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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 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one new position of Confidential Secretary to the Special Assistant to the Secretary for Health Policy is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (3–18–72), subparagraph (25) of paragraph (a) is added to § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* * * *

(25) One Confidential Secretary to the Special Assistant to the Secretary for Health Policy.

* * * * *

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

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

[FR Doc.72–4223 Filed 3–17–72;8:52 am]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show that the position of Chief, Congressional Relations Division, Office of the Assistant Director for Congressional and Public Affairs, is no longer excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (3–18–72), subparagraph (6) of paragraph (e) is revoked under § 213.3373.

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

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

[FR Doc.72–4222 Filed 3–17–72;8:52 am]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 726—BURLEY TOBACCO

1971–72 and Subsequent Marketing Years

On pages 2773 and 2774 of the FEDERAL REGISTER of February 5, 1972, there was published a notice of proposed rule making with respect to regulations pertaining to determination of farm marketing quotas, lease and transfer of farm marketing quotas, and records for identification of marketings for burley tobacco for 1971–72 and subsequent marketing years. The notice stated that it was proposed to amend the regulations as follows:

1. The erroneous notice provisions in § 726.66(d) would be broadened to include situations where the farm operator prior to planting the tobacco materially changed his position to produce the crop.

2. Section 726.68 (d) and (e) would be amended to provide for the use of Form ASCS–375 as a record of transfer of marketing quota. It would also provide that the record of transfer be signed by the parties to the lease and transfer and that the signature of either the owner or operator of the transferring farm, as well as the owner or operator of the receiving farm, be witnessed by a representative of the county ASC committee.

3. The provisions in § 726.68(w)(1) would be clarified to state with particularity the farm against which overmarketings would be charged in any case where a lease of quota is canceled because of fraud on the part of the owner or operator of the transferring farm but without fault on the part of the owner or operator of the receiving farm.

4. Section 726.93(1) would be changed to provide that the warehouse keep copies of bill-out invoices to the purchaser by grades showing the pounds purchased and identification references to such basic warehouse records as basket ticket or sale bill.

Interested persons were given 15 days after publication of this notice in which to submit written data, views, or recommendations with respect to the proposed regulations. No data, views, or recommendations were submitted pursuant to such notice.

Since farmers are now engaged in leasing and transferring quotas it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined that compliance with the 30-day effective date provision of 5 U.S.C. 553 would be impracticable and contrary to the public interest. Therefore, this amendment will be effective upon publication in the FEDERAL REGISTER (3–18–72).

The proposed amendment to the regulations is hereby adopted with the addition of an authority clause.

(Secs. 319, 362, 373, 375, 81 Stat. 120, 52 Stat. 62, as amended, 65, as amended, 66, as amended; 7 U.S.C. 1314e, 1362, 1373, 1375)

Signed at Washington, D.C., on March 13, 1972.

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

1. Paragraph (d) of § 726.66 is amended to read as follows:

§ 726.66 Approval of marketing quotas and notices to farm operators.

* * * * *

(d) *Marketing quota erroneous notice.* If the official notice of the farm marketing quota issued for a farm erroneously stated a marketing quota larger than the correct effective farm marketing quota, the marketing quota shown on the erroneous notice shall be deemed to be the marketing quota and the basis for marketing quota penalty computation for the farm for the current marketing year only, if the county committee determines (with approval of the State executive director) that (1) the error was not so gross as to place the operator on notice thereof, and (2) that the operator, relying upon such notice and acting in good faith (i) materially changed his position to enable him to produce the quota crop (for example obligated expenditures of funds for land preparation, additional equipment and labor) or (ii) had planted tobacco on the farm and was not notified of the correct farm marketing quota prior to planting the tobacco. Undermarketings and overmarketings for farms for which the erroneous notice of marketing quota is applied shall be determined based on the correct effective farm marketing quota for the farm.

2. Paragraphs (d), (e), and (w)(1) of § 726.68 are amended to read as follows:

§ 726.68 Transfer of burley tobacco farm marketing quotas by lease or by owner.

* * * * *

(d) *Filing and approval of transfer.* The transfer of a farm marketing quota

or any part thereof shall not be effective until a copy of the lease agreement, determined to be in compliance with the provisions of this section, is filed with the county committee or designated county office employee at a market town location not later than February 15 of the current marketing year. The county committee may redelegate authority to approve leasing agreements to the county executive director or other county office employee. County office employees in market town locations designated by the State committee shall have authority to approve annual leases and transfers under the terms and conditions of this section even though the farms involved (which must be located in the same county) may be from a different county or State than the county committee supervising the market town location, subject to the review of the county committee for the county where the farms are administratively located. The filing of a properly executed record of transfer of quota, Form ASCS–375, will be considered to meet the requirement of this paragraph.

(e) *Record of transfer on ASCS–375.* No lease and transfer of any quota under this section for 1972 and subsequent crops shall become effective until a record of the transfer has been executed on Form ASCS–375 and filed with the county committee by the parties to the transfer. If the owner and operator of the farm from which transfer by lease is made are different persons, both owner and operator shall execute the record of transfer; however, only the owner or operator of the receiving farm is required to sign the transfer. A county committee member or employee must witness the signature of either the owner or operator of the transferring farm and the owner or operator of the receiving farm. If such signatures cannot be witnessed in the county office or market town location where the farm is administratively located, they may be witnessed in any county office or market town location, convenient to the owner or operator's residence. The requirement that signatures be witnessed for producers who are ill, infirm, reside in distant areas, or other similar hardship cases may be met by mail, provided a verbal request is made by the producer.

* * * * *

(w) *Cancellation, dissolution or revision of transfer*—(1) *Cancellation.* (i) Any transfer approved in error or on the basis of incorrect information shall be canceled by the county committee. Such cancellation shall be effective as of the date of approval for purposes of determining overmarketings and undermarketings from the farms and for purposes of determining eligibility for price support and marketing quota penalties except that such cancellation shall not be effective for the current marketing year for purposes of determining price support and marketing quota penalties only if:

(*a*) The transfer approval was made in error or on the basis of incorrect information unknowingly furnished by the parties to the transfer agreement, and

(*b*) The parties to the transfer agreement were not notified of the cancellation before marketings for the receiving farm exceed the correct effective farm marketing quota. The provision of this subparagraph (1) shall not preclude application of the erroneous notice provisions under § 726.66 where such provisions are applicable.

(ii) Where a lease and transfer is canceled under subdivision (i) of this subparagraph because of fraud on the part of the owner or operator of the transferring farm, but without fault on the part of the owner or operator of the receiving farm and approved by the county committee with concurrence of the State committee the overmarketings would be charged against the farm from which the transfer of quota was made if such farm, after any such reconstitution as may be necessary as a result of the fraud, is assigned a quota against which the overmarketings could be charged; otherwise, the overmarketings would be charged against any other farm involved in the fraud having a quota after reconstitution required by the fraud. Notwithstanding the above, the amount of overmarketings on the receiving farm which is in excess of the amount of quota involved in the canceled lease would be charged against the receiving farm.

* * * * *

3. Paragraph (l) of § 726.93 is amended to read as follows:

§ 726.93 **Warehouseman's records and reports.**

* * * * *

(l) *Invoice to purchaser.* Warehousemen shall keep copies of bill out invoices to the purchaser by grades showing the pounds purchased and identification references to such basic warehouse records as basket ticket or sale bill.

[FR Doc.72–4156 Filed 3–17–72; 8:46 am]

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

[Lemon Reg. 525]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.825 **Lemon Regulation 525.**

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

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

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period March 19, 1972, through March 25, 1972, is hereby fixed at 220,000 cartons.

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

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

Dated: March 15, 1972.

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

[FR Doc.72–4260 Filed 3–17–72;8:53 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

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

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION AND ANIMAL PRODUCTS

PART 53—FOOT-AND-MOUTH DISEASE, PLEUROPNEUMONIA, RINDERPEST, AND CERTAIN OTHER COMMUNICABLE DISEASES OF LIVESTOCK OR POULTRY

Determination of Existence of Disease; Agreement With States

Pursuant to the provisions of the Act of May 29, 1884, as amended, and the Act of February 2, 1903, as amended (21 U.S.C. 111, 114, 114a), Part 53, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

Section 53.2 is revised to read:

§ 53.2 Determination of existence of disease; agreements with States.

(a) The Director of Division is hereby authorized to invite the proper State authorities to cooperate with the Department in the control and eradication of any disease within the meaning of § 53.1(f).

(b) Upon agreement of the authorities of the State to enforce quarantine restrictions and orders and directives properly issued in the control and eradication of such a disease, the Director of Division is hereby authorized to agree, on the part of the Department, to cooperate with the State in the control and eradication of the disease, and to pay 50 percent (and in the case of exotic Newcastle disease up to 100 percent) of the expenses of purchase, destruction and disposition of animals and materials required to be destroyed because of being contaminated by or exposed to such disease: *Provided, however,* That if the animals were exposed to such disease prior to or during interstate movement and are not eligible to receive indemnity from any State, the Department may pay up to 100 percent of the purchase, destruction, and disposition of animals and materials required to be destroyed: *Provided, further,* That the cooperative program for the purchase, destruction, and disposition of birds shall be limited to birds as referred to in § 82.2(a) of this chapter, and which are identified in documentation pursuant to Cooperative Agreements,[1] as constituting a threat to the poultry industry of the United States: *And provided further,* That the Secretary may authorize other arrangements for the payment of such expenses upon finding that an extraordinary emergency exists.

(Sec. 3, 23 Stat. 32, as amended; sec. 2, 32 Stat. 792, as amended; sec. 11, 58 Stat. 734, as amended; 21 U.S.C. 111, 114, 114a; 29 F.R. 16210, as amended, 36 F.R. 20707)

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

The foregoing amendment provides for the payment of up to 100 percent of the expenses of purchase, destruction and disposition of animals and materials required to be destroyed because of exotic Newcastle disease which constitutes a threat to the poultry industry of the United States.

The amendment should be made effective as soon as possible in order to facilitate the control and eradication of exotic Newcastle disease, an exotic communicable disease of poultry which currently exists in certain areas in the States of California, New Mexico, and Texas, and to prevent the spread of such disease in the interests of the poultry industry and the public. Accordingly, under administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of March 1972.

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

[FR Doc.72-4155 Filed 3-17-72;8:46 am]

[1] Agreements between the Departments and the particular State involved relating to cooperative animal (including poultry) disease prevention, control, and eradication.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-WE-11]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the El Toro, Calif., control zone.

The TACAN-1 instrument approach procedure to Santa Ana MCAS has recently been canceled. Therefore, the control zone extension described on the El Toro VOR 225° T (210° M) radial is no longer required.

Since this action is less restrictive in nature than currently designated airspace and imposes no additional burden on any person, notice and public procedure hereon is unnecessary.

In view of the foregoing in § 71.181 (37 F.R. 2143) the description of the El Toro, Calif., control zone is amended to read as follows.

EL TORO, CALIF.

Within a 5-mile radius of MCAS El Toro (latitude 33°40'34" N., longitude 117°43'50" W.); within 3.5 miles west and 3 miles east of the El Toro VOR 175° radial extending from the 5-mile-radius zone to 12 miles south of the VOR, excluding the portions within the Santa Ana, Calif. (Orange County), and Santa Ana (MCAS), Calif., control zones. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Effective date. This amendment will be effective 0901 G.m.t., May 25, 1972.

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

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

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.72-4142 Filed 3-17-72;8:45 am]

[Docket No. 11431]

PART 107—AIRPORT SECURITY

The purpose of this part is to provide certain aviation security standards for operators of airports regularly serving scheduled air carriers holding certificates of public convenience and necessity issued by the Civil Aeronautics Board and commercial operators engaging in intrastate common carriage covered by § 121.7 of this chapter, operating large aircraft (other than helicopters).

Interested persons have been afforded an opportunity to participate in the making of these regulations by a notice of proposed rule making (Notice 71-28) issued on September 28, 1971, and published in the FEDERAL REGISTER on September 30, 1971 (36 F.R. 19172). Due consideration has been given to all comments presented in response to that notice. On March 9, 1972, the President announced that rule making action to implement Notice 71-28 should be expedited.

Because of the recent alarming increase in hijacking, and the bomb threats and actual bombing of aircraft, the Administrator is of the opinion that an emergency requiring immediate action exists in respect of safety in air commerce. Accordingly, it is essential in the interest of safety in air commerce, particularly in air transportation, to meet this emergency by requiring airport operators to immediately adopt and put into use facilities and procedures designed to prevent or deter unauthorized access to air operations areas.

Most of the commentators agreed with the objectives of the proposal, and some of them endorsed the proposal as made. However, some commentators questioned the need for additional regulations to accomplish those objectives, or opposed the proposal on the basis of the economic burden placed upon the airport operators unless the Federal Government would fund these costs. Still other commentators questioned the efficacy of rules on

identification of vehicles and persons authorized access to air operations areas. However, the Administrator carefully considered these matters before issuing the notice and found the proposals necessary, and with further consideration still finds them necessary, in order to meet the situation they are designed to remedy.

Some commentators questioned the Administrator's authority to issue the proposed rules and the effectiveness of the Federal role in support of airport security. However, the Administrator is fully empowered under sections 313(a), 601, and 606 of the Federal Aviation Act to issue these rules. This has been reinforced by the recent amendment to section 609 of the Act that makes it clear that air navigation facilities (covered by section 606) include airports. Thus, under section 901 of the Act, the Administrator has authority to impose civil penalties for a violation of these regulations.

One source of adverse comment was the proposal of § 107.3(a)(1)(iii), requiring the airport operator to include in its master security plan a 5-year plan for improving or establishing protection against unauthorized access to air operations areas, insofar as this would involve areas exclusively occupied or controlled by other persons under leases or other contractual agreements with the airport operator or owner showing a time schedule for each area designated. After careful consideration, it has been determined that this requirement should not apply to access, from a nonair operations area (such as terminal facilities) to an air operations area, when both are adjacent and exclusively occupied or controlled by a certificate holder that is required to have a security program including prevention or deterrence of unauthorized access to its aircraft, under § 121.538. Otherwise, the rule requires the airport operator's plan to cover improving or establishing protection against unauthorized access to air operations areas regardless of who occupies or controls those areas. The FAA also believes that the implementation of the plan must be accomplished as soon as practicable. In order to avoid the implication that a plan designed to be implemented over a period of 5 years will be acceptable in all cases, the reference to a "5-year plan" has been deleted.

Some commentators felt that the rule should have more specific guidelines for security programs, others felt that the rule should be flexible in this respect. Several commentators asserted that the submission of security programs should be made to the Administrator, not to the Regional Directors, in order to assure uniformity of application of the approval process. The latter suggestion has not been adopted because it is considered necessary to have the security programs submitted to the Regional Directors for the purpose of expediting the approval process. The FAA expects to issue guidelines for preparation and submission of the airport operators' security programs very shortly.

Pursuant to comments, the requirement of § 107.11 for identification of ground vehicles has been made inapplicable as respects emergency vehicles when responding to emergency situations while escorted by authorized vehicles with two-way contact with the control tower or established emergency control unit at the airport.

The Office of the Secretary of Defense requested the inclusion of a provision that would identify as the airport operator the operator of a civil air terminal and its surrounding civil air operations area, at military installations having joint-use agreements with civil agencies and where the installations are used to regularly service scheduled civil air carriers of the kind identified in § 107.1(a). The FAA has incorporated this position into the regulation.

Because of the emergency nature of the threat to the safety of persons and property carried in air commerce due to hijacking and bomb threats, I find that further notice and public procedure on this amendment are impracticable and contrary to the public interest and that good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, Title 14, Chapter I, of the Code of Federal Regulations is amended, effective March 18, 1972, by adding the following new Part 107.

Issued in Washington, D.C., on March 16, 1972.

J. H. SHAFFER,
Administrator.

Sec.
107.1 General.
107.3 Security procedures and facilities and security program.
107.5 Amendment of security program.
107.7 Implementation of master security plan.
107.9 Identification of persons.
107.11 Identification of ground vehicles.

AUTHORITY: The provisions of this Part 107 issued under secs. 313(a), 601, 606, and 901 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1426, 1471. Sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c).

§ 107.1 General.

(a) This part prescribes aviation security rules for the operators of airports regularly serving scheduled air carriers holding certificates of public convenience and necessity issued by the Civil Aeronautics Board and commercial operators engaging in intrastate common carriage covered by § 121.7 of this chapter, operating large aircraft other than helicopters, hereinafter called "airport operators."

(b) No airport operator may operate an airport in violation of the rules of this part.

(c) For the purposes of this part, "air operations area" means any area of the airport used or intended to be used for landing, takeoff, or surface maneuvering of aircraft.

(d) For purposes of this part at military installations having joint-use agreements with civil agencies and where the installations are used to regularly service civil air carriers of the type described in paragraph (a) of this section—

(1) The airport operator is the operator of the civil air terminal and its surrounding civil air operations area; and

(2) The air operations area is the area identified in the joint-use agreement to be under the control of the airport operator for civil air use.

§ 107.3 Security procedures and facilities and security program.

(a) Each airport operator shall comply with the following requirements:

(1) It shall immediately adopt and put into use facilities and procedures, designed to prevent or deter persons and vehicles from unauthorized access to air operations areas.

(2) It shall prepare in writing and submit for approval by the Administrator its security program including at least the following items and showing the means and procedures it uses or intends to use for implementing them:

(i) A master security plan that meets the following:

(*a*) Identifies separately each air operations area and each other area of the airport, including those areas exclusively occupied or controlled by another person under a lease or other contractual arrangement with the airport operator or owner.

(*b*) Designates each area of the airport identified in subdivision (*a*) of this subparagraph that has no protection, or has inadequate protection, against unauthorized access to air operations areas (such as inadequacy or lack of fencing, gates, doors with locking means, and vehicular and pedestrian controls).

(*c*) Except as provided in (*d*) of this subdivision, sets forth a plan for improving or establishing protection against unauthorized access to air operations areas showing a time schedule for each area designated under (*b*) of this subdivision.

(*d*) Item (*c*) of this subdivision does not apply to access from a nonair operations area to an air operations area where both areas are adjacent and exclusively occupied or controlled by a certificate holder that is required to have a security program under § 121.538 of this chapter.

(ii) Identification of authorized persons and ground vehicles under §§ 107.9 and 107.11.

(b) Each airport operator shall submit its security program to the Regional Director for the region in which the airport is located. Each airport operator whose airport is in operation before March 18, 1972, shall submit its program no later than June 16, 1972. Each airport operator whose airport is not in operation before March 18, 1972, shall submit its program at least 90 days before the date of intended operations.

(c) Within 90 days after receipt of the program, the appropriate FAA Regional Director approves the program or notifies the airport operator to modify the program to comply with the applicable requirements of this Part. The airport

operator may petition the Administrator to reconsider the notice to modify. The petition must be filed with the appropriate FAA Regional Director within 30 days after the airport operator 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.

(d) Each airport operator shall maintain at least one complete copy of its approved security program at its principal operations office, and shall make it available for inspection upon the request of the Administrator.

§ 107.5 Amendment of security program.

(a) The Administrator may amend any security program approved under this part—

(1) Upon application by the airport operator, if the Administrator determines that safety in air transportation (or in air commerce, in the case of an airport serving a commercial operator engaging in intrastate common carriage covered by § 121.7 of this chapter) and the public interest allow the amendment of an approved program; or

(2) If the Administrator determines that safety in air transportation (or in air commerce, in the case of an airport serving a commercial operator engaging in intrastate common carriage covered by § 121.7 of this chapter) and the public interest require the amendment of an approved program.

(b) In the case of an amendment under paragraph (a) (2) of this section, the Administrator notifies the airport operator, 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 airport operator of any amendment adopted, or rescinds the notice. The amendment becomes effective not less than 30 days after the airport operator receives the notice, unless it petitions the Administrator personally 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 (or in air commerce, in the case of an airport serving a commercial operator engaging in intrastate common carriage covered by § 121.7 of this chapter), 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 airport operator 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 security program to be adopted.

(c) An applicant must file its application for an amendment of a security program with the FAA Regional Director in whose region the airport is located, at least 15 days before the date it proposes for the amendment to become effective, unless a shorter period is allowed by that office.

(d) Within 30 days after receiving from the FAA Regional Director a notice of refusal to approve the application for amendment, the applicant may petition the Administrator personally to reconsider the refusal to amend.

§ 107.7 Implementation of master security plan.

Each airport operator shall carry out the plan for improving or establishing protection against unauthorized access to air operations areas, in the manner set forth in its master security plan included in its security program.

§ 107.9 Identification of persons.

(a) Except as provided in paragraph (b) of this section, after approval of its security program each airport operator shall require all persons authorized access to any air operations area to have suitable identification on them when in that area.

(b) The requirement of paragraph (a) of this section does not apply to access from a nonair operations area to an air operations area where both areas are adjacent and exclusively occupied or controlled by certificate holder that is required to have a security program under § 121.538 of this chapter.

§ 107.11 Identification of ground vehicles.

(a) Except as provided in paragraph (b) of this section, after approval of its security program each airport operator shall require the operator of each vehicle authorized access to any air operations area to display visual identification (such as a large decal or sign) while operating in that area.

(b) The requirement of paragraph (a) of this section does not apply to—

(1) Any emergency vehicle when responding to an emergency situation while escorted by a vehicle, authorized by the airport operator, that has two-way contact with the control tower or established emergency control unit at that airport; and

(2) Access from a nonair operations area to an air operations area where both areas are adjacent and exclusively occupied or controlled by a certificate holder that is required to have a security program under § 121.538 of this chapter.

[FR Doc. 72-4310 Filed 3-17-72;9:48 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-724; Amdt. 39]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS CERTIFICATED AIR CARRIERS

Realignment of Lease Accounting and Reporting and Provision for Quarterly Statements Related to Funds and Financial Commitments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of February 1972.

By a notice of proposed rule making,[1] the Board proposed to amend Part 241 of the Economic Regulations (14 CFR Part 241) so as to realine the carrier rent account and the treatment of long-term leases for accounting and reporting, and to provide for quarterly statements of sources and applications of funds and impending financial commitments.

The Board observed in EDR-199, that, while there has been an increasing tendency in the industry in recent years to acquire flight equipment through lease arrangements or agreements, very little information is available with regard to the economic impact of leasing activities, particularly in such areas as depreciation expense, interest expense, operating profit, investment base and rate of return. Attention was also drawn to the investment standards used by the financial community in evaluating air carrier financing, and to the possibility that the inclusion of "landing fees" and both long- and short-term lease costs within the general classification "rentals" under the present accounting regulations could impede the financing capabilities of the air carriers.[2]

The proposal was directed toward overcoming the potentially misleading connotations and information gaps concerning air carrier finances by: (1) Establishing a new profit and loss account separately from rentals for recording landing fees; (2) separating and recording independently maintenance, insuance, and taxes from other lease payment components; (3) reflecting all equity interest components in leased property on bases consistent with the treatment accorded other owned property, including modifications to leased property within the general operating property classification, instead of the present deferred charge classification; (4) disclosing through memoranda balance sheet accounts the property cost equivalent of long-term leased equipment, less implicitly accrued depreciation; (5) separating the long- and short-lease charges within the rent expense account; and (6) disclosing through additional or modified schedules descriptive information on leases, long-term property commitments, and sources and application of funds.

Comments in response to the notice were filed by the Airline Finance and

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[1] EDR-199, dated Apr. 22, 1971, published at 36 F.R. 8052, Apr. 29, 1971.

[2] As an example, we referred to a New York State law which provides, in essence, that insurance companies may invest in certain ventures only if the potential investment's earnings within a prescribed period are at a certain level in relation to fixed charges. The New York statue included "rentals for leased property" within the meaning of "fixed charges." We pointed out that although, as a generic matter, it is doubtful whether landing fees could properly be construted as fixed charges, the inclusion of landing fees in the same classification with rentals in the Uniform System of Accounts could lend force to such a construction.

Accounting Conference of the Air Transport Association of America (ATA), on behalf of 22 of its members, by Universal Airlines, Inc. (Universal), and by Trans International Airlines, Inc. (TIA). Upon consideration, the Board has determined to adopt the rule as proposed, except as modified herein.

The comments were somewhat detailed, and were, on the whole, directed toward technical aspects of the proposed rule rather than toward the financing implications of present reporting practices. In brief, the following arguments were presented: (1) The 3-year criterion for distinguishing between short- and long-term lease charges and reflecting the property cost equivalent in memoranda balance sheet accounts is arbitrary and less valid than criteria based upon ownership risks or equitable interests; (2) the proposed inclusion of long-term prepayments with operating property would distort working capital and represent a partial capitalization of leases within the formal account structure, thus being incomplete and misleading; (3) maintenance, insurance, and tax charges included in lease payments are, according to TIA, so small that separate recording would not provide useful information and, according to ATA, should be separately recorded only when specifically stated, with no attempt to impute them; and (4) memorandum disclosure on the balance sheet of lease commitments might best be temporarily withheld awaiting the results of current studies of lease accounting of two national professional associations.[2] The proposed Schedules B–12, B–13, and B–14, providing descriptive information on long-term leases, property commitments and sources and applications of funds, have been met with general acceptance, but modifications were suggested with respect to reducing the funds statement details and avoiding any interpretation that forecasting profits over extended time periods could be required in projecting financial commitments and financing remaining to be scheduled.

In light of the nature of these comments, we believe it beneficial to describe more fully the basic objectives underlying EDR–199. As indicated in the proposal, a possible industry-wide financing problem was understood to be stemming from classification of certain charges in the Uniform System of Accounts and Reports which could be construed as "fixed charges" as that term may be applied by lending institutions in weighing earnings for prescribed periods in accordance with statutory requirements. Specifically, it was felt that the present treatment of "rentals" accessorial charges and "landing fees" in the same account does not accurately portray the variable nature of the last two expense categories and their separate recording was, therefore, proposed. Notwithstanding statutory requirements, it is our view that the establishment of landing fees as a distinct expense classification and the separate recording of maintenance, insurance, and tax charges are worthwhile improvements to the accounting regulations and will be finalized as proposed. However, the separation of maintenance, insurance, and taxes will be limited to circumstances in which such charges are specifically identified, as suggested by ATA.

The dramatic increase of leasing in recent years has not been accompanied by any method of presentation which provides a basis for analysis of its economic effects. Moreover, the significance is frequently such that disclosure of essential information cannot be accomplished satisfactorily through classical footnote presentation which many times buries rather than effectively discloses pertinent information. At the same time, lease arrangements of long-term duration may be significantly different than those of short-term duration in their financial implications and particularly with respect to assessing "fixed charges." For purposes of identifying lease arrangements which may be of significance to both these general and specific information uses, the proposed rule provided for separate accounting and reporting of those leases extending beyond 3 years from those of shorter duration. The industry suggests that the distinction should be made between those which are in substance equivalent to ownership and those which merely give rise to a right to limited use. This suggestion overlooks the fact that when such circumstances exist in reality, by meeting the criteria of a conditional sale, the asset is capitalizable as property under the present regulations but that standards for making such a determination are clouded and are receiving intensive professional examination at the present time. The proposed 3-year criterion was not novel but was merely reflective of a standard being used as noted by the American Institute of Certified Public Accountant's "Accounting Research Bulletin No. 43" and "Accounting Trends and Techniques," as well as footnote techniques reflected in annual reports of various air carriers.

Accordingly, this proposed standard for identification and disclosure of lease commitments is in basic harmony with widely prevailing practices. Even though the criteria of significance-identification are being intensively reevaluated within the accounting profession, the adoption of conventionalized time-period criteria for regulatory purposes imposes no significant burden on the industry as a practical operational procedure pending the development of more valid criteria. Therefore, although we are withdrawing the proposed 3-year criterion for accounting purposes, as discussed hereinbelow, we will adopt it for the reporting purpose of Schedule B–14. Moreover, in order to further minimize potential reporting burdens, the 3-year standard will apply only to flight equipment leases and to leases of other property and equipment which have material financial impact. Each carrier will accordingly be required to submit a statement of policy, for approval by the Board's Director, Bureau of Accounts and Statistics, setting forth the specific working standards which it applies in determining which long-term leases it considers to have material financial impact.

The proposal to reflect in summary the property cost equivalent of long-term lease rights in offsetting memoranda balance sheet accounts and underlying details in a supplementary report schedule was directed at achieving effective disclosure of significant lease information. Contrary to the ATA comment, the proposal was in no way based upon concepts embodying constructive property ownership or the capitalization of leases. In fact, the proposal was directed precisely at the substantive differentiation which must be accorded "prepaid" and "postpaid" rights acquired or utilized irrespective of their form, limits or financial devices through which acquired. It was for this very reason that: (1) The proposed lease asset-liability accounts were to be established in offsetting memoranda form and in such manner "as to have no effect upon the air carrier's recorded or reported financial condition or operating results;" and (2) the proposal was made to reclassify long-term property prepayments from the deferred charge to operating property classification now incorporating modifications to leased property along with customary acquisition costs which are in substance indistinguishable from long-term property prepayments except for the scope of rights conveyed.

Nevertheless, it is recognized that there are two professional accounting committees presently conducting indepth studies on the subject of lease accounting. The findings of these two committees should be valuable to the Board in formulating accounting regulations adapted to the informational needs and economic implications of leasing to the regulatory process. Since the primary problem here involved concerns the form of disclosure for an interim period, all of the proposals addressed to both balance sheet and profit and loss account classifications and presentations with respect to long- and short-term lease distinctions will be temporarily withdrawn. However, as previously indicated, the supplementary Schedule B–14 for a disclosing basic data with respect to long-term leases will be finalized as proposed, although with limited applicability. By adopting Schedule B–14 in this rule, we are eliminating Schedule B–47 Leased Obligations—Flight Equipment, which is presently submitted by the carriers.

