "(b)" through "(h)", respectively.

2. Amend subparagraph number "(a)" in the first paragraph of section 3 to read as follows:

(a) Require that each submission by Federal agencies shall include a determination by the head of the agency, or other authorized official, as to whether an environmental statement for the project is required pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969. The agency shall submit such an environmental statement, if determined to be required, or a description of the environmental impact of the proposed development.

DANIEL H. SHEAR,
Secretary to the Commission.

MARCH 2, 1972.

[FR Doc.72-3442 Filed 3-6-72;8:51 am]

SECURITIES AND EXCHANGE COMMISSION

[812-2983]

ITT VARIABLE ANNUITY INSURANCE CO. AND ITT VARIABLE ANNUITY INSURANCE CO. SEPARATE ACCOUNT

Notice of Application Pursuant for Exemption From Certain Provisions

MARCH 1, 1972.

Notice is hereby given that ITT Variable Annuity Insurance Co. (Insurance Company) and ITT Variable Annuity Insurance Co. Separate Account (Separate Account) (hereinafter "Applicants"), 212 South Central Avenue, St. Louis, MO 63105, have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting Applicants, to the extent described below, from the provisions of sections 22(d) and 27(a)(3) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Insurance Company is a stock life insurance company organized under the laws of South Carolina. Separate Account, an integral part of Insurance Company, has been established for the purpose of maintaining assets accruing from the sale of individual and group variable annuity contracts provided by Insurance Company. Separate Account is an open-end, diversified, management investment company registered under the Act.

Applicants presently offer various individual variable annuity contracts as well as "a present group variable annuity contract". Under a present group contract an individual accumulation account is maintained for each participant and payments are subject to a deduction of 5.25 percent for sales and administrative expenses. Applicants propose to offer group deposit administration contracts and group terminal funding contracts in addition to the present group contracts.

Under a deposit administration contract, accumulation units are allocated to the contract owner's general account rather than to any individual participant. When a participant reaches his retirement date, an appropriate number of accumulation units is drawn from the general account and an annuity is effected for the retired individual. Applicants assert that none of the group contracts previously offered to the public have been deposit administration contracts although the latter are described in the current prospectus of the Separate Account.

Under a group terminal funding contract, the trustee of a retirement plan or an employer, at or prior to the time of an employee's retirement, purchases a retirement annuity for the benefit of said employee. There is no accumulation period. Applicants undertake that terminal funding contracts will be offered only to representatives of qualified retirement plans.

Applicants propose to impose deductions for sales and administrative expenses from payments made under deposit administration contracts within each contract year as follows:

5.25 percent of the first $20,000 of annual contributions;
4.50 percent of contributions between $20,001 and $39,000;
4 percent of contributions between $40,001 and $60,000;
3.50 percent of contributions between $60,001 and $80,000;
3 percent of contributions between $80,001 and $100,000;
1 percent of contributions over $100,000;

plus any applicable premium taxes. The minimum payment under a deposit administration contract shall be $5,000. The proposed deduction under terminal funding contracts is $100 plus a percentage deduction of 4 percent of the balance of the sum paid to purchase each annuitant's benefit plus any applicable premium taxes.

Applicants seek an exemption from sections 27(a)(3) and 22(d) of the Act

to the extent necessary to permit imposition of the fee schedules described above. Applicants assert that the exemptions sought are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act because in the normal course of events, larger sums of money are paid under the terms of deposit administration contracts and terminal funding contracts than under ordinary group contracts issued in connection with other types of pension, profit-sharing or savings programs. Accordingly, the proposed scales of sales charges will allow for decreasing amounts of sales load to be charged as the amounts of money paid pursuant to the terms of the contracts increases, thereby reflecting the decreasing sales and administrative costs necessary to maintain such contracts.

Section 27(a)(3) provides that no registered investment company issuing periodic payment plan certificates and no underwriter for such company may sell any such certificates if the amount of sales load deducted from any payment subsequent to the first 12 monthly payments exceeds proportionately the amount deducted from any other subsequent payment.

Section 22(d) provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 22, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-3372 Filed 3-6-72;8:46 am]

[811-2163]

NATURAL RESOURCES FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

MARCH 1, 1972.

Notice is hereby given that Natural Resources Fund, Inc. (Applicant), 1309 Highland Avenue, Abington, PA 19001, registered under the Investment Company Act of 1940 (Act) as a management open-end nondiversified investment company, has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant represents that no securities have been issued; that it has no assets; that a proposed public offering of its securities has been abandoned because of current market conditions; and that its registration statement filed under the Securities Act of 1933 is being withdrawn.

