

# federal register

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Just Released

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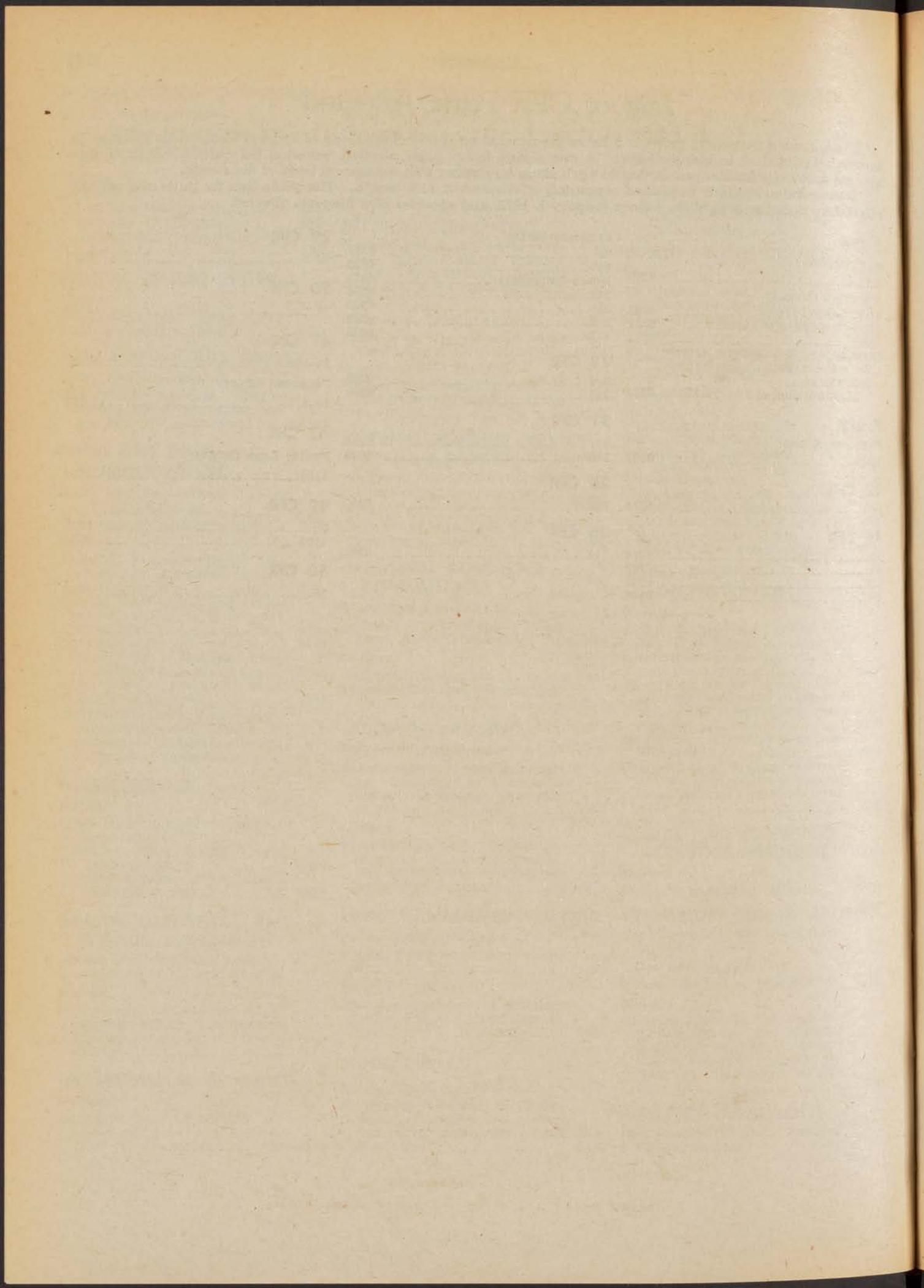
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# Presidential Documents

## Title 3—The President

PROCLAMATION 4119

## Earth Week, 1972

*By the President of the United States of America*

### A Proclamation

For the Nation and for the world, there are few issues of greater moment than the quality of our environment. As civilizations have evolved, man has increasingly altered his world to accommodate his needs. Today, our immense technological expansion affects the earth more than at any earlier time.

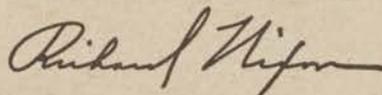
The air, water, and natural resources of the earth are not inexhaustible, yet we continue to make major and often contradictory demands on these resources. If man is to preserve the natural heritage upon which his survival and the quality of his life depend, he must make resolute choices and fix uncompromising priorities.

The environmental awakening of recent years marks a new maturity in our attitudes toward the relationship of man to his surroundings. We have made a beginning, but it is only a beginning. Every American—and indeed, every citizen of the world—must endeavor by earnest and sustained effort to nurture this earth which we all share.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the period of April 17 through April 23, 1972, as Earth Week.

I call upon appropriate officials of the Federal Government and of State and local governments to encourage an understanding of the purposes of Earth Week, to observe the week through appropriate ceremonies, and to give special attention to the educating of our citizens in the preservation and enrichment of our natural environment.

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



[FR Doc.72-4743 Filed 3-24-72;2:14 pm]

# Presidential Documents

THE J. EDGAR HOOVER

RECORDS

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1911-1918

A. J. HOOVER

The following is a list of the documents in this volume, arranged in chronological order. The documents are arranged in the order in which they were received by the Bureau of Investigation, and are numbered in the order in which they were received.

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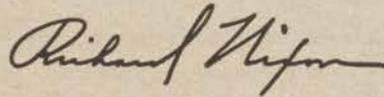
The documents in this volume are arranged in chronological order, and are numbered in the order in which they were received by the Bureau of Investigation.

The documents in this volume are arranged in chronological order, and are numbered in the order in which they were received by the Bureau of Investigation.

## EXECUTIVE ORDER 11661

**Relating to Facilitating Coordination of Federal Education Programs**

By virtue of the authority vested in me as the President of the United States, Executive Order No. 11260 of December 11, 1965, which amended Executive Order No. 11185, of October 16, 1964, relating to facilitating coordination of Federal education programs, is hereby revoked, and Executive Order No. 11185 shall, until otherwise provided, be deemed to be in effect as originally issued.



THE WHITE HOUSE,  
March 24, 1972.