The comments received generally agree that the Board needs information of the type which would be provided by the proposed Schedules B–12 Source and Application of Funds, B–13 Projected Financial Commitments and Related Deposits, and B–14 Statement of Property Obtained under Long-Term Leases. ATA suggested certain modifications to Schedule B–13. The first is that debt retirement be consolidated to show one retirement figure and, second, line 25, now line

[2] TIA and Universal both take the position that adequate presentation might be had through Schedule B–14.

21, be retitled and indicate that line 18, now line 14, "Internal Sources and Property Retirements" (as Scheduled Funds Sources), not include projected earnings or losses. Both suggestions will be adopted as desirable clarifications. However, a companion suggestion to delete lines 23 and 24, now lines 19 and 20, providing a basis for identifying funds to be met from internal and external sources, respectively, will not be adopted inasmuch as the reporting of such information is left to the option of each carrier. The carriers' concern over the potential burden of Schedule B–14 has been largely overcome by our decision to limit the applicability of the long-term lease reporting requirement, as discussed above. Similarly, any difficulty in imputing cost for some long-term leases will also be mitigated by the same modification, and we will retain the requirement as proposed, since the cost data is material to assessing those long-term leases which are to be reported.

Accordingly, the Civil Aeronautics Board hereby amends Part 241 of the Economic Regulations (14 CFR Part 241) effective April 18, 1972, as follows:

1. Amend section 7—*Chart of Profit and Loss Accounts* to revise Account 44 Rentals and Landing Fees and to add Account 47 Rentals, the revised chart in pertinent part to read:

* * * * *

Objective classification of profit and loss elements	Functional or financial activity to which applicable (00)		
	Group I carriers	Group II carriers	Group III carriers
* * *	* * *	* * *	* * *
43.9 Other services—outside	52, 53, 69	52, 53, 55, 64, 67, 68.	52, 53, 55, 61, 62, 63, 66, 68.
44 Landing fees	69	64	61.
45 Aircraft fuels and oils	51		
45.1 Aircraft fuels		51	51.
45.2 Aircraft oils		51	51.
46 Maintenance materials:			
46.1 Airframes		52	52.
46.2 Aircraft engines		52	52.
46.3 Other flight equipment		52	52.
46.6 Flight equipment	52		
46.9 Ground property and equipment	52, 53	52, 53	52, 53.
47 Rentals	51, 53, 69	51, 53, 55, 64, 67, 68.	51, 53, 55, 61, 62, 63, 65, 66, 68.
49 Shop and servicing supplies	53, 69	53, 64	53, 61.
* * *	* * *	* * *	* * *

2. Amend section 13—*Objective Classification—Operating Expenses* as follows:

A. By amending Account 44 *Rentals and Landing Fees* to read:

44 Landing Fees.

Record here the charges and fees incurred for landing of aircraft while in line operation.

* * * * *

47 Rentals.

Record here rentals, fees, or charges incurred in the use of property and equipment provided by others. When a lease arrangement provides that the amounts paid include charges for maintenance, insurance, or taxes, the amounts related thereto shall not be recorded in this account but in the appropriate expense account to which related.

3. Amend section 22—*General Reporting Instructions* to add to the list of schedules new Schedules B–12 Statement of Source and Application of Funds, B–13 Summary of Projected Financial Commitments and Related Deposits, and B–14 Summary of Property Obtained under Long-term Leases; and to delete Schedule B–47 Lease Obligations—Flight Equipment; the revised list in pertinent part to read:

Schedule No.		Filing	
		Frequency	Post mark interval (days)
* * *	* * *	* * *	* * *
B–10	Developmental and Preoperating Costs	Quarterly	40
B–12	Statement of Source and Application of Funds	do	40
B–13	Summary of Projected Financial Commitments and Related Deposits.	do	40
B–14	Summary of Property Obtained under Long-term Leases	do	40
B–41	Investments Held by, or for the Account of, Respondent	Annually	90
B–42	Accounts 1410 Short-Term Prepayments, 1550 Special Funds—Other, 1820 Long-Term Prepayments, 1880 Other Intangibles, 1890 Other Deferred Charges, 2390 Other Deferred Credits.	do	90
B–43	Inventory of Airframes and Aircraft Engines	do	90
B–44	Transactions with Associated Companies	do	90
B–46	Long-Term and Short-Term Non-Trade Debt	do	90
	Memorandum Subclassification of Ground Property Investment	Quarterly	50
* * *	* * *	* * *	* * *

4. Amend section 23—*Certification and Balance Sheet Elements* as follows:

A. By adding instructions for new Schedules B–12 Statement of Source and Application of Funds, B–13 Summary of Projected Financial Commitments and Related Deposits, and Schedule B–14 Summary of Property Obtained Under Long-Term Leases to read:

Schedule B–12 Statement of Source and Application of Funds

(a) This schedule shall be filed by all route air carriers.

(b) This schedule shall be filed for the overall or system operations of the air carrier.

(c) In determining funds from operations, net income as reported in item 9799 on Schedule P–1.2 shall be increased by the indicated nonfund charges and shall be decreased by nonfund credits such as gains on property retirements and undistributed earnings of subsidiaries. The nonfund credits shall be included net on line 6 "Other nonfund items." If the amount reported on line 6, line 12, or line 19 exceeds 5 percent of the total sources or applications, a footnote shall be added to this schedule disclosing the component amounts.

(d) Generally, all items shall be reported in gross amounts. Thus nonfund exchanges of bonds or capital stock for fixed assets shall be reported as a source of funds from the incurrence of debt or issuance of stock and a concurrent application of funds for the asset acquisition. Likewise, the conversion of debt for capital stock shall be reported as a source of funds for capital stock issued and an application of funds for the debt retired.

Schedule B–13 Summary of Projected Financial Commitments and Related Deposits

(a) This schedule shall be filed by all route air carriers.

(b) This schedule shall be filed for the overall or system operations of the air carrier.

(c) The indicated data shall be reported in columns 2 through 9 for all firm programs for property acquisition and debt retirement. The total estimated cost of each program shall be reported in column 2, and the amounts reflected in columns 3 through 9 shall agree in total with the amount in column 2.

(d) Financing for which firm arrangements have been made to meet the total projected commitments shall be reported in columns 5 through 9 by appropriate caption under scheduled financing. Financing to be scheduled reported on line 21 shall equal line 12 minus line 17. The use of lines 19 and 20 to indicate, generally, whether funds to be scheduled are expected to be obtained through internal or external sources is optional.

Schedule B–14—Summary of Property Obtained under Long-Term Leases

(a) This schedule shall be filed by all route air carriers.

(b) This schedule shall be filed for the overall or system operations of the air carrier.

(c) This schedule shall reflect data for all leases in force at the report date

which have a term or terms in excess of 3 years including terms of extension or renewal at the option of the lessee. However, leases of property and equipment, other than flight equipment, which are not of material financial impact may be excluded: *Provided*, That a statement is submitted for approval by the Board's Director, Bureau of Accounts and Statistics, which describes the policy applied for exclusion of leases not considered material and the percentage of the total lease commitment which they represent.

(d) Column 3 "Cost" shall reflect the estimated cost to the lessor if stipulated in the lease agreement. If the lessor's cost is not stipulated, it shall be determined, based on the cost of comparable owned property or equipment, the market value of comparable property or equipment of independent appraisals; and such estimates, together with sufficient documentary evidence and factual support, shall be submitted to the Director, Bureau of Accounts and Statistics, for approval.

(e) The indicated lease costs and approximate annual lease cost components shall be reported in columns 5 through 11. The imputed interest rate shall be reported in column 12 and the remaining months of the lease shall be reported in column 13. Column 14 shall indicate whether the lease contains purchase option provisions by insertion of the word "Yes" or "No."

B. By deleting the instructions for Schedule B–47 Lease Obligations—Flight Equipment.

5. Amend section 32—*General Reporting Instructions* to add to the list of schedules new Schedules B–12 Statement of Source and Application of Funds, B–13 Summary of Projected Financial Commitments and Related Deposits, and B–14 Summary of Property Obtained under Long-Term Leases; and delete Schedule B–47 Lease Obligations—Flight Equipment; the revised list in pertinent part to read:

Schedule No.		Filing	
		Frequency	Post mark Interval (days)
* * *	* * *	* * *	* * *
B–11	Current and Long-term Receivables; Current and Long-term Payables.	Monthly	30
B–12	Statement of Source and Application of Funds	Quarterly	40
B–13	Summary of Projected Financial Commitments and Related Deposits.	do	40
B–14	Summary of Property Obtained under Long-term Leases	do	40
B–41	Investments Held by, or for the Account of, Respondent	Annually	90
B–43	Inventory of Airframes and Aircraft Engines	do	90
B–46	Long-term and Short-Term Non-Trade Debt	do	90
P–1.1	Income Statement—Group I Air Carriers	Quarterly	40
* * *	* * *	* * *	* * *

6. Amend section 33—*Certification and Balance Sheet Elements* as follows:

A. By adding instructions for new Schedules B–12 Statement of Source and Application of Funds, B–13 Summary of Projected Financial Commitments and Related Deposits, and Schedule B–14 Summary of Property Obtained under Long-Term Leases to read:

Schedule B–12 Statement of Source and Application of Funds

(a) This schedule shall be filed by each supplemental air carrier.

(b) In determining funds from operations, net income as reported in item 9799 on Schedule P–1.1 or P–1.2, as applicable, shall be increased by the indicated nonfund charges and shall be decreased by nonfund credits such as gains on property retirements and undistributed earnings of subsidiaries. The nonfund credits shall be included net on line 6 "Other nonfund items." If the amount reported on line 6, line 12, or line 19 exceeds 5 percent of the total sources or applications, a footnote shall be added to this schedule disclosing the component amounts.

(c) Generally, all items shall be reported in gross amounts. Thus, nonfund exchanges of bonds or capital stock for fixed assets shall be reported as a source of funds from the incurrence of debt or issuance of stock and a concurrent application of funds for the asset acquisition. Likewise, the conversion of debt for capital stock shall be reported as a source of funds for capital stock issued and an application of funds for the debt retired.

Schedule B–13 Summary of Projected Financial Commitments and Related Deposits

(a) This schedule shall be filed by each supplemental air carrier.

(b) The indicated data shall be reported in columns 2 through 9 for all firm programs for property acquisition and debt retirement. The total estimated cost of each program shall be reported in column 2, and the amounts reflected in columns 3 through 9 shall agree in total with the amount in column 2.

(c) Financing for which firm arrangements have been made to meet the total projected commitments shall be reported in columns 5 through 9 by appropriate caption under scheduled financing. Financing to be scheduled reported on line 21 shall equal line 12 minus line 17. The use of lines 19 and 20 to indicate, generally, whether funds to be scheduled are expected to be obtained through internal or external sources is optional.

Schedule B–14 Summary of Property Obtained Under Long-Term Leases

(a) This schedule shall be filed by each supplemental air carrier.

(b) This schedule shall reflect data for all leases in force at the report date which have a term or terms in excess of 3 years including terms of extension or renewal at the option of the lessee. However, leases of property and equipment, other than flight equipment, which are not of material financial impact may be excluded: *Provided*, That a statement is submitted for approval by the Board's Director, Bureau of Accounts and Statistics, which describes the policy applied for exclusion of leases not considered material and the percentage of the total lease commitment which they represent.

(c) Column 3 "Cost" shall reflect the estimated cost to the lessor if stipulated in the lease agreement. If the lessor's cost is not stipulated, it shall be determined based on the cost of comparable owned property or equipment, the market value of comparable property or equipment or independent appraisals; and such estimates, together with sufficient documentary evidence and factual support, shall be submitted to the Director, Bureau of Accounts and Statistics, for approval.

(d) The indicated lease cost and approximate annual lease-cost components shall be reported in columns 5 through 11. The imputed interest rate shall be reported in column 12 and the remaining months of the lease shall be reported in column 13. Column 14 shall indicate whether the lease contains purchase option provisions by insertion of the word "Yes" or "No."

B. By deleting the instructions for Schedule B–47 Lease Obligations—Flight Equipment.

7. By amending CAB Form 41 to delete Schedule B–47 and to add new Schedules B–12, B–13, and B–14 which are attached hereto [4] and made a part hereof.

(Secs. 204(a) and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

By the Civil Aeronautics Board.

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

[FR Doc.72-4122 Filed 3-17-72;8:45 am]

Chapter V—National Aeronautics and Space Administration

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subpart 14—Use of the Wallops Station Airstrip by Aircraft Not Operated for the Benefit of the Federal Government

Pursuant to 49 U.S.C. 1507, the head of an agency having jurisdiction over air navigation facilities owned or operated by the United States may make such facilities available for public use under such conditions and to such extent as he deems advisable and may by regulation prescribe. The National Aeronautics and Space Administration (NASA) has jurisdiction over an airstrip forming a part of a field installation know as Wallops Station (formerly Chincoteague Naval

[4] Filed as part of the original document.

Air Station) situated in the general vicinity of Chincoteague, Va. Such airstrip is used by NASA in connection with its authorized activities. However, the airstrip is capable also of limited use by aircraft not operated for the benefit of the Federal Government. The Administrator of NASA is disposed to permit such use under appropriate conditions, when such use will not interfere with the primary use for governmental purposes or compete with commercially operated airports in the vicinity. The regulations set forth in this Subpart 14 establish the responsibilities and describe the conditions and procedures for such use of the Wallops Station Airstrip.

Inasmuch as these regulations relate to the use of public property and confer a benefit not otherwise available, the requirement of 5 U.S.C. 553 as to notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable. It is believed that such procedure will serve no useful purpose here.

1. New Subpart 14 is added:

AUTHORITY: The provisions of this Subpart 14 issued under 42 U.S.C. 2473(b)(1) and 49 U.S.C. 1507.

§ 1204.1400 Scope.

This subpart establishes the responsibilities and describes the conditions and procedures for the use of the Wallops Station Airstrip, near Chincoteague, Va., by aircraft not operated for the benefit of the Federal Government.

§ 1204.1401 Definitions.

For the purposes of this subpart the following definitions apply:

(a) *Wallops Station Airstrip.* The aeronautical facility which is a part of the Wallops Station, NASA, Wallops Island, Va. (formerly the Chincoteague Naval Air Station), and is located 75°28′ west longitude and 37°56′ north latitude in the general vicinity of Chincoteague, Va.

(b) *Aircraft not operated for the benefit of the Federal Government.* Aircraft which are not owned by the U.S. Government or the operators or passengers of which do not have official business requiring the use of the Wallops Station Airstrip in the particular circumstances in question.

(c) *Official business.* Business, in the interest of the U.S. Government, which personnel aboard an aircraft must transact with U.S. Government personnel or organizations at or near Wallops Station. The use of the Wallops Station Airstrip by transient aircraft to petition for U.S. Government business or to obtain clearance, servicing, or other items pertaining to itinerant operations is not considered official business.

(d) *User.* An individual, partnership, or corporation owning, operating, or using an aircraft not operated for the benefit of the Federal Government in whose name permission to use Wallops Station Airstrip is to be requested and granted.

(e) *Hold harmless agreement.* An agreement executed by the user by which the user acknowledges his awareness of the conditions of the permission to use Wallops Station Airstrip, assumes any risks connected therewith and releases the U.S. Government from all liability incurred by his use of such airstrip.

(f) *Use permit.* The written permission signed by the authorized approving official to land, take off, and otherwise use the Wallops Station Airstrip. Such use permit may be issued for a single or multiple occasions. The specific terms of the use permit and the provisions of this Subpart 14 govern the use which may be made of the Airstrip by aircraft not operated for the benefit of the Federal Government.

(g) *Certificate of insurance.* A certificate signed by an authorized insurance company representative (or a facsimile of an insurance policy) evidencing that insurance in consonance with this Subpart 14 (see § 1204.1404(d)) is then in force with respect to any aircraft not operated for the benefit of the Federal Government, the user of which is requesting permission to use the Wallops Station Airstrip.

§ 1204.1402 Policy.

(a) The Wallops Station Airstrip is not engaged in a public or quasi-public enterprise; and, hence, any use of the Airstrip by aircraft not operated for the benefit of the Federal Government shall be within the sole discretion of the approving authority.

(b) Except for those users declaring and in-flight emergency (see § 1204.1406) aircraft not operated for the benefit of the Federal Government are not permitted to land or otherwise use the Wallops Station Airstrip except in accordance with this Subpart 14.

(c) Any use of the airstrip by aircraft not operated for the benefit of the Federal Government shall be gratuitous and no consideration (monetary or otherwise) shall be exacted or received by NASA for such use. However, each user, as a condition of receiving permission to use such airstrip, shall agree to familiarize himself with the physical condition of the airstrip, abide by the conditions placed upon such use, subject his aircraft, himself and those accompanying him to any requirements imposed by NASA in the interest of security while the aircraft or persons are on Wallops Station, use the facilities entirely at his own risk, hold the Federal Government harmless with respect to any and all liabilities which may arise as a result of his use of the facilities and carry insurance in an amount which is deemed adequate by NASA.

(d) Permission to use the airstrip will be granted only when there are compelling reasons for such use, and then only when such use will not compete with another airport in the vicinity which imposes landing fees or other user charges, or the use of which would be as or more convenient than the use of the Wallops Station Airstrip.

(e) In no event will permission to use the airstrip be granted pursuant to this Subpart 14 to an aircraft directly arriving from, or destined for, any location outside the continental United States.

(f) Permission to use the Wallops Station Airstrip may only be granted to those users having the legal capacity to contract who and whose aircraft are in full compliance with applicable Federal Aviation Administration or other cognizant regulatory agency requirements.

(g) Permission to use Wallops Station Airstrip, except in connection with a declared inflight emergency, will consist only of the right to land, park an aircraft, and subsequently take off. Wallops Station Airstrip is not equipped to provide any other services, such as maintenance or fuel and such services will not be provided except following an inflight emergency.

§ 1204.1403 Available airport facilities.

The Wallops Station Airstrip has the following airport facilities:

(a) *Runways.* There are three hard surfaced runways in satisfactory condition. The runways and taxiways are concrete and/or asphalt. Runway 10–28 is 8,000 feet long, 200 feet wide with maximum wheel load of 57,500 pounds; Runway 04–22 is 8,750 feet long, 150 feet wide with maximum wheel load of 57,500 pounds; and Runway 17–35 is 4,820 feet long, 150 feet wide with maximum wheel load of 14,700 pounds.

(b) *Parking areas and hangar space.* No hangar space is available. However, concrete parking ramp space is available as directed by tower or Wallops Advisory Service.

(c) *Control tower.* The control tower is manned from 0730–1730 local time, Monday through Friday only, legal holidays excluded. When the tower is manned and in operation, the FAA regulations pertaining to the operation at airports with operating control towers (14 CFR 91.87) will apply. The tower may be contacted on 275.2 MHz or 125.45 MHz. At all times when the tower is not manned, the Wallops Advisory Service (a 24-hour security service) may be contacted on the same frequencies for essential information. However, during such times the FAA rules pertaining to the operation at airports without control towers (14 CFR 91.89) will apply.

(d) *Other navigation aids.* Runway and taxiway lights on runway and taxiway 10–28 only. Specific request must be made of the control tower or Wallops Advisory Service to have these lights turned on. Lighted red obstruction lights on all airfield obstructions.

(e) *Physical hazards.* Numerous towers in airport vicinity up to 241 feet above ground level.

(f) *Emergency equipment.* Crash and fire equipment on duty 24 hours a day, 7 days a week.

(g) *Other facilities.* No facilities other than those described above are available

except on an individual emergency basis to any user.

§ 1204.1404 Request for use of airstrip.

(a) Requests for use of the airstrip, whether on a one-time or recurring basis, must be in writing and addressed to the Airport Manager, Wallops Station, NASA, Wallops Island, Va. 23337. Such requests will:

(1) Identify the prospective user and aircraft fully,

(2) State the purpose of the proposed use and the reason why the use of the Wallops Station Airstrip is proposed rather than a commercial airport,

(3) Indicate the number and approximate date(s) and time(s) of such proposed use,

(4) State that the prospective user is familiar with the provisions of this Subpart 14 and is prepared to fully comply with its terms and the use permit which may be issued.

(b) Upon receipt of the written request for permission to use the airstrip, the Airport Manager will request additional information, if necessary, and forward the required hold harmless agreement for execution by the requestor or forward, where appropriate, a denial of the request.

(c) The signed original of the hold harmless agreement shall be returned to the Airport Manager, and a copy retained in the aircraft at all times. Such copy shall be exhibited upon proper demand therefor by any NASA Wallops Station official.

(d) At the same time that the prospective user returns the executed original of the hold harmless agreement, he shall forward to the Airport Manager the required Certificate of Insurance and waiver of rights to subrogation. Such certificate shall evidence that, during any period for which a permit to use is being requested, the prospective user has in force a policy of insurance covering liability to others in amounts not less than:

(1) Bodily injury liability: Fifty thousand dollars because of bodily injury to or death of one person in any one accident, and $100,000 because of bodily injury to or death of two or more persons in any one accident.

(2) Property damage liability: Twenty-five thousand dollars because of injury to or destruction of property of others in any one accident.

(3) In lieu of subparagraphs (1) and (2) of this paragraph, a single limit policy in the sum of $250,000 covering any one accident.

(e) When the documents (in form and substance) required by paragraphs (a) through (d) of this paragraph have been received, they will be forwarded with a proposed use permit to the approving authority for action.

(f) The Airport Manager will forward the executed use permit or notification of denial thereof to the prospective user after the approving authority has acted.

§ 1204.1405 Approving authority.

The authority to approve or disapprove the use of the Wallops Station Airstrip subject to the terms and conditions of this Subpart 14 is vested in the Director, Wallops Station, NASA.

§ 1204.1406 Procedures in the event of a declared in-flight emergency.

(a) Any aircraft involved in a declared in-flight emergency that endangers the safety of its passengers and aircraft may land at Wallops Station Airstrip. In such situations, the requirements of this Subpart 14 for advance authorizations, etc., need not be followed. However, should time and circumstances permit, the pilot should contact the Wallops Station Airstrip control tower or the Wallops Advisory Service on 275.2 MHz or 125.45 MHz before attempting to land.

(b) The Wallops Station personnel may use any method or means to clear the aircraft or wreckage from the runway after a landing following an in-flight emergency. Care will be taken to preclude unnecessary damage in so doing. However, the runway will be cleared as soon as possible for appropriate use.

(c) The emergency user will be billed for all costs to the Government that result from the emergency landing. No landing fee will be charged, but the charges will include the labor, materials, parts, use of equipment, tools, etc., required for any service rendered under these circumstances.

(d) In addition to any report required by the Federal Aviation Agency, a complete report covering the landing and the emergency giving rise thereto will be filed with the Airport Manager, Wallops Station, by the pilot or, if he is not available, any other surviving crewmember or passenger.

(e) Before an aircraft which has made an emergency landing is permitted to take off (if the aircraft can and is to be flown out) the owner or operator thereof shall make arrangements acceptable to the Director, Wallops Station, to pay any charges assessed for services rendered and execute a hold harmless agreement and may be required to furnish a certificate of insurance as provided in § 1204.1404 above covering such take off.

§ 1204.1407 Procedure in the event of an unauthorized use.

Any aircraft not operated for the benefit of the Federal Government which lands at the Wallops Station Airstrip without obtaining prior permission from the approving authority, except in a bona fide emergency, is in violation of this Subpart 14. Such aircraft will experience delays while authorization for departure is obtained pursuant to this Subpart 14 and may, contrary to the other provisions of this Subpart 14, be required, in the discretion of the Director, Wallops Station, to pay a user fee of not less than $100. Before the aircraft is permitted to depart, the Director, Wallops Station, will require full compliance with this Subpart 14, including in this connection the filing of a complete report explaining the reasons for the unauthorized landing. When it appears that the violation of this Subpart 14 was deliberate or is a repeated violation, the matter will be referred to NASA Headquarters, which will then grant any departure authorization.

Effective date. The provisions of this Subpart 14 are effective April 1, 1972.

ROBERT L. KRIEGER,
Director, Wallops Station, National Aeronautics and Space Administration.

[FR Doc.72-4184 Filed 3-17-72;8:49 am]

Title 20—EMPLOYEES' BENEFITS

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

[Reg. 10, further amended]

PART 410—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, TITLE IV—BLACK LUNG BENEFITS (1969–)

Subpart E—Payment of Benefits

BENEFIT RATES

The amendment set forth below revises § 410.510(d) to include benefit rates payable to a miner or widow beginning January 1972. Section 412(a) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 922(a)) directs the Secretary of Health, Education, and Welfare to make benefit payments to a qualified miner or widow at a rate equal to 50 per centum of the minimum monthly payment to which a Federal employee in grade GS–2, who is totally disabled, is entitled at the time of payment under the minimum payment provision of the Federal Employees Compensation Act, 5 U.S.C. 8112. Pursuant to Executive Order 11637, dated December 22, 1971, the pay rate for Step 1 of grade GS–2 of the General Schedule has been increased. This, therefore, has resulted in an increase of the basic black lung benefit rate payable to miners and widows both newly entitled and those already on the rolls, to $161.50 a month beginning with the month of January 1972, and § 410.510(d) of Regulation No. 10 which sets out black lung benefit rates is revised accordingly.

Since this amendment of the regulations merely interprets the self-executing benefit formula in section 412(a) of the Act (30 U.S.C. 922(a)) which is already described in paragraphs (a), (b), and (c) of this § 410.510, the Secretary of Health, Education, and Welfare finds that publication with notice of proposed rule making, as well as publication at least 30 days prior to an effective date, are unnecessary.

Consideration will be given to any comments pertaining to this amendment which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth Street and Independence Avenue SW., Washington, DC 20201.

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

Dated: March 2, 1972.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: March 13, 1972.

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

Paragraph (d) of § 410.510 is revised to read as follows:

§ 410.510 **Benefit rates.**

* * * * *

(d) *Benefit rates.*

	Beginning January 1972	January 1971 to December 1971	Prior to January 1971
(1) Miner or widow with no dependents	$161.50	$153.10	$144.50
(2) Miner or widow with one dependent	242.20	229.60	216.70
(3) Miner or widow with two dependents	282.60	267.90	252.80
(4) Miner or widow with three or more dependents	322.90	306.10	288.90

(Secs. 411(a), 412(a), 426(a), and 508, 83 Stat. 793; 30 U.S.C. 921(a), 922(a), 936(a), and 957)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER (3–18–72).

[FR Doc.72–4150 Filed 3–17–72;8:46 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Dichlorophene and Toluene Capsules

The Commissioner of Food and Drugs has evaluated a new animal drug application (45–628V) filed by Norden Laboratories, Inc., Lincoln, Nebr. 68501, proposing the safe and effective use of dichlorophene and toluene capsules in dogs and cats. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135e is amended by adding the following new section:

§ 135c.56 Dichlorophene and toluene capsules.

(a) *Chemical name.* 2,2'-Methylenebis (4-chlorophenol) and toluene.

(b) *Specifications.* (1) Dichlorophene has a melting point range of 169° C. to 178° C. It has a minimum assay of 94 percent as determined by titration with a standard solution of 0.1*N* sodium methoxide using thymol blue to determine the visual end point.

(2) The toluene meets the U.S.P. requirements for toluene reagent and passes the thiophene test for benzene, which is found in the seventeenth revision of the U.S.P.

(c) *Sponsor.* See code No. 026 in § 135.501(c) of this chapter.

(d) *Conditions of use.* It is used for the removal of ascarids (*Toxocara canis* and *Toxascaris leonina*) and hookworms (*Ancylostoma caninum* and *Uncinaria stenocephala*) and as an aid in the removal of tapeworms (*Taenia pisiformis, Dipylidium caninum* and *Echinococcus granulosus*) from dogs and cats in suitable capsules which provide a dosage level of 100 milligrams of dichlorophene per pound of body weight and 120 milligrams of toluene per pound of body weight. Solid foods and milk should be withheld for at least 12 hours prior to administration of the drug and for 4 hours afterwards.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (3–18–72).

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

Dated: March 9, 1972.

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

[FR Doc.72–4145 Filed 3–17–72;8:45 am]

Title 32—NATIONAL DEFENSE

Chapter XIV—Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1499—RENEGOTIATION RULINGS AND BULLETINS

Nonrecurring Costs of Prior Years

The Renegotiation Board hereby adopts, without change, the proposed amendment published on February 8, 1972 (37 F.R. 2849–2850), consideration having been given to all relevant matter submitted by interested persons pursuant to the notice of proposed rule making. Such regulation, as adopted, reads as set forth below.

Dated: March 15, 1972.

RICHARD T. BURRESS,
Chairman.

Part 1499 is amended by adding at the end thereof a new § 1499.1–44 to read as follows:

§ 1499.1–44 Renegotiation Ruling No. 44: Consideration of nonrecurring costs of prior years.

(a) This section explains the application of § 1460.10(b)(5) of this chapter, which provides in part as follows:

(5) The Board will give consideration to certain situations where a contractor had deficient profits on renegotiable sales in a year or years prior to that under review. Where it can be established that deficient profits in prior years resulted from nonrecurring costs in the early stages of production which relate to production in the year under review, the Board will take this into account in reviewing the contractor's renegotiable business in the year under review.

(b) Where it is possible to identify and isolate, in specific amount, nonrecurring costs incurred in a prior fiscal year that relate to performance in the year under review, the Board will transfer such costs to the year under review, usually by special accounting agreement entered into pursuant to § 1459.1(b)(2) of this chapter, provided that such action would not affect the result reached in the renegotiation of such earlier fiscal year (see § 1499.2–19(e) of this chapter). If such an adjustment is made, the contractor is not entitled to factor consideration for such costs in the year under review; § 1460.10(b)(5) is not applicable.