Section 8(f) of the Act, provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 24, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commmission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or, in case of any attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-3373 Filed 3-6-72;8:46 am]

[70-5142]

OHIO ELECTRIC CO. AND OHIO POWER CO.

Notice of Proposed Sale of Nuclear Plant to Newly Organized Subsidiary Company and Related Transactions

FEBRUARY 29, 1972.

Notice is hereby given that Ohio Power Co. (Ohio Power), an electric utility subsidiary company of American Electric Power Co., Inc. (AEP), 301 Cleveland Avenue SW., Canton, OH 44702, a registered holding company, and Ohio Electric Co. (Generating Company), a newly organized subsidiary company of Ohio Power, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, 9, 10, and 12 of the Act as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Ohio Power proposes to transfer to Generating Company the General James M. Gavin Plant (Gavin Plant), a fossil-fired steam electric generating station, which will consist of two 1,300,000-kilowatt steam electric generating units. The first unit is scheduled for commercial operation in 1974 and the second unit in 1975 or later. The Gavin Plant is being constructed along the Ohio River near Cheshire, Ohio, and is estimated to cost approximately $500 million. The book investment of Ohio Power in the Gavin Plant at the time of transfer (less contract retentions, accrued taxes, and other liabilities assumed by Generating Company) is currently estimated at $50 million. In consideration for the transfer of the Gavin Plant, Generating Company will issue 1 million shares of its common stock, par value $1 per share, and $20 million principal amount of 10-year unsecured promissory notes, and Ohio

Power will acquire such securities. The notes will bear interest at the prime commercial loan rate of Manufacturers Hanover Trust Co. (Manufacturers) in effect from time to time. Such notes will be subordinated to any debt securities issued by Generating Company to banks, institutions, or the public and will be subject to prepayment by Generating Company at any time in whole or in part without premium or penalty.

Ohio Power and Generating Company propose to enter into a capital funds agreement, pursuant to which Ohio Power will supply, or cause to be supplied, after the transfer of the Gavin Plant, such amounts of capital as may be required from time to time to maintain stockholder's equity at not less than 35 percent of the capitalization of Generating Company, and such amounts of capital, in addition to (i) the capital made available to Generating Company by Ohio Power as the purchase price of the Gavin Plant and (ii) an amount equal at any time in question to the amount of capital made available to Generating Company under a bank loan agreement (described below), as required for Generating Company to continue to own, and to complete construction of, the Gavin Plant, to provide for preoperating and other expenses, and to permit the commercial operation of the Gavin Plant.

Ohio Power and Generating Company also propose to enter into a power agreement, pursuant to which Generating Company will make available, or cause to be made available, to Ohio Power all power available at the Gavin Plant, and Ohio Power will pay to Generating Company, in consideration for the right to receive all such power, such amounts from time to time as, when added to amounts received by Generating Company from all other sources, will at least be sufficient to enable Generating Company to pay, when due, all of its operating and other expenses, including (i) any amount which Generating Company may be required to pay on account of principal and interest and (ii) such additional amount as is necessary after any required provision for taxes on, or measured by, income to enable Generating Company to pay required dividends on any preferred stock which it may issue and such amount as will represent a fair return on the common stock equity of Generating Company as may be permitted by governmental regulatory authorities having jurisdiction.

Generating Company proposes to issue its unsecured promissory notes to a group of 17 banks pursuant to a bank loan agreement in an aggregate principal amount up to $300 million. The proceeds will be utilized by Generating Company for the construction of, and the acquisition of equipment and materials for, the Gavin Plant, and for other corporate purposes. The notes will mature on May 31, 1979, and will bear interest at a rate equal to one-fourth of 1 percent plus the prime commercial loan rate from time to time of Manufacturers and, after the earliest of (i) December 31, 1975, (ii) the date on which the bank to which such note was originally issued shall have made loans to Generating Company under the bank loan agreement in an amount equal to the commitment of such bank, and (iii) the date of commercial operation of Unit No. 2 of the Gavin Plant, at a rate per annum equal to one-half of 1 percent plus the prime commercial loan rate from time to time of Manufacturers. Generating Company will be obligated to pay to each bank substitute interest computed at the rate of one-half percent on the daily average unused amount of the commitment for such bank, such obligation to pay substitute interest commencing with a date to be specified in the bank loan agreement and to terminate on the earliest of (i), (ii), and (iii) set forth above. The notes may be prepaid in whole or in part at any time without premium or penalty, unless such prepayment is made from the proceeds of, or in anticipation of, a borrowing by Generating Company from banking institutions at a rate of interest equal to or less than the then applicable interest rate on the notes, in which event Generating Company will be obligated to pay a premium in an amount equivalent to interest at the rate of one-fourth of 1 percent per annum on the amount of such prepayment from the date thereof to May 31, 1979. The effective cost of borrowing to Generating Company under the bank loan agreement, after the full $300 million has been borrowed, assuming compensating balances to be maintained with each of the banks in an amount of 15 percent of the amount of the loans, and assuming a prime commercial credit rate equal to the prime commercial credit rate of Manufacturers of 4¾ percent in effect on January 31, 1972, would be 6.18 percent per annum.