[FR Doc.72-4742 Filed 3-24-72;2:13 pm]

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MEMORANDUM OF FEBRUARY 17, 1972

[Presidential Determination No. 72-11]

Waiver of Section 620(v) of the  
Foreign Assistance Act of 1961,  
as amended, Prohibiting Assistance  
to Greece

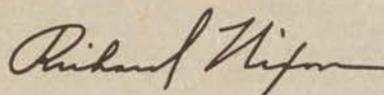
Memorandum for the Secretary of State

THE WHITE HOUSE,  
Washington, February 17, 1972.

In accordance with the recommendation of your memorandum dated February 8 I hereby: (a) find that overriding requirements of the national security of the United States justify a waiver of the prohibition contained in Section 620(v) of the Foreign Assistance Act of 1961, as amended, on assistance to Greece provided under the Foreign Assistance Act and sales to Greece made under the Foreign Military Sales Act; and (b) waive the prohibition of such assistance and sales imposed by Section 620(v) of the Foreign Assistance Act of 1961, as amended.

You are requested on my behalf to report this determination to the House of Representatives and Senate as required by law.

This memorandum shall be published in the FEDERAL REGISTER.



[FR Doc.72-4873 Filed 3-27-72; 11:45 am]



# Rules and Regulations

## Title 12—BANKS AND BANKING

### Chapter V—Federal Home Loan Bank Board

#### SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[72-331]

#### PART 545—OPERATIONS

##### Real Estate Loans

MARCH 21, 1972.

Resolved that, notice and public procedure having been afforded (36 F.R. 22992) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) for the following purposes:

1. To clarify the authority of Federal savings and loan associations with respect to investments in real estate loan participations;

2. To restate and clarify the regulations relating to various percentage of assets and other percentage limitations, particularly with respect to the interrelationship of various percentage limitations which derive principally from section 5 of the Home Owners' Loan Act of 1933, as amended; and

3. To require Federal savings and loan associations to earmark certain real estate loan investments so that they will be able to determine allocations to various percentage of assets and other percentage limitations.

Accordingly, the Federal Home Loan Bank Board hereby amends said Part 545 as follows, effective May 1, 1972:

##### § 545.6-1 [Amended]

1. Paragraph (b) of § 545.6-1 is amended by deleting subparagraph (4) thereof.

2. Section 545.6-4 is revised to read as follows:

##### § 545.6-4 Participations.

(a) *General*—(1) *Authority for participations*. Subject to the provisions of § 545.6-7, a Federal association may participate in the making of a loan on the security of real estate with, or purchase a participation interest in such a loan from, an approved lender or lenders if the loan qualifies as a loan in which the association is otherwise authorized to invest, but only the amount of the association's participation interest is required to be counted toward any percentage-of-asset limitation or other percentage limitation in this chapter. A Federal association may sell a participation interest in a loan upon the security of real estate to any investing institution, fund, corporation, partnership, or trust. A Federal association shall comply with the

provisions of Part 563 of this chapter with respect to the making of loans in participation with other approved lenders and with respect to the purchase and sale of participation interests in loans on the security of real estate.

(2) *Exception for urban renewal loans*. Investments in urban renewal loans pursuant to § 545.6-18(b) may be made in participation with other than approved lenders, as permitted by § 545.6-18(e).

(b) *Board approval for other transactions*. A Federal association may engage in a participation transaction other than one permitted by paragraph (a) of this section only if it has obtained the prior written approval of the Board with respect to such transaction. Any loan in which a Federal association participates or in which it purchases a participation interest pursuant to such approval may be repayable on such basis and within such period as the Board may authorize in such approval, without regard to any other provision of this part.

(c) *Definition of approved lender*. For the purposes of this section, the term "approved lender" means:

(1) Any lending institution whose accounts or deposits are insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation;

(2) Any agency or instrumentality of the United States or of any State, including the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States, regularly engaged in the making, purchasing, or selling of loans on the security of real estate or in the purchasing or selling of participation interests in such loans;

(3) Any approved Federal Housing Administration mortgagee meeting the requirements specified in subparagraph (4) of paragraph (a) of § 563.9 of this chapter; and

(4) Any service corporation in which the entire capital stock is held by one or more institutions which are insured or eligible to apply for insurance of accounts under title IV of the National Housing Act, as amended.

3. Section 545.6-7 is revised to read as follows:

##### § 545.6-7 Percentage limitations on real estate loan investments.

(a) *Loan investments not subject to percentage limitations*. The following investments by a Federal association in loans on the security of real estate shall not be subject to any percentage of assets or percentage of savings accounts limitation:

(1) A loan on the security of a single-family dwelling, or on the security of a home or combination of home and business property except, however, any such loan which is:

(i) On the security of any such property located beyond the association's regular lending area or, if an insured loan, located outside of the State in which the association's home office is located;

(ii) In excess of \$45,000 for any single-family dwelling;

(iii) In excess of the amount prescribed in or under section 207(c)(3) of the National Housing Act for any dwelling unit in a home or combination of home and business property which is not a single-family dwelling;

(iv) A loan to facilitate trade-in or exchange of homes made under § 545.6-1(a)(iii);

(v) A loan on a single-family dwelling made under § 545.6-1(a)(4) or (5), as long as such loan is in excess of 80 percent of the value of the security property;

(2) A guaranteed loan (without regard to the location of the security property) in any amount if at least 20 percent of the loan is guaranteed.

(3) An insured loan which is purchased (without regard to the location of the security property) and which does not exceed (i) \$45,000 on the security of a single-family dwelling, or (ii) the amount prescribed in or under section 207(c)(3) of the National Housing Act for any dwelling unit in any home or combination of home and business property which is not a single-family dwelling;

(4) An insured loan to finance land development made under § 545.6-14a;

(5) A loan guaranteed pursuant to the New Communities Act of 1968 made under § 545.6-22; and

(6) A participation interest in any insured or guaranteed loan (without regard to the location or type of the security property), and a participation interest in any loan specified in subparagraphs (1) through (5) of this paragraph as not subject to any percentage limitation.