(c) On the other hand, if accounting adjustments in precise amounts cannot be made, but nonrecurring costs within a demonstrable range were incurred in the prior year and the Board is satisfied that the other conditions set forth in paragraph (b) of this section exist, the presence of such costs in the prior year is taken into consideration by the Board in reaching a determination for the year under review. It is in such circumstances and in this manner that § 1460.10(b)(5) operates. The provision does not authorize or contemplate an arithmetical allowance, in the year under review, of the deficiency in profits of the prior year; nor does it authorize or contemplate an averaging of profits of the prior year with those of the year under review, or an averaging of costs on a unit or program basis. It contemplates only that certain nonrecurring costs relating to performance in the year under review were incurred in a prior year; that because of such costs the contractor's profits in the prior year were deficient; that the removal of the costs to the year under review would not disturb the result reached in the renegotiation of the prior year; and that, therefore, such costs should be taken into consideration in evaluating the contractor's profits in the year under review. The consideration to be accorded to such matter in determining excessive profits for the year under review rests within the discretion of the Board, and will depend upon the probative value of the information made available to the Board.

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

[FR Doc.72–4185 Filed 3–17–72;8:49 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Eligible Communities

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

§ 1914.4 List of eligible communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Alabama	Mobile	Bayou La Barte	I 01 097 0250 01	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, AL 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Office of the City Clerk, City of Bayou La Batre, City Hall Bldg., Bayou La Batre, Ala. 36509.	Mar. 17, 1972.
California	Los Angeles	San Marino	I 06 037 3380 01 I 06 037 3380 02	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	City Hall, City of San Marino, 2200 Huntington Dr., San Marino, CA 91108.	Do.
Do	Sacramento	Sacramento				Do.
Illinois	Stephenson	Unincorporated areas.				Do.
Massachusetts	Bristol	Somerset	I 25 005 1185 03 through I 25 005 1185 07	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, MA 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, MA 02202.	Office of the Board of Selectmen, Town Office Bldg., Somerset, Mass. 02726.	Do.
Do	Middlesex	North Reading				Do.
Minnesota	Jackson	Jackson				Do.
New Jersey	Monmouth	Long Branch				Do.
Do	Burlington	Mount Holly Township.				Do.
North Carolina	Dare	Manteo				Do.
Texas	Brazoria	Hillcrest Village	I 48 039 3202 02	Texas Water Development Board, Post Office Box 13087, Capitol Station, Austin, TX 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, TX 78701.	105 West Crestmont Dr., Hillcrest Village, TX 77511	Do.
Virginia	Wise	Norton				Do.
Washington	Whitman	Pullman				Do.

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

Issued: March 14, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-4128 Filed 3-17-72;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

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

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of area which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Alabama	Mobile	Bayou La Batre	H 01 097 0250 01	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, AL 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Office of the City Clerk, City of Bayou La Batre, City Hall Bldg., Bayou La Batre, Ala. 36509.	July 31, 1971.
California	Los Angeles	San Marino	H 06 037 3380 01 H 06 037 3380 02	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	City Hall, City of San Marino, 2200 Huntington Dr., San Marino, CA 91108.	Mar. 27, 1971.
Do	Sacramento	Sacramento				Mar. 17, 1972.
Illinois	Stephenson	Unincorporated areas.				Do.
Massachusetts	Bristol	Somerset	H 25 005 1185 03 through H 25 005 1185 07	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, MA 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Office of the Board of Selectmen, Town Office Bldg., Somerset, Mass. 02726.	Nov. 17, 1970.
Do	Middlesex	North Reading				Mar. 17, 1972.
Minnesota	Jackson	Jackson				Do.
New Jersey	Monmouth	Long Branch				Do.
Do	Burlington	Mount Holly Township.				Do.
North Carolina	Dare	Manteo				Do.
Texas	Brazoria	Hillcrest Village	H 48 039 3202 02	Texas Water Development Board, Post Office Box 13087, Capitol Station, Austin, TX 78711. Texas Insurance Department, 1110 San Jan Jacinto St., Austin TX 78701.	105 West Crestmont Dr., Hillcrest Village, TX 77511.	Nov. 28, 1970.
Virginia	Wise	Norton				Mar. 17, 1972.
Washington	Whitman	Pullman				Do.

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

Issued: March 14, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72–4129 Filed 3–17–72;8:45 am]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 272—USE OF "WOODSY OWL" SYMBOL

Commercial Use

Section 272.4, Part 272, Title 36 of the Code of Federal Regulations, as published in the FEDERAL REGISTER on December 7, 1971, page 23220, is revised as follows:

§ 274.4 Commercial use.

(a) *General.* The Chief may authorize the Commercial manufacture, importation, reproduction, or use of "Woodsy Owl" upon the following findings:

(1) That the proposed use of "Woodsy Owl" will contribute to public information concerning pollution abatement or environmental enhancement.

(2) That the proposed use is consistent with the status of "Woodsy Owl" as a national symbol of pollution abatement and environmental enhancement and will not detract from such status.

(3) That a use charge, royalty charge, or payment in kind which is reasonably related to the commercial value has been established.

(4) That the applicant is well qualified to further the goals and purposes of the "Woodsy Owl" campaign.

(5) That, when an exclusive license is requested, no other qualified applicant can be found who will provide comparable campaign support under a nonexclusive license.

(6) That such other conditions as the Chief may deem necessary in each case have been established.

(b) *Requirements for exclusive licenses.* Exclusive licenses when granted, shall conform to the following:

(1) A definite expiration date shall be specified based on the minimum time determined by the Chief to be needed by the licensee to introduce or popularize the item licensed and to recover the costs and expenses incurred in so doing.

(2) The Chief shall retain the independent right to use "Woodsy Owl" in any concurrent, noncommercial program, and to allow for the manufacture and sale of "Woodsy Owl" merchandise which, in his judgment, would not be in conflict with the licensed item.

(3) The licensee shall be required to have the licensed item available for sale, and promotion within a specified period, or show cause why this could not be done.

(4) The licensee shall be required to invest a specified minimum amount of money in the development, production, and promotion of the licensed item, as determined by the Chief to be necessary to insure that the licensee's use of "Woodsy Owl" will result in a substantial contribution to public information concerning pollution abatement and environmental enhancement.

(5) The Chief shall retain the right to revoke any license for failure of the licensee to comply with all the terms and conditions of the license.

(6) The licensee shall be required to submit periodic progress reports to apprise the Forest Service of his activities and progress in achieving stated objectives.

(7) The license shall not be subject to transfer or assignment, except as approved in writing by the Chief.

(8) The licensee shall not be authorized to grant sublicenses in connection with the manufacture and sale of the item, except as approved in writing by the Chief.

(7 U.S.C. 2201, 16 U.S.C. 528–531)

Findings and determination. The purpose of this revision is to clarify the criteria under which commercial uses of the Department's new antipollution symbol, "Woodsy Owl," will be authorized. The changes are not substantive, but are in amplification of the regulations previously issued. In accordance with the exception provided in the Department of Agriculture's policy published on July 24, 1971, in 36 F.R. 13804, it has been found and determined that the advance notice procedure contained in 5 U.S.C. 553 would be impracticable and contrary to public interest.

Effective date. These regulations shall become effective on the date of publication in the FEDERAL REGISTER (3–18–72).

T. K. COWDEN,
Assistant Secretary of Agriculture.

MARCH 15, 1972.

[FR Doc.72–4188 Filed 3–17–72;8:49 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[MC–C–6748]

PART 1061—LIMITATION OF SMOKING ON INTERSTATE PASSENGER CARRIER VEHICLES

Smoking by Passengers and Operating Personnel on Interstate Buses

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 8th day of March 1972.

Upon consideration of the record in the above-entitled proceeding, and of:

(1) Petition of National Association of Motor Bus Owners, intervener in opposition, filed January 17, 1972, for reconsideration;

(2) Petition of Action on Smoking and Health filed January 26, 1972, for leave to intervene, for receipt of additional tendered evidence, and for reconsideration in light thereof;

(3) Reply to the petition in (1) above by Ralph Nader, petitioner, filed February 14, 1972;

(4) Reply to the petition in (2) above by National Association of Motor Bus Owners filed February 15, 1972; and good cause appearing therefor:

It is ordered, That Action on Smoking and Health be, and it is hereby, permitted to intervene in the proceeding with the right to appear and participate in all other proceedings therein.

It is further ordered, That the additional evidence tendered by Action on Smoking and Health be, and it is hereby, accepted for filing and made a part of the record in this proceeding.

It is further ordered, That the petitions for reconsideration in (1) and (2) above be, and they are hereby, denied, for the reasons (a) that the findings of the Commission in its report and order, 114 M.C.C. 256, decided November 8, 1971, are in accordance with the evidence of record, including that accepted by this order, and the applicable law, and (b) that no sufficient or proper cause appears for reopening the proceedings for reconsideration.

It is further ordered, That the effective date of the order of November 8, 1971, in the above-entitled proceedings be, and it is hereby, fixed as April 17, 1972.

By the Commission,

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–4220 Filed 3–17–72;8:52 am]

Title 6—ECONOMIC STABILIZATION

Chapter I—Cost of Living Council

PART 101—COVERAGE, EXEMPTIONS AND CLASSIFICATION OF ECONOMIC UNITS

Modification of Prenotification Requirements for Utilities

Part 101—Coverage, Exemptions and Classification of Economic Units was added to a new Title 6 and a new chapter I of the Code of Federal Regulations on November 13, 1971 (36 F.R. 21788). Part 101 was amended and republished on January 27, 1972 (37 F.R. 1237) and further amended on February 4, 1972 (37 F.R. 3913) and March 9, 1972 (37 F.R. 5043).

The purpose of this amendment is to amend § 101.16(c) to include therein for the modification of prenotification requirements for price adjustments proposed or established by those utilities subject to the conditions and procedures prescribed in § 300.16a as well as those in § 300.16.

Because the purpose of this regulation is to amend and modify Part 101 to provide immediate guidance and information as to Cost-of-Living Council decisions, the Cost of Living Council finds that its publication in accordance with usual rule making procedures is impracticable and that good cause exists for making this regulation effective in less than 30 days.

This amendment shall become effective when filed with the Office of the Federal Register.

DONALD RUMSFELD,
Director,
Cost of Living Council.

Part 101 of chapter I of Title 6 of the Code of Federal Regulations is amended as follows:

1. Subpart B is revised and amended in § 101.16 by deleting paragraph (c) and adding a new paragraph (c) to read as follows:

§ 101.16 **Modification of prenotification requirements.**

Notwithstanding the provisions of § 101.11 the following price adjustments by price category I firms need not be prenotified:

* * * * *

(c) Price adjustments proposed to established by those utilities subject to the conditions and procedures prescribed in § 300.16 and § 300.16a of this title.

* * * * *

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743; and Executive Order No. 11640)

[FR Doc.72-4329 Filed 3-17-72;12:09 pm]

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

Price Increases by Public Utilities

The purpose of these amendments is to revise § 300.16 "Public Utilities" of Part 300 of the Price Commission's regulations and to add a new § 300.16a to cover public utility prices as and after cases are phased out under the revised § 300.16.

Section 300.16, as revised and effective on January 17, 1972, provided, in general, that the Price Commission had 10 days in which to take action on price increases reported to it by public utilities. The revised section did not address itself specifically to the treatment of requests for and notification of price increases received by the Price Commission under the regulations in effect before that date. Under those regulations, the Commission had specifically reserved the right to review and limit the amount of any increase by a prenotification or reporting firm. The period of time within which the Commission could exercise its right of review was not specified.

On February 8, 1972 (37 F.R. 2859), the Commission published a notice stating that, with respect to public utility rate increases reported to the Commission before January 17, 1972, the Commission would not take, after February 24, 1972, any action specifically reserved to it under § 300.16 of the regulations, as in effect before January 17, 1972.

On February 11, 1972 (37 F.R. 3094), the Commission announced that public hearings would be held on the subject of public utility prices on February 22, 24, 25, and 26, 1972. To allow time for any changes in its regulations resulting from the hearings to be effective on the large number of public utility price increases which might otherwise go into effect before any changes resulting from the hearings could be implemented, the Commission ordered that "all price increases by privately owned public utilities which were not legally in effect on February 9, 1972, are prohibited until the Commission implements the changed regulations, if any, or until March 10, 1972, whichever first occurs." It also extended the time limit for review or other action by the Commission, on any such price increase, which "has not elapsed by February 10, 1972" to March 25, 1972, or 15 days after the Commission issued changed regulations resulting from the hearings, whichever first occurs.

On March 9, 1972 (37 F.R. 5104), the Price Commission ordered that the prohibition contained in the order of February 11, 1972 (37 F.R. 3094) be "extended until March 25, 1972, or, with respect to any particular price increase, such earlier date as revised regulations on the subject are published and it has been determined that the price increase is in compliance with those regulations."

Based on information obtained in the hearings, written submissions by interested persons, and its own deliberations, the Commission has decided to issue a new § 300.16a to provide for the consideration of public utility rate increases by Federal, State, and local regulatory agencies, under rules developed by those agencies which would incorporate the criteria set forth in the section. Subject to the condition that any price that complies with the new § 300.16a may be put into effect at anytime, all cases notified to the Commission before May 25, 1972, will be processed under § 300.16, as revised by these amendments, as will all cases covered by the revised § 300.16(d) (1) (i), (ii), and (iii). After May 24, 1972, each increase that has received final State or Federal regulatory agency approval will be subject to the new § 300.16a, and must either comply with it or be subject to paragraph (d) (2) through (5) of § 300.16 as revised by these amendments.

The new § 300.16a provides for the submission, by each Federal or State regulatory agency, of a proposed set of rules for its use in considering price increases for utilities under its jurisdiction. The proposed rules would encompass the general criteria contained in the section, so far as those criteria are consistent with the constitutional and statutory provisions under which the agency concerned operates. If the Price Commission approves the rules, and accompanying procedures, or fails to act upon them within 30 working days, it would give the agency a certificate of compliance with the Economic Stabilization Program pertaining to those rules. If the agency then adopts those rules, all price increases which it approves thereunder shall be considered to be in compliance with that program, and would not be subject to review by anybody that would not be authorized to review them in the absence of the Economic Stabilization Program.

Provision is made for periodic reporting of actions under the adopted rules, and for revocation or other appropriate action with respect to the certificate of compliance, in cases warranting such action.

Regulatory agencies, other than State and Federal agencies, would process rate increase requests in accordance with the general criteria of the new § 300.16a, so far as possible.

Unregulated public utilities, including those substantial parts of regulated utilities that are unregulated, will, after March 24, 1972, be treated under the Commission's regulations pertaining to service organizations.

Because the purpose of these amendments is to provide provisions under which public utility prices previously approved by regulatory agencies may be considered by the Price Commission and final action taken with respect thereto, and to provide immediate guidance and information for other such price increases, it is hereby found that notice and public procedure thereon is impracticable and that good cause exists for making them effective less than 30 days after publication.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210; Executive Order No. 11640, 37 F.R. 1213, Jan. 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, October 16, 1971)

In consideration of the foregoing, Part 300 of Title 6 of the Code of Federal Regulations is amended as set forth below, effective March 20, 1972.

Issued in Washington, D.C., on March 17, 1972.

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

§ 300.16 [Amended]

1. Subparagraph (1) of paragraph (b) of § 300.16 is revised to read as follows:

(1) *Regulated public utilities.* Except for cases subject to § 300.16a, the reporting requirements of this section apply to each price increase by a regulated public utility that is a prenotification firm which would increase its aggregate annual revenues by more than 1 percent.

2. Subparagraph (2) of paragraph (b) of § 300.16 is amended by striking out the word "The" at the beginning thereof and inserting the words "Until March 25, 1972, the" in place thereof.

3. Paragraph (d) of § 300.16 is revised to read as follows:

(d) *Prices not subject to § 300.16a and for which the time for Price Commission action has not expired before March 25, 1972*—(1) *Applicability.* The following prices by public utilities are subject to this paragraph (d):

(i) Those with respect to which requests for or notification of were received by the Price Commission before January 17, 1972, which were covered by notices issued by the Commission on February 8, 1972 (37 F.R. 2859), and February 11, 1972 (37 F.R. 3094).

(ii) Those by privately owned public utilities, with respect to which the time limit for Commission review did not expire before February 9, 1972, and which were prohibited from going into effect by the Commission notice issued on February 11, 1972 (37 F.R. 3094).

(iii) All other price increases which receive final regulatory agency approval before May 25, 1972, which are not covered by subdivision (i) or (ii) of this subparagraph, and which cannot be processed under § 300.16a because the regulatory agency concerned has not had its rules and procedures for use in considering requests for price increases approved by the Commission or has not yet adopted such rules.

(2) *General.* A public utility that has obtained a certificate in accordance with paragraph (e) of this section or that has self-certified in accordance with paragraph (f) of this section, as applicable, may put into effect or continue in effect a price which is subject to this section unless—

(i) With respect to cases covered by subparagraph (1) (i) or (ii) of this paragraph for which there is no request for information by the Price Commission outstanding on March 24, 1972, the Commission finds, before March 25, 1972, that the price meets none of the criteria in subparagraph (3) of this paragraph;

(ii) With respect to cases covered by subparagraph (1) (i) or (ii) of this paragraph for which there is a request for information by the Commission outstanding on March 24, 1972, the Commission finds, within 10 working days after it receives that information, that the price meets none of the criteria in subparagraph (3) of this paragraph; or

(iii) With respect to cases covered by subparagraph (1) (iii) of this paragraph, the Commission finds, within the appropriate period specified in this section for action by the Commission, that the price increase meets none of the criteria in subparagraph (3) of this paragraph.

(3) *Criteria.* The following are the criteria applicable to subparagraph (2) of this paragraph:

(i) The projected rate of return on the rate base computed in the manner customarily used by the regulatory agency concerned is no more than the projected rate of return on the rate base granted to the utility by the last decision of the regulatory agency applicable to that utility.

(ii) The extent to which the projected rate of return on the rate base after the price increase exceeds the projected rate of return on the rate base granted to the utility by the last decision of the regulatory agency concerned applicable to that utility is no greater than an amount attributable to the increase in the utility's imbedded interest and preferred-dividend cost since that last decision.

(iii) The projected rate of return on common book equity capital, after the price increase has gone into effect, will be no more than the average rate of return on common book equity capital which the utility actually experienced during the best three out of its last 5 fiscal years ending before January 1, 1970.

(iv) The projected rate of return on common equity capital, after the price increase has gone into effect, will be no more than the projected rate of return on common equity capital which was granted to the utility by the last decision of the regulatory agency applicable to that utility or, if no such decision has been made since January 1, 1968, the projected rate of return on common equity capital which was granted by the regulatory agency to another utility under its jurisdiction which most nearly resembles the utility concerned, in the most recent decision of the regulatory agency applicable to that other utility. The basis for choosing the utility that most nearly resembles the utility concerned must be type of service, capital structure, growth factors, and other factors the regulatory agency considers applicable.

(v) There are special circumstances which make the price increase in conformity with the Economic Stabilization Program although it does not meet any of the foregoing criteria. In making determinations under this subdivision, the Commission shall consider the following information submitted to it by the public utility concerned, as applicable:

(*a*) The past and current ratios of the utility's debt capital to the sum of its debt and equity capital and of the utility's fixed charges to its earnings available to pay those charges.

(*b*) Any financial data, other than that in subdivision (i) of this subparagraph, which relates to whether the utility is entitled to a higher return on capital now than it was in the past.

(*c*) Direct and indirect labor costs, adjusted to reflect productivity gains, as determined by Commission policies; taxes; costs of materials and supplies; discretionary costs; whether any costs incurred or expected to be incurred are in excess of those allowed by Commission policies; and a comparison of all these costs and cost-related items between the current period and recent periods in the past.

(*d*) Any other factors which in the opinion of the Commission are relevant to the goals of the Economic Stabilization Program.

(4) In computing the projected rate of return under subparagraph (3) (i) through (iv) of this paragraph, expected or obtainable productivity gains must be explicitly and quantitatively taken into account, and labor and other cost increases which are in excess of those allowed by Price Commission policies may not be counted.

(5) Subparagraph (3) (i) through (iv) of this paragraph does not apply to any public utility price increase where the rate base—cost of service criteria stated therein has not customarily been the basis used by the regulatory agency concerned for the purpose of assessing a price increase of the kind concerned.

3. Subparagraph (5) of paragraph (e) of § 300.16 is amended by inserting the words ", as in effect on January 17, 1972," after the words "of this section".

4. Subparagraph (2) of paragraph (f) of § 300.16 is amended by inserting the words ", as in effect on January 17, 1972," after the words "of this section".

5. Paragraph (g) of § 300.16 is amended by inserting the words ", as in effect on January 17, 1972," after the words "of this section".

6. Paragraphs (h), (i), (j), (l), and (m) are each amended by inserting the word "working" before the word "days" wherever it appears therein.

7. Subparagraph (3) of paragraph (i) is amended by inserting the following before the period at the end thereof: ", or unless the interim price represents a price increase of a lesser amount than a previously filed price of the public utility which has already been suspended for the maximum period".

8. Paragraph (o) of § 300.16 is revised to read as follows:

(o) This section does not apply to public benefit corporations covered by § 300.51(k).

9. The following new section is added after § 300.16:

§ 300.16a Public utility prices not subject to § 300.16; proposed rules by regulatory agencies for public utility price increases.

(a) *Applicability.* Subject to the condition that any public utility price that complies with this section may be put into effect at any time, § 300.16 of this part continues to apply to all cases covered by § 300.16(d)(1) (i), (ii), or (iii) and to all public utility prices which receive final regulatory agency approval before May 25, 1972. After May 24, 1972, each public utility price increase that has received final regulatory agency approval is subject to this section and either—

(1) Must comply with this section; or

(2) If it cannot comply with this section because the regulatory agency concerned has not had its rules and procedures approved pursuant to paragraph (d) of this section, or has not yet adopted such rules—

(i) In the case of an increase by a prenotification firm which would increase its aggregate annual revenues by more than 1 percent, must be reported to the Price Commission by the public utility and not to be put into effect during the 60-working-day period after the Commission receives notice thereof unless, at an earlier date, the Commission determines that it complies with § 300.16 (d) (2) through (5). During the period it is subject to Commission review, the Commission may take any action authorized by paragraph (1) of § 300.16; and

(ii) In the case of any other increase, may be placed in effect according to the terms of the regulatory agency order. However, the public utility shall certify that it is in compliance with § 300.16(d) (2) through (5) and keep that certification available for inspection on the reasonable request of any person. During the 60-working-day period after the date of certification, the increase is subject to a determination by the Price Commission as to whether it complies with

§ 300.16(d) (2) through (5), and during that period the Commission may take any action authorized by paragraph (1) of that section.

(b) *Definitions.* The definitions in § 300.16 apply also in this section.

(c) *General criteria for public utility price increases.* The general criteria of the Price Commission for public utility price increases are:

(1) The increase is cost-justified and does not reflect future inflationary expectations.

(2) The increase is the minimum required to assure continued, adequate and safe service or to provide for necessary expansion to meet future requirements.

(3) The increase will achieve the minimum rate of return needed to attract capital at reasonable costs and not to impair the credit of the public utility.

(4) The increase does not reflect labor costs in excess of those allowed by Price Commission policies.

(5) The increase takes into account expected and obtainable productivity gains, as determined under Price Commission policies.

(6) The procedures of the regulatory agency provide for reasonable opportunity for participation by all interested persons, or their representatives, in its proceedings.

(d) *Proposed rules.* Each Federal regulatory agency and each regulatory agency which exists under the authority of the law of a State or the District of Columbia (but not regulatory agencies which exist under the laws of a county, a municipality, or other subdivision of a State) shall submit to the Price Commission a proposed set of rules for use by that regulatory agency in considering requests for price increases for each kind of utility service under its jurisdiction. The proposed rules shall encompass the general criteria of this section for public utility price increases as far as those criteria are consistent with the constitutional and statutory provisions under which the regulatory agency operates. Each set of rules submitted shall apply the criteria to the particular kind of utility services to which the rules are intended to apply. If the Price Commission approves a set of proposed rules and the proposed reporting procedure relating to those rules, it shall give the regulatory agency a certificate of compliance with the Economic Stabilization Program pertaining to those rules. A set of proposed rules to which the Price Commission makes no response within 30 working days after receiving them shall be considered as approved, and the Commission shall issue a certificate of compliance to the regulatory agency. If the regulatory agency theretofor has, or thereafter does, take appropriate binding action to adopt the rules as approved by the Price Commission as rules the regulatory agency will use in the determination of cases, all price increases which the regulatory agency approves thereunder shall be considered to be in compliance with the Economic Stabilization Program. The decisions of a regulatory agency pursuant to those rules are not subject to review by the Price Commission, or by any judicial or other body which would not be authorized to review the decisions of the regulatory agency in the absence of the Economic Stabilization Program. The rules shall be considered to be the rules of the regulatory agency and shall not displace any other rules or laws to which the agency is subject or which it has adopted which are not inconsistent with those rules.

(e) *Reporting procedures.* Each regulatory agency submitting proposed rules under paragraph (d) of this section shall also submit a proposed reporting procedure, under which it will report periodically to the Price Commission information for the Commission's use in determining whether the agency is following the rules adopted under paragraph (d) of this section in its decisions and practices. The Price Commission shall consider the proposed procedures in determining whether to issue a certificate of compliance with the Economic Stabilization Program. General guidelines for reporting procedures will be issued by the Price Commission at its earliest opportunity, but the submission of proposed reporting procedures and the approval thereof by the Price Commission need not await the issuance of the general guidelines.

(f) *Revocation of certificates of compliance.* The Price Commission may revoke a certificate of compliance at any time, or take such other action as it considers appropriate, if it determines that the rules to which the certificate applies are not being followed, if the Commission determines that the rules no longer serve the purposes of the Economic Stabilization Program, or for any other reason the Price Commission considers sufficient. Price increases which a regulatory agency has finally approved pursuant to rules which have received a Price Commission certificate of approval shall in no way be affected by the Commission's revocation of the certificate.

(g) *Rules for regulatory agencies other than Federal and State regulatory agencies.* All final decisions by regulatory agencies, other than the regulatory agencies covered by paragraph (d) of this section, made after this section becomes effective shall be made in accordance with general criteria of this section for public utility price increases so far as, in the judgment of the regulatory agency, those criteria can legally be applied to its decisions. The decisions of a regulatory agency covered by this paragraph are not reviewable by the Price Commission nor by any judicial or other body which would not be auhorized to review its decisions in the absence of the Economic Stabilization Program.

(h) *Unregulated public utilities.* After March 24, 1972, unregulated public utilities and any substantial parts of regulated public utilities which are not regulated shall be treated as service organizations, as that term is defined in § 300.5, and shall be subject to the Price Commission regulations applicable thereto.

(i) *Interim rates.* Any price increase that is authorized by law or order of a regulatory agency to go into effect after March 19, 1972, subject to accounting and refund, and before the issuance of further regulations on the subject by the Price Commission, may be put into effect without regard to this part. The Price Commission intends, within a short time, to issue regulations prescribing the conditions under which increases that are subject to accounting and refund will be treated. Those regulations, including any review and Price Commission actions authorized therein, will when issued, apply to increases authorized by this paragraph as well as to increases authorized after the regulations are issued.

(j) This section does not apply to public benefit corporations covered by § 300.51(k).

§ 300.31 [Amended]

10. Paragraph (g) of § 300.31 is amended by inserting the reference "or § 300.16a" immediately after the reference to § 300.16.

§ 300.51 [Amended]

11. Subparagraph (1) of paragraph (j) of § 300.51 is amended by inserting the reference "or § 300.16a" immediately after the reference to § 300.16.

§ 300.52 [Amended]

12. Subparagraph (c) of § 300.52 is amended by inserting the reference "or § 300.16a" immediately after the reference to § 300.16.

[FR Doc.72-4314 Filed 3-17-72;10:55 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7165]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Reasonable Accumulations by Corporation

Correction

In F.R. Doc. 72-3583, appearing at page 5022, in the issue of Thursday, March 9, 1972, the following changes should be made:

1. In subparagraph (3) of § 1.537-1 (d), the word "of" in the tenth line should read "or".

2. Under the example in subparagraph (7) of § 1.537-1(d), in the ninth line, "this" should read "thus".

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Handler Representation on Raisin Advisory Board and Raisin Administrative Committee

Notice is hereby given of a proposal to amend Subpart—Administrative Rules and Regulations (7 CFR 989.101–989.176; 36 F.R. 13980) by adding new sections, §§ 989.127 and 989.140, in regard to changing the number of handlers comprising certain size groups for purposes of handler representation on the Raisin Advisory Board and the Raisin Administrative Committee. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The amended marketing agreement and order, hereinafter referred to collectively as the "order," are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the Raisin Administrative Committee, established under the order.

The membership of the Raisin Advisory Board, including the number of handlers comprising the various size groups of handlers, is currently contained in § 989.26: The membership of the Raisin Administrative Committee, including the number of handlers comprising the various size groups, is currently contained in § 989.39. Section 989.26a authorizes the Secretary, upon recommendation of the Committee, to make certain changes in the handler representation on the Raisin Advisory Board, including the number of handlers comprising any size groups; and similar changes in the handler representation on the Raisin Administrative Committee are authorized by § 989.39a. As required by §§ 989.26a and 989.39a, in recommending the changes the Committee took into consideration such factors as changes in the numbers of handlers, the relative raisin acquisition positions of handlers, and their similarity of interests in the handling of raisins.

With respect to the Raisin Advisory Board, the proposal would change the number of handlers comprising the groups set forth in § 989.26 (c) and (d) from two and five, respectively, to three and four, respectively; with respect to the Raisin Administrative Committee, the proposal would change the number of handlers comprising the groups set forth in § 989.39 (c) and (d) from two and five, respectively, to three and four, respectively.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 7 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to amend Subpart—Administrative Rules and Regulations (7 CFR 989.101–989.176; 36 F.R. 13980) as follows:

1. Add a new § 989.127 to read as follows:

§ 989.127 Handler representation on Raisin Advisory Board.