It is stated that the total indebtedness of Generating Company for borrowed money, including the subordinated notes to be issued to Ohio Power and excluding short-term debt, as defined, in a principal amount not exceeding 10 percent of capitalization (exclusive of short-term debt of Generating Company), will not, after giving effect to the issuance of the notes to banks, the subordinated notes, any other long-term debt subsequently issued, and the application of the proceeds thereof, exceed 65 percent of the capitalization (exclusive of short-term debt) of Generating Company. It is further stated that Generating Company intends, from time to time, subject to requisite regulatory authorization, to issue and sell long-term securities to the public. The proceeds of such securities will be utilized for construction or to prepay the notes issued under the bank loan agreement, and, to the extent that such notes remain outstanding at May 31, 1979, Generating Company will pay such notes as shall then be outstanding from internal cash resources and from the issuance and sale of long-term securities.

As notes are issued under the bank loan agreement, it will be necessary, to enable Generating Company to comply with its covenant in the bank loan agreement as to the maintenance of a minimum equity capital of 35 percent of capitalization, for Ohio Power to convert required amounts of the subordinated notes initially issued by Generating Company into common equity of Generating Company. It is further proposed, therefore, that as a part of the proposed transactions, Ohio Power will from time to time either (i) donate amounts to Generating Company as cash capital contributions and concurrently receive payments, not exceeding $20 million in the aggregate, on account of the principal of the subordinated notes initially issued by Generating Company to Ohio Power or (ii) donate to Generating Company as a capital contribution such subordinated notes.

Ohio Power intends, upon acquiring the common stock of Generating Company, to file under Rule 2 for an exemption from the Act as a holding company on the basis that it will be predominantly a public-utility company whose operations as such do not extend beyond the State in which it is organized and States contiguous thereto.

Fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment. It is stated that the issuance of the common stock and the subordinated notes by Generating Company, and the issuance of the notes by Generating Company under the bank loan agreement, will in each case be subject to the authorization of The Public Utilities Commission of Ohio. It is further stated that the capital funds agreement and the power agreement will be the subject of an application to, and will be authorized by, the Ohio Commission and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 20, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such

other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secetary.*

[FR Doc.72-3374 Filed 3-6-72;8:46 am]

PRECISION SOUND CENTERS, INC.

Order Suspending Trading

MARCH 1, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Precision Sound Centers, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 2, 1972, through March 11, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-3375 Filed 3-6-72;8:46 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30 (Rev. 13), Amdt. 11]

SUPERVISORY LOAN OFFICER, REGIONAL LA DIVISION, LOS ANGELES DISTRICT OFFICE, ET AL.

Delegation of Authority To Conduct Program Activities in the Field Offices

Delegation of Authority No. 30 (Revision 13) (36 F.R. 5881), as amended (36 F.R. 7625, 36 F.R. 11129, 36 F.R. 13713, 36 F.R. 14712, 36 F.R. 15769, 36 F.R. 22876, 36 F.R. 23421, 36 F.R. 25194, 37 F.R. 2615, and 37 F.R. 3581) is hereby further amended to provide certain authorities in connection with disaster home loans to the Chief, Loan Administration Division, Los Angeles District Office.

Part III, Section A, paragraph 1 is revised to read as follows:

SECTION A. * * *

1. * * *

a. * * *

b. * * *

(1) Supervisory Loan Officer, Regional LA Division.

(2) Chief, District LA Division, except Los Angeles District Office.

(3) Supervisory Loan Officer, District LA Division, if assigned.

(4) Supervisory Loan Officer, LA Division, Gulfport, Miss., Branch Office.

c. Except: To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; to authorize the liquidation of a loan other than a disaster home loan and the cancellation of authority to liquidate any loan other than a disaster home loan.