(b) *Percentage limitations for specific types of loans*. Real estate loan investments made under the authority of § 545.6-14 (land acquisition and development loans), § 545.6-16 (loans for housing for the aging), § 545.6-18 (urban renewal loans), § 545.6-20 (Foreign Assistance Act loans), § 545.6-3(c) (developed building lot loans), § 545.6-1(a)(4) and (5) (loans on single-family dwellings in excess of 80 percent of value), or § 545.6-1(a)(3)(iii) (loans to facilitate trade-in or exchange of homes) shall be subject to the respective percentage limitations contained in such sections. However, whenever the terms of a loan investment under § 545.6-16 or § 545.6-18 would meet the requirements for a loan under § 545.6-1, it may be released from the percentage-limitation category in § 545.6-16 or § 545.6-18 and, unless it is a loan specified in paragraph (a) of

this section as not subject to any percentage limitation, allocated within an applicable percentage-limitation category in paragraph (c) of this section. A loan investment under § 545.6-1(a) (4) or (5) on a single-family dwelling within the association's regular lending area may be released from any percentage-limitation category when the loan balance has been reduced to not more than 80 percent of value.

(c) *Percentage limitations for other loans.* Except as specified in paragraphs (a) and (b) of this section, no Federal association may make any investment in a real estate loan unless the amount of such investment can be allocated within one or more of the 3 percentage-limitation categories specified in this paragraph. In the case of a loan investment which is specified as allocable to more than one of the three categories, all or part of any allocation to any one of such categories may be reallocated at any time to another one of such categories, if applicable.

(1) *General 20-percent-of-assets category.* The following investments, not to exceed at any one time an amount equal to 20 percent of the association's assets, are allocable to this category:

(i) Any loan on the security of other improved real estate, other dwelling units, or a combination of dwelling units, including homes, and business property involving only minor or incidental business use, without regard to the location of the security property;

(ii) Any loan on the security of a single-family dwelling, if either:

(a) Such loan exceeds \$45,000, or

(b) The security property is located beyond the association's regular lending area or, if an insured loan, located outside of the State in which the association's home office is located;

(iii) Any loan on the security of a home or combination of home and business property if either:

(a) The amount of such loan exceeds, for any dwelling unit in any such security property which is not a single-family dwelling, an amount prescribed in or under section 207(c)(3) of the National Housing Act; or

(b) The security property is located beyond the association's regular lending area or, if an insured loan, located outside of the State in which the association's home office is located; and

(iv) Any participation interest in any of the loans specified in this subparagraph (1).

(2) *Special 20-percent-of-assets category.* The following investments, not to exceed at any one time an amount equal to 20 percent of the association's assets, are allocable to this category: Any loan, or participation interest in a loan, on the security of other dwelling units or a combination of dwelling units, including homes, and business property involving only minor or incidental business use, if—

(i) The security property is located within the association's regular lending area or, if an insured loan, within the State in which the association's home office is located;

(ii) The amount of such loan does not exceed, for any dwelling unit therein, an amount prescribed in or under section 207(c)(3) of the National Housing Act; and

(iii) At the time of the allocation to this category, the association's aggregate general reserves, surplus, and undivided profits is not less than 5 percent of the average of the association's savings account balances as of the close of the three preceding calendar years.

(3) *Participation 20-percent-of-assets category.* The following investments, not to exceed at any one time an amount equal to 20 percent of the association's assets, are allocable to this category:

(i) Any participation interest in a loan on the security of other dwelling units or a combination of dwelling units, including homes, and business property involving only minor or incidental business use, without regard to the location of the security property;

(ii) Any participation interest in a loan on the security of a single-family dwelling, if either—

(a) Such loan exceeds \$45,000, or

(b) The security property is located beyond the association's regular lending area; and

(iii) Any participation interest in a loan on the security of a home or combination of home and business property, if either—

(a) Such loan exceeds, for any dwelling unit in any such security property which is not a single-family dwelling, an amount prescribed in or under section 207(c)(3) of the National Housing Act, or

(b) The security property is located beyond the association's regular lending area.

(d) *Inclusion of REO in percentage limitations.* Any real estate security for an investment which is allocated to a percentage-limitation category specified in paragraphs (b) or (c) of this section, or participation interest in such security, which is acquired by a Federal association, by foreclosure or otherwise, shall continue to be allocated to a percentage-limitation category to which the original investment could have been allocated, until it is disposed of for cash. Any investment in an extension of credit in connection with its disposition shall also continue to be allocated to such percentage-limitation category unless and until such extension of credit constitutes a loan investment specified in paragraph (a) of this section as free from allocation to percentage-limitation categories.

(e) *Records.* Each Federal association shall earmark all real estate loan investments specified in paragraphs (b) and (c) of this section, and all investments in real estate specified in paragraph (d) of this section, so that it will be able to determine the total investments allocable to any percentage-limitation category in paragraph (b) or (c) of section.

(f) *Relationship to rules and regulations for insurance of accounts.* In addition to compliance with the provisions of this section, each Federal association shall also comply with the provisions

of the rules and regulations for insurance of accounts (Subchapter D of this chapter) with respect to loans on the security of real estate.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL]

EUGENE M. HERRIN,  
Assistant Secretary.

[FR Doc.72-4691 Filed 3-27-72; 8:53 am]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-NW-21]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

##### Extension of Federal Airway

On December 11, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 23633) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal airway No. 187 from Missoula, Mont., to Pasco, Wash.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 25, 1972, as hereinafter set forth.

In § 71.123 (37 F.R. 2009) V-187 is amended by deleting "Missoula, Mont." and substituting "Missoula, Mont.; Lewiston, Idaho; Pasco, Wash." therefor.

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

Issued in Washington, D.C., on March 22, 1972.

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

[FR Doc.72-4635 Filed 3-27-72; 8:47 am]

[Docket No. 11200; Amdts. Nos. 91-98; and 97-803]

#### PART 91—GENERAL OPERATING AND FLIGHT RULES

#### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

##### Helicopter Procedures

These amendments to Parts 91 and 97 of the Federal Aviation Regulations make a minor revision to IFR rules to accommodate helicopter minimums, add appropriate definitions and terminology

concerning helicopter procedures, and add a new subpart to Part 97 to reference helicopter procedures that are published from time to time.

These amendments are based on a notice of proposed rule making, Notice 71-18, published in the FEDERAL REGISTER on July 8, 1971 (36 F.R. 12865). Six public comments were received in response to the notice and although all were in support, some recommendations for minor changes were received. One commentator stated that, as proposed, there was an inconsistency between § 97.3(d-1) and Table 7, Chapter 3 of TERP's in that the former associated 1,200 RVR with one-quarter mile visibility and the latter associated 1,600 RVR with one-quarter mile visibility.