Commencing with the term of office beginning May 1, 1972, the handler members of the Board shall include the following: (a) One member selected from and representing handlers doing business as cooperative marketing associations, or cooperative marketing organizations engaged in the business of packing raisins, each of which acquired not less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year; (b) two members selected from and representing the three handlers, other than cooperatives, who acquired the largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year; (c) one member selected from and representing the three handlers, other than cooperatives, who acquired the next largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year; (d) two members selected from and representing the four handlers, other than cooperatives, who acquired the next largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year; and (e) two members selected from and representing all other handlers, including cooperatives, each of which acquired less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year, and including all processors.

2. Add a new § 989.140 to read as follows:

§ 989.140 Handler representation on Raisin Administrative Committee.

Commencing with the term of office beginning June 1, 1972, of the five handler members of the Commitee, one shall be selected from and represent each of the following divisions: (a) The handlers doing business as cooperative marketing associations, or cooperative marketing organizations engaged in the business of packing raisins, each of which acquired not less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year; (b) the three handlers, other than cooperatives, who acquired the largest percentages of total raisin acquisitions during the 12-month period preceding the then current crop year; (c) the three handlers, other than cooperatives, who acquired the next largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year; (d) the four handlers, other than cooperatives, who acquired the next largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year; and (e) all other handlers, including cooperatives, each of which acquired less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year, and including all processors.

Dated: March 14, 1972.

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

[FR Doc.72-4154 Filed 3-17-72;8:46 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Notice of Hearing Regarding Group-Term Life Insurance Purchased for Employees

Proposed regulations under section 79 of the Internal Revenue Code of 1954, relating to group-term life insurance purchased for employees, appear in the FEDERAL REGISTER for December 21, 1971 (36 F.R. 24119).

A public hearing on the provisions of the proposed regulations will be held on Tuesday, May 23, 1972, at 10 a.m., e.d.s.t., in Room 3313, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

The rules of § 601.601(a)(3) of the statement of procedural rules (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202–964–3935. Under such § 601.601(a)(3), persons who have submitted written comments or suggestions within

the time prescribed in the notice of proposed rule making and who desire to present oral comments at such hearing should by May 12, 1972, submit an outline of the topics and the time they wish to devote to each topic. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by May 17, 1972. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is twenty-five cents ($0.25) per page, subject to a minimum charge of $1.

LEE H. HENKEL, Jr.,
Acting Chief Counsel.

[FR Doc.72-4221 Filed 3-17-72;8:53 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 3, 121, 122, 128]

POLYCHLORINATED BIPHENYLS

Notice of Proposed Rule Making

The Commissioner of Food and Drugs is concerned about the problems of contamination of food with polychlorinated biphenyls (PCB's) arising indirectly from the use of PCB-contaminated animal feed, from industrial and environmental sources, and from the use of PCB-contaminated paper food-packaging materials. No authorization has been granted under the Federal Food, Drug, and Cosmetic Act for any use of PCB's which results, either directly or indirectly, in PCB's becoming a component or otherwise affecting the characteristics of food for man or other animals.

PCB's have been produced since 1929 and have been employed in a wide range of industrial uses including heat exchange liquids in pasteurization equipment; formulations in lubricants and hydraulic fluids; and ingredients of paints, plastics, resins, inks, waxes, adhesives, rubber, asphalt, and various building materials. PCB's are toxic substances which are very stable and highly persistent in the environment. Because of their widespread use, PCB's have been found in food as a result of avoidable industrial accidents and of environmental or industrial contamination.

Although it is not possible to remove PCB's from the environment, the Commissioner of Food and Drugs is taking all reasonable steps to limit the ways in which PCB's may otherwise contaminate food and to limit the level of PCB's in foods containing unavoidable PCB residues from environmental or industrial sources.

The Food and Drug Administration has been conducting a national survey to determine the extent and levels to which complete animal feeds are contaminated with PCB's. The survey results available to date show that less than 5 percent of the animal feeds sampled contain PCB's. Levels range from no detectable contamination to a maximum PCB level of 0.6 part per million. It appears that complete animal feeds are not a significant source of PCB's for food-producing animals and that PCB contamination of feeds for food-producing animals can generally be attributed to avoidable industrial accidents and practices. Investigations by FDA have revealed the use of PCB's in heat exchange fluids used in certain pasteurization equipment. Although heat exchange fluids in such equipment are considered to be in "closed systems," accidents have occurred that resulted in direct contamination of animal feed with PCB's and subsequently in contamination of food products such as poultry and eggs intended for human consumption. The use of PCB-containing coatings on the inner walls of silos has resulted in the contamination of silage which has in turn caused PCB residues in the milk of dairy cows. It is suspected that other industrial uses of PCB's have also resulted in the PCB contamination of animal feed and food for human consumption during processing and manufacturing.

Investigations have also revealed PCB migration to food resulting from the use of PCB-containing paper food-packaging material. This problem is being intensively studied by FDA and the paper and food industries. These studies show that paper for food-packaging materials, whether manufactured from recycled paper or virgin stock, may contain PCB's. The source of PCB's in recycled paper is attributed to the use of certain kinds of copying paper and printing ink. While the source of PCB's in virgin stock is not as well defined, it is generally attributed to the presence of PCB's in the equipment, machinery, and water used for the manufacturing of these materials and to environmental contamination.

The level of PCB contamination of foods from packaging materials is dependent upon many factors (e.g., levels of PCB's in food-packaging materials, type of food, length of storage). This is shown by the results of a national survey conducted by FDA, which revealed that even though 67 percent of the complete food packaging tested contained PCB's at levels as high as 338 parts per million, only 19 percent of the foods in these packages contained PCB's. The average PCB concentration in food was 0.1 part per million, and the maximum PCB level found was 5 parts per million. The survey further showed that 75 percent of the food product in packaged infant cereal samples contained PCB's. The average PCB concentration in the cereal was 0.3 part per million, and the maximum PCB level found was 1 part per million.

Other information which became available subsequent to the FDA survey shows a continuing and substantial reduction in the PCB concentrations of paper-packaging materials. For example, data on recycled paperboard currently being produced show that 95 percent of the samples examined contained less than 5 parts per million; data on the same type of material manufactured during 1970 and 1971 show that only 18 percent of the samples examined contained less than 5 parts per million.

Other investigations show the presence of PCB residues in fresh water fish and in some foods of animal origin. The source of these residues is attributed in part to environmental contamination such as discharges of PCB waste effluents into water and air.

Based on FDA total diet studies, the dietary intake of PCB's appears to be of a low order. The 900 food composites analyzed for PCB's in the total diet market basket samples for the past 2½ years showed 54 of the food composites to contain PCB residues. Calculated on the basis of dietary intake, the average PCB level found in the market baskets was less than 0.0001 milligram per kilogram of body weight per day. The market basket samples represent a high consumption diet which is approximately twice the normal diet.

Knowledge of the toxicological effects of PCB's is limited at this time. Available information indicates that PCB's are classified as being of moderate acute toxicity. As a point of comparison, DDT has a higher acute toxicity than PCB's. In contrast to the recognized moderate acute toxicity of PCB's, the aspects of PCB-chronic toxicity, including mutagenicity and teratogenicity are at present not well defined and thus are potentially of greater concern. The chronic toxicity of PCB's is being extensively studied by the Government, industry, and the scientific community. Preliminary reports and observations indicate that it would be prudent to reduce and, wherever possible, eliminate long-term, low-level human exposure to PCB's.

On the basis of these investigations and other available information, including the report of the Interdepartmental PCB Task Force, the current dietary level of PCB's is not considered an immediate hazard to the public health. However, the Commissioner concludes that the sources and levels of PCB's in animal feeds, feed components, and food for human use can and should be significantly reduced or eliminated so as to minimize the overall long-term human exposure to PCB's. Accordingly, the Commissioner makes the following proposals:

1. Part 3 should be amended to (a) provide special provisions to preclude the direct accidental PCB contamination of animal feed, and (b) to provide special provisions to preclude the direct accidental PCB contamination of food-packaging materials.

2. Section 128.4 should be amended by adding special provisions to preclude the direct accidental PCB contamination of food.

3. Section 121.2546 should be amended to exclude pulp from reclaimed fibers

containing poisonous and deleterious substances which may migrate to food from use in the manufacture of food packaging materials.

4. A temporary tolerance of 5 parts per million in paper food-packaging materials should be established permitting unavoidable PCB residues in these products for a sufficient period of time to provide an opportunity for the orderly elimination of PCB-containing raw materials used in the manufacture of food-packaging materials. There are no provisions for permissible uses of PCB's under 21 CFR 121.2526 or 121.2571. This temporary tolerance is not to provide for direct uses under the above regulations. Immediate elimination of all food packages containing PCB's would disrupt the nation's food packaging and distribution system and is not warranted by the hazard to human health.

5. It is recognized that nationwide controls in the uses of PCB's will reduce the unavoidable contamination of foods. Therefore, although a temporary tolerance cannot be established for all foods, regulations should be promulgated providing the following temporary tolerances permitting unavoidable residues for a sufficient period of time to permit elimination of such residues at the earliest practicable time:

	Parts per million
(a) Milk (fat basis)	2.5
(b) Dairy products (fat basis)	2.5
(c) Poultry (fat basis)	5.0
(d) Eggs	0.5
(e) Finished animal feed	0.5
(f) Animal feed components (including fishmeal)	5.0
(g) Fish (edible portion)	5.0
(h) Infant and junior foods	0.1
(i) Food-packaging material	5.0

Since PCB's are very stable and highly persistent in the environment, any disposal of PCB's should be accomplished by appropriate high temperature degradation or other appropriate means in order to avoid any environmental contamination which could affect food subject to the Federal Food, Drug, and Cosmetic Act or which could otherwise adversely affect the environment.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 402(a), 406, 409, 701, 52 Stat. 1046 as amended, 1049, 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948, 72 Stat. 1785–88 as amended; 21 U.S.C. 342(a), 346, 348, 371) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Parts 3, 121, and 128 and to establish a new Part 122, as follows:

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

1. By adding the following new sections to Part 3:

§ 3.__ Use of polychlorinated biphenyls (PCB's) in the production and storage of animal feed.

(a) Investigations by the Food and Drug Administration have revealed use of PCB's in heat exchange fluids contained in certain pasteurization equipment used in processing animal feed. Although heat exchange fluids in such equipment are considered to be in "closed systems," accidents have occurred that resulted in direct contamination of animal feeds with PCB's and subsequently in PCB contamination of human food. The use of PCB-containing coatings on the inner walls of silos has resulted in the contamination of silage which has in turn caused PCB residues in the milk of dairy cows. Other industrial uses of PCB's include, or did include in the past, their use in formulations as lubricants and hydraulic fluids and their use as ingredients of paints, plastics, resins, inks, waxes, adhesives, rubber, asphalt, and various building materials.

(b) The following special provisions are necessary to preclude accidental PCB contamination of animal feed:

(1) Coatings or paints for use on the contact surfaces of feed storage areas may not contain PCB's or any other harmful or deleterious substances likely to contaminate feed.

(2) New equipment or machinery for handling or processing feed in or around an animal feed producing establishment shall not contain PCB's.

(3) Within 30 days following the effective date of this order, the management of establishments producing animal feed shall:

(i) Have the heat exchange fluid used in existing equipment or machinery for handling and processing feed sampled and tested to determine whether it contains PCB's, or verify the absence of PCB's in such formulations by other appropriate means. Within the 30 days specified above, any such fluid formulated with PCB's must be replaced with a heat exchange fluid that does not contain PCB's or any other harmful or deleterious substances.

(ii) Eliminate from the animal feed producing establishment any PCB-containing feed-contact surfaces of equipment and utensils and any PCB-containing lubricants for equipment or machinery that are used for handling or processing animal feed.

(iii) Eliminate from the animal feed producing establishment any other PCB-containing materials, whenever there is a reasonable expectation that such materials could cause animal feed to become contaminated with PCB's either as a result of normal use or as a result of accident, breakage, or other mishap.

(iv) Eliminate the use of any feed-packaging materials that contain in excess of the 5 parts per million temporary tolerance for PCB's established in § 122.10 of this chapter.

(c) For the purpose of this section, the term "animal feed" includes all articles used for food or drink for animals other than man.

§ 3.__ Use of polychlorinated biphenyls (PCB's) in establishments manufacturing food-packaging materials.

(a) PCB contamination has been detected in paper food-packaging materials. Such contamination may have in some cases resulted from the use of PCB's in heat exchange fluids or other PCB-containing materials used in the establishment manufacturing food-packaging materials.

(b) The following special provisions are necessary to preclude the accidental PCB contamination of food-packaging materials:

(1) New equipment or machinery for manufacturing food-packaging materials shall not contain or use PCB's.

(2) Within 30 days following the effective date of this order, the management of establishments manufacturing food-packaging materials shall:

(i) Have the heat exchange fluid used in existing equipment for manufacturing food-packaging materials sampled and tested to determine whether it contains PCB's, or verify the absence of PCB's in such formulations by other appropriate means. Within the 30 days specified above, any such fluid formulated with PCB's must be replaced with a heat exchange fluid that does not contain PCB's or any other harmful or deleterious substance.

(ii) Eliminate from the establishment any other PCB-containing materials wherever there is a reasonable expectation that such materials could cause food-packaging materials to become contaminated with PCB's either as a result of normal use or as a result of accident, breakage, or other mishap.

PART 121—FOOD ADDITIVES

2. In Part 121 by revising § 121.2546 (b) in subparagraphs (1) and (2), as follows:

§ 121.2546 Pulp from reclaimed fiber.

* * * * *

(b) * * *

(1) Industrial waste from the manufacture of paper and paperboard products excluding that which bears or contains any poisonous or deleterious substance which is retained in the recovered pulp and that migrates to the food.

(2) Salvage from used paper and paperboard excluding that which (i) bears or contains any poisonous or deleterious substance which is retained in the recovered pulp and migrates to the food or (ii) has been used for shipping or handling any such substance.

PART 122—UNAVOIDABLE NATURAL, ENVIRONMENTAL, OR INDUSTRIAL CONTAMINANTS IN FOOD AND FOOD-PACKAGING MATERIAL

Subpart A—Definitions and Procedural and Interpretative Regulations

3. By adding a new Part 122 consisting initially of two sections, as follows:

§ 122.1 Definitions and interpretations.

(a) The definitions and interpretations of terms contained in section 201 of the Federal Food, Drug, and Cosmetic Act shall be applicable to such terms when used in this part.

(b) Unavoidable natural, environmental, or industrial contaminants include any poisonous or deleterious substance added to any food where such substance cannot be avoided by good manufacturing practice.

§ 122.10 Temporary tolerances for polychlorinated biphenyls (PCB's).

(a) Temporary tolerances for residues of PCB's as unavoidable environmental or industrial contaminants are established for a sufficient period of time following the effective date of this paragraph to permit the elimination of such contaminants at the earliest practicable time, as follows:

	Parts per million
(1) Milk (fat basis)	2.5
(2) Dairy products (fat basis)	2.5
(3) Poultry (fat basis)	5.0
(4) Eggs	0.5
(5) Finished animal feeds	0.5
(6) Animal feed components (including fishmeal)	5.0
(7) Fish (edible portion)	5.0
(8) Infant and junior food	0.1
(9) Food-packaging material	5.0

PART 128—HUMAN FOODS; CURRENT GOOD MANUFACTURING PRACTICE (SANITATION) IN MANUFACTURE, PROCESSING, PACKING, OR HOLDING

4. In Part 128, by designating the existing text of § 128.4 as paragraph (a) and by adding a new paragraph (b) as follows:

§ 128.4 Equipment and utensils.

(a) *General.* All plant equipment and utensils should be (1) suitable for their intended use, (2) so designed and of such material and workmanship as to be adequately cleanable, and (3) properly maintained. The design, construction, and use of such equipment and utensils shall preclude the adulteration of food with lubricants, fuel, metal fragments, contaminated water, or any other contaminants. All equipment should be so installed and maintained as to facilitate the cleaning of the equipment and of all adjacent spaces.

(b) *Use of polychlorinated biphenyls (PCB's) in food plants.* Polychlorinated biphenyl (PCB's) contamination has been detected in food and in food-packaging materials. Such contamination may have, in some cases, resulted from the use of PCB-containing equipment and utensils or from the use of PCB-contaminated food-packaging materials. PCB's are toxic substances which are very stable and highly persistent in the environment and have been employed in a wide range of industrial uses including heat exchange liquids in certain pasteurization equipment; additives in lubricants and hydraulic fluids; and ingredients of paints, plastics, resins, inks, waxes, adhesives, rubber, asphalt, and various building materials. The following special provisions are necessary to preclude accidental PCB contamination of food:

(1) New equipment, utensils, and machinery for handling or processing food in or around a food plant shall not contain PCB's.

(2) Within 30 days following the effective date of this paragraph, the management of food plants shall:

(i) Have the heat exchange fluid used in existing equipment or machinery for handling or processing food sampled and tested to determine whether it contains PCB's, or verify the absence of PCB's in such formulations by other appropriate means. Within the 30 days specified above, any such fluid formulated with PCB's must be replaced with a heat exchange fluid that does not contain PCB's or any other harmful or deleterious substances.

(ii) Eliminate from the food plant any PCB-containing food-contact surfaces of equipment or utensils and any PCB-containing lubricants for equipment or machinery that is used for handling or processing food.

(iii) Eliminate from the food plant any other PCB-containing materials wherever there is a reasonable expectation that such materials could cause food to become contaminated with PCB's either as a result of normal use or as a result of accident, breakage, or other mishap.

(iv) Eliminate the use of any food-packaging materials that contain in excess of the 5 parts per million temporary tolerance for PCB's established in § 122.10 of this chapter.

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

(Secs. 402(a), 406, 409, 701, 52 Stat. 1046 as amended, 1049, 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948, 72 Stat. 1785–88 as amended; 21 U.S.C. 342(a), 346, 348, 371)

Dated: March 16, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-4256 Filed 3-17-72;8:53 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 164]

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Proposed Advisory Committees and Rules of Practice Governing Hearings

Notice is hereby given that § 164.4(c) of Part 164 of Chapter I of Title 40 of the Code of Federal Regulations, issued pursuant to sections 4 and 6 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135b, 135d), is proposed to be revised to read as set forth below. This proposal to amend § 164.4(c) is independent of the proposal, published in the FEDERAL REGISTER on January 22, 1972 (37 F.R. 1059), to amend Part 164 in its entirety. In other words, this proposal signifies our intention to amend § 164.4(c) regardless of whether the previously proposed amendment is adopted in final form.

Any person may file comments on this proposal within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Such comments should be filed in duplicate and addressed to the Hearing Clerk, Environmental Protection Agency, Room 3125, South Agriculture Building, 14th and Independence Avenue SW., Washington, DC. All written submissions filed pursuant to this notice will be available for public inspection.

Explanatory statement. This Agency anticipates that it may, in the immediate future, be called upon to consider suspending the registrations of a number of currently registered pesticide products and that its review may result in such suspension. While affected registrants will have the right to invoke on an expedited basis the full-scale administrative review procedures established by the FIFRA, those procedures, even on an expedited basis, necessarily consume a great deal of time. During that period, interstate shipment of the product is prohibited and, by virtue of doctrines reflected in the en banc decision of the U.S. Court of Appeals for the Seventh Circuit in Nor-Am Agricultural Products v. Hardin, 435 F. 2d 1151, no immediate remedy is available to the registrant. For, under those doctrines, judicial review of suspension orders is precluded until the registrant first exhausts the lengthy administrative review process.

The Congress apparently intends to change the governing statutory provisions and thereby overrule the Nor-Am result. Specifically, section 6(c)(3) of H.R. 10729, the proposed pesticides legislation which has been approved by the House of Representatives and is pending in the Senate, would permit immediate review of suspension orders in a district court. We believe that, in order to assure fairness to registrants and at the same time to comply with the spirit of the proposed legislation, this Agency should take whatever steps are available to it under current law to insure that registrants faced with suspension action are able to obtain immediate review of that action.

The procedure adopted today accomplishes that end. Under that procedure, the Agency is required to issue a notice of cancellation whenever suspension is ordered (the Agency rules proposed on January 22, 1972, and the pending legislation both contain similar requirements). Building on that requirement, other language in the rule expresses clearly that the considerations which control suspension decisions are somewhat different from those which govern ultimate cancellation.

The fundamental change made by the rule is its creation of a nonstatutory right to immediate administrative review of the suspension decision. That right is in addition to the right, prescribed by the FIFRA and preserved by this rule for subsequent invocation, to administrative review on the question of ultimate cancellation. The newly available review of the suspension decision will be by way of an administrative hearing which, not being required by statute, is not required to comply with all the formalities of the Administrative Procedure Act. For precisely that reason, it can be conducted on an extraordinarily rapid basis. Again, in order to assure fairness to the registrant, the speed with which the hearing is convened and conducted will be largely within the control of the registrant. In any event, within 5 days after that hearing is completed, a "final" Agency order on the suspension question will be issued.

The creation of this bifurcated administrative review serves two important purposes. First, registrants will have the opportunity quickly to bring to the attention of the Agency considerations which may have been overlooked, or improperly evaluated, by the Agency in reaching its initial decision to suspend. Thus, the registrant may succeed in having the suspension lifted by the Agency itself. Equally as important, if the suspension order is maintained in effect, the informal suspension hearing will have laid the foundation necessary to enable registrants to obtain judicial review of the question of interim suspension without first exhausting the procedures available for review of the cancellation decision. This is so because the new procedure will, in sharp contrast to the prior system, result in "final" suspension orders. As such, a suspension order is, under 7 U.S.C. 135b(c) and 135b(d), subject to review in an appropriate court of appeals on the administrative record. Thus, the change in procedures should insure that the doctrines which until this time have precluded early judicial review of suspension orders will not be a bar to judicial review after the completion of the informal administrative supension hearing. In other words, since the FIFRA expressly makes final orders reviewable in an appropriate court of appeals on the administrative record, there should be no obstacle to review of final suspension orders in such a court. To further this end, the new rule expressly directs the Administrator to insure that the administrative record is prepared for immediate forwarding to a court of appeals if the administrative decision is to maintain suspension and a petition for judicial review of that decision is filed. Of course, regardless of whether such review is sought, and regardless of the outcome of any such review, the statutorily prescribed administrative review of the question of ultimate cancellation will proceed as it would have in the absence of the new rule.

In formulating this rule, we considered but rejected language which would have permitted the participation, at the suspension hearing, of any person who had previously filed a request that the registration of the product in question be suspended. We recognize the legitimate interest of such persons in participating at hearings and have provided, in the proposed rules published on January 22, 1972, for their full participation at hearings on cancellation. Two reasons combine, however, to militate against their participation at a suspension hearing. First, their interests at the hearing should be adequately represented by counsel for the Agency, who will always be attempting to uphold suspension (in contrast, under the proposed rules (see §§ 164.4(b)(3)(ii), 164.12(j)), there may be certain cancellation hearings at which Agency counsel will be supporting registration of the product). Second, the hearing on suspension is designed to proceed as rapidly as possible, and to that end we intend to leave the pace and length of the hearing largely to the discretion of the registrant. The appearance of other parties at the hearing would leave open the possibility that the hearing would be unduly protracted and thus fail to accomplish one of the purposes for which it is designed.

The text of the new rule is as follows:

§ 164.4 Submission of a determination respecting an economic poison to an advisory committee and institution of a hearing regarding the application for registration or cancellation or suspension of an economic poison under the Act.

* * * * *

(c) Whenever the Administrator finds that such action is necessary to prevent an imminent hazard to the public, he may, by order accompanied by findings, suspend the registration of the economic poison immediately. At the same time, he shall issue a notice of cancellation of the registration if he has not already done so. The Administrator will promptly give the registrant notice of his action.

(1) Upon the issuance of an order of suspension, the affected registrant shall have the right to request the administrative hearing established by this subparagraph. Any such request must be in writing but may be by telegram. The Administrator may appoint any person whom he deems qualified to preside at the hearing. The hearing shall be held at a place agreed upon by the parties, but in the event agreement cannot be reached, the presiding officer shall determine where the hearing will be held. The hearing shall begin no later than the date specified by the registrant, except that the Administrator shall not be required to begin the hearing in less than three working days after receipt of the request for hearing. The hearing shall bear only on the propriety of suspension of the registration and shall not be a full-scale trial on the merits of the cancellation. The registrant and representatives of the Agency shall have the right to present evidence or argument in oral or written form. The presiding officer shall have full authority to conduct the proceedings in a manner which will be fair to all persons concerned but which will result in the expeditious completion of the hearing. Within 5 working days after the close of the hearing, the Administrator or his delegate, in consultation with the presiding officer, shall issue a final order on the question of suspension based on the evidence of record. In issuing that final order, the Administrator or his delegate shall take into account the imminence and severity of the hazard to the public and the ability to prevent it and the likelihood of the registrant prevailing in the cancellation proceeding. If the final order continues the suspension in effect, the Administrator shall insure that the record of the administrative proceedings is prepared promptly for immediate forwarding to the appropriate court of appeals in the event a petition for review is filed by the registrant.

(2) In the event the order of suspension is continued in effect and becomes final after the administrative hearing established by subparagraph (1) of this paragraph and is not set aside by an appropriate court of appeals upon judicial review pursuant to 7 U.S.C. 135b(c) and 135b(d), the registrant shall have the opportunity to invoke on an expedited basis the administrative review procedures, relative to the question of cancellation, established by 7 U.S.C. 136b(c); in any case in which the suspension is lifted, administrative review of cancellation shall be available on an ordinary basis.

(3) This rule in no way operates of its own force to stay the immediate effect of the order of suspension upon issuance and does not affect or remove the prohibitions on shipment and sale or affect the Agency's power to seize suspended products. In all cases, the administrative review provided by statute shall involve only those issues relating to the ultimate cancellation of the product and not those issues bearing on suspension.

* * * * *

Dated: March 14, 1972.

DAVID D. DOMINICK,
Assistant Administrator
for Categorical Programs.

[FR Doc.72-4213 Filed 3-17-72;8:53 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 462]

ARIZONA

Notice of Filing of Plats of Survey

MARCH 13, 1972.

1. Plats of survey of the lands described below, accepted on January 12, 1972, will be officially filed in the Arizona State Office effective at 10 a.m., on April 17, 1972:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 7 S., R. 31 E.,
A dependent resurvey of portions of the north and south boundaries and subdivisional lines, a survey of the subdivision of certain sections, and an accretion survey of sections 27 and 34.

2. The lands surveyed lie east and west of the Gila River, and are mostly rolling, with level river bottom land. Vegetation consists of creosote bush, cacti, and bunch grass with willow, cat claw and scattered cottonwoods along the river banks.

3. The public lands in the township are classified for multiple use and will therefore be opened only to such forms of disposition as are allowed under the provisions of the multiple use classification on the effective date of the filing of these plats.

4. The public lands have been and still are subject to the operation of the mining and mineral leasing laws.

Inquries concerning the lands should be addressed to the Arizona State Office, Bureau of Land Management, 3022 Federal Building, Phoenix, Ariz. 85025.

CHARLES G. BAZAN, JR.,
Chief, Branch of Records and Data Management.

[FR Doc.72-4157 Filed 3-17-72;8:46 am]

Bureau of Reclamation

AUTHORIZED CHINA MEADOWS DAM AND RESERVOIR, LYMAN PROJECT, WYOMING

Notice of Public Hearing on Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the authorized China Meadows Dam and Reservoir, Lyman Project, Wyoming. This statement was made available to the public on January 15, 1972.

The environmental statement concerns construction of an earthfill dam and dike on the East Fork of Smiths Fork, 25 miles south of Mountain View, Wyo., for the purpose of providing regulatory storage for irrigation purposes, maintenance of fish and wildlife resources, and water-oriented recreation.

A public hearing will be held in Salt Lake City, Utah, to receive statements from interested organizations or individuals. The hearing will be held in the Little Theater of the Salt Palace, 100 South West Temple, beginning at 2 p.m., on April 18, 1972.

Organizations or individuals desiring to present their statements at the hearing should contact Regional Director David L. Crandall, Bureau of Reclamation, Room 7201, 125 South State Street, Salt Lake City, UT. Telephone (801) 524-5592.

Dated: March 15, 1972.

ELLIS L. ARMSTRONG,
Commissioner, Bureau of Reclamation.

[FR Doc.72-4179 Filed 3-17-72;8:48 am]

Office of the Secretary

JOHN S. ANDERSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of January 31, 1972.

Dated: January 31, 1972.

JOHN S. ANDERSON.

[FR Doc.72-4159 Filed 3-17-72;8:46 am]

CHARLES A. CAMPBELL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 3, 1972.

Dated: February 3, 1972.

CHARLES A. CAMPBELL.

[FR Doc.72-4160 Filed 3-17-72;8:46 am]

JOHN F. ENGLISH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of February 29, 1972.

Dated: February 29, 1972.

JOHN F. ENGLISH.

[FR Doc.72-4161 Filed 3-17-72;8:46 am]

GLENN J. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 31, 1971.

Dated: January 31, 1972.

GLENN J. HALL.

[FR Doc.72-4162 Filed 3-17-72;8:46 am]

ROBERT V. HUGO

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 28, 1972.

Dated: February 28, 1972.

ROBERT V. HUGO.

[FR Doc.72-4163 Filed 3-17-72;8:47 am]

MODESTO IRIARTE, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of March 3, 1972.

Dated: March 3, 1972.

MODESTO IRIARTE, Jr.

[FR Doc.72-4164 Filed 3-17-72;8:47 am]

DAVID G. JETER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 31, 1972.

Dated: January 31, 1972.

DAVID G. JETER.

[FR Doc.72-4165 Filed 3-17-72;8:47 am]

J. W. KEPNER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 31, 1972.

Dated: January 31, 1972.

J. W. KEPNER.

[FR Doc.72-4166 Filed 3-17-72;8:47 am]

JOHN H. KLINE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 28, 1972.

Dated: February 28, 1972.

JOHN H. KLINE.