(1) Chief, District LA Division, Los Angeles District Office.

Effective date: February 15, 1972.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.72-3371 Filed 3-6-72;8:46 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

MARCH 2, 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 61231 Sub 58, Ace Lines, Inc., assigned for hearing May 23, 1972, at St. Louis, Mo., in a hearing room to be later designated.

MC 135649 Sub 1, Friederich Truck Service, Inc., assigned for hearing May 22, 1972, at St. Louis, Mo., in a hearing room to be later designated.

MC 135944, Air Cargo Transporters, Inc., assigned for hearing May 24, 1972, at St. Louis, Mo., in a hearing room to be later designated.

FD 26825, St. Louis-San Francisco Railway Co. abandonment between Winona and Chicopee, in Shannon and Carter Counties, Mo., assigned for hearing May 15, 1972, at Van Buren, Mo., in a hearing room to be later designated.

FD 26879, St. Louis-San Francisco Railway Co. abandonment between Senath, Mo., and Leachville, Ark., FD 26879 Sub 1, St. Louis-San Francisco Railway Co. abandonment between Madrid County, and Holcomb, Dunklin County, Mo., FD 26879 Sub 2, St. Louis-San Francisco Railway Co. abandonment between Campbell and Gibson, Dunklin County, Mo., and FD 26879 Sub 3, St. Louis-San Francisco Railway Co. abandonment between Malden and Clarkton, Dunklin County, Mo., assigned for hearing May 17, 1972, at Malden, Mo., in a hearing room to be later designated.

MC 1872 Sub 76, Ashworth Transfer, Inc., and MC 43716 Sub 28, Bigge Drayage Co., now assigned for hearings on March 6, through March 16, 1972, at Los Angeles and San Francisco, Calif., Portland, Oreg., and Denver, Colo., canceled and reassigned to March 6, 1972, at the Miyako Hotel, Post and Laguna Streets, San Francisco, Calif.

MC 114004 Sub 109, Chandler Trailer Convoy, Inc., assigned March 8, at Dallas, Tex., canceled and application dismissed.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-3437 Filed 3-6-72;8:50 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 2, 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. 42364—*Coffee to Detroit, Mich.* Filed by M. B. Hart, Jr., agent (No. A6299), for interested rail carriers. Rates on coffee, roasted, or coffee, extract of (condensed, instant, or soluble coffee), dry, in carloads, as described in the application, from Jacksonville and South Jacksonville, Fla., to Detroit, Mich.

Grounds for relief—Market competition.

Tariff—Supplement 79 to Southern Freight Association, agent, tariff ICC S-750. Rates are published to become effective on April 6, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-3436 Filed 3-6-72;8:50 am]

[Notice 23]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 2, 1972.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73352. By order of February 25, 1972, the Motor Carrier Board approved the transfer to Totem Toters, Inc., Anchorage, Alaska, of the operating rights set forth in certificates Nos.

MC–118758 (Sub-No. 1) and MC–118758 (Sub-No. 3), issued May 26 and 27, 1964, respectively, to J. L. Houck (Ardis Oreal Houck, Executrix), doing business as White Birch Trailer Sales & Service, Anchorage, Alaska, authorizing the transportation of mobile homes, between points in Alaska (except that area southeast of Yakutat Bay), on the one hand, and, on the other, points in California, Oregon, Washington, Wisconsin, Michigan, Indiana, Kentucky, and Tennessee; and between points in Alaska (except points in that area southeast of Yakutat Bay), David J. Pree, 101 Christensen Drive, Anchorage, AK 99501, attorney for applicants.

No. MC–FC–73433. By order of February 25, 1972, the Motor Carrier Board approved the transfer to American Freight Line, Inc., Kansas City, Mo., of the operating rights in certificates Nos. MC–18061, MC–18061 (Sub-No. 1), and MC–18061 (Sub-No. 2) issued June 21, 1955, April 13, 1960, and October 18, 1968, respectively, to Roy R. Caswell, Louisburg, Kans., authorizing the transportation of general commodities, with exceptions, from Kansas City, Mo., over specified routes, to Bucyrus, Kans., serving specified intermediate and off-route points with restrictions; between Amsterdam, Mo., and points within 25 miles of Amsterdam, on the one hand, and, on the other, Kansas City, Mo., and Kansas City, Kans.; and between points within 25 miles of Amsterdam, Mo., including Amsterdam; household goods, as defined by the Commission, between Bucyrus, Kans., and points within 20 miles thereof, on the one hand, and, on the other, points in Missouri; between Bucyrus, Kans., and points within 15 miles thereof, on the one hand, and, on the other, Kansas City, Kans.; and between Amsterdam, Mo., and points within 25 miles of Amsterdam, on the one hand, and, on the other, points in Kansas and Missouri; and various specified commodities, from, to, and between specified points in Missouri and Kansas, serving specified intermediate and off-route points; and from, to, and between points in Kansas and Missouri, Clyde N. Christey, 641 Harrison, Topeka, KS 66603, attorney for applicants.