The FAA does not believe that this requirement creates an inconsistency. RVR 1,200 and 1,600 have both been associated with one-quarter mile visibility depending on limiting conditions. For example, TERP's Chapter 11, section 3, paragraph 1128 authorizes the 1,200 RVR value for precision approach procedures where RVR is approved and minimums have been reduced to one-quarter mile. The RVR 1,200 value has also been approved with Category II ILS authorizations at one-quarter mile visibility. Accordingly, the FAA believes that the maneuverability of the helicopter permits use of RVR 1,200.

Another commentator recommended that the visibility prescribed in proposed § 97.3(d-1) be reduced to one-eighth mile. In response to this comment, it should be noted that, as adopted, § 97.3(d-1) applies to minimums published for aircraft in approach Category A. This does not preclude the publishing of lower minima at a later date with special considerations for helicopters if properly equipped. However, the FAA does not believe that a reduction to one-eighth mile visibility for helicopters is appropriate at this time.

In addition, as adopted, § 97.3(d-1) has been changed to indicate that helicopters may use the Category A decision height (DH) as well as the minimum descent altitude (MDA). Finally, as proposed, a new section has been adopted to make it possible for the establishment, in the future, of helicopter procedures. As adopted, that section is designated § 97.35 rather than § 97.34 as proposed, in order to maintain the numerical sequence of Subpart C. Also in this connection, § 97.23 has been amended to indicate that VORTAC procedures will be prescribed as a part of that section.

Interested persons have been given an opportunity to participate in the making of these amendments, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Parts 91 and 97 of the Federal Aviation Regulations are amended, effective April 27, 1972, as follows:

1. By amending the sixth sentence of paragraph (c) of § 91.117 and by adding a new subparagraph immediately following paragraph (c) (4) to read as follows:

§ 91.117 Limitations on use of instrument approach procedures (other than Category II).

(c) *Inoperative or unusable components and visual aids.* \* \* \* Except as provided in subparagraph (5) of this paragraph or unless otherwise specified by the Administrator, if a ground component, visual aid, or RVR is inoperative, or unusable or not utilized, the straight-in minimums prescribed in any approach procedure in Part 97 of this chapter are raised in accordance with the following tables. \* \* \*

(5) The inoperative component tables in subparagraphs (1) through (4) of this paragraph do not apply to helicopter procedures. Helicopter procedure minimums are specified on each procedure for inoperative components.

2. By amending § 97.3 to add the following definitions:

§ 97.3 Symbols and terms used in procedures.

(d-1) "Copter procedures" means helicopter procedures, with applicable minimums as prescribed in § 97.35 of this part. Helicopters may also use other procedures prescribed in Subpart C of this part and may use the Category A minimum descent altitude (MDA) or decision height (DH). The required visibility minimum may be reduced to one-half the published visibility minimum for Category A aircraft, but in no case may it be reduced to less than one-quarter mile or 1,200 feet RVR.

(h-1) "HAL" means height above a designated helicopter landing area used for helicopter instrument approach procedures.

(o-1) "Point in space approach" means a helicopter instrument approach procedure to a missed approach point that is more than 2,600 feet from an associated helicopter landing area.

3. By amending § 97.23 to read as follows:

§ 97.23 Very high frequency omnirange (VOR) and very high frequency distance measuring equipment (VOR/DME) (VORTAC) procedures.

4. By adding a new § 97.35 to read as follows:

§ 97.35 Helicopter procedures.

NOTE: The procedures set forth in § 97.34 are not carried in the Code of Federal Regulations. For FEDERAL REGISTER citations affecting these procedures see List of CFR Sections Affected.

(Sec. 307, 313(a), 601, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1354(a), 1421; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 20, 1972.

K. M. SMITH,  
Acting Administrator.

[FR Doc.72-4634 Filed 3-27-72;8:47 am]

[Docket No. 11810, Amdt. 95-218]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current change-over points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective April 27, 1972 as follows:

1. By amending Subpart C as follows:

From; to; and MEA

Section 95.1001 Direct routes—United States is amended to delete:

- Birmingham, Ala., RBN; Trussville INT, Ala.; 2,800.
- Abbeville INT, Ala.; Cairns, Ala., VOR; \*2,000. \*1,700—MOCA.
- Albany, Ga., VOR; Lumpkin INT, Ga.; 2,500.
- Apalachicola, Fla., LF/RBN; Marianna, Fla., VOR; \*2,000. \*1,400—MOCA.
- Apalachicola, Fla., LF/RBN; Panama City, Fla., VOR; \*2,000. \*1,400—MOCA.
- Apalachicola, Fla., LF/RBN; Tallahassee, Fla., VOR; \*2,000. \*1,900—MOCA.
- Alma, Ga., VOR via AMG 332/ATL 120; Atlanta, Ga., VOR; 18,000. MAA-45,000.
- Blakely INT, Ga.; Albany, Ga., VOR; \*2,000. \*1,600—MOCA.
- Blakely INT, Ga.; Tallahassee, Fla., VOR; \*2,300. \*1,500—MOCA.
- Browntown INT, Ga.; Brunswick, Ga., VOR; \*1,500. \*1,400—MOCA.
- Brunswick, Ga., VOR; Cox INT, Ga.; \*2,000. \*1,400—MOCA.
- INT 159M rad Jacksonville VOR and 174M rad Brunswick VOR; Brunswick, Ga., VOR; \*4,000. \*1,400—MOCA.
- Brunswick, Ga., VOR; Starfish INT, Ga.; \*2,000. \*1,400—MOCA.
- Brunswick, Ga., VOR; Tarboro INT, Ga.; \*1,500. \*1,400—MOCA.
- Cairns, Ala., VOR; Crestview, Fla., VOR; \*2,000. \*1,600—MOCA.
- Cairns, Ala., VOR; Dothan, Ala., VOR; \*2,000. \*1,700—MOCA.
- Cairns, Ala., VOR; Hartford INT, Fla.; \*2,000. \*1,400—MOCA.
- Chason INT, Fla.; Marianna, Fla., VOR; \*2,000. \*1,300—MOCA.
- Chason INT, Fla.; Tallahassee, Fla., VOR; \*2,000. \*1,600—MOCA.