[FR Doc.72-4167 Filed 3-17-72;8:47 am]

OWEN A. LENTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of March 6, 1972.

Dated: March 6, 1972.

OWEN A. LENTZ.

[FR Doc.72-4169 Filed 3-17-72;8:47 am]

ROBERT R. McLAGAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 1, 1972.

Dated: February 4, 1972.

ROBERT R. MCLAGAN.

[FR Doc.72-4170 Filed 3-17-72;8:47 am]

JAMES W. McWHINNEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 29, 1972.

Dated: March 1, 1972.

JAMES W. MCWHINNEY.

[FR Doc.72-4168 Filed 3-17-72;8:47 am]

JULIO A. NEGRONI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 1972.

Dated: January 31, 1972.

JULIO A. NEGRONI.

[FR Doc.72-4171 Filed 3-17-72;8:47 am]

CLIFTON F. ROGERS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of March 3, 1972.

Dated: March 3, 1972.

CLIFTON F. ROGERS.

[FR Doc.72-4172 Filed 3-17-72;8:47 am]

LEROY J. SCHULTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.

(3) None.
(4) None.

This statement is made as of February 2, 1972.

Dated: February 2, 1972.

LEROY J. SCHULTZ.

[FR Doc.72-4173 Filed 3-17-72;8:48 am]

WILLARD B. SIMONDS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January.

Dated: January 31, 1972.

WILLIAM B. SIMONDS.

[FR Doc.72-4174 Filed 3-17-72;8:48 am]

STANLEY M. SWANSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of March 6, 1972.

Dated: March 6, 1972.

STANLEY M. SWANSON.

[FR Doc.72-4175 Filed 3-17-72;8:48 am]

CHARLES W. WATSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 1, 1972.

Dated: February 1, 1972.

CHARLES W. WATSON.

[FR Doc.72-4176 Filed 3-17-72;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2B2763) has been filed by American Cyanamid Co., Wayne, N.J. 07470 proposing that § 121.2571 *Components of paper and paperboard in contact with dry food* (21 CFR 121.2571) be amended to provide for the safe use of acrylamide, N-(dimethylaminemethyl) acrylamide, styrene terpolymer as a dry-strength agent in paper and paperboard intended for contact with dry food.

Dated: March 10, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-4146 Filed 3-17-72;8:45 am]

[Docket No. FDC-D-362; NDA 11-253, etc.]

CERTAIN DRUGS CONTAINING VALETHAMATE BROMIDE

Notice of Withdrawal of Approval of New Drug Applications

A notice was published in the FEDERAL REGISTER of October 9, 1971 (36 F.R. 19710), extending to Ayerst Laboratories, Division of American Home Products Corp., 685 Third Avenue, New York, NY 10017, and to any interested person who may be adversely affected, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act, withdrawing approval of the following new-drug applications and all amendments and supplements thereto. The basis of the proposed action was the lack of substantial evidence that the drugs are effective for their labeled indications. The drugs are no longer marketed.

NDA 11-253; Murel Tablets containing valethamate bromide.

NDA 11-989; Murel S.A. Tablets containing valethamate bromide.

NDA 11-290; Murel with Phenobarbital Tablets containing valethamate bromide and phenobarbital.

NDA 11-998; Murel with Phenobarbital S.A. Tablets containing valethamate bromide and phenobarbital.

NDA 11-263; Murel Injection containing valethamate bromide.

Neither the holder of the new-drug applications nor any other interested person have filed a written appearance of election as provided by said notice. The failure to file such an appearance is construed as an election by such persons not to avail themselves of an opportunity for hearing.

The Commissioner of Food and Drugs pursuant to provisions of the Federal Food, Drug, and Cosmetic Act 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e) and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to each of said drugs, evaluated together with the evidence available to him when each application was approved, there is a lack of substantial evidence that each of the drugs will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of the above-listed new-drug applications and all amendments and supplements thereto is withdrawn effective on the date of publication hereof in the FEDERAL REGISTER (3-18-72).

Dated: March 10, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-4147 Filed 3-17-72;8:45 am]

[Docket No. FDC-D-445, NDA 0-723, etc.]

S. E. MASSENGILL CO., ET AL.

New-Drug Applications; Notice of Withdrawal of Approval

The holders of the new-drug applications listed herein have not submitted annual reports of experience with the drugs as required and have advised the Food and Drug Administration that the new drugs involved were never marketed or marketing has been discontinued and have requested withdrawal of approval of the new-drug applications, thereby waiving opportunity for a hearing.

Therefore pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)), and under authority delegated to the Commissioner (21 CFR 2.120), approval of the following new-drug applications, including all amendments and supplements thereto, is hereby withdrawn on the grounds that the applicants have failed to make reports under section 505(j) of the Act (21 U.S.C. 355(j) and §§ 130.13 and 130.35 (e) and (f) of the new-drug regulations (21 CFR 130.13 and 130.35).

NDA No.	Drug name	Applicant's name and address
0-723	Bethiamin Elixir (thiamine hydrochloride).	The S. E. Massengill Co., 527 Fifth St., Bristol, TN 37620.
1-403	Rabellon Tablets (hyoscyamine hydrobromide, atropine sulfate, scopolamine hydrobromide).	Merck Sharp & Dohme, Sunneytown Pike, West Point, Pa. 19486.
1-735	Elixol Liquid (rhubarb root).	John T. Lloyd Labs, Westerfield Laboratories Inc., 3941 Brotherton Rd., Cincinnati, OH 45209.
2-691	Bioden B_1 Elixir (thiamine hydrochloride).	Cooper Laboratories Inc., Fairfield Rd., Wayne, N.J. 07470.
2-854	Histamine Diphosphate Injection (histamine diphosphate).	Abbott Laboratories, North Chicago, Ill. 60064.
3-807	Magsal Suspension (magnesium trisilicate, aluminum hydroxide).	Endo Laboratories, Inc., 1000 Stewart Ave., Garden City, N Y 11530.
6-856	Dibuline Sulfate Injection (dibutoline sulfate).	Merck Sharp & Dohme, Sunneytown Pike, West Point, Pa. 19486.
7-909	Carbo Resin Powder (carbacrylamine resins).	Eli Lilly & Co., Box 618, Indianapolis, IN 46206.
9-397	Wyamine Sulfate Elixir (mephentermine sulfate).	Wyeth Laboratories, Inc., Box 8299, Philadelphia, PA 19101.
10-360	Reserpine Tablets (reserpine).	Halsey Drug Co., Inc., 1827 Pacific St., Brooklyn, N Y 11233.
10-409	Rauwolfia Serpentina Tablets (rauwolfia serpentina).	Do.
11-118	Raurelthritol Tablets (pentaerythritol tetranitrate, reserpine).	Bowman Pharmaceuticals, Inc., 119 Schroyer Ave., SW., Canton, OH 44702.
12-847	Fortizyme Tablets (alpha amylase).	Breon Laboratories, Inc., 90 Park Ave., New York, N Y 10016.

This order shall become effective on its date of publication in the FEDERAL REGISTER (3-18-72).

Dated: March 10, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-4148 Filed 3-17-72;8:45 am]

NATIONAL FISH MEAL & OIL ASSOCIATION

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2A2762) has been filed by the National Fish Meal & Oil Association, 1225 Connecticut Avenue NW., Washington, DC 20036, proposing that § 121.1202 *Whole fish protein concentrate* (21 CFR 121.1202) be amended to provide for the safe use of whole fish protein concentrate as a food supplement in manufactured foods.

Dated: March 10, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-4149 Filed 3-17-72;8:46 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-72-161]

ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY FOR COMMUNITY DEVELOPMENT

Delegation of Authority With Respect to Open-Space Land

The delegation of authority to the Assistant Secretary for Community Development, effective March 8, 1971 (36 F.R. 5004, March 16, 1971), is amended as follows:

Section A, subsection 6 is revised to read:

6. Open-Space Land Program under title VII of the Housing Act of 1961 (42 U.S.C. 1500—1500d-1), provided that the conversion of land involving historic or architectural purposes under section 705 (42 U.S.C. 1500c-1) has prior approval of the Secretary of the Interior.

(Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Effective date. This delegation of authority is effective as of July 1, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.72-4186 Filed 3-17-72;8:49 am]

[Docket No. D-72-162]

REGIONAL ADMINISTRATORS ET AL.

Redelegation of Authority With Respect to Open-Space Land Program

SECTION A. *Authority redelegated.* 1. Each Regional Administrator, Deputy Regional Administrator, Area Director, and Deputy Area Director of the Department of Housing and Urban Development is authorized with respect to the Open-Space Land Program under title VII of the Housing Act of 1961 (42 U.S.C. 1500—1500d-1) to (a) authorize grants and establish the terms thereof; (b) execute agreements for grants and amendments thereto; and (c) approve requisitions for funds and third-party contracts except as provided under section B.

2. Each Area Operations Division Director, and Deputy Area Operations Division Director is authorized with respect to the Open-Space Land Program under title VII of the Housing Act of 1961 (42 U.S.C. 1500—1500d-1) to (a) execute agreements for grants and amendments thereto; and (b) approve requisitions for funds and third-party contracts.

SEC. B. *Authority excepted.* There is excepted from the authority delegated under section A the authority to approve the conversion or interim use of open-space land for other than open-space purposes, or the transfer of interest in open-space land, under sections 702(c), 704, 705 of the Housing Act of 1961.

SEC. C. *Authority to approve the conversion or interim use of open-space land for other than open-space purposes, or the transfer of interest in open-space land.* Each Regional Administrator and Deputy Administrator is authorized to approve the conversion or interim use of open-space land for other than open-space purposes, or the transfer of interest in open-space land under sections 702(c), 704, 705 of the Housing Act of 1961 (42 U.S.C. 1500a(c), 1500c, 1500c-1), except that the conversion under section 705 or the transfer or interim use of land under section 702(c) involving historic or architectural purposes must have prior approval of the Secretary of the Interior.

SEC. D. *Authority to approve transfers of interest in open-space land.* Each Area Director, and Deputy Area Director is authorized to approve the transfer of interests in open-space land to other uses under section 702(c) of the Housing Act of 1961: *Provided,* That the transfer of interests in land involving historic or architectural purposes shall not be inconsistent with the historic or architectural purposes of such open-space land.

SEC. E. *Redelegation to Region VIII (Denver) official.* The Assistant Regional Administrator for Community Development in Region VIII (Denver) is authorized to exercise the power and authority delegated in this document to Area Directors and Deputy Area Directors.

SEC. F. *Exercise of redelegated authority.* Redelegations of authority made under sections A, B, C, D, and E shall not be construed to modify or otherwise affect the administration and supervisory powers of the Regional Administrator and Deputy Regional Administrator to whom a delegate is responsbile, and these supervisors shall, in addition to any other authority delegated to them, have the same final authority redelegated to their subordinates.

(Secretary's delegation of authority being published concurrently with this redelegation; Secretary's delegation, sec. D, 36 F.R. 5004, Mar. 16, 1971)

Effective date. This redelegation of authority shall be effective as of July 1, 1971.

JOHN A. NEVIUS,
Deputy Assistant Secretary for Community Development.

[FR Doc.72-4187 Filed 3-17-72;8:49 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Order of the Board Changing Location of Hearing

In the matter of Wisconsin Electric Power Co. and Wisconsin Michigan Power Co., Point Beach Nuclear Plant, Unit 2.

The location for the evidentiary hearing in the above captioned matter is being changed from Manitowoc, Wis., to Milwaukee, Wis. The evidentiary hearing will reconvene on March 21, 1972, at 10 a.m., local time, at the following location:

Courtroom 325, U.S. Courthouse, Federal Building, 517 East Wisconsin Avenue, Milwaukee, WI 53202.

Issued: March 16, 1972.

ATOMIC SAFETY AND LICENSING BOARD,
ROBERT M. LAZO,
Chairman.

[FR Doc.72-4291 Filed 3-17-72;8:53 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Title Change in Noncareer Executive Assignment

By notice of July 11, 1970, F.R. Doc. 70-8855 the Civil Service Commission authorized the Department of Commerce to fill by noncareer executive assignment the position of Assistant Director for Business Opportunities. This is notice that the title of this position is now being changed to Assistant Director for Private Programs, Office of Minority Business Enterprise.

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

[FR Doc.72-4224 Filed 3-17-72;8:52 am]

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Assistant Director for Community Programs, Office of Minority Business Enterprise, Community Programs Division.

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

[FR Doc.72-4226 Filed 3-17-72;8:52 am]

DEPARTMENT OF COMMERCE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Assistant Director for Community Services, Office of Minority Business Enterprise.

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

[FR Doc.72-4227 Filed 3-17-72;8:52 am]

DEPARTMENT OF COMMERCE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Chief Counsel, Economic Development Administration.

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

[FR Doc.72-4228 Filed 3-17-72;8:52 am]

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Office of Trade Adjustment Assistance, Bureau of Domestic Commerce.

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

[FR Doc.72-4229 Filed 3-17-72;8:52 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary for International Affairs, Office of the Secretary, Immediate Office.

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

[FR Doc.72-4232 Filed 3-17-72;8:53 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary for Special Programs, Office of the Secretary, Immediate Office.

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

[FR Doc.72-4231 Filed 3-17-72;8:53 am]

DEPARTMENT OF JUSTICE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy Director for Field Operations, Office for Drug Abuse Law Enforcement, Office of Attorney General.

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

[FR Doc.72-4233 Filed 3-17-72;8:53 am

DEPARTMENT OF JUSTICE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy Director for Technical Support, Office for Drug Abuse Law Enforcement, Office of Attorney General.

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

[FR Doc.72-4225 Filed 3-17-72;8:52 am]

DEPARTMENT OF TRANSPORTATION

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Deputy Director for Technology, National Highway Traffic Safety Administration, Office of the Administrator.

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

[FR Doc.72-4230 Filed 3-17-72;8:52 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality February 28–March 3, 1972.

DEPARTMENT OF DEFENSE

DEPARTMENT OF ARMY

Corps of Engineers

Contact: Francis X. Kelly, Assistant for Conservation Liaison, Public Affairs Office, Office, Chief of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, (202) 693–6346.

Draft, March 1

Alpine Lake Project, Alpine, Tex. Recommendation for Congressional authorization of a small reservoir to provide flood control for the town of Alpine, Tex. (ELR Order No. 2002, 23 pages) (NTIS Order No. PB–207 078–D)

Draft, February 28

Flood control on Saginaw River, Mich., and Tributaries: Flint River at Flint, Swartz and Thread Creeks. Project consists of channel realignments and modifications of approximately 11,000 feet of the main stem of the Flint River and approximately 8,900 feet of Swartz and Thread Creeks. Also planned is a concrete-lined channel and concrete floodwalls. (ELR Order No. 2003, 27 pages) (NTIS Order No. PB–207 077–D)

Final, February 29

San Leandro Creek, Alameda County, Calif. Construction of both the trapezoidal earth channel and the rectangular concrete channel with riprap transitions in order to provide flood control. Comments made by EPA, HEW, HUD, DOI, DOT, Coast Guard, city of Oakland. (ELR Order No. 1998, 77 pages) (NTIS Order No. PB–207 056–F)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460, (202) 755–0940.

Draft, February 25

Construction of Wastewater facilities, Ellis County, Red Oak, Tex. Application for Federal funds to aid in constructing a complete wastewater treatment system. The treatment plant will employ an extended aeration process including pretreatment grit removal, flow measurement, and effluent chlorination, etc. (ELR Order No. 1993, 60 pages) (NTIS Order No. PB–207 065–D)

Final, March 1

Proposed Water Quality Control facilities, Soldotna, Alaska. Construction of sanitary sewage treatment facilities. Wastes will be treated by an extended aeration biological process; Effluent will be discharged after disinfection into the Kenai River via an outfall approximately 21 miles upstream from its mouth. Comments made by Army, Coe, DOI, DOC; Coast Guard, Kenai Peninsula Borough. (ELR Order No. 1999, 48 pages) (NTIS Order No. PB–204 662–F)

FEDERAL POWER COMMISSION

Contact: Frederick H. Warren, Advisor on Environmental Quality, 441 G Street NW., Washington, DC 20426, (202) 386–6084.

Draft, February 24

Michagamme Project, Iron and Dickinson Counties in Mich., and Florence County in Wis. Twin Falls, Peavy Falls, Michigamme Reservoir and Way Dam Plant on the Michigamme and Menominee Rivers. Application for a new license for Project No. 1759. (ELR Order No. 1970, 29 pages) (NTIS Order No. PB–206 853–D)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Richard H. Broun, Director, Environmental and Land Use Planning Division, Washington, D.C. 20410, (202) 755–6186.

Draft, February 25

FHA Mortgage Insurance for seasonal homes. Promulgation of a circular to implement section 203(m) of the National Housing Act, providing for mortgage insurance of single-family dwellings designed for seasonal (rather than year-round occupancy). (ELR Order No. 1979, 13 pages) (NTIS Order No. PB–206 866–D)

DEPARTMENT OF INTERIOR

Contact: Office of Communications, Room 7214, Washington, D.C. 20240, (202) 343–6416.

OFFICE OF COAL RESEARCH

Final, February 22

Coal Gasification Pilot Plant, Homer City, Pa. The proposed pilot plant will test out a process employing oxygen and steam at elevated pressures in a two-stage gasifier, to convert coal to pipeline quality gas, the exact equivalent of natural gas. Comments made by Geological Survey, HEW, Commonwealth of Pennsylvania, EPA. (ELR Order No. 1980, 63 pages) (NTIS Order No. PB–200 800–F)

SOUTHWESTERN POWER ADMINISTRATION

Draft, February 24

Texas, Oklahoma, Arkansas, and Missouri—Operation and Maintenance of 1,700 miles of existing transmission lines and 32 substations and switching stations. These actions will be taken during FY 1973. (ELR Order No. 1997, 10 pages) (NTIS Order No. PB–207 068–D)

DEPARTMENT OF TRANSPORTATION

Contact: Martin Convisser,[1] Director, Office of Program Co-ordination, 400 Seventh Street SW., Washington, DC 20590 (202) 462–4357

FEDERAL AVIATION ADMINISTRATION

Draft, February 24

Antlers Municipal Airport, Pushmataha County, Antlers, Okla. Development of a new airport facility, including land for development, runway construction, parking apron, access road, installation of wind cone and segmented circle, etc. (ELR Order No. 1972, 10 pages) (NTIS Order No. PB–206 859–D)

Draft, February 25

Arrowhead Airport, Pittsburg County, Canadian, Okla. Development of a new airport facility including construction of NW/SE runway, relocation of water tank, water line, and golf course tee, install fencing, lighting, etc. (ELR Order No. 1973, 19 pages) (NTIS Order No. PB–206 860–D)

Draft, February 24

East-West Runway at Stewart Airport, Newburgh, N.Y. Extension of runway 9–27, 4,000 feet to west, together with extension of the parallel taxiway, strengthening of the existing 8,000 feet runway and associated lighting. (ELR Order No. 1974, 52 pages) (NTIS Order No. PB–206 858–D)

Draft, February 25

Canton Municipal Airport, Canton, S. Dak. Construction of general aviation airport, land acquisition development and clear zones, miscellaneous improvements. (ELR Order No. 1975, 32 pages) (NTIS Order No. PB–206 862–D)

Draft, February 24

Bradley Field Airport, Ada County, Idaho. A reliever airport for Boise Air Terminal. Involves improvements, extension of runway, etc. (ELR Order No. 1976, 15 pages) (NTIS Order No. PB–206 863–D)

Draft, February 25

Fannin County Airport: Blue Ridge, Ga. Construction of a basic utility airport, involves clearing 85 acres, relocation of 11 families. (ELR Order No. 1977, 38 pages) (NTIS Order No. PB–206 864–D)

Marlette Township Airport, Sanilac County, Mich. Land reimbursement, clearing, connecting taxiway, apron, entrance road, lighting system, parking lot, hangar area, etc. Will provide a safe and efficient air service to community. (ELR Order No. 1982, 30 pages) (NTIS Order No. PB–206 920–D)

Springdale Municipal Airport, Washington County, Springdale, Ark. Acquire land for clear zones, overlay existing runway, extend aircraft parking, install VASI, etc. (ELR Order No. 1991, 25 pages) (NTIS Order No. PB–207 063–D)

Manti-Ephraim Airport, Sanpete County, Utah. Improve general aviation airport, land acquisition, clear zones, runway extension, lighting and relocation of power lines. (ELR Order No. 1992, 15 pages) (NTIS Order No. PB–207 064–D)

Draft, February 28

Coles County Memorial Airport, Mattoon-Charleston, Ill. Relocation and construction of the NW, SE runway with high intensity lighting, construction of new apron, acquisition of 248 acres of land is required. (ELR Order No. 2000, 57 pages) (NTIS Order No. PB–207 069–D)

Perry-Fort Valley Airport, Perry, Ga. Construction of basic transport runway and related facilities which will accommodate 70 percent of the basic transport fleet of turbojet powered aircraft weighing less than 60,000 pounds. There will be approximately 10 acres of land cleared as a result. (ELR Order No. 2001, 35 pages) (NTIS Order No. PB–207 070–D)

Final, March 1

Honolulu International Airport, Honolulu, Hawaii. Proposed Federal financial assistance for the construction of "Reef Runway." Involves filling, grading, and paving a 12,000-feet x 200-feet runway, a 1,000-feet runway safety area on each end, and 250-feet shoulders. Also involved is construction of a protective structure 1,050 feet seaward of and parallel to the runway. Loss of 1,240 acres of coral reef, land, dredged coral pits, and lagoon; 186 acres of migratory bird feeding area; and possible loss of tuna bait feeding grounds will result. Comments made by USDA, Army COE, DOD, EPA, FPC, HUD, DOI, NOAA, State and local agencies, and concerned citizens. (ELR Order No. 2013, 97 pages) (NTIS Order PB–203 235–F)

Final, February 25

Purdue University Airport, city of Lafayette, Tippecanoe County, Ind. Extension of runway, lighting and marking, installation of VASI; Overlaying of runway, etc. Comments made by State of Indiana. (ELR Order No. 2015, 24 pages) (NTIS Order No. PB–203 603–F)

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[1] Mr. Convisser's office will refer you to the regional office from which the statement originated.

FEDERAL HIGHWAY ADMINISTRATION

Draft, February 25

U.S. 31 to U.S. 29: Escambia County, Ala. Proposed new two lane highway with the purchase of adequate right of way for future four lane construction. Total length is 2.4 miles. (ELR Order No. 1971, 6 pages) (NTIS Order No. PB–206 861–D)

U.S. Highway 41: Collier County, Fla. Improvement involves four-laning the portion of U.S. Highway 41 (State Route 45) from south of Bonita Springs to the north of Estero and is 11.4 miles in length. (ELR Order No. 1978, 29 pages) (NTIS Order No. PB–206 865–D)

Draft, February 24

U.S. 75: Shawnee County, Kans. Improvements of U.S. 75 and its interchanges with Lower Silver Lake Road, U.S. 24 and Brickyard Road. (2.1 miles). A bridge over the Kansas River is planned. (ELR Order No. 1981, 10 pages) (NTIS Order No. PB–206 867–D)

Draft, February 22

Interstate 630 from I–430–I–30: Pulaski County, Ark. Construction of a six lane Interstate facility in Little Rock. Approximately 7.4 miles in length. (ELR Order No. 1983, 17 pages) (NTIS Order No. PB–206 852–D)

Draft, February 18

Southwest Circumferential, Denver, Colo. Interstate 470 Circumferential Route is the last section of Interstate that will complete the encirclement of the city of Denver. 4(f) required for two planned recreation areas, Bear Creek Reservoir Recreation Area and McLellan Reservoir Recreation Area. (ELR Order No. 1984, 100 pages) (NTIS Order No. PB–207 067–D)

Draft, February 24

Spur Highway 239: Val Verde County, city of Del Rio, Tex. Proposed relocation of Spur 239 from the intersection of U.S. 90 and 277 southwest to Avenue R, thence westerly to the U.S. border port of entry (3 miles) (ELR Order No. 1985, 25 pages) (NTIS Order No. PB–207 062–D)

Riverdale Avenue Arterial, New York City line to Main Street Westchester County, N.Y. Reconstruction of 1.7 miles of Riverdale Avenue to a four lane surface arterial with auxiliary lanes and median. (ELR Order No. 1989, 24 pages) (NTIS Order No. PB–207 066–D)

Draft, February 29

U.S. 64, Transylvania County, N.C. Construction of a highway improvement for U.S. 64 between Rosman and Brevard for a distance of about 6.2 miles. Project will consist of a new four lane divided highway with two lanes on the western 4.2 mile portion of Harry Blake Road. (ELR Order No. 1994, 32 pages) (NTIS Order No. PB–207 076–D)

Draft, February 28

State Road 865, Lee County, Fla. Replacement of the substandard Matanzas Pass and Hurricane Bay bridges and approaches; a distance of approximately 4,200 feet. Approximately 10 to 20 individuals will be displaced. (ELR Order No. 1995, 20 pages) (NTIS Order No. PB–207 073–D)

State Road 540, Polk County, Fla. Reconstruction of a two-lane facility to a four-lane facility between Ninth Street, Winter Haven, Fla., and U.S. 27, State Route 540. (ELR Order No. 1996, 27 pages) (NTIS Order No. PB–207 071–D)

Project FU–606, U.S. Route 35, Jackson County, Ohio. Construction of approximately 4.8 miles of new four lane, median, divided highway. Begins on existing Route U.S. Route 35 ending at the existing interchange of U.S. Route 35 W., State Route 124. Thirteen families will be displaced as a result of the project. (ELR Order No. 2004, 6 pages) (NTIS Order No. PB–207 071–D)

Draft, February 29

Routes 2 and 4, Calvert County, Md. Construction of a second roadway to the existing facility beginning 0.24-mile south of Maryland Route 402 (Danes Beach Road) to 0.38-mile southeast of Maryland, Route 509 (Governor Run Road), for total distance of 5.68 miles. Ten residents and three business establishments will be displaced. (ELR Order No. 2005, 32 pages) (NTIS Order No. PB–207 072–D)

Route 235, St. Mary's County, Md. Reconstruction of a section of Maryland Route 235 from 0.8-mile north of Hollywood to St. Andrews Church Road from a single two lane highway to a dual highway facility. The total length of the proposed facility is 5 miles. An unspecified number of residents will be displaced. (ELR Order No. 2006, 26 pages) (NTIS Order No. PB–207 075–D)

Project F–20(1), U.S. 191, Gallatin and Madison Counties, Mont. Construction of a highway spur between U.S. 191 and Primary Route 50, a distance of 9.7 miles. (ELR Order No. 2011, 33 pages) (NTIS Order No. 207 060–D)

U.S. Highway 30, Allen County, Ind. Construction of a divided, four lane highway, approximately 9.5 miles in length, from U.S. 41 at Dyer to Fort Wayne, Ind. (ELR Order No. 2012, 34 pages) (NTIS Order No. PB–207 059–D)

Final, February 23

SH 5283: St. Lawrence County, N.Y. Proposed reconstruction is on N.Y. U.S. Route 11 in town of De Kalb, extending 6.7+ miles. Comments made by HUD, USDA, FPC. (ELR Order No. 1986, 21 pages) (NTIS Order No. PB–199 862–F)

State Route 39: Holmes County, Ohio. Relocation of State Route 39, with a bridge over Lake Fork at a location about 2 miles east of Loudenville. Comments made by Ohio Planning and Development Clearinghouse, DOI, Army COE, EPA. (ELR Order No. 1987, 24 pages) (NTIS Order No. PB–201 097–F)

Interstate Route 15: Teton County, Mont. Project begins 2.2 miles north of Dutton and terminates 1 mile south of the Teton-Pondera County line. In addition to a four-lane divided highway, the project provides full control of access with appurtenant local access system. (7.113 miles) Project I–15–6(2)305. Comments made by DOI, HUD, Army COE, Teton County, State of Mont. (ELR Order No. 1988, 36 pages) (NTIS Order No. PB–202 082–F)

Final, February 28

Project I–10–1(21), Ehrenberg-Phoenix Highway, Interstate 10, Yuma County, Ariz. Construction of 1.5 miles of highway and connections. Comments made by EPA, State, and local agencies. (ELR Order No. 2008, 17 pages) (NTIS Order No. PB–201 568–F)

Final, February 29

U.S. 169, Tulsa and Rogers Counties, Okla. Reconstruction of U.S. 169, a primary State highway, from Collinsville 16.7 miles northeast to Talala. Comments made by DOI, State and local agencies. (ELR Order No. 2007, 27 pages) (NTIS Order No. PB–207 055–F)

Webster, N.Y. Construction of the final section of expressway from Five Mile Line Road to County Line Road, a distance of 5.3 miles. Comments made by USDA and HEW. (ELR Order No. 2009, 16 pages) (NTIS Order No. PB–200 333–F)

Final, February 27

State Road 2480, Mecklenburg County, N.C. Widening of State Route 2480, from its intersection with I–85 to State Route 2502, a distance of 1.3 miles. Comments made by USDA, Army, COE, EPA, GSA, HUD, DOI, OEO, and State agencies. (ELR Order No. 2010, 40 pages) (NTIS Order No. PB–200 211–F)

Final, February 28

Amador Avenue, in Las Cruces from Alameda to State Route 292, N. Mex. The proposed improvement is an integral part of the highway master plan for Las Cruces. Comments made by USDA. (ELR Order No. 2024, 23 pages) (NTIS Order No. PB–201 243–F)

Final, February 29

Robert Street Bridge and Approaches, Jefferson County, city of Fort Atkinson, Wis. Relocation of the Robert Street structure and approaches, a length of approximately 1,500 feet. Comments made by EPA, HUD, HEW, DOI, USDA, State of Wisconsin. (ELR Order No. 2025, 18 pages) (NTIS Order No. PB–203 096–F)

DEPARTMENT OF TREASURY

Contact: Richard E. Slitor, Assistant Director, Office of Tax Analysis, Washington, D.C. 20220, (202) 964–2797.