No. MC–FC–73455. By order of February 25, 1972, the Motor Carrier approved the transfer to Butterworth & Sons, Inc., Fairfield, Conn., of the operating rights of in certificates Nos. MC–124523 and MC–124523 (Sub-No. 2) issued March 19, 1971, and December 23, 1971, respectively, to Henry A. Butterworth, doing business as Butterworth & Sons, Fairfield, Conn., authorizing the transportation of general commodities, with exceptions, between Bridgeport, Hamden, Norwalk, and Waterbury, Conn., on the one hand, and, on the other, New York International (Kennedy) and La Guardia Airports, New York, N.Y., and Newark Airport, Newark, N.J.; and between New Haven, Conn., on the one hand, and, on the other, East Haven, West Haven, and Hamden, Conn., subject to restrictions, Thomas W. Murrett, 842 North Main Street, West Hartford, CT 06117, attorney for applicants.

No. MC–FC–73457. By order of February 25, 1972, the Motor Carrier Board approved the acquisition by Data Transportation Co., Inc., San Jose, Calif., of control of Data Transportation Sales Co., Inc., San Jose, Calif., which holds a license in No. MC–12465 issued March 8, 1971, authorizing it to engage in operations as a broker at Salt Lake City, Utah, and Los Angeles, Calif., in connection with transportation by motor vehicle of household goods, as defined by the Commission, between points in Utah, Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Washington, and Wyoming, on the one hand, and, on the other, points in the United States, Elliott Bunce, 618 Perpetual Building, Washington, D.C. 20004, attorney for applicants.

No. MC–FC–73458. By order of February 25, 1972, the Motor Carrier Board approved the transfer to Salvatore V. Lascari and Vito Lascari, a partnership, doing business as S. V. Lascari and Son, Lodi, N.J., of that portion of the operating rights set forth in certificate No. MC–32144 issued October 13, 1959, to A & J Limone, Inc., Teaneck, N.J., authorizing the transportation of household goods, as defined by the Commission, between points in Bergen, and Hudson Counties, N.J., on the one hand, and, on the other, New York, Connecticut, Pennsylvania, and New Jersey, John M. Zachara, Post Office Box Z, Paterson, NJ 07509, practitioner for applicants.

No. MC–FC–73462. By order of February 25, 1972, the Motor Carrier Board approved the transfer to William H. McCammon, doing business as McCammon Truck Line, Route 1, Parker, Kans. 66072, of the operating rights in certificate No. MC–3422 issued May 26, 1971, to Thomas W. King, doing business as King Truck Line, Route 1, Parker, Kans. 66072, authorizing the transportation of agricultural commodities, over a regular route from Parker, Kans., to Kansas City, Mo.; general commodities, usual exceptions, from Kansas City, Mo., over a regular route to Parker, Kans.; livestock, from Centreville, Kans., to Kansas City, Mo.; feed, livestock, farming machinery, and building material, from Kansas City, Mo., to Centreville, Kans., and livestock, between Parker, Kans., and points within 25 miles thereof, on the one hand, and, on the other, Kansas City, Mo., and Kansas City, Kans.

No. MC–FC–73264. By order of February 25, 1972, the Motor Carrier Board approved the transfer to James E. Griffin & Sons, Inc., Hanover, Mass., of a portion of the operating rights in certificate No. MC–27965 issued December 8, 1952 to Davis Transportation Co., Inc., West Acton, Mass., authorizing the transportation of new furniture from Concord and Acton, Mass. to a described area of New York, Frederick T. O'Sullivan, 372 Granite Avenue, Milton, Mass. 02186; attorney for applicants.