## RULES AND REGULATIONS

## From, to, and MEA

Cox INT, Ga.; Alma, Ga., VOR; \*2,000. \*1,600—MOCA.  
 Defuniak Springs INT, Fla.; Crenshaw INT, Ala.; \*4,800. \*2,000—MOCA.  
 Dothan, Ala., VOR via DHN 050/Euf 179; Eufaula, Ala., VOR; \*2,000. \*1,900—MOCA.  
 Dukes INT, Fla.; Cecil (NAS), Fla., VOR; 1,700.  
 Flint INT, Ga.; Albany, Ga., VOR; \*2,000. \*1,500—MOCA.  
 Gainesville, Fla., VOR; Jacksonville, Fla., VOR; 2,000. MAA—45,000.  
 Gainesville, Fla., VOR; Navy Cecil Field, Fla., VOR; \*2,000. \*1,900—MOCA.  
 Goldfish INT, Ga.; Amelia INT, Ga.; \*2,000. \*1,200—MOCA.  
 Goldfish INT, Ga.; Brunswick, Ga.; VOR; \*1,700. \*1,400—MOCA.  
 Greenhead INT, Fla.; Marianna, Fla., VOR; \*2,000. \*1,600—MOCA.  
 Greenville, Fla., VOR; Valdosta, Ga., VOR; \*1,800. \*1,600—MOCA.  
 Hartford, INT, Fla.; Marianna, Fla., VOR; \*2,000. \*1,500—MOCA.  
 Helen INT, Fla.; Tallahassee, Fla., VOR; \*2,000. \*1,900—MOCA.  
 Jacksonville, Fla., VOR; Goldfish INT, Fla.; \*1,800. \*1,300—MOCA.  
 Jacksonville, Fla., VOR; Swordfish INT, Fla.; \*1,800. \*1,300—MOCA.  
 Lee INT, Fla.; Valdosta, Ga., VOR; \*2,000. \*1,500—MOCA.  
 Marianna, Fla., VOR; Flint INT, Ga.; \*2,000. \*1,500—MOCA.  
 Marianna, Fla., VOR; Hopeful INT, Ga.; \*2,000. \*1,400—MOCA.  
 Miami, Fla., VORTAC; Gainesville, Fla., VORTAC; 18,000. MAA—45,000.  
 Panama City, Fla., VOR; Chason INT, Fla.; 2,000.  
 Tallahassee, Fla., VOR; Flint INT, Ga.; \*2,000. \*1,600—MOCA.  
 Tallahassee, Fla., VOR; Moultrie, Ga., VOR; 2,200.  
 Tallahassee, Fla., VOR; Valdosta, Ga., VOR; \*1,800. \*1,600—MOCA.  
 Taylor, Fla., VOR; Brunswick, Ga., VOR; \*2,000. \*1,400—MOCA.  
 Taylor, Fla., VOR via TAY 143; Cecil (NAS), Fla., VOR via NZC 277; \*2,000. \*1,400—MOCA.  
 Taylor, Fla., VOR; Pogo INT, Ga.; \*1,600. \*1,200—MOCA.  
 Taylor, Fla., VOR; Tarboro INT, Ga.; \*2,000. \*1,500—MOCA.  
 Jacksonville, Fla., VOR; St. Johns INT, Fla.; \*2,000. \*1,300—MOCA.  
 Valdosta, Ga., VOR; Moody AFB, Ga., VOR; \*1,800. \*1,500—MOCA.  
 Waverly INT, Ga.; Brunswick, Ga., VOR; \*1,800. \*1,400—MOCA.  
 Waycross, Ga., VOR; Pogo INT, Ga.; \*3,000. \*2,300—MOCA.  
 INT 213 M rad Freeport VOR and 089 M rad Miami VOR; Isaac INT, Bh.; \*8,000. \*1,200—MOCA.  
 Freeport, Bh. LF/RBN; Grand Bahama, Bh. LF/RBN; 1,400.

## Section 95.1001 Direct routes—United States is amended by adding:

Brockley, Ala., VOR; Burbank INT, Ala.; 2,000.  
 Talladega, Ala., VOR; Tyrone INT, Ga.; \*5,500. \*4,000—MOCA.  
 McLendon, Ala., RBN; Trussville INT, Ala.; 2,800.  
 Natchez, Miss., VOR; El Dorado, Ark., VOR; \*6,500. \*1,900—MOCA.  
 Lufkin, Tex., VOR; Esler, La., VOR, COP 68NM LFK; \*6,000. \*1,900—MOCA.  
 Travis, Calif., VOR; San Pablo INT, Calif.; 3,500.  
 College INT, Calif.; Travis, Calif., VOR; 4,000.  
 Redding, Calif., VOR; Chico, Calif., VOR;

## From, to, and MEA

5,000. MAA—12,000.  
 Santa Cruz INT, Calif.; Tallfin INT, Calif.; 5,000.  
 Woodside, Calif., VOR; \*Point Ano INT, Calif.; 5,000. \*7,000—MRA.

From to; total distance; changeover point distance from geographic location; track angle; MEA; and MAA

## Section 95.5000 High altitude RNAV routes.

J801R is amended to read in part: Mesquite, Calif., W/P, Boulder City, Nev., VORTAC; 40.0; 050°/230° to Boulder City; 18,000; 45,000.

Boulder City, Nev., VORTAC, Paria, Ariz., W/P; 151.9; 76.0, Boulder City, 36°27'22" N., 113°24'14" W.; 053°/233° to COP, 055°/235° to Paria; 18,000; 45,000.

J808R is amended to read in part: Sardine, N.Y., W/P, Mary Ann, Mass., W/P; 133.6; 50.0, Sardine, 40°53'34" N., 71°49'02" W.; 074°/254° to COP, 080°/260° to Mary Ann; 18,000; 45,000.

J809R is amended to read in part: Sardine, N.Y., W/P, Mary Ann, Mass., W/P; 133.6; 50.0, Sardine, 40°53'34" N., 71°49'02" W.; 074°/254° to COP, 080°/260° to Mary Ann; 18,000; 45,000.

## Section 95.5500 High altitude RNAV routes.

J904R is amended to read: Mesquite, Calif., W/P, Boulder City, Nev., VORTAC; 40.0; 050°/230° to Boulder City; 18,000; 45,000.