Draft, February 24

Modification in the Internal Revenue Code to encourage the protection of coastal wetlands, the preservation of historically significant buildings, a greater degree of rehabilitation in urban areas, and the donation of rights in land for conservation purposes. (ELR Order No. 1965, 7 pages) (NTIS Order No. PB–206 868–D)

BRIAN P. JENNY,
Acting General Counsel.

[FR Doc.72–3840 Filed 3–17–72;8:45 am]

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental Impact Statements received by the Council on Environmental Quality, March 6–March 10, 1972.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, (202) 388–7803.

FOREST SERVICE

Draft, February 23

Palzo Restoration Project, Shawnee National Forest, Williamson, Saline and Gallatin Counties, Ill. Project will attempt to utilize treated municipal waste to reclaim abandoned strip mined land which is presently causing severe water pollution problems. (ELR Order No. 2014, 64 pages) (NTIS Order No. 207 061–D)

SOIL CONSERVATION SERVICE

Final, February 22

Cameron-Creole Watershed, La. Construction of 19 miles of levee, 35 miles of channel, and six water control structures, in order to exclude excessively saline water from 100,800 acres. Approximately 800 acres of privately owned marshland and 200 acres of the Sabine National Wildlife Refuge will be taken by the project. Comments made by Army COE, EPA, HEW, DOI, DOT, State, and local agencies. (ELR Order No. 2053, 71 pages) (NTIS Order No. PB–202 445–F)

ATOMIC ENERGY COMMISSION

Contact: For nonregulatory matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C., 29545, (202) 973–5391. For regulatory matters: Christopher L. Henderson, Assistant Director of Regulation for Administration, Washington, D.C. 20545, (202) 973–7531.

Draft, March 3

Proposed issuance of an operating license to Consumers Power Co., Inc., for Palisades Nuclear Generating Plant, Van Buren County, Mich. The plant uses a pressurized-water reactor having an initial power rating of 2,200 (MWT) with an output of 715 MW electrical of which 15 MW is used in-plant. After January 1, 1974, two rows of mechanical-draft evaporative cooling towers will be in operation to remove the heat from the condensed water; Michigan water will be withdrawn and 61,320 g.p.m. returned to the lake at no more than 5° F. above the ambient lake temperature. (ELR Order No. 2026, 294 pages) (NTIS Order No. PB–207 117–D)

Draft, March 7

Docket No. 50–341, Enrico Fermi Atomic Power Plant Unit–2, Monroe County, Mich. Proposed issuance of a permit to the Detroit Edison Co. for construction of an 1,150 M We boiling-water reactor cooled by wet, natural draft cooling towers. A maximum of 19,500 gal./min. of Lake Erie water will be evaporated from the cooling tower and the residual heat removal pond. (ELR Order No. 2048, 123 pages) (NTIS Order No. PB–207 249–D)

Draft, March 6

Dockets Nos. 50–254 and 50–265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Ill. Proposed issuance of an operating license to the Commonwealth Edison Co. and the Iowa-Illinois Gas and Electric Co. for the operation of two units, at 2,511 MWt each. About 125 miles of transmission lines have been constructed. Heating of 2,270 c.f.s. of Mississippi River water 23° F. above ambient will be needed for cooling until May 1976, when new controls will lessen the amount needed to 1,160 c.f.s. (ELR Order No. 2055, 132 pages) (NTIS Order No. PB–207 242–D)

DEPARTMENT OF DEFENSE

DEPARTMENT OF ARMY

Corps of Engineers

Contact: Francis X. Kelly, Assistant for Conservation Liaison, Public Affairs Office, Office, Chief of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, (202) 693–6346.

Draft, March 6

Assateague Island, Md. Construction of a 1,760-foot long research pier on an 8.4-acre site, midway between Ocean City and Chincoteague inlet. The facility will support operation of instruments and gages by the Coastal Engineering Research Center. A section of the project will be visible for 15 miles under optimum conditions. (ELR Order No. 2060, 54 pages) (NTIS Order No. PB–207 264–D)

Final, March 2

Waimano Stream Flood Control Project, Oahu, Hawaii. Construction of 3,400 feet of reinforced concrete channel and related roadway culvert modifications, in order to improve flood carrying capabilities. Comments made by USDA, EPA, Navy, DOT, State, and local agencies. (ELR Order No. 2052, 22 pages) (NTIS Order No. PB–198 882–F)

Final, March 1

Ventura Marina, Ventura County, Calif. Construction of a detached breakwater 1,500 feet long; dredging of 800,000 cubic yards to form a sand trap in the lee of the breakwater; construction of recreational facilities and parking lots; maintenance of three jetties and an entrance channel. The purpose of the project is to improve navigation. Comments made by EPA, DOI, State, and local agencies. (ELR Order No. 2066, 49 pages) (NTIS Order No. PB–204 166–F)

DEPARTMENT OF THE NAVY

Contact: Joseph A. Grimes, Jr., Special Civilian Assistant to the Secretary of Navy, Washington, D.C. 20350, (202) 697–0892.

Final, March 2

Naval Air Station, Lemoore, Calif. The acquisition of 440 acres in order to construct sewage treatment and evaporation ponds. This land will be lost for its present agricultural use. Comments made by CEQ, EPA, DOI. (ELR Order No. 2035, 43 pages) (NTIS Order No. PB–199 018–F)

FEDERAL POWER COMMISSION

Contact: Frederick H. Warren, Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426, (202) 386–6084.

Draft, March 1

Wilder Project No. 1892, Grafton County, N.H., and Windsor and Orange Counties, Vt. Proposed issuance of a new operating license to New England Power Co. for continued operation of an existing 32,400 kw. hydroelectric generating facility with a 3,100-acre, 45-mile-long pond. (ELR Order No. 2028, 59 pages) (NTIS Order No. PB–207 122–D)

Connecticut River, Cheshire, N.H., and Windham, Vt. Proposed approval of a renewal operating license for New England Power Co.'s Vernon Project No. 1904. This is a 24,400 kw. hydroelectric generating facility with a 2,550-acre, 26-mile-long pond. (ELR Order No. 2030, 48 pages) (NTIS Order No. PB–207 119–D)

Fresno and Madera Counties, Calif. Proposed approval of renewal license for major Big Creek No. 2A and No. 8, Project No. 67. The project consists of two powerhouses with a total capacity of 138,000 kw.; several diversion dams, conduits, natural channels, and reservoirs; and existing and proposed recreation facilities. (ELR Order No. 2031, 154 pages) (NTIS Order No. PB–207 123–D)

Draft, February 28

Project No. 2705, Newhalem Creek, Seattle, Wash. Proposed approval of a renewal license for the city of Seattle to continue operating a 2,500 kv.-a. generating unit, with a 10-foot overflow crest diversion dam, a 3,300-foot tunnel, and penstock. (ELR Order No. 2039, 21 pages) (NTIS Order No. PB–207 234–D)

Draft, March 2

Project No. 2628, Clay and Randolph Counties, Ala. Proposed approval of license for Alabama Power Co. to construct a 140-foot high, 956 feet long concrete dam on the Tallapoosa River; an earth-rock fill dike; a resulting 10,661-acre, 24-mile-long reservoir; and a two-generator (67,500 kw. each) powerhouse, with appurtenant facilities. (ELR Order No. 2042, 58 pages) (NTIS Order No. PB–207 260D)

Draft, March 8

Project No. 77, Lake and Mendocino Counties, Calif. Proposed approval of renewal license for the Pacific Gas & Electric Co. to operate a 9,040 kw. hydroelectric powerhouse, along with two dams, two lakes (2,380 total acres), tunnels, penstocks, and 8,890 feet of conduit. (ELR Order No. 2063, 31 pages (NTIS Order No. PB–207 243–D)

GENERAL SERVICES ADMINISTRATION

Contact: Rod Kreger, Acting Administrator, GSA–AD, Washington, D.C. 20405, (202) 343–6077.

Alternate contact: Aaron Woloshin, Director, Office of Environmental Affairs, GSA–AD, Washington, D.C. 20405, (202) 343–4161.

Draft, February 28

Federal Triangle, Washington, D.C. In order to provide office space for Federal personnel the following steps are proposed: "Demolition of the Old Post Office Building (but retention of its clock tower) and construction of the Internal Revenue Service Building Extension on its site; construction of a Pennsylvania Avenue Annex to the Post Office Building, between the existing Post Office and the District Building; construction of a Grand Plaza, with a two-level, 1,487-car capacity parking structure beneath. (ELR Order No. 2045, 53 pages) (NTIS Order No. PB–207 238–D)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Contact: Robert Lanza, Office of the Assistant Secretary for Health and Scientific Affairs, Room 4062 HEWN, Washington, D.C. 20202 (202) 962–2241.

Draft, March 2

National Center for Toxicological Research, Pine Bluffs, Ark. Development of existing facilities for use by the Center, with initial action to be conversion of 29,000 sq. ft. of space to animal holding and research use. Cost of this first phase renovation will be $3 million. (ELR Order No. 2037, 41 pages) (NTIS Order No. PB–207 259–D)

Draft, March 3

Cape Giradeau, Mo. Proposed construction of a new St. Francis Medical Center, planned to be a complete health care complex, with a first phase capacity of 160 beds. (ELR Order No. 2050, 24 pages) (NTIS Order No. PB–207 246–D)

Draft, March 8

Model Secondary School for the Deaf, Gallaudet College, Washington, D.C. Construction of permanent facilities for the Model Secondary School, and ancillary facilities at Gallaudet College. The school will serve 450 resident and 150 day students. (ELR Order No. 2072, 19 pages) (NTIS Order No. PB–207 244–D)

DEPARTMENT OF INTERIOR

Contact: Office of Communications, Room 7214, Washington, D.C. 20240, (202) 343–6416.

OFFICE OF SALINE WATER

Draft, March 2

San Luis Obispo County, Calif. Construction of a prototype seawater desalting plant and conveyance system, scheduled for completion in late 1977. The plant would be of multiflash design, with a capacity of 40 m.g.d. Some disturbance of coastline and loss of wildlife habitat will result. (ELR Order No. 2040, 122 pages) (NTIS Order No. PB–207 272–D)

DEPARTMENT OF TRANSPORTATION

Contact: Martin Convisser,[1] Director, Office of Program Co-ordination, 400 Seventh Street SW., Washington, DC 20590, (202) 462–4357.

FEDERAL AVIATION ADMINISTRATION

Draft, March 2

Williamsburg County, S.C. Request for Federal funds to build a public use airport on an existing private turf strip. The proposed project will be able to accommodate aircraft of less than 12,500 lbs., with future expansion to accommodate "business jet" aircraft expected. Five additional acres of land will be used by the project. (ELR Order No. 2034, 14 pages) (NTIS Order No. PB–207 250–D)

Golden Valley County, N. Dak. Construction of an airport facility with one 3,400′ x 60′ runway, one 300′ x 30′ taxiway, a 150′ x 150′ apron, and an access road of 850′ x 24′. Approximately 149 acres of land will be used by the project. (ELR Order No. 2036, 15 pages) (NTIS Order No. PB–207 236–D)

Draft, February 28

Ottumwa Industrial Airport, Wapello County, Iowa. Request for Federal financial assistance to install instrument landing system (ILS) and approach lighting system (ALS). (ELR Order No. 2038, 15 pages) (NTIS Order No. PB–207 235–D)

Draft, March 2

St. Joseph County, Mich. Construction and lighting of 5,700′ x 75′ N/S runway, three taxiways, an administration building, an apron, and related parking area. (ELR Order No. 2044, 28 pages) (NTIS Order No. PB–207 251–D)

Draft, February 28

Phoenix, Maricopa County, Ariz. Proposed additions to a formerly privately owned airport, recently purchased by the city of Phoenix. These would include rehabilitation of present runway, construction of a "touch and go" runway, construction of an administration building, etc. (ELR Order No. 2049, 80 pages) (NTIS Order No. PB–207 273–D)

Outland Municipal Airport, Mount Vernon, Ill. Proposed land acquisition extension of runway and taxiway, installation of lighting, etc. (ELR Order No. 2051, 121 pages) (NTIS Order No. PB–207 274–D)

Draft, March 7

Hollywood International Airport, Fort Lauderdale, Fla. Request for Federal financial assistance for: Extension of runways and taxiways; installation of VASI, relocation of perimeter road, etc. (ELR Order No. 2065, 68 pages) (NTIS Order No. PB–207 266–D)

Fitzgerald, Ga. Request for Federal financial assistance to: Acquire 18 acres of clearing; extend and widen existing runway in order to accommodate 70 percent of the turbo-jet powered aircraft of less than 60,000 lbs.; install medium intensity lighting. (ELR Order No. 2071, 48 pages) (NTIS Order No. PB–207 239–D)

[1] Mr. Convisser's office will refer you to the regional office from which the statement originated.

Final, March 3

Hannibal, Marion County, Mo. Request for Federal financial assistance for new construction at the Hannibal Municipal Airport. The project would include: Extension of Runways 16/34 to 4,000′ x 75′, construction of a parallel taxiway, 4,000′ x 40′; acquisition of 89 acres; installation of MIRL, REIL, and VASI; construction of a crosswind runway, 3,200′ x 75′ and taxiway, 3,200′ x 4′; and construction of a deep well. Comments made by USDA, EPA, DOI, local, and State agencies, and concerned citizens. (ELR Order No. 2058, 28 pages) (NTIS Order No. PB–204 962–F)

Electric City, Grant County, Wash. Request for Federal financial assistance to construct the Grand Coulee Dam Airport. The project consists of: A 3,000′ x 50′ runway; a taxiway and apron; a wind cone and segmented circle; fencing; and an access road. Banks Lake, adjacent to the airport, is a resting area for migratory waterfowl, particularly the Canada Goose. Bid aircraft conflict would therefore arise. Comments made by USDA, EPA, DOI, DOT, and one State agency. (ELR Order No. 2059, 13 pages) (NTIS Order No. PB–205 196–F)

St. Mary's, Alaska. Request for Federal finanicial assistance to construct runway extensions at St. Mary's Airport. Comments made by DOI, DOT, State, and local agencies. (ELR Order No. 2061, 15 pages) (NTIS Order No. PB–204 565–F)

Final, March 6

Wayne and Cabell Counties, W. Va., and Boyd County, Ky. Request for Federal financial assistance for Tri-State Airport. The project would include acquisition of 150 acres, extension, lighting and marking of runways, etc. The displacement of five residences will result. Comments made by Army COE, DOC, HEW, DOT, State, and local agencies and concerned citizens. (ELR Order No. 2062, 60 pages) (NTIS Order No. PB–205 333–F)

Final, March 3

Auburn Municipal Airport, Placer County, Calif. Acquisition of land and construction, marking, and lighting of a new runway, with VASI–2, beacon, fencing, etc. Comments made by USDA, Army COE, EPA, DOI, DOT, and one State agency. (ELR Order No. 2067, 25 pages) (NTIS Order No. PB–205 197–F)

FEDERAL HIGHWAY WORKS ADMINISTRATION

Draft, February 28

Hamilton County, Tenn. Widening of the Chickamauga Dam Bridge and construction of a new bridge with State Route 153 connection 1 mile downstream. The length of the connector route is 2.2 miles. Seven residences and five businesses will be displaced as a result of the action. (ELR Order No. 2029, 22 pages) (NTIS Order No. PB–207 116–D)

Draft, March 1

Pittsburgh, Allegheny County, Pa. Construction of 2.8 miles of eight-lane I.S. 279, a limited access highway. The project begins at Legislative Route 1021, Section 2, and proceeds north to L.R. 1021, Section 4. Dwellings displaced by the project include 214 residences, 11 businesses, and two churches. A 4(f) statement is included due to interference with the William B. Sherer Playground. (ELR Order No. 2032, 55 pages) (NTIS Order No. PB–207 120–D)

Draft, March 2

Cities of Pasco and Kennewick, Wash. Construction of a new bridge, 2,475 feet long, with 2,700-foot (total) approaches, over the Columbia River. The new structure will parallel an older (1921) bridge, which is considered obsolete. Approximately 3 acres of right-of-way will be required. (ELR Order No. 2033, 13 pages) (NTIS Order No. PB–207 245–D)

Riley and Geary Counties, Kans. Construction of 6.1 miles of two-lane highway, K–18, at Ogden, on a four-lane right-of-way. It is planned that a second stage to to the project will construct two additional lanes. (ELR Order No. 2041, 60 pages) (NTIS Order No. PB–207 261–D)

Draft, February 25

Project No. 12–73, Manchester-Bolton-Coventry-Andover, Columbia, Conn. Proposed construction of a 12.6-mile section of four-lane I.S. 84. A 4(f) statement included is concerned with encroachment upon the Nathan Hale State Forest. (ELR Order No. 2043, 128 pages) (NTIS Order No. PB–207 271–D)

Draft, March 2

State Route 146, Muskingham County, Ohio. Reconstruction of 2.6 miles of S.R. 146, a two-lane highway. Five residences will be displaced by the project. A 4(f) statement is included due to proposed acquisition of public recreational land. (ELR Order No. 2046, 14 pages) (NTIS Order No. PB–207 248–D)

Project I–696–8, Oakland County, Mich. Construction of I–696, a multilane highway, from Lasher Road easterly to I–75, a total distance of 8 miles. An unspecified number of residences will be displaced. A 4(f) statement is included due to the project's interference with three parks, one golf course, and the Detroit Zoological Park. (ELR Order No. 2047, 129 pages) (NTIS Order No. PB–207 253–D)

Draft, March 3

Pike County, Ky. Reconstruction of U.S. 119 and U.S. 23, for a total distance of 3.8 miles. Fifty-eight families, four groceries, one church, and two cemeteries will be displaced by the project. The construction will also require 225 acres of land for right-of-way. (ELR Order No. 2054 23 pages) (NTIS Order No. PB–207 241–D)

Draft, March 6

Charleston, S.C. Construction of 3.9 miles of the James Island Expressway, a multilane highway. An unspecified amount of marshland will be affected by the project, and the development of James Island will be hastened. (ELR Order No. 2064, 31 pages) (NTIS Order No. PM–207 237–D)

Draft, March 6

New Castle County, Del. Reconstruction of 5.8 miles of Naaman's Road into a four-lane highway. Ten residences will be displaced, an unspecified amount of land will be taken, and several streams will possibly be polluted by the project. (ELR Order No. 2074, 35 pages) (NTIS Order No. PB–207 247–D)

Final, February 28

San Miguel and Quay Counties, N. Mex. Reconstruction of 5.5 miles of State Road 104, from the county line east toward Tucumcari. Comments made by USDA, Army COE, and State agencies. (ELR Order No. 2016, 22 pages) (NTIS Order No. PB–199 610–F)

U.S. 45, Effingham County, Ill. Reconstruction of U.S. 45 from two to four lanes, beginning at Wabash Avenue in Effingham and extending to Township Road 123, a distance of 2 miles. Twenty-one residences and nine commercial establishments will be displaced. Comments made by EPA, DOI, State, and local agencies. (ELR Order No. 2017, 38 pages) (NTIS Order No. PB–201 712–F)

Madison County, Ill. Reconstruction of Federal aid Secondary Route 765, beginning at Illinois Route 111 and extending eastwardly for 2.5 miles. Approximately 41 acres of land will be needed for right-of-way. Comments made by EPA, HEW, DOI, State, and local agencies. (ELR Order No. 2018, 51 pages) (NTIS Order No. PB-200 752-F)

Cumberland County, Pa. Relocation of 0.8 mile of Legislative Route 21051 in order to eliminate curves. The condemnation of one dwelling and the crossing of a small tributary is necessary. Comments made by EPA, DOI, State, and local agencies. (ELR Order No. 2019, 26 pages) (NTIS Order No. PB-201 248-F)

Madison County, N.C. Reconstruction of NC 213 from Marshall to Mars Hill, a distance of 7.2 miles. Sixteen residences and one business will be displaced; one archaeological site will be disturbed. Comments made by USDA, Army COE, GSA, DOI, OEO, TVA, State, and local agencies. (ELR Order No. 2020, 33 pages) (NTIS Order No. PB-199 579-F)

Greenville, Pitt County, N.C. Widening of State Route 1707 between US 264 Bypass and Cutanche Street at 11th Street; widening of one block section of Cutanche Street. One business will be displaced and 3.5 acres required for right-of-way. Comments made by USDA, Army COE, EPA, GSA, DOI, OEO, State, and local agencies. (ELR Order No. 2021, 31 pages) (NTIS Order No. PB-202 087-F)

Hudson County, N.J. Construction of a six-lane controlled access highway, I.R. 280, from the Strichel Bridge in Harrison to I.R. 95 in Kearny, a distance of 2.3 miles. Approximately 120 families, 14 commercial, and 11 industrial structures will be displaced. Comments made by DOI and DOT. (ELR Order No. 2022, 29 pages) (NTIS Order No. PB-207 117-F)

Final, February 29

Project No. 63-A-05-68, Oahu, Hawaii, Construction of a traffic interchange at the intersection of Likelike Highway (FAP Route 63) and Kahekili Highway (FAP Route 83). Twelve residences will be displaced and small agricultural holdings will be affected by the project. Comments made by USDA, Army COE, DOC, DOI, DOT, State, and local agencies, and concerned citizens. (ELR Order No. 2023, 117 pages) (NTIS Order PB-201 582-F)

Final, March 1

Tillman County, Okla. Reconstruction of 1.5 miles of U.S. 183. Approximately 37 acres of grassland will be lost to the project. Comments made by EPA, DOI, and State agencies. (ELR Order No. 2076, 19 pages) (NTIS Order No. PB-199 578-F)

Chesterfield and Marlboro Counties, S.C. Reconstruction of sections of South Carolina Route 9 from two to four lanes. Approximately 30 residences and 11 businesses will be displaced as a result. Comments made by HUD, State, and local agencies. (ELR Order No. 2077, 23 pages) (NTIS Order No. PB-207 233-F)

Project F-198, Payne County, Okla. Addition of two parallel lanes to existing two-lane S.H. 51 for 9.5 miles east from Interstate 35. Approximately 175 acres of pasture will be lost as a result. Comments made by EPA, DOI, and State agencies. (ELR Order No. 2078, 18 pages) (NTIS Order No. PB-202 122-F)

Final, March 7

Natrona County, Wyo. Reconstruction of 2.2 miles of streets on the outskirts of Casper. A 4(f) statement is included to cover the Fort Casper Historic Site. Comments made by USDA, Army COE, EPA, DOI, State, and local agencies. (ELR Order No. 2069, 91 pages) (NTIS Order No. PB-201 300-F)

Final, March 1

U.S. 67, Ellis County, Tex. Construction of a four-lane divided highway, with frontal roads and grade separations at intersecting roadways, from 1 mile north of Midlothian to the Dallas County line. The total distance is 3.2 miles. Three families and one business will be displaced. Comments made by DOC, EPA, State, and local agencies. (ELR Order No. 2073 43 pages) (NTIS Order No. PB-207 232-F)

U.S. COAST GUARD

Contact: D. B. Charter, Jr., Commander, U.S. Coast Guard, Chief, Environmental Coordination Branch, 400 Seventh Street SW., Washington, DC 20591, (202) 426-9573.

Final, March 3

Shoreline Erosion Control Project, Light Station Point Loma, San Diego County, Calif. Installation of 800 lineal feet of rubble mount revetment at the base of the bluff in order to prevent its erosion. Comments made by Army COE, DOC, EPA, DOI, DOT, mayor of San Diego and the San Diego Historical Society. (ELR Order No. 2068, 15 pages) (NTIS Order No. PB-202 177-F)

BRIAN P. JENNY,
Acting General Counsel.

[FR Doc.72-4158 Filed 3-17-72;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

[PR Notice 72-2]

MANUFACTURERS, FORMULATORS, DISTRIBUTORS, AND REGISTRANTS OF ECONOMIC POISONS

Suspension of Registration for Certain Products Containing Sodium Fluoroacetate (1080), Strychnine and Sodium Cyanide

MARCH 9, 1972.

ATTENTION: Person responsible for Federal registration of economic poisons.

I. Last spring, this Agency made a public commitment to review the status of registrations for strychnine, cyanide, and sodium fluoroacetate (1080), for use in prairie and rangeland areas for the purpose of predator and rodent control. This commitment grew out of grave concern surfaced by the reported deaths of some 20 eagles killed by the misuse of thallium sulfate.[1]

This same concern caused the Secretary of the Interior to initiate a thorough review of the Government's Federal predator control program. An advisory committee was appointed under the chairmanship of Dr. Stanley Cain, Director, Institute for Environmental Quality and Professor of Botany and Conservation at the University of Michigan. The report of that advisory committee was released earlier this month.

[1] This concern predates last summer. In 1963, the Secretary of Interior appointed an Advisory Board on Wildlife and Game Management chaired by Dr. Leopold of the University of California.

Aside from this Agency's review and the Cain findings, a detailed petition has been submitted to this Agency by several distinguished conservation groups urging that the registrations of these compounds be canceled and suspended immediately. That petition invoked the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. section 135, section 2z(2)(c) which requires that an economic poison contain "directions for use which are necessary and if complied with, adequate to prevent injury to living man and other vertebrate animals * * *," and section 4c which allows the Administrator to initiate cancellation proceedings by ordering immediate suspension "when he finds that such action is necessary to prevent an imminent hazard to the public."[2]

Based on this Agency's review of the registrations of sodium cyanide, strychnine, and 1080 in light of available evidence, I am persuaded that their registrations for predator uses should be suspended and canceled.

II. The Cain group has dealt at length with the effects of the use of strychnine, cyanide, and 1080 for predator control. The report points out the extreme toxicity of these compounds, their nonselectivity, and their potential impact on the environment which "is increased by secondary hazard, accumulation in the animal, and combined characteristics of chemical stability and solubility in water." This report reconfirms the findings of the Leopold Report (see footnote 1, supra) that the predator control program took a heavy environmental toll.

Cyanide, strychnine, and 1080 are among the most toxic chemicals known to man. They act quickly, spreading through an entire animal crippling the central nervous system. These poisons are toxic not only to their targets but other animals and wildlife. All of these poisons have a similar pattern of use as unattended baits and are spread over vast areas of open prairie.

In the case of strychnine use against badgers, coyotes, and foxes, a tablet containing the poison is placed inside a 1-inch ball or cube of bait material such as meat, lard or tallow. These baits are left along animal trails or near nongame carcasses. While instructions caution the user to cover the baits over with chips or brush to avoid ingestion by nontarget animals, the Cain Report has suggested the inadequacy of such directions.[3]

[2] Sponsors of the petition were: The Natural Resources Defense Council, Defenders of Wildlife, Friends of the Earth, The Humane Society of the United States, National Audubon Society, Inc., New York Zoological Society, the Sierra Club, and the National Parks and Conservation Association.

[3] According to the Cain Committee, if toxicants were consistently applied under field conditions with meticulous care, it is possible undesirable side-effects might be avoided. Draft at 131. However, the Committee concludes, "It appears that the necessary high standards are not likely to be attained." (Draft at 115) The Committee found no reliably precise data is available showing the degree of predator control achieved or the possible loss that might ensue without any program.

The pattern for cyanide use differs little in pertinent respects. An explosive gun, a "coyote-getter," charged with cyanide is baited and driven into the ground. The gun is left unattended along the trail or range and is triggered when an animal pulls at the bait. In the case of 1080, carcasses of dead animals are laced with the substance and strewn to attract the predator.

Indiscriminate baiting over wide unpoliced areas poses two obvious and recognized threats to nontarget animals that share the ranges as a natural habitat. The unsupervised bait is itself a potential killer of nontarget range species. The threat, however, is compounded by the extremely high toxicity of these poisons, which can transform the predator carcass into a potential lethal killer of prairie animal life.

While the effects of prairie baiting are, for the most part, not documented, the Cain group has suggested the present evidence may well understate the true damage. It is appropriate to take administrative notice of the fact that isolated accidents involving wildlife are not apt to be reported. Isolated, even if routine and numerous, instances of secondary animal poisoning would not have the visibility of a wildlife "kill," nor is there apt to be an observer present as in the case of human mishap. The administrative process need not be blind to these realities. This Agency's Pesticides Registration Division has, moreover, reports of cases of alleged secondary and accidental poisoning, and recently range-use of 1080 has been suspected of killing birds, including some of our rare species.

Measured against these obvious threats to wildlife are only ill-defined and speculative benefits. The Cain Committee has noted the absence of any meaningful information on the efficacy of poison baiting, especially in relation to the economic loss caused by predators to the sheep industry. At least one State, Nevada, has estimated that the cost of predator control was 10 times the value of livestock and poultry lost to predators.

This absence of any meaningful data of benefits derived from the use of these highly dangerous poisons which pose a marked potential threat to the environment renders these registrations suspect. It is now settled that the burden of proof rests on the poison. The report, moreover, specifically cites the greater selectivity of ground shooting, denning, and trapping, and the Department of the Interior is embarking on a study to determine other methods of control. Here, where it is known that alternative methods of control exist, the registrations must be seriously questioned.

III. In deciding whether or not these considerations justify suspension, it must be recognized that the concept of suspension is one that must evolve, and existing verbal tests are not readily translated into a decisive cue for action. The Federal Insecticide, Fungicide and Rodenticide Act, and the judicial and administrative constructions of it to date set forth only word formulas that establish a general attitude on suspension questions. Each situation must be scrutinized not only for what is involved, but also for what is not involved.