No. MC–FC–73468. By order of February 25, 1972, the Motor Carrier Board approved the acquisition by Youth Sport and Camp Tours, Inc., Millburn, N.J., of control of Alpine Ski Tours, Inc., Maplewood, N.J., which holds a license in No. MC–12762 authorizing operations as a broker at Maplewood, N.J., in connection with the transportation of passengers and their baggage, in round-trip, special and charter, all-expense ski tours, during the season extending from November 1 to March 31 of each year, beginning and ending at specified points in New Jersey and extending to points in Connecticut, Massachusetts, New Hampshire, Vermont, New York, and Pennsylvania, Edward F. Bowes, 744 Broad Street, Newark, NJ 07102, attorney for applicants.

No. MC–FC–73472. By order of February 25, 1972, the Motor Carrier Board approved the transfer to Trombly Motor Coach Service, Inc., North Andover, Mass., of the operating rights in certificates Nos. MC–116313 and MC–116313 (Sub-No. 2) issued March 27, 1957, and June 14, 1967, respectively, to Francis J. Trombly, doing business as Trombly Motor Coach Service Co., Andover, Mass., authorizing the transportation of passengers and their baggage, between Lawrence, Mass., and Manchester, N.H., serving all intermediate points, and between junction New Hampshire Highway 28 and Harvey Road (town of Manchester, Hillsboro County, N.H.) and junction New Hampshire Highway 28 and Goffs Falls Road (town of Londonderry, Rockingham County, N.H.), serving the intermediate point of the U.S. Army Air Base in the town of Manchester, Hillsboro County, N.H.; and passengers, in special operations, beginning and ending at Andover, Haverhill, Lawrence, Methuen, and North Andover, Mass., and extending to Derry, Dover, Exeter, Goffs Falls, Hudson, Jaffrey, Manchester, Nashua, Portsmouth, Salem, and Seabrook, N.H., and Central Falls and Pawtucket, R.I., Robert G. Bleakney, Jr., 225 Franklin Street, Boston, MA 02110, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–3434 Filed 3–6–72;8:50 am]

[Notice 23–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 2, 1972.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–73521. By application filed February 29, 1972, RICHMOND TRANSFER, INC., Post Office Box 295, Richmond, MO 64095, seeks temporary authority to lease the operating rights of KNAUS TRUCK LINE, INC., R.F.D. No. 3, Liberty, Mo. 64068, under section 210a(b). The transfer to RICHMOND TRANSFER, INC., of the operating rights of KNAUS TRUCK LINE, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–3435 Filed 3–6–72;8:50 am]

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TUESDAY, MARCH 7, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 45

PART II

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

■

U.S. SAVINGS BONDS, SERIES H

Dept. Circular No. 905, 5th Rev., as amended, First Supplement

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 332—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES H

Miscellaneous Amendments

The tables to Department Circular No. 905, Fifth Revision, dated December 12, 1969, as amended (31 CFR Part 332), are hereby supplemented by the addition of Tables 2–A, 3–A, 23–A, and 24–A, as set forth below.

Dated: February 18, 1972.

[SEAL]

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

TABLE 2–A

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH SEPTEMBER 1, 1952 [1]

Face value	$500	$1,000	$5,000	$10,000	Approximate investment yield (annual percentage rate)		
Issue price	500	1,000	5,000	10,000			
Redemption and maturity value							

Period of time bond is held after extended maturity date	(1) Amounts of interest checks for each denomination — SECOND EXTENDED MATURITY PERIOD				(2) From beginning of second extended maturity period to each interest payment date	(3) For half-year period preceding interest payment date	(4) From each interest payment date to second extended maturity
					Percent	*Percent*	*Percent*
½ year [2]	(8/1/72)	$13.75	$27.50	$137.50	$275.00	5.50	5.50	5.50
1 year	(2/1/73)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
1½ years	(8/1/73)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
2 years	(2/1/74)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
2½ years	(8/1/74)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
3 years	(2/1/75)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
3½ years	(8/1/75)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
4 years	(2/1/76)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
4½ years	(8/1/76)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
5 years	(2/1/77)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
5½ years	(8/1/77)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
6 years	(2/1/78)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
6½ years	(8/1/78)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
7 years	(2/1/79)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
7½ years	(8/1/79)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
8 years	(2/1/80)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
8½ years	(8/1/80)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
9 years	(2/1/81)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
9½ years	(8/1/81)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
10 years (second extended maturity) [3]	**(2/1/82)**	**13.75**	**27.50**	**137.50**	**275.00**	[4] **5.50**	**5.50**	

[1] This table does not apply if the prevailing rate for Series H bonds being issued at the time the second extension begins is different from 5.50 percent.
[2] Month, day, and year on which interest check is payable on issues of June 1, 1952. For subsequent issue months add the appropriate number of months.
[3] 29 years and 8 months after issue date.
[4] Yield on purchase price from issue date to second extended maturity is 3.97 percent.