Boulder City, Nev., VORTAC, Paria, Ariz., W/P; 151.9; 76.0, Boulder City, 36°27'22" N., 113°24'14" W.; 053°/233° to COP, 055°/235° to Paria; 18,000; 45,000.

Paria, Ariz., W/P, Gypsum, Colo., W/P; 171.0; 65.0, Paria, 37°16'21" N., 110°39'29" W.; 054°/234° to COP, 058°/238° to Gypsum; 18,000; 45,000.

Gypsum, Colo., W/P, Almont, Colo., W/P; 79.8; 15.0, Gypsum, 37°59'37" N., 108°17'46" W.; 043°/223° to COP, 043°/223° to Almont; 18,000; 45,000.

Almont, Colo., W/P, Shawnee, Colo., W/P; 93.6; 46.8, Almont, 39°00'38" N., 106°18'45" W.; 043°/223° to COP, 046°/226° to Shawnee; 18,000; 45,000.

J933R is amended to delete: Greater Southwest, Tex., VORTAC, Wichita Falls, Tex., VORTAC; 104.7; 52.4, Greater Southwest, 303°24'22" N., 97°48'46" W.; 303°/123° to COP, 302°/122° to Wichita Falls; 18,000; 45,000.

J938R is amended to read in part: Sawmill, Calif., W/P, Maple, Calif., W/P; 139.4; 232°/052° to Maple; 28,000; 45,000.  
 Magna, Utah, W/P, Arinosa, Utah, W/P; 76.4; 38.2, Magna, 40°45'08" N., 112°54'31" W.; 244°/064° to COP, 241°/061° to Arinosa; 18,000; 45,000.

J963R is amended to read in part: Pine, Calif., W/P, San Luis Obispo, Calif., VORTAC; 129.2; 046°/226° to San Luis Obispo; 18,000; 45,000.

J964R is amended to read in part: Coaldale, Nev., VORTAC, Buckhorn, Calif., W/P; 107.8; 55.0, Coaldale, 37°50'17" N., 118°54'33" W.; 243°/063° to COP, 242°/062° to Buckhorn; 18,000; 45,000.

J987R is added to read: Frontier, N.Y., W/P, Loon Lake, N.Y., W/P; 32.7; 204°/024° to Loon Lake; 18,000; 45,000.

Loon Lake, N.Y., W/P, Countess, N.Y., W/P; 166.2; 50.0, Loon Lake, 43°35'30" N., 74°05'11" W.; 090°/010° to COP, 184°/004° to Countess; 18,000; 45,000.

Countess, N.Y., W/P, Empire, N.Y., W/P; 53.6; 201°/021° to Empire; 18,000; 45,000.

J988R is added to read:

## From, to, and MEA

Belle Terre, Conn., W/P, Cherry Plain, N.Y., W/P; 98.8; 49.5, Belle Terre, 41°51'38" N., 73°13'28" W.; 010°/190° to COP, 009°/189° to Cherry Plain; 18,000; 45,000.

Cherry Plain, N.Y., W/P, Plattsburgh, N.Y., W/P; 127.5; 63.7, Cherry Plain, 43°44'35" N., 73°21'29" W.; 011°/191° to COP, 011°/191° to Plattsburgh; 18,000; 45,000.

J990R is added to read:

Bridgeport, Tex., W/P, Rochester, Tex., W/P; 104.0; 52.0, Bridgeport, 33°16'39" N., 98°47'58" W.; 254°/084° to COP, 262°/082° to Rochester; 18,000; 45,000.

Rochester, Tex., W/P, Plains, Tex., W/P; 151.2; 99.3, Rochester, 33°20'33" N., 101°49'05" W.; 262°/082° to COP, 259°/079° to Plains; 18,000; 45,000.

Plains, Tex., W/P, Roswell, N.M., VORTAC; 89.5; 44.7, Plains, 33°23'46" N., 103°43'50" W.; 259°/079° to COP, 257°/077° to Roswell; 18,000; 45,000.

Roswell, N.M., VORTAC, Truth or Consequences, N.M., W/P, 133.8; 75.0, Roswell, 33°18'47" N., 106°06'44" W.; 257°/077° to COP, 255°/075° to Truth or Consequences; 18,000; 45,000.

Truth or Consequences, N.M., W/P, Mule, Ariz., W/P; 96.5; 25.0, Truth or Consequences, 33°18'25" N., 107°46'35" W.; 261°/081° to COP, 258°/078° to Mule; 18,000; 45,000.

Mule, Ariz., W/P, Phoenix, Ariz., VORTAC; 135.3; 55.0, Mule, 33°23'56" N., 110°17'27" W.; 258°/078° to COP, 257°/077° to Phoenix; 18,000; 45,000.

## Section 95.6007 VOR Federal airway 7 is amended to read in part:

Birmingham, Ala., VOR via W alter; Cordova INT, Ala., via W alter; 2,200.

Cordova INT, Ala., via W alter; Carbon INT, Ala., via W alter; 2,500.

Carbon INT, Ala., via W alter; Double Springs INT, Ala., via W alter; \*2,800. \*2,000—MOCA.

## Section 95.6014 VOR Federal airway 14 is amended to read in part:

Erie, Pa., VOR via N alter; Brocton INT, N.Y., via N alter; 3,000.

Brocton INT, N.Y., via N alter; United States-Canadian Border via N alter; 3,500.

## Section 95.6015 VOR Federal airway 15 is amended to read in part:

Satin INT, Tex.; Waco, Tex., VOR; 2,000.

## Section 95.6016 VOR Federal airway 16 is amended to read in part:

\*Salt Flat, Tex., VOR; Delaware INT, Tex.; \*8,000. \*9,100—MOCA Salt Flat VOR, east-bound. \*7,600—MOCA.

Delaware INT, Tex.; Orla INT, Tex.; \*10,000. \*7,500—MOCA.

Acton, Tex., VOR via S alter; Scurry, Tex., VOR via S alter; \*2,800. \*2,200—MOCA.  
 Notrees INT, Tex., via S alter; Midland, Tex., VOR via S alter; \*5,000. \*4,500—MOCA.

## Section 95.6017 VOR Federal airway 17 is amended to read in part:

Omega INT, Okla.; Camargo INT, Okla.; \*4,000. \*3,500—MOCA.

Waco, Tex. VOR; Whitney INT, Tex.; \*2,000. \*1,800—MOCA.