Turning to the verbal tests by which we must measure the use of these poisons, FIFRA provides that the Administrator of EPA "may, when he finds that such action is necessary to prevent an imminent hazard to the public, by order, suspend the registration of an economic poison immediately." "Public" is not to be viewed restrictively, and includes fish and wildlife, as has recently and forcefully been noted in an opinion of a Federal court. See EDF v. Ruckelshaus, 439 F. 2d 584, at 597. Nor does "imminent" means that we are on the "brink" and that the harm will occur tomorrow or has been documented.[4] It is sufficient that reasonable men can conclude that action taken today will with reasonable certainty lead to a loss in the future and that loss will be irremediable and uncorrectable by subsequent action, and that the apparent benefits from using a chemical, pending the complete statutory review process, are outweighed by the possible harm of use during the period.[5] Or, as the matter was put in the Agency's DDT policy statement of March 18, 1971, the type, extent, probability, and duration of such injury will be measured in light of the positive benefits accruing from use of the economic poison, for example, in human or animal disease control or food production.

Bearing these principles in mind, I am persuaded that a definite hazard exists. While the mere toxicity of poisons does not, under FIFRA, render them a hazard, their degree of toxicity and pattern of use may well do so. The unattended and unsupervised use of poisons over large areas of land, by definition, poses a hazard to nontarget species. The fact that label instructions contain direction for placing the baits at times and in areas least likely to be populated by nontarget species and for policing them, afford slight, if any comfort. This Agency has on prior occasions taken into account a "commonly recognized practice" of use (see In Re Hari Kari Lindane, I.F. & R. (Docket No. 6), and has noted that the likelihood of directions being followed may affect their adequacy (see In Re King Paint, 2 ERC 1819 (1970)); In Re Stearns, 2 ERC 1364 (1970).

The hazards from the pattern of use for these chemicals is not remote or off in the distant future. The prairies and ranges are populated by numerous animals, some of which are becoming rare. At jeopardy are potentially endangered species. Each death to that population is an irremediable loss and renders such species closer to extinction.

No apparent circumstances exist to counterbalance this distinct hazard and suggest that the possibility of irremediable loss is outweighed by the harm that might occur from their nonavailability during a period of suspension. The situation might well be different were the removal of these poisons from the market likely to affect human health or the supply of a staple foodstuff; or were there no apparent alternatives available, the balance might be differently struck. This, however, is not true.

I am hereby affixing findings of fact and an order suspending and cancelling these chemicals for use in predator control.

WILLIAM D. RUCKELSHAUS,
Administrator.

MARCH 9, 1972.

NOTICE TO MANUFACTURERS, FORMULATORS, DISTRIBUTORS, AND REGISTRANTS OF ECONOMIC POISONS

SUSPENSION OF REGISTRATION FOR ALL PRODUCTS CONTAINING THALLIUM SULFATE

ATTENTION: Person responsible for Federal registration of economic poisons.

As explained in greater detail in our order announced today, in connection with registrations of cyanide, strychnine, and sodium fluoroacetate (1080) for use on predators, this Agency undertook to review the status of the registration for thallium sulfate. Last spring evidence came to light of thallium bootlegging in connection with reports of eagle kills.

I Findings

1. Thallium is not a registered predacide, but is rather registered for rodent control and use against pests.

2. The chemical is a white powder, solube in water.

3. It is persistent and will remain indefinitely in soil.

4. It is dermally and orally toxic to humans.

5. Instances of thallium poisoning and bootlegging have been reported.

6. The danger to humans is increased by the tendency of thallium to be stored in the body and thus to build up to critical levels by continued exposure so that permanent damage to vital organs or death may occur.

II Conclusion

The principles governing the decision of whether or not to "suspend," see 7 U.S.C. section 135(b) have been set forth in our predator control order. Looking to the nature of the hazard and its foreseeability, there can be no question that thallium is a candidate for suspension. The combined circumstances of dermal absorption, possible accidental ingestion, buildup in the body, and persistence in the environment, taken with the history of known bootlegging, would require a compelling demonstration of benefits to justify the continued use of this product pending the course of cancellation proceedings.

No such benefits exist. Alternatives are available for all thallium uses, including urban rat control. The U.S. Department of Interior has not used the compound for some time. Whatever their own dangers, particularly as predator poisons, it seems apparent that the controlled use of 1080 and strychnine in an urban environment is far less dangerous than the continued use of thallium with its 40-year history of accidents.

[4] "An 'imminent hazard' may be declared at any point in a chain of events which may ultimately result in harm to the public. It is not necessary that the final anticipated injury actually have occurred prior to the determination that an 'imminent hazard' exists." Reasons Underlying the Registration Decisions Concerning Products Containing DDT, 2,4,5–T, Aldrin and Dieldrin, at 6.

[5] The cancellation proceeding involving the possibility of both a scientific advisory committee and public hearing consumes at least 1 year. In actual fact, these proceedings have generally taken considerably more than a year.

All thallium registrations will be forthwith canceled and suspended in accordance with the attached order.

WILLIAM D. RUCKELSHAUS,
Administrator.

MARCH 9, 1972.

ORDER

In accordance with the attached opinion and findings, it is hereby ordered that the registration for all products containing thallium sulfate for all uses be canceled and suspended immediately.

Registrations for all thallium products are hereby suspended and the products may not be legally shipped in interstate commerce.

WILLIAM D. RUCKELSHAUS,
Administrator.

MARCH 9, 1972.

FINDINGS OF FACT

CYANIDE

1. Two products in the form of shells containing sodium cyanide are currently registered for explosive devices designed to kill coyotes that may prey on sheep. The device is simply a cyanide charge placed in a baited cylinder and driven into the ground. When the animal pulls at the bait the charge explodes into its mouth. Only one of the shell products is registered for use by the general public. The Division of Wildlife Services of the Department of the Interior has probably been the largest user of such devices.

2. Sodium cyanide is a water-soluble white solid which reacts with acids to form hydrogen cyanide gas. This chemical is among the most toxic and rapidly acting of all known poisons.

3. Persons overcome by gas either die very rapidly from respiratory failure or recover completely within a relatively short time.

4. Ingestion or inhalation of a very low dose (as little as 300 micrograms per litre of air) may rapidly result in death.

5. There is no true effective antidote.

6. Recent data show four incidents involving cyanide compounds in fiscal year 1970 in three of which human beings were injured by the discharge of cyanide guns placed in fields. Only quick thinking on the part of all three victims in seeking immediate medical aid prevented any loss of life.

7. There is evidence that dogs have been subjected to poisoning by cyanide (used as outlined above) which is highly toxic to all wildlife and domestic animals.

STRYCHNINE

8. Currently at least six products containing strychnine in tablet and technical powder form are registered for use in baits against coyotes and wolves.

9. The technical powder form is for reformulation and repackaging, and is for use only by professional pest control operators and government agencies.

10. The tablets are available on the open market.

11. Strychnine is an extremely bitter-tasting white crystal.

12. It is a complex, naturally occurring, organic compound which would probably bind to soil readily and decompose over a period of time, although information on the persistence of strychnine and its effect on the environment is somewhat limited.

13. Strychnine is highly toxic to humans and animals, with 30 mg. considered as a threat to the life of an adult man. Death has, however, been reported with as little as 5 to 10 mg., and animal life may be acutely poisoned by ingestion of small amounts.

14. Strychnine acts by interfering with normal neural processes, causing exaggerated muscle contraction and violent convulsion. Death in a rather gruesome form due to respiratory failure soon follows unless the seizures are controlled.

15. There is no true effective antidote.

1080 (SODIUM FLUOROACETATE)

16. Four products containing 1080 are currently registered for use as mammalian predacides.

17. Use is restricted to areas west of the 100th meridian, and then only by Division of Wildlife Services personnel, or under their direct supervision.

18. 1080 is a white powder, soluble in water, very stable, and thus very persistent in ground water.

19. 1080 is highly toxic to all species. The dangerous dose for man is 0.5–2 mg./kg. The chemical acts rapidly upon the central nervous and cardiovascular systems with cardiac effects. Effect is usually too quick to permit treatment, and antidotes are relatively valueless.

20. According to one authority, prior to 1963 there were 13 proven fatal cases, five suspected deaths, and six nonfatal cases of 1080 poisoning in man, although it is not clear to what extent predator control materials were implicated.

21. There is evidence that a certain number of nontarget animals are being adversely affected by 1080 products, particularly, in the case of carrion eating birds and mammals, by secondary poisoning. It is not clear, however, how various animal populations are being affected, although 1080 is thought to have contributed to the death of at least one California condor, an endangered species.

BENEFITS

22. There is no reliable data as to the amount of predator control achieved by the use of these poisons.

23. There is no reliable data as to the loss of sheep that might occur without a predator control program using these poisons, or of the real effect of such losses on the general economic health of the sheep industry. Certain data that are presently available indicate predator losses may in fact be of such a low magnitude as to be a minor part of total losses. The Cain Report suggests that among other reasons for the decline of the sheep industry may be competition from synthetic fibers and from lot-fed livestock.

24. For the maintenance of predator control programs, especially in the sheep industry, effective nonchemical alternatives exist, including denning, shooting, and trapping, methods that have long been available and effective, though more costly than poisons.

25. The Federal Government has committed itself to a research program for methods of controlling predators other than poisons.

CONCLUSION

The predator use of the foregoing chemicals presents an imminent hazard such as to warrant their suspension pursuant to section 4(c) of the Federal Insecticide, Fungicide and Rodenticide Act.

ORDER

In accordance with the attached opinion and findings, it is hereby ordered that the registration for all products containing sodium fluoroacetate (1080), sodium cyanide or strychnine for use against mammalian predators be cancelled and suspended immediately.

Registrations for those products bearing directions as listed above are hereby suspended and the products may not be legally shipped in interstate commerce until labeled to block out instructions for predator use.

WILLIAM D. RUCKELSHAUS,
Administrator.

MARCH 9, 1972.

[FR Doc.72-4212 Filed 3-17-72;8:53 am]

FEDERAL MARITIME COMMISSION

ENCINAL TERMINALS AND UNIVERSAL TERMINALS AND STEVEDORING CORP. OF CALIFORNIA

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Edward D. Ransom, Esq., Lillick, McHose, Wheat, Adams & Charles, 311 California Street, San Francisco, CA 94104.

Agreement No. T-2194-3, between Encinal Terminals (Encinal) and the Universal Terminals & Stevedoring Corp. of California (UTS), modifies the original agreement, as amended, which provides for the lease to UTS of certain marine terminal property at Alameda, Calif., to be used for the docking of vessels, receipt, handling, storage, and delivery of waterborne cargo. The purpose of the modification is to delete paragraph 34 of the agreement, which granted UTS the right of first refusal concerning possible sale of the property.

Dated: March 15, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-4182 Filed 3-17-72;8:48 am]

[Independent Ocean Freight Forwarder License 1302]

HORIZON AIRFREIGHT INTERNATIONAL

Order of Revocation

By letter dated February 1, 1972, Uni-Air, Inc., doing business as Horizon Airfreight International, 1200 Lawrence Street, Los Angeles, CA 90012, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1302 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before February 26, 1972.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Uni-Air, Inc., doing business as Horizon Airfreight International has failed to furnish a surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated September 29, 1970);

It is ordered, That the Independent Ocean Freight Forwarder License of Uni-Air, Inc., doing business as Horizon Airfreight International be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Uni-Air, Inc., doing business as Horizon Airfreight International be and is hereby revoked effective February 26, 1972.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Uni-Air, Inc., doing business as Horizon Airfreight International.

AARON W. REESE,
Managing Director.

[FR Doc.72-4183 Filed 3-17-72;8:48 am]

FEDERAL POWER COMMISSION

[Docket No. DA 213, etc.]

LANDS WITHDRAWN IN POWER SITE CLASSIFICATION, WASHINGTON

Finding and Order

MARCH 9, 1972.

Lands withdrawn in power site classification No. 75 and project No. 2016, Docket No. DA-213-Washington, Bureau of Land Management.

Application has been filed by the Bureau of Land Management applicant), Department of the Interior, for the revocation of Power Site Classification No. 75, and the withdrawal for Project No. 2016, insofar as they pertain to the following described lands, thereby requiring Commission consideration under section 24 of the Federal Power Act.

WILLAMETTE MERIDIAN, WASHINGTON

T. 12 N., R. 4 E.,
Sec. 32, that part of the NW¼SE¼ lying outside the boundary of Project No. 2016 as shown on map Exhibit K Sheet 14 of 54 (FPC No. 2016-142) filed with the Federal Power Commission on February 5, 1970.

(Approximately 33.4 acres withdrawn for Project No. 2016.)
T. 13 N., R. 9 E.,
Sec. 20, lot 8; and
Sec. 29, lot 2.
(Approximately 36.4 acres in Power Site Classification No. 75.)

The State of Washington wishes to acquire the above lands under its lieu selection rights.

The subject lands in T. 12 N., R. 4 E., lie near the city of Tacoma's Mossyrock Reservoir (a unit of licensed Project No. 2016) on the Cowlitz River, and above the maximum pool elevation of Mossyrock Reservoir. They are not included in Project No. 2016 as presently licensed and have no significant power value.

The subject lands in T. 13 N., R. 9 E., lie along the Cowlitz River about 2 miles downstream from the town of Packwood. Portions of these lands would be flooded by the development of the potential Cowlitz Falls project which is described in a 1951 Corps of Engineers report (H. Doc. No. 151, 81st Cong., second sess.). The Cowlitz Falls project is included in the Commission's current inventory of undeveloped hydroelectric sites.

The subject lands in T. 13 N., R. 9 E., were part of previous determinations by the Commission (DA Nos. 36 and 40 Washington, dated January 28, 1926, and January 13, 1927), in which the Commission determined that the value of the lands will not be injured or destroyed for purposes of power development by location, entry, or selection under the provisions of section 24 of the Federal Water Power Act. These determinations will not be affected by the action herein taken by the Commission.

The Commission finds:

(A) The subject lands in T. 12 N., R. 4 E., have no significant power value, therefore, the withdrawal for Project No. 2016 insofar as it pertains to these lands, should be vacated.

(B) Inasmuch as the subject lands in T. 13 N., R. 9 E., may be needed for future hydroelectric development, the withdrawal pertaining thereto (Power Site Classification No. 75) should be retained.

The Commission orders:

The withdrawal for Project No. 2016 is hereby vacated insofar as it pertains to the above-described lands in T. 12 N., R. 4 E.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-4144 Filed 3-17-72;8:45 am]

NATIONAL GAS SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Designating an Additional Member

MARCH 14, 1972.

The Federal Power Commission by order issued April 6, 1971, established the Executive Advisory Committee of the National Gas Survey.

1. *Membership.* An additional member to the Executive Advisory Committee, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Honorable Raymond J. Sherwin, Judge, Superior Court (California), President, Sierra Club.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-4202 Filed 3-17-72;8:50 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-REFORMER GAS

Order Designating an Additional Member

MARCH 13, 1972.

The Federal Power Commission by order issued December 21, 1971, established the Technical Advisory and Coordinating Committee Task Forces of the National Gas Survey.

1. *Membership.* An additional member to the Supply-Technical Advisory Task Force-Reformer Gas, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Dr. John O. Smith, Chief, Office of Engineering Analysis, Environmental Protection Agency.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-4197 Filed 3-17-72;8:50 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-REGULATION AND LEGISLATION

Order Designating Additional Members

MARCH 13, 1972.

The Federal Power Commission by order issued December 21, 1971, established the Technical Advisory and Coordinating Committee Task Forces of the National Gas Survey.

1. *Membership.* Additional members to the Supply-Technical Advisory Task Force-Regulation and Legislation, as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Richard J. Denney, Assistant General Counsel, Environmental Protection Agency.
Jane R. Mapes, Legislative Specialist, Government Programs, Environmental Protection Agency.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-4206 Filed 3-17-72;8:51 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-REGULATION AND LEGISLATION

Order Designating FPC Representative

MARCH 13, 1972.

The Federal Power Commission by order issued December 21, 1971, established the Technical Advisory and Coordinating Committee Task Forces of the National Gas Survey.

1. *FPC representative.* The FPC Representative to the Supply-Technical Advisory Task Force-Regulation and Legislation, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

David S. Schwartz, Assistant Chief, Office of Economics.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-4198 Filed 3-17-72;8:50 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-LIQUEFIED NATURAL GAS (LNG)

Order Designating Additional Members

MARCH 13, 1972.

The Federal Power Commission by order issued December 21, 1971 established the Technical Advisory and Coordinating Committee Task Forces of the National Gas Survey.

1. *Membership.* Additional members to the Supply-Technical Advisory Task Force-Liquefied Natural Gas (LNG), as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Charles H. Frazier, Director, Philadelphia Office, National Economic Research Associates, Inc.
Richard E. Hess, Chief, Operations Branch, Air and Water Programs, Environmental Protection Agency.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-4204 Filed 3-17-72;8:50 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-NATURAL GAS SUPPLY

Order Designating an Additional Member

MARCH 14, 1972.

The Federal Power Commission by order issued December 21, 1971, established the Technical Advisory and Coordinating Committee Task Forces of the National Gas Survey.

1. *Membership.* An additional member to the Supply-Technical Advisory Task Force-Natural Gas Supply, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Dr. Bruce C. Netschert, Vice President, National Economic Research Association.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-4200 Filed 3-17-72;8:50 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-NATURAL GAS SUPPLY

Order Designating Additional Members

MARCH 13, 1972.

The Federal Power Commission by order issued December 21, 1971, established the Technical Advisory and Coordinating Committee Task Forces of the Natural Gas Survey.

1. *Membership.* Additional members to the Supply-Technical Advisory Task Force-Natural Gas Supply, as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Joan Davenport, Staff Economist, Environmental Protection Agency.
Alvin F. Humphries, Chief Engineer, Kentucky Public Service Commission.
Frederick W. Lawrence, Washington Liaison Stationary Source Air Programs, Environmental Protection Agency.
Richard V. Murphy, Petroleum Engineer, Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy.
Dr. Bruce C. Netschert, Vice President, National Economic Research Associates, Inc.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-4203 Filed 3-17-72;8:50 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-SYNTHETIC GAS-COAL

Order Designating an Additional Member

MARCH 13, 1972.

The Federal Power Commission by Order issued December 21, 1971, established the Technical Advisory and Coordinating Committee Task Forces of the National Gas Survey.

1. *Membership.* An additional member to the Supply-Technical Advisory Task Force-Synthetic Gas-Coal, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Richard E. Harrington, Chief, Air Pollution Technology Plans, Environmental Protection Agency.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-4208 Filed 3-17-72;8:51 am]

NATIONAL GAS SURVEY TECHNICAL ADVISORY COMMITTEE-SUPPLY

Order Designating an Additional Member

MARCH 14, 1972.

The Federal Power Commission by order issued April 6, 1971, established Technical Advisory Committees of the National Gas Survey.

1. *Membership.* An additional member to the Technical Advisory Committee-Supply, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Dr. Stewart Lee, Chairman, Department of Economics and Business Administration, Geneva College, Beaver Falls, Pa.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-4201 Filed 3-17-72;8:50 am]

NATIONAL GAS SURVEY TECHNICAL ADVISORY COMMITTEE-SUPPLY

Order Designating the FPC Representative

MARCH 13, 1972.

The Federal Power Commission by order issued April 6, 1971, established the Technical Advisory Committees of the National Gas Survey.

1. *FPC representative.* The FPC Representative to the Technical Advisory Committee-Supply, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Dr. Haskell P. Wald, Chief, Office of Economics.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-4199 Filed 3-17-72;8:50 am]

NATIONAL GAS SURVEY TRANSMISSION-TECHNICAL ADVISORY TASK FORCE-ECONOMICS

Order Designating an Additional Member

MARCH 13, 1972.

The Federal Power Commission by order issued December 21, 1971 established the Technical Advisory and Coordinating Committee Task Forces of the National Gas Survey.

1. *Membership.* An additional member to the Transmission-Technical Advisory Task Force-Economics, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Robert D. Berkowitz, Program Analyst, Planning and Evaluation, Environmental Protection Agency.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-4205 Filed 3-17-72;8:51 am]

NATIONAL GAS SURVEY TRANSMISSION-TECHNICAL ADVISORY TASK FORCE-FACILITIES

Order Designating an Additional Member

MARCH 13, 1972.

The Federal Power Commission by order issued December 21, 1971 established the Technical Advisory and Coordinating Committee Task Forces of the National Gas Survey.

1. Membership. An additional member to the Transmission-Technical Advisory Task Force-Facilities, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Henry D. Van Cleave, Acting Chief, Oil Branch, Air and Water Programs, Environmental Protection Agency.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-4210 Filed 3-17-72;8:51 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-NATURAL GAS SUPPLY

Order Designating FPC Representative

MARCH 13, 1972.

The Federal Power Commission by order issued December 21, 1971 established the Technical Advisory and Coordinating Committee Task Forces of the National Gas Survey.

1. FPC Representative. The FPC Representative to the Supply-Technical Advisory Task Force-Natural Gas Supply, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Dr. Haskell P. Wald, Chief, Office of Economics.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-4211 Filed 3-17-72;8:51 am]

NATIONAL GAS SURVEY TRANSMISSION-TECHNICAL ADVISORY TASK FORCE-OPERATIONS

Order Designating Additional Members

MARCH 13, 1972.

The Federal Power Commission by order issued December 21, 1971 established the Technical Advisory and Coordinating Committee Task Forces of the National Gas Survey.

1. *Membership.* Additional members to the Transmission-Technical Advisory Task Force-Operations, as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Harold E. Shutt, Chief Electrical and Gas Engineer, Illinois Commerce Commission.

Henry D. Van Cleave, Acting Chief, Oil Branch, Air and Water Programs, Environmental Protection Agency.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-4209 Filed 3-17-72;8:51 am]

NATIONAL GAS SURVEY TRANSMISSION-TECHNICAL ADVISORY TASK FORCE-REGULATION AND LEGISLATION

Order Designating an Additional Member

MARCH 13, 1972.

The Federal Power Commission by order issued December 21, 1971, established the Technical Advisory and Coordinating Committee Task Forces of the National Gas Survey.

1. *Membership.* An additional member to the Transmission-Technical Advisory Task Force-Regulation and Legislation, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Robert L. Baum, Assistant General Counsel, Air Quality Division, Environmental Protection Agency.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-4207 Filed 3-17-72;8:51 am]

NATIONAL GAS SURVEY TECHNICAL ADVISORY COMMITTEE-SUPPLY

Order Designating Additional Members

MARCH 13, 1972.

The Federal Power Commission by order issued April 6, 1971, established the Technical Advisory Committees of the National Gas Survey.

1. *Membership.* Additional members to the Technical Advisory Committee-Supply, as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Dr. John D. Glover, Professor of Business Administration, Harvard University Graduate School of Business Administration.

Frederick W. Lawrence, Washington Liaison Stationary Sources Air Programs, Environmental Protection Agency.

Dr. Bruce C. Netschert, Vice President, National Economic Research Associates, Inc.

Sam H. Schurr, Director, Energy and Mineral Resources, Resources for the Future, Inc.

Captain Emery C. Smith, Director, Naval Petroleum and Oil Shale Reserves, Department of the Navy.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-4196 Filed 3-17-72;8:50 am]

[Docket No. RP72-106]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Proposed Changes in Rates and Charges

MARCH 13, 1972.

Take notice that Algonquin Gas Transmission Co. (Algonquin) on February 22, 1972, tendered for filing proposed changes in its FPC Gas Tariff Original Volumes Nos. 1 [1] and 2.[2] The proposed rate changes would increase Algonquin's revenues from jurisdictional sales and services by $674,425 annually, based on volumes for the 12-month period ended January 31, 1972, as adjusted. The proposed rate change is described in the company's transmittal letter as follows:

The rate increase reflected in the foregoing revised tariff sheets is filed to compensate only for an increase in purchased gas cost. Such increase in the cost of purchased gas results from the rate increase filed by Algonquin's sole supplier, Texas Eastern Transmission Corp. (Texas Eastern) on or about February 16, 1972, and proposed to become effective on April 1, 1972. Texas Eastern's rate increase reflects an increase in cost of purchased gas to Texas Eastern from one of its suppliers, Texas Gas Transmission Corp., in Docket No. RP72-45, and is in accordance with the provisions of Article III of the Stipulation and Agreement dated January 21, 1971, approved by Commission order issued March 24, 1971, in Texas Eastern Docket Nos. RP70-29 et al.

It is proposed that the foregoing revised tariff sheets be permitted to become effective on April 1, 1972, or such other date as the underlying increase rates proposed by Texas Eastern become effective.

It is to be noted that the Texas Eastern increase which occasions this filing is also a tracking increase. To permit Texas Eastern's increase to become effective without correspondingly permitting Algonquin's increase to become effective would not only be inconsistent as between the two regulated companies, but would also result in a loss of revenue to Algonquin which could well be irrecoverable.

Inasmuch as the rate increase proposed herein by Algonquin is a tracking increase being filed to compensate only for an increase in cost of gas, the Commission is respectfully requested herewith to grant whatever special permission or waivers of compliance with any parts of its rules and regulations necessary to effectuate this proposal.

The above-mentioned tariff sheets are being posted in accordance with § 154.16 of the Federal Power Commission's regulations under the Natural Gas Act by mailing a copy of this filing to each of Algonquin's authorized purchasers and interested State commissions as shown on the attached list and

[1] Volume No. 1: Twenty-sixth Revised Sheet No. 5, 26th Revised No. 10, 27th Revised Sheet No. 11-A, 27th Revised Sheet No. 12, 26th Revised Sheet No. 14 and 23d Revised Sheet No. 15-J.

[2] Volume No. 2: Twenty-seventh Revised Sheet No. 4 and 24th Revised Sheet No. 57.

by making it available for public inspection during normal working hours at Algonquin's General Office in Boston, Mass.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 21, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-4189 Filed 3-17-72;8:49 am]

[Docket No. RP72-108]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Proposed Changes in Rates and Charges

MARCH 13, 1972.

Take notice that Algonquin Gas Transmission Co. (Algonquin) on February 24, 1972, tendered for filing proposed changes in its FPC Gas Tariff, Original Volumes Nos. 1 and 2.[1] The proposed rate changes would increase Algonquin's revenues from jurisdictional sales and services by $24,955, based on sales volumes for the 12-month period ended January 31, 1972, as adjusted. The proposed rate change is described in the company's transmittal letter as follows:

The rate increase reflected in the foregoing revised tariff sheets is filed to compensate only for an increase in purchased gas cost. Such increase in the cost of purchased gas results from the rate increase filed by Algonquin's sole supplier, Texas Eastern Transmission Corp. (Texas Eastern), on or about February 18, 1972, and proposed to become effective on April 3, 1972. Texas Eastern's rate increases give effect to the inclusion in its rate base of an advance payment to Texas Eastern Gas Supply Co. and is in accordance with the provisions of Article V of the Stipulation and Agreement dated January 21, 1971, approved by Commission order issued March 24, 1971, in Texas Eastern Docket No. RP70-29 et al.

It is proposed that the foregoing revised tariff sheets be permitted to become effective on April 3, 1972, or such other date as the underlying increased rates proposed by Texas Eastern become effective.

It is to be noted that the Texas Eastern increase which occasions this filing is also a tracking increase. To permit Texas Eastern's increase to become effective without correspondingly pemitting Algonquin's increase to become effective would not only be inconsistent as between the two regulated companies, but would also result in a loss of revenue to Algonquin which could well be irrecoverable.

Inasmuch as the rate increase proposed herein by Algonquin is a tracking increase being filed to compensate only for an increase in cost of gas, the Commission is respectfully requested herewith to grant whatever special permission or waivers of compliance with any parts of its rules and regulations necessary to effectuate this proposal.

The above-mentioned tariff sheets are being posted in accordance with § 154.16 of the Federal Power Commission's regulations under the Natural Gas Act by mailing a copy of this filing to each of Algonquin's authorized purchasers and interested State commissions as shown on the attached list and by making it available for public inspection during normal working hours at Algonquin's General Office in Boston, Mass.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washintgon, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 21, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any persons wishing to become a party must file a petition to intervene.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-4190 Filed 3-17-71;8:49 am]

[Docket No. CP72-15]

CITIES SERVICE GAS CO.

Notice of Petition To Amend

MARCH 14, 1972.

Take notice that on March 6, 1972, Cities Service Gas Co. (petitioner), Post Office Box 25128, Oklahoma City, OK 73125, filed in Docket No. CP72-15 a petition to amend the order issued in said docket pursuant to section 7(c) of the Natural Gas Act on November 1, 1971, by authorizing the construction and operation of an additional delivery point for the exchange of natural gas with Arkansas Louisiana Gas Co. (Arkla), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner, by order of the Commission on November 1, 1971, was authorized to exchange with Arkla up to 10,000 Mcf of natural gas per day until such time as Arkla constructs the necessary facilities to connect gas production in Hemphill County, Tex., to its pipeline system, or for a period of 2 years, whichever is shorter. Petitioner states that pursuant to a letter agreement dated June 11, 1971, the original exchange agreement between the companies has been amended to provide an additional delivery point to be known as the Risley No. 1 exchange point at a mutually agreeable point on petitioner's Pampa pipeline in Hemphill County, Tex., in order to receive natural gas from Mesa Petroleum Co.'s Risley Well. Applicant seeks authorization to construct and operate the necessary measuring, regulating and appurtenant facilities for the Risley No. 1 exchange point. Arkla has filed a petition to amend in Docket No. CP72-9 for authorization to carry out its obligations in the subject letter agreement.

Petitioner estimates the cost of the new delivery point at $4,650, which it plans to finance from treasury cash.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 4, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-4191 Filed 3-17-72;8:49 am]

[Docket No. RP72-104]

CONSOLIDATED GAS SUPPLY CORP.

Order Accepting for Filing and Suspending Revised Tariff Sheets Containing Purchased Gas Adjustment Provision, Providing for Hearing Procedures, and Permitting Interventions

MARCH 14, 1972.

On January 31, 1972, Consolidated Gas Supply Corp. (Consolidated) tendered for filing proposed changes[1] in its FPC Gas Tariff to become effective March 17, 1972. The proposed rates constitute an increase of approximately $20 million in presently effective jurisdictional rates, based upon sales for the 12 months ending September 30, 1971, as adjusted. Consolidated states that the reasons for the proposed increase are increases in purchased gas costs and operating and maintenance expenses.