TABLE 3–A

BONDS BEARING ISSUE DATES FROM OCTOBER 1, 1952 THROUGH MARCH 1, 1953 [1]

Face value	$500	$1,000	$5,000	$10,000	Approximate investment yield (annual percentage rate)		
Issue price	500	1,000	5,000	10,000			
Redemption and maturity value							

Period of time bond is held after extended maturity date	(1) Amounts of interest checks for each denomination — SECOND EXTENDED MATURITY PERIOD				(2) From beginning of second extended maturity period to each interest payment date	(3) For half-year period preceding interest payment date	(4) From each interest payment date to second extended maturity
					Percent	*Percent*	*Percent*
½ year [2]	(12/1/72)	$13.75	$27.50	$137.50	$275.00	5.50	5.50	5.50
1 year	(6/1/73)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
1½ years	(12/1/73)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
2 years	(6/1/74)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
2½ years	(12/1/74)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
3 years	(6/1/75)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
3½ years	(12/1/75)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
4 years	(6/1/76)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
4½ years	(12/1/76)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
5 years	(6/1/77)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
5½ years	(12/1/77)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
6 years	(6/1/78)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
6½ years	(12/1/78)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
7 years	(6/1/79)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
7½ years	(12/1/79)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
8 years	(6/1/80)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
8½ years	(12/1/80)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
9 years	(6/1/81)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
9½ years	(12/1/81)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
10 years (second extended maturity) [3]	**(6/1/82)**	**13.75**	**27.50**	**137.50**	**275.00**	[4] **5.50**	**5.50**	

[1] This table does not apply if the prevailing rate for Series H bonds being issued at the time the second extension begins is different from 5.50 percent.
[2] Month, day, and year on which interest check is payable on issues of Oct. 1, 1952. For subsequent issue months add the appropriate number of months.
[3] 29 years and 8 months after issue date.
[4] Yield on purchase price from issue date to second extended maturity date on bonds dated: Oct. 1 and Nov. 1, 1952 is 3.99 percent; Dec. 1, 1952 through Mar. 1, 1953 is 4.00 percent.

TABLE 23–A

BONDS BEARING ISSUE DATES FROM JANUARY 1 THROUGH MAY 1, 1962 [1]

Face value	$500	$1,000	$5,000	$10,000	Approximate investment yield (annual percentage rate)
Issue price	$500	$1,000	$5,000	$10,000	
Redemption and maturity value	500	1,000	5,000	10,000	

Period of time bond is held after maturity date	(1) Amounts of interest checks for each denomination — EXTENDED MATURITY PERIOD				(2) From beginning of extended maturity period to each interest payment date	(3) For half-year period preceding interest payment date	(4) From each interest payment date to extended maturity
					Percent	*Percent*	*Percent*
½ year	[2](7/1/72)	$13.75	$27.50	$137.50	$275.00	5.50	5.50	5.50
1 year	(1/1/73)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
1½ years	(7/1/73)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
2 years	(1/1/74)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
2½ years	(7/1/74)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
3 years	(1/1/75)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
3½ years	(7/1/75)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
4 years	(1/1/76)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
4½ years	(7/1/76)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
5 years	(1/1/77)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
5½ years	(7/1/77)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
6 years	(1/1/78)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
6½ years	(7/1/78)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
7 years	(1/1/79)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
7½ years	(7/1/79)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
8 years	(1/1/80)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
8½ years	(7/1/80)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
9 years	(1/1/81)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
9½ years	(7/1/81)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
10 years (extended maturity) [3]	(1/1/82)	**13.75**	**27.50**	**137.50**	**275.00**	[4] **5.50**	**5.50**	

[1] This table does not apply if the prevailing rate for Series H bonds being issued at the time the extension begins is different from 5.50 percent.
[2] Month, day, and year on which interest check is payable on issues of Jan. 1, 1962. For subsequent issue months add the appropriate number of months.
[3] 20 years after issue date.
[4] Yield on purchase price from issue date to extended maturity is 4.63 percent.