Whitney INT, Tex.; Acton, Tex., VOR; \*2,500. \*2,100—MOCA.

## Section 95.6018 VOR Federal airway 18 is amended to read in part:

Shreveport, La., VOR via N alter; \*Cotton INT, La., via N alter; \*2,000. \*3,000—MRA. \*1,500—MOCA.

Section 95.6027 *VOR Federal airway 27* is amended by adding:

*From, to, and MEA*

Ukiah, Calif., VOR via W alter.; Fortuna, Calif., VOR via W alter.; \*13,000. \*6,100—MOCA.  
Fortuna, Calif., VOR via W alter.; Crescent City, Calif., VOR via W alter.; \*6,000. \*3,500—MOCA.

Section 95.6037 *VOR Federal airway 37* is amended to read in part:

Savannah, Ga., VOR; \*Tillman INT, S.C.; \*2,000. \*3,000—MRA. \*\*1,600—MOCA.  
Tillman INT, S.C.; \*Wixom INT, S.C.; \*\*2,000. \*3,300—MRA. \*\*1,600—MOCA.  
Wixom INT, S.C.; Allendale, S.C., VOR; \*2,000. \*1,600—MOCA.  
Zenith INT, W. Va.; Elkins, W. Va., VOR; 8,000.

Section 95.6048 *VOR Federal airway 48* is amended to read in part:

Peoria, Ill., VOR; Metamora INT, Ill.; \*2,400. \*2,300—MOCA.  
Metamora INT, Ill.; Pontiac, Ill., VOR; \*2,400. \*2,100—MOCA.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

Livingston, Tenn., VOR; Louisville, Ky., VOR; 3,000.  
Liberty INT, Ky., via E alter.; Louisville, Ky., VOR via E alter.; 2,700.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

Pike INT, Ark., via N alter.; Marcus INT, Ark., via N alter.; 3,500.  
Marcus INT, Ark., via N alter.; Hot Springs, Ark., VOR, via N alter.; 2,500.  
Tank INT, Ark., via N alter.; \*Hilleman INT, Ark., via N alter.; \*\*3,000. \*4,000—MRA. \*\*1,600—MOCA.

Section 95.6062 *VOR Federal airway 62* is amended to read in part:

Lubbock, Tex., VOR; Acuff INT, Tex.; 5,000.

Section 95.6063 *VOR Federal airway 63* is amended to read in part:

McAlester, Okla., VOR; Fayetteville, Ark., VOR; \*4,000. \*3,000—MOCA.

Section 95.6068 *VOR Federal airway 68* is amended to read in part:

Sterling INT, Tex.; Tanker INT, Tex.; \*4,400. \*3,700—MOCA.

Section 95.6069 *VOR Federal airway 69* is amended to read in part:

Biscoe INT, Ark.; \*Hilleman INT, Ark.; \*\*4,000. \*4,000—MRA. \*\*1,700—MOCA.

Section 95.6071 *VOR Federal airway 71* is amended to read in part:

Sparkman INT, Ark.; Caney INT, Ark.; 4,000.

Section 95.6094 *VOR Federal airway 94* is amended to read in part:

\*Salt Flat, Tex., VOR; Delaware INT, Tex.; \*\*8,000. \*9,100—MC9 Salt Flat VOR, east-bound. \*\*7,600—MOCA.  
Delaware INT, Tex.; Orla INT, Tex.; \*10,000. \*7,500—MOCA.

Section 95.6102 *VOR Federal airway 102* is amended by adding:

Salt Flat, Tex., VOR via S alter.; Carlsbad, N.M., VOR; via S alter.; \*8,000. \*7,600—MOCA.

Section 95.6115 *VOR Federal airway 115* is amended to read in part:

*From, to, and MEA*

Charleston, W. Va., VOR; Gay INT, W. Va.; 3,000.  
Gay INT, W. Va.; \*Belpre INT, W. Va.; 3,000. \*3,500—MRA.  
Belpre INT, W. Va.; Parkersburg, W. Va., VOR; 3,000.

Section 95.6116 *VOR Federal airway 116* is amended to read in part:

Peoria, Ill., VOR; Mossville INT, Ill.; \*2,300. \*2,000—MOCA.  
Mossville INT, Ill.; Low Point INT, Ill.; \*2,500. \*1,900—MOCA.  
Low Point INT, Ill.; Joliet, Ill., VOR; \*2,500. \*2,100—MOCA.

Section 95.6117 *VOR Federal airway 117* is amended to read in part:

Parkersburg, W. Va., VOR; Bellaire, Ohio, VOR; 3,000.

Section 95.6124 *VOR Federal airway 124* is amended to read in part:

Paris, Tex., VOR; De Queen INT, Ark.; \*4,000. \*2,000—MOCA.  
De Queen INT, Ark.; Hot Springs, Ark., VOR; 4,000.

Section 95.6127 *VOR Federal airway 127* is amended to read in part:

Capital, Ill., VOR; Metamora INT, Ill.; \*2,600. \*2,100—MOCA.  
Metamora INT, Ill.; Bradford, Ill., VOR; \*2,600. \*2,200—MOCA.

Section 95.6129 *VOR Federal airway 129* is amended to read in part:

Peoria, Ill., VOR; Geneseo INT, Ill.; \*2,500. \*2,100—MOCA.

Section 95.6135 *VOR Federal airway 135* is amended to read in part:

Yuma, Ariz., VOR; Blythe, Calif., VOR; \*5,000. \*3,900—MOCA. MAA—9,000.  
Blythe, Calif., VOR; Parker, Calif., VOR; 5,400. MAA—9,000.

Section 95.6137 *VOR Federal airway 137* is amended to read in part:

Imperial, Calif., VOR; \*Brawley INT, Calif.; 3,000. \*4,500—MRA. MAA—7,000.  
Brawley INT, Calif.; \*Wister INT, Calif.; 3,000. \*4,000—MCA Wister INT, northwest bound. MAA—7,000.  
Wister INT, Calif.; Mortmar INT, Calif.; 5,000. MAA—7,000.  
Mortmar INT, Calif.; Thermal, Calif., VOR; 5,000.