Consolidated requests waiver of § 154.38(d)(3) of the Commission's regulations with respect to its proposal to include a purchased gas adjustment clause in its rate schedules. The reasonableness of including a purchased gas adjustment provision in a pipeline's tariff is before us in Rulemaking Docket No. R-406. Under these circumstances, we deem it appropriate and proper at this time to waive § 154.38(d)(3) of our regulations to permit the filing of tariff sheets containing such a provision subject to such

[1] Volume No. 1: 27th Revised Sheet No. 5, 27th Revised Sheet No. 10, 28th Revised Sheet No. 11-A, 28th Revised Sheet No. 12, and 27th Revised Sheet No. 14. Volume No. 2: 28th Revised Sheet No. 4 and 25th Revised Sheet No. 57.

[1] First Revised Volume No. 1: 13th Revised Sheet No. 8; First Revised Sheets Nos. 13, 28-A, 30, 36, 51, 52, 53; Second Revised Sheet No. 32; Original Sheets Nos. 52-A, 52-B, 52-C, 52-D and 53-A. Original Volume No. 2: First Revised Sheets Nos. 265 and 272-A; Second Revised Sheets Nos. 266, 267, 268, 269 and 270; Fourth Revised Sheets Nos. 271, 272; Original Sheet No. 272-B.

future modification as may be required to conform such provision with § 154.38 (d)(4)(VI) of the Commission's proposed regulations, or any substitution or modification thereof adopted by the Commission in Docket No. R–406.

The following parties filed timely petitions to intervene or notices of intervention:

North Penn Gas Co.
New York State Electric & Gas Corp.
Rochester Gas & Electric Corp.
Public Service Commission for the State of New York.
Southern Tier Gas Corp.
Pennsylvania Gas Co.
Iroquois Gas Corp.
United Natural Gas Co.
Public Service Commission of West Virginia.
Niagara Mohawk Power Corp.
River Gas Co.
East Ohio Gas Co.
Peoples Natural Gas Co.

Untimely petitions to intervene were filed by Pavilion Natural Gas Co. and Corning Natural Gas Corp.

Review of Consolidated's rate filing indicates that certain issues which it raises may require development in an evidentiary hearing in this docket while other issues such as rate of return, depreciation rates, allocation, and adjustments to gas sales, among others, appear to be common with similar issues raised in Consolidated's rate increase proceeding in Docket No. RP71–77, now pending before Presiding Examiner Simpson for decision. Under these circumstances it appears appropriate to set an early prehearing conference in this proceeding for the purpose, inter alia, of allowing the parties to enter into such stipulations as to common issues so as to avoid their retrial in this proceeding. In order to implement this procedure the parties shall submit their views in writing to the Presiding Examiner in advance of the prehearing conference designating those issues which are common to both Dockets Nos. RP72–104 and RP71–77.

The Commission finds:

(1) The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Consolidated's FPC Gas Tariff, as proposed to be amended in this docket, and that the tendered tariff sheets be suspended as hereinafter provided.

(3) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(4) Participation of the above-named persons in this proceeding may be in the public interest.

(5) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the tariff changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purposes of the Economic Stabilization Act of 1970, as amended.

The Commission orders:

(A) Section 154.38(d)(3) of the Commission's regulations under the Natural Gas Act is waived to permit the filing of Consolidated's tariff sheets containing the proposed purchased gas adjustment clause as conditioned herein.

(B) Consolidated's tariff sheets, as filed on January 31, 1972, containing the proposed purchased gas adjustment clause, are accepted for filing, subject to such modification as may be required to conform with § 154.38(d)(4) of the Commission's proposed regulations or any substitution or modification thereof, should such be adopted by the Commission in Docket No. R–406.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held, commencing with a prehearing conference on April 4, 1972, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Consolidated's FPC Gas Tariff, as proposed to be revised herein.

(D) A Presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(E) Pending any hearing and a final decision in this proceeding, Consolidated's tariff sheets filed on January 31, 1972, are suspended and the use thereof deferred until August 17, 1972.

(F) The parties named above are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72–4192 Filed 3–17–72;8:49 am]

[Docket No. CP72–218]

McCULLOCH INTERSTATE GAS CORP.

Notice of Application

MARCH 13, 1972.

Take notice that on March 6, 1972, McCulloch Interstate Gas Corp. (applicant), 10880 Wilshire Boulevard, Los Angeles, CA 90024, filed in Docket No. CP72–218 a budget-type application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing April 1, 1972, and the operation of certain natural gas purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to enable it to act promptly in contracting for and attaching new or expanded supplies of natural gas in various producing areas generally coextensive with its pipeline system in Wyoming, to handle increased deliverability from existing sources and to maintain production from existing sources of supply at levels which will insure an orderly depletion of reserves.

The total cost of the proposed facilities is not to exceed $173,000, with no single project costing in excess of $43,500. Applicant plans to finance the proposed facilities from working funds, supplemented, as necessary, by short-term loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 3, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72–4194 Filed 3–17–72;8:50 am]

[Docket No. CP72-206]

MID LOUISIANA GAS CO.

Notice of Application

MARCH 13, 1972.

Take notice that on February 17, 1972, Mid Louisiana Gas Co. (applicant), Post Office Box 1707, Shreveport, LA 71166, filed in Docket No. CP72-206 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing February 1, 1972, and operation of gas purchase facilities, as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to attach new or expanded supplies of natural gas in various producing areas generally coextensive with applicant's pipeline system as well as to accommodate increased deliverability from existing sources and to maintain production from existing sources of supply at levels which will insure orderly depletion of reserves.

The total cost of the proposed facilities is not to exceed $500,000 and the total cost for any single project will not exceed $150,000. Applicant plans to finance the cost of these facilities out of working funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 3, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-4193 Filed 3-17-72;8:49 am]

[Docket No. CP72-216]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

MARCH 13, 1972.

Take notice that on March 6, 1972, Natural Gas Pipeline Company of America filed in Docket No. CP72-216 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 1.09 miles of 36-inch pipeline in La Salle County, Ill., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Illinois Power Co. (Illinois) is in the process of developing the Shanghai Storage Field near Alexis, Ill., in Warren and Mercer Counties, and that as a consequence of said development, Illinois has requested applicant to reallocate among existing delivery points the total volume of natural gas authorized to be delivered by applicant to Illinois. Applicant requests authorization to construct and operate 1.09 miles of 36-inch pipeline partially looping its existing main transmission pipeline in La Salle County, Ill., in order to effectuate the requested load shift.

Applicant estimates the cost of the project at $239,000, which it plans to finance from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 3, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-4195 Filed 3-17-72;8:50 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-138]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an electric service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Public Utilities Commission of Ohio in a proceeding (Docket No. 71-730-Y) involving the application of Dayton Power & Light Co. for increased rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: March 13, 1972.

ROD KREGER,
Acting Administrator of General Services.

[FR Doc.72-4177 Filed 3-17-72;8:48 am]

POWERED LAWN MOWERS

Notice of Specification Development Conference

Notice is hereby given that the Federal Supply Service, General Services Administration, will hold a Specification Development Conference in connection with the following Federal Specifications:

OO-M-1243—mower, lawn, gasoline powered (rotary flat-knife, 21- through 24-inch).

OO-M-1688—mower, lawn, gasoline powered, rotating reel.
OO-M-1689—mower, lawn, gasoline powered (rotary flat-knife, 31- through 60-inch).

The purpose of the Conference is to provide a forum for consideration of suggestions, ideas, or ways and means to improve the specifications for gasoline-engine powered lawn mowers to the end that: (1) mutual understanding by both the Government and industry of the Government's technical requirements for the items, and (2) the quality of the product to be shipped to the Government will be enhanced. It will be open to all those in the private sector who have an interest or concern for these matters, and all other Government departments or agencies having an interest therein are also being invited to send their representatives.

The Conference will be held on April 4 and 5, 1972, at 9 a.m., Room 508, Building 3, Crystal Mall, 1931 Jefferson Davis Highway, Arlington, VA. Anyone who wants to attend or desires further information should contact Mr. L. W. Parsons, General Services Administration, Federal Supply Service, Office of Standards and Quality Control, Washington, D.C. 20406, telephone number: Area Code 703/557-7556.

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

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

[FR Doc.72-4178 Filed 3-17-72;8:48 am]

PRICE COMMISSION

ECONOMIC STABILIZATION PROGRAM

Notice of Public Hearing

Notice is hereby given that the Price Commission will hold a public hearing on April 6, 1972, in San Francisco, Calif.

The purpose of the hearing is to receive input from various sectors of the nation, including industry, commerce, labor, consumers, and others. The Commission is seeking a general review of policy; an evaluation of its approach to curbing inflation; comments upon recommended policy changes; identification of specific problem areas; and discussion of the causes of inflation and the application of policies to control it.

The hearing will be held from 9 a.m. to 2:30 p.m. in the Veteran's Auditorium of the San Francisco Veteran's Memorial Building, McAllister and Van Ness Avenues, San Francisco, Calif.

The public hearing hereby scheduled reflects the Commission's intention to comport with the stated desire of Congress (section 207 of the Economic Stabilization Act of 1970, as amended) for public hearings on matters which have a significantly large impact on the national economy.

Any person who has a substantial interest in the subject of the hearing, or who is a representative of a group or class of persons which has a substantial interest in the subject of the hearing, may submit, before April 1, 1972, a written request to make an oral presentation. Any such written request should include a description of the substantial interest concerned; if appropriate, a statement of why the requesting person is a proper representative of a group or class of persons which has such an interest; and a concise summary of the proposed oral presentation. Oral presentations may be supplemented by written submissions filed with the Commission before the oral presentation or before April 4, 1972. The Commission reserves the right to select the persons to be heard at the hearing, to schedule and determine the length of their respective presentations, and to establish the procedures governing the conduct of the hearing. In addition, the Commission requests all other interested persons to submit written suggestions and comments on the subject for Commission consideration before April 4, 1972.

All written submissions and requests to make an oral presentation should be sent to Mr. Robert C. Cassidy, Price Commission, 2000 M Street NW., Washington, DC 20508.

Issued in Washington, D.C., on March 17, 1972.

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

[FR Doc.72-4315 Filed 3-17-72;10:56 am]

TARIFF COMMISSION

[337-26]

SPHYGMOMANOMETERS

Notice of Denial for Rehearing

Upon completion of its investigation (337-26) under section 337 of the Tariff Act of 1930, in response to a complaint of W. A. Baum Co., Inc., the Commission found no violation of section 337(a) of the Tariff Act of 1930 by unfair methods of competition and unfair acts in the importation and sale of certain sphygmomanometers, the effect of tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. The finding in the case was published in the FEDERAL REGISTER on January 28, 1972 (37 F.R. 1429).

A request for a rehearing in the matter of Sphygmomanometers (337-26) was received by the Commission on February 14, 1972. On March 8, 1972, the Tariff Commission considered and denied the request by W. A. Baum, Inc., for a rehearing in this matter.

Issued: March 15, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72-4214 Filed 3-17-72;8:53 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

MARCH 15, 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-F-11094, Navajo Freight Lines, Inc.—Investigation of Control—Garrett Freightlines, Inc., and MC-F-11198, Navajo Freight Lines, Inc.—Control—Garrett Freightlines, Inc., continued to April 18, 1972, in Room 595, Courthouse, 1929 Stout Street, Denver, CO.

MC 115667 Sub 5, Arrow Transfer Co., Ltd., heard February 28, through March 3, 1972, at Seattle, Wash., has been continued to April 4, 1972, at the Washington Utilities & Transportation Commission, 1231 Andover Park, East, Seattle, WA.

MC 30844 Sub 380, Kroblin Refrigerated Xpress, now being assigned hearing May 25, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 123407 Sub 99, Sawyer Transport, now being assigned hearing May 24, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 126102 Sub 9, Anderson Motor Lines, now being assigned hearing May 24, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 128355 Sub 9, Hurlman Trucking, now being assigned hearing May 31, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 133146 Sub 5, International Transportation Service, now being assigned hearing May 25, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 136163, Jerome Kelly, Jr., doing business as Jerome Kelly & Son, now being assigned hearing May 22, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 123383 Sub-60, Boyle Brothers, MC 133796 Sub 6, George Appel, MC 135736 Sub 1, now being assigned hearing May 31, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 128273 Sub 104, Midwestern Express, MC 136035, Walter S. Dunning & Walter H. Dunning, doing business as W. S. Dunning & Son, now being assigned hearing June 8, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 123744 Sub 7, Butler Trucking, MC 124796 Sub 91, Continental Contract Carrier, now being assigned hearing June 6, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 125474 Sub 31, Bulk Haulers, MC 128273 Sub 102, Midwestern Express, now being assigned hearing June 7, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 22254 Sub 65, Trans-American Van Service, Inc., now being assigned hearing June 20, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 111812 Sub 448, Midwest Coast Transport, Inc., now being assigned hearing June 27, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 111812 Sub 459, Midwest Coast Transport, Inc., now being assigned hearing June 28, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 117574 Sub 213, Daily Express, Inc., now being assigned at the Offices of Interstate Commerce Commission, Washington, D.C., on June 15, 1972.

MC 119991 Sub 3, Young Transport, Inc., now being assigned hearing June 14, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 136222 Movers Port Service, Inc., now being assigned hearing June 12, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 112822 Sub 217, Bray Lines, assigned April 17, 1972, MC 117940 Sub 71, Nationwide Carriers, assigned April 19, 1972, MC 118292 Sub 26, Ballentine Produce, assigned February 18, 1972, will be held in Courtroom 4, Federal Court Building, 316 Roberts Street, St. Paul, MN.

Finance Docket No. 26847, Chicago & North Western Railway Co., abandonment between Sanborn & Wanda, in Redwood County, Minn., assigned April 24, 1972, will be held in the Veterans of Foreign Wars Building, East Bridge Street, Highways 19 and 71, Redwood Falls, MN.

Finance Docket No. 26908, Chicago, Milwaukee, St. Paul, & Pacific Railroad Co., abandonment between Hollandale Junction and Rock Island Junction, Freeborn County, Minn., assigned April 27, 1972, in City Hall, 221 East Clark Street, Albert Lea, MN.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-4218 Filed 3-17-72;8:51 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 15, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42376—*Newsprint paper to Chicago, Ill.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 3014), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from Jonquiere and St. Joseph d'Alma, Quebec, Canada, to Chicago, Ill.

Grounds for relief—Water competition.

Tariff—Supplement 28 to Canadian Freight Association tariff ICC 341. Rates are published to become effective on April 14, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-4217 Filed 3-17-72;8:51 am]

[Ex Parte 265]

INCREASED FREIGHT RATES, 1970

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 8th day of March 1972.

It appearing, that by order dated March 4, 1971, the respondent railroads herein, among other things, were required, beginning July 1, 1971, and on and before the first day of each third month thereafter, until further order, to report to the Commission corrective actions undertaken with respect to service deficiencies of the type set forth in the report herein (embracing also Ex Parte No. 267), 339 I.C.C. 125, 136–156;

It further appearing, that numerous short-line railroads have brought to the attention of the Commission that the types of service deficiencies considered in the said report are generally not attributable to the operations of their lines; that their operations are only incidental to the through movement and handling of the traffic; that their operations are not the principal source of complaint; and that, therefore, the reporting requirement applicable to all short-line railroads is unduly burdensome and does not contribute to the desired objective of improving service to shippers;

It further appearing, that to avoid any undue hardship and eliminate any unnecessary reporting in those instances in which the public interest would not be furthered, exceptions are warranted from the general reporting requirement;

It further appearing, that, however, to assure that actions continue to be undertaken to correct the deficiencies of the type set forth in the said report by all carriers, including the short lines, exception from the reporting requirement will be considered on an individual carrier basis upon request therefor accompanied by supporting facts and data, with no replies thereto contemplated;

And it further appearing, that to expedite consideration of requests for such exception, delegation of authority to grant or deny exceptions from the reporting requirement to a single commissioner is warranted; therefore,

It is ordered, That the Chairman of Division 2 of the Commission is hereby delegated to act upon requests for exceptions from the said reporting requirement imposed by the order in this proceeding.

It is further ordered, That the said order in this proceeding, to the extent that it requires the filing of reports regarding service matters, be, and it is hereby, modified to the extent indicated hereinabove, and that in all other respects the said order shall remain in effect until the further order of the Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-4219 Filed 3-17-72;8:52 am]

[Notice 38]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 14, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 8964 (Sub-No. 29 TA), filed March 3, 1972. Applicant: WITTE TRANSPORTATION COMPANY (Minnesota corporation), 2481 Cleveland Avenue North, St. Paul, MN 55113. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined in Practices of Motor Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Kansas City, Mo., to Albert Lea, Austin, and Spring Valley, Minn., and from Albert Lea, Austin, and Spring Valley, Minn., to Kansas City, Mo., via regular routes, from Kansas City, Mo., over Interstate Highway 35 to Albert Lea, Minn., thence over Interstate Highway 90 to Austin, Minn., thence over Interstate Highway 90 to the junction with U.S. Highway 16; thence over U.S. Highway 16 to Spring Valley, Minn., and return over the same route; from Kansas City, Mo., over U.S. Highway 69 to Albert Lea, Minn., thence over U.S. Highway 16 to Austin, Minn., thence over U.S. Highway 16 to Spring Valley, Minn., and return over the same route; from Kansas City, Mo., over Interstate Highway 35 or U.S. Highway 69 to Des Moines, Iowa; thence over Interstate Highway 80 or U.S. Highway 6 to the junction with U.S. Highway 63; thence over U.S. Highway 63 to Spring Valley, Minn., and return over the same route. Restricted against traffic originating at or destined to Minneapolis-St. Paul,

Minn. Carrier seeks authority to tack with existing authorities at Albert Lea, Austin, and Spring Valley, Minn., in order to provide service throughout its authorized territory except Minneapolis-St. Paul, Minn., for 180 days. Supported by: There are approximately 200 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 31675 (Sub-No. 18 TA), filed March 6, 1972. Applicant: NORTHERN FREIGHT LINES, INC., Post Office Box 1067, 324 North College Street, Charlotte, NC 28201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (with the usual exceptions), serving the terminal site of Central Motor Lines, Inc., located at or near the junction of South Carolina Highway 14 and Interstate Highway 85 in Greenville County, S.C., as an off-route point in connection with otherwise authorized service at Greenville, S.C. Restriction: The service is restricted to the receipt delivery, or interchange of traffic to, from, or at said terminal site, for 180 days. NOTE: Applicant intends to tack the proposed authority with that presently held by it and to interline with other carriers at the terminal site location sought. Supported by: Application is supported by Central Motor Lines, Inc., Charlotte, N.C., who controls the applicant under authority of MC–F–10791. Send protests to: Frank H. Wait, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417, Charlotte, NC 28202.

No. MC 95876 (Sub-No. 123 TA), filed March 1, 1972. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, Post Office Box 1377, St. Cloud, MN 56301. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plywood, building materials, cabinets, and carpeting;* and (2) *materials*, accessories, equipment, and supplies used in the manufacture of mobile and modular homes, from Marshfield, Wis., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota, for 180 days. Supporting shipper: Mobile Plywoods, Inc., 1145 Oshkosh Avenue, Oshkosh, Wis. 54901. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 107882 (Sub-No. 26 TA), filed March 3, 1972. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, NJ 08638. Applicant's representative: Russell Parkerson (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bullion*, between New York, N.Y., and Chicago, Ill., for 180 days. Supporting shipper: Metals Quality Corp., 54 East 58th Street, New York, NY 10022. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 112750 (Sub-No. 285 TA), filed March 3, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except currency and negotiable securities) as are used in the business of banks and banking institutions, (1) between Madison and Milwaukee, Wis., on the one hand, and, on the other, points in Boone, Carroll, Cook, De Kalb, Du Page, Jo Daviess, Kane, Lake, McHenry, Ogle, Stephenson, and Winnebago Counties, Ill.; and (2) between Chicago, Ill., on the one hand, and, on the other, points in Dearborn, Franklin, Jennings, Ohio, and Ripley Counties, Ind., for 180 days. Supporting shippers: First Wisconsin National Bank of Milwaukee, 743 North Water Street, Milwaukee, WI 53202; Federal Reserve Bank of Chicago, 230 South La Salle Street, Chicago, IL 60690. Send protests to: Thomas W. Hopp, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 117565 (Sub-No. 56 TA), filed March 3, 1972. Applicant: MOTOR SERVICE COMPANY, INC., Post Office Box 448, Route 3, Coshocton, OH 43812. Applicant's representative: John R. Hafner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles and accessories*, used in floral arrangements, from the plant and warehouse facilities of the Smithers Oasis, division of the Smithers Co., Kent, Ohio, to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, and Wisconsin, for 180 days. Supporting shipper: Smithers Oasis Division, Smithers Co., 919 Marvin Avenue, Post Office Box 118, Kent, OH 44240. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 117589 (Sub-No. 19 TA), filed March 1, 1972. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 2535 Airport Way South, Seattle, WA 98134. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned seafood, vegetables, fruit, and meat products*, when moving in vehicles equipped with mechanical refrigeration, from Jersey City and East Brunswick, N.J., and Hanover, Pa., to points in Washington and Portland, Oreg., for 180 days. Supporting shipper: Acme Food Sales, 115 South Jackson Street, Seattle, WA 98104. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 119192 (Sub-No. 9 TA), filed March 6, 1972. Applicant: EASTERN DELIVERY SERVICE, INC., 80 Central Avenue, Bridgeport, CT 06607. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, tansporting: *Such commodities* as are dealt in by department stores, from New York, White Plains, and Manhasset, N.Y., Rutherford, Short Hills, and Paramus, N.J., to points in New Jersey, Connecticut, and New York, N.Y., and Westchester, Putnam, Dutchess, Rockland, Orange, Sullivan, Nassau, and Suffolk Counties, N.Y., and *returned shipments* in the opposite direction, for 180 days. Supporting shipper: B. Altman & Co., Fifth Avenue at 34th Street, New York, NY 10016. Send protests to: District Supervisor Robert E. Lee, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, CT 06101.

No. MC 128932 (Sub-No. 2 TA), filed March 2, 1972. Applicant: ROBERT L. TORRANS, doing business as COMMERCIAL STORAGE & DISTRIBUTION CO., Post Office Box 1374, West 26th and Taylor Streets, Texarkana, TX 75501. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Texarkana, Tex.-Ark., and points in Jefferson, Cleveland, Lincoln, Desha, Chicot, and Arkansas Counties, Ark.; Panola, Rusk, and Dallas Counties, Tex.; Tulsa, Creek, Wagoner, Okmulgee, Muskogee, Okfuskee, McIntosh, Haskell, Pittsburg, Hughes, Seminole, Pontotoc, Coal, Latimer, Atoka, Pushmataha, Johnston, Marshall, Bryan, and Choctaw Counties, Okla.; and Bienville, Caldwell, De Soto, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Red River, Richland, Tensas, Union, and West Carroll Parishes, La., as an extension to authority granted in MC–128932 (Sub-No. 1) dated September 22, 1969, restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking,

uncrating, and decontainerization of such shipments, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shippers: HIGA Fast Pac, Inc., 465 California Street, Suite 530, San Francisco, CA 94104; Jet Forwarding, Inc., 200 West Central Avenue, Santa Ana, CA 92707; Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, WA 98133; Sunpak Movers, Inc., 534 Westlake Avenue North, Seattle, WA 98109. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 133565 (Sub-No. 4 TA) (Clarification), published FEDERAL REGISTER, issue of January 6, 1972, and republished as clarified this issue. Applicant: TRUE TRANSPORT, INC., Starboard and Export Streets, Port Newark, NJ 07114. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require the use of special equipment), in containers, having a prior or subsequent movement by water, over irregular routes, between the ports of entry on the international boundary line between the United States and Canada located at or near Rouses Point and Champlain, N.Y., and Calais, Maine, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, those in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line at or near Lawrenceville, Pa., and extending along U.S. Highway 15 to junction U.S. Highway 11 at or near Camp Hill, Pa., thence along U.S. Highway 11 to the Pennsylvania-Maryland State line, and those in that part of New York on and east of a line beginning at the New York-Pennsylvania State line at or near Lawrenceville, Pa., and extending along U.S. Highway 15 to Corning, N.Y., and thence along New York Highway 17 to Horseheads, N.Y., thence along New York Highway 13 to Cortland, N.Y., thence along U.S. Highway 11 to Syracuse, N.Y., thence along New York Highway 5 to Schenectady, N.Y., thence along New York Highway 50 to Saratoga Springs, N.Y., thence along U.S. Highway 9 via Glen Falls, N.Y., to junction New York Highway 149, thence along New York Highway 149 to junction U.S. Highway 4 at or near Fort Ann, N.Y., thence along U.S. Highway 4 to the New York-Vermont State line at or near Fair Haven, Vt.;

And between Boston, Mass., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, and those in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line at or near Lawrenceville, Pa., and extending along U.S. Highway 15 to junction U.S. Highway 11 at or near Camp Hill, Pa., thence along U.S. Highway 11 to the Pennsylvania-Maryland State line, and those in that part of New York on and east of a line beginning at the New York-Pennsylvania State line at or near Lawrenceville, Pa., and extending along U.S. Highway 15 to Corning, N.Y., and thence along New York Highway 17 to Horseheads, N.Y., thence along New York Highway 13 to Cortland, N.Y., thence along U.S. Highway 11 to Syracuse, N.Y., thence alonge New York Highway 5 to Schenectady, N.Y., thence along New York Highway 50 to Saratoga Springs, N.Y., thence along U.S. Highway 9 via Glen Falls, N.Y., to junction New York Highway 149, thence along New York Highway 149 to junction U.S. Highway 4 at or near Fort Ann, N.Y., thence along U.S. Highway 4 to the New York-Vermont State line at or near Fair Haven, Vt., restricted to traffic moving in foreign commerce. The above-described authority has been granted by Division 1 by order dated March 8, 1972, for 60 days commencing no sooner than April 18, 1972. This republication is to clarify the authority actually granted applicant. Petitions for reconsideration may be filed by any interested person within 30 days from the date of this publication. An original and six copies of any such petition are required to be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 135234 (Sub-No. 5 TA), filed March 6, 1972. Applicant: COMMERCIAL CARTAGE, INC., Stop 24, Winfield Road, Saint Albans, WV 25177. Applicant's representative: Marvin L. Meadows (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric cable, aluminum coils, and empty reels*, between Williamsport and Jersey Shore, Pa., and Tucker, Ga., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Alcan Aluminum Corp., 100 Erieview Plaza, Cleveland, OH, Attention: Mr. Clifford G. Pearson, General Traffic Manager. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 133796 (Sub-No. 8 TA), filed March 1, 1972. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, PA 18708. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Athletic, camping, mountain climbing, and ski equipment*, between Los Angeles, Calif., on the one hand, and, on the other, Boston, Mass.; New York, N.Y.; Schaghticoke, N.Y.; and Kingston, Pa., shipments moving to Kingston, Pa., restricted to having a subsequent move by motor carriers, for 180 days. Supporting shipper: Eiger Mountain Sports Corp., Post Office Box 4037, San Fernando, CA 91342. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

MOTOR CARRIERS OF PASSENGERS

No. MC 136173 (Sub-No. 2 TA), filed March 3, 1972. Applicant: MARYLAND BUS LINES, INC., 5017 Cook Road, Beltsville, MD 20705. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, in roundtrip service, beginning and ending at Minnesota and Benning Road NE., and Fourth and Michigan Avenue NE., Washington, D.C., and extending to the U.S. Adjutant General's Publication Center, 2800 Eastern Boulevard, Middle River, MD, and return. Restriction: The services authorized herein are restricted to the transportation of persons employed at the U.S. Adjutant General's Publication Center, Middle River, Md., for 150 days. Supporting shipper: Rodney D. Hallman, Major, AGC, Commanding Department of the Army, U.S. Army AG Publications Center, 2800 Eastern Boulevard, Baltimore, MD 21220. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-4215 Filed 3-17-72;8:51 am]

[Notice 30]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 15, 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-73219. By order of March 14, 1972, the Motor Carrier Board

approved the transfer to Dan's Trucking, Inc., Davis City, Iowa, of the operating rights set forth in permits Nos. MC-123600 and MC-123600 (Sub-No. 3), issued by the Commission March 3, 1967, and July 10, 1968, respectively, to Orcutt Transport System, Inc. (Internal Revenue Service, Successor-in-Interest), Des Moines, Iowa, authorizing the transportation of: Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses, as described in sections A, B, and C of appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except liquid commodities in bulk, in tank vehicles, from the plantsite of Swift & Co., at Rochelle, Ill., to Des Moines, Iowa; packinghouse products and supplies, from, to, or between points in Illinois, Iowa, and Nebraska; wallpaper from Chicago, Ill., to Des Moines, Iowa; and meats, meat products, and meat byproducts, and articles distributed by meat packinghouses as defined in sections A and C of appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plantsite and storage facilities of I. D. Packing Co., at Des Moines, to Austin, Minn., and Fremont, Nebr., Russell H. Wilson, 3839 Merle Hay Road, Des Moines, IA 50310, attorney for applicants.

No. MC-FC-73373. By order of March 9, 1972, the Motor Carrier Board approved the transfer to A.L.A. Delivery Corp., New York, N.Y., of the operating rights set forth in permit No. MC-128056, issued May 19, 1967, to Mac Rose Trucking Corp., doing business as M. Streichler Trucking Co., New York, N.Y., authorizing the transportation of: Infants', children's, and boys' shirts, sweaters, pajamas, pants, and swimwear, from Hyde Park, N.Y., to New York, N.Y., and, on return, samples, and refused, rejected, and returned shipments of the described commodities, under continuing contract with Donmoor, Inc., of New York, N.Y., Morris Honig, 150 Broadway, New York, NY 10038, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-4216 Filed 3-17-72;8:51 am]

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