TABLE 24–A

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1962 [1]

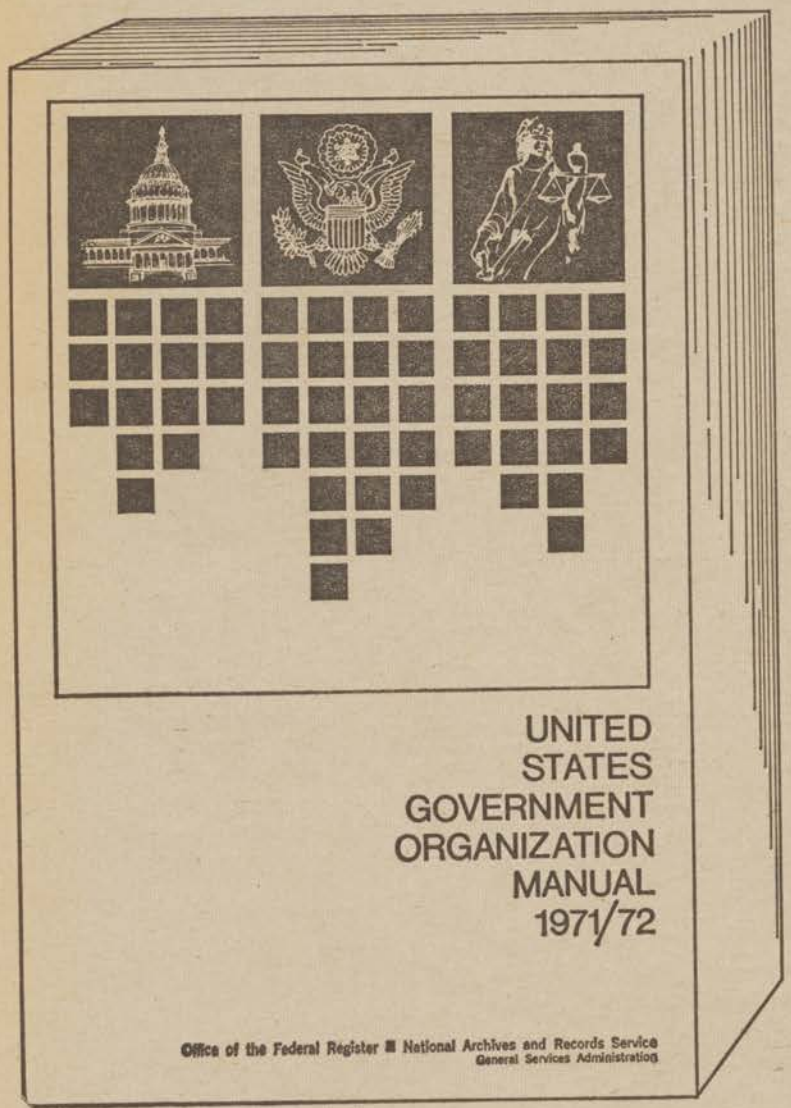
Face value	$500	$1,000	$5,000	$10,000	Approximate investment yield (annual percentage rate)
Issue price	$500	$1,000	$5,000	$10,000	
Redemption and maturity value	500	1,000	5,000	10,000	

Period of time bond is held after maturity date	(1) Amounts of interest checks for each denomination — EXTENDED MATURITY PERIOD				(2) From beginning of extended maturity period to each interest payment date	(3) For half-year period preceding interest payment date	(4) From each interest payment date to extended maturity
					Percent	*Percent*	*Percent*
½ year	[2](12/1/72)	$13.75	$27.50	$137.50	$275.00	5.50	5.50	5.50
1 year	(6/1/73)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
1½ years	(12/1/73)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
2 years	(6/1/74)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
2½ years	(12/1/74)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
3 years	(6/1/75)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
3½ years	(12/1/75)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
4 years	(6/1/76)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
4½ years	(12/1/76)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
5 years	(6/1/77)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
5½ years	(12/1/77)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
6 years	(6/1/78)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
6½ years	(12/1/78)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
7 years	(6/1/79)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
7½ years	(12/1/79)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
8 years	(6/1/80)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
8½ years	(12/1/80)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
9 years	(6/1/81)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
9½ years	(12/1/81)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
10 years (extended maturity) [3]	(6/1/82)	**13.75**	**27.50**	**137.50**	**275.00**	[4] **5.50**	**5.50**	

[1] This table does not apply if the prevailing rate for Series H bonds being issued at the time the extension begins is different from 5.50 percent.
[2] Month, day, and year on which interest check is payable on issues of June 1, 1962. For subsequent issue months add the appropriate number of months.
[3] 20 years after issue date.
[4] Yield on purchase price from issue date to extended maturity is 4.67 percent.

[FR Doc.72-3208 Filed 3-6-72;8:45 am]

Know your Government...



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