Section 95.6140 *VOR Federal airway 140* is amended to read in part:

Whitesburg, Ky., VOR; Stacy INT, Va.; 4,800.  
Stacy INT, Va.; \*Keystone INT, W. Va.; 5,600. \*7,200—MRA.  
Keystone INT, W. Va.; Bluefield, W. Va., VOR; 5,600.

Section 95.6166 *VOR Federal airway 166* is amended to read in part:

Parkersburg, W. Va., VOR; Clarksburg, W. Va., VOR; 3,600.

Section 95.6185 *VOR Federal airway 185* is amended to read in part:

Savannah, Ga., VOR; \*Springfield INT, Ga.; \*\*2,000. \*5,000—MRA. \*\*1,600—MOCA.  
Springfield INT, Ga.; Dover INT, Ga.; \*2,000. \*1,600—MOCA.

Section 95.6216 *VOR Federal airway 216* is amended to read in part:

*From, to, and MEA*

Hil City, Kans., VOR; Mankato, Kans., VOR; \*4,500. \*3,900—MOCA.

Section 95.6231 *VOR Federal airway 231* is amended to read:

Missoula, Mont., VOR; Arlee INT, Mont.; 9,200.  
Arlee INT, Mont.; Charlo INT, Mont.; 11,000.  
Charlo INT, Mont.; Kalispell, Mont., VOR; 10,000.

Section 95.6243 *VOR Federal airway 243* is amended to delete:

Jacksonville, Fla., VOR via W alter.; Cabins INT, Ga., via W alter.; \*2,000. \*1,300—MOCA.  
Cabins INT, Ga., via W alter.; Waycross, Ga., VOR via W alter.; 2,300.

Section 95.6287 *VOR Federal airway 287* is amended to read in part:

Medford, Oreg., VOR; Koler INT, Oreg.; \*8,000. \*7,400—MOCA.  
Koler INT, Oreg.; Camas Valley INT, Oreg.; \*8,500. \*6,000—MOCA.

Section 95.6290 *VOR Federal airway 290* is amended to read in part:

Rainelle, W. Va., VOR; \*Natural Well INT, Va.; 6,000. \*6,000—MRA.  
Rockfish INT, Va.; Bradshaw INT, Va.; \*5,000. \*4,300—MOCA.

Section 95.6316 *VOR Federal airway 316* is amended to read in part:

Ironwood, Mich., VOR; Herman INT, Mich.; \*4,100. \*3,000—MOCA.

Section 95.6317 *VOR Federal airway 317* is amended to read in part:

Waco, Tex., VOR; Peoria, INT, Tex.; \*2,000. \*1,700—MOCA.  
Peoria INT, Tex.; Greater Southwest, Tex., VOR; 2,800.

Section 95.6345 *VOR Federal airway 345* is amended to read in part:

Millston INT, Wis.; Falls Creek INT, Wis.; \*3,500. \*3,300—MOCA.

Section 95.6346 *VOR Federal airway 346* is added to read:

Falls Creek INT, Wis.; Eau Claire, Wis., VOR; 2,800.

Section 95.6349 *VOR Federal airway 349* is added to read:

United States Canadian Border; Millinocket, Maine, VOR; \*6,000. \*5,600—MOCA.

Section 95.6352 *VOR Federal airway 352* is added to read:

Bellingham, Wash., VOR; United States Canadian Border; \*3,000. \*2,600—MOCA.  
United States Canadian Border; Houlton, Maine, VOR; 6,300.

*From, To, MEA, and MAA*

Section 95.7528 *Jet Route No. 528* is added to read:

Bellingham, Wash., VORTAC; United States-Canadian Border; 18,000; 45,000.

Section 95.7587 *Jet Route No. 587* is added to read:

United States-Canadian Border; Sault Ste Marie, Mich., VORTAC; 18,000; 45,000.

Section 95.7588 *Jet Route No. 588* is added to read:

*From, to, MEA and MAA*

Sault Ste Marie, Mich., VORTAC; United States-Canadian Border; 18,000; 45,000.

2. By amending Subpart D as follows: Section 95.8003 *VOR Federal airway changeover points*.

*From; to—Changeover point: Distance; from*

V-34 is amended by adding: Ithaca, N.Y., VOR; Hancock, N.Y.; VOR; 25; Ithaca.

V-231 is amended by adding: Missoula, Mont. VOR; Kallispell, Mont., VOR; 29; Missoula.

V-316 is amended by adding: Ironwood, Mich., VOR; Marquette, Mich., VOR; 60; Ironwood.

(Secs. 307, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510)

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

J. A. FERRARESE,  
*Acting Director,  
Flight Standards Service.*

[FR Doc.72-4552 Filed 3-27-72;8:45 am]

## Title 21—FOOD AND DRUGS

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

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

##### PART 121—FOOD ADDITIVES

#### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

##### RELEASE AGENTS

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 1B2701) filed by the Goodyear Tire & Rubber Co., 142 Goodyear Boulevard, Akron, Ohio 44316, and other relevant material, concludes that § 121.2509 (21 CFR 121.2509) of the food additive regulations should be amended as set forth below to provide for the safe use of *N,N'*-dioleylethylenediamine as a release agent in polyvinyl chloride films for food-contact use.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2509(b) is amended by alphabetically inserting in the list of substances, a new item as follows:

§ 121.2509 Release agents.

(b) Release agents:

*List of substances*  
*N,N'* - Dioleylethyl-  
enediamine

*Limitations*  
For use only in polyvinyl chloride films in amounts such that the concentration of the substance in these films in the form in which the films contact food shall not exceed 0.055 milligram of the substance per square inch of film.

\* \* \*

\* \* \*

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

*Effective date.* This order shall become effective on its date of publication in the FEDERAL REGISTER (3-28-72).

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

Dated: March 24, 1972.

SAM D. FINE,  
*Associate Commissioner  
for Compliance.*

[FR Doc.72-4732 Filed 3-27-72;8:53 am]

#### SUBCHAPTER C—DRUGS

[DESI 10902]

##### PART 148m—OLEANDOMYCIN

#### Confirmation of Order Revoking Provisions for Certification of Oleandomycin Phosphate

An order was published in the FEDERAL REGISTER of January 4, 1972 (37 F.R. 15), amending the antibiotic drug regulations to repeal provisions for certification of oleandomycin phosphate. The order amended Part 148m by revoking § 148m.1 and revising § 148m.2 Troleandomycin in paragraphs (b)(1)(ii) and (iii).

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59

Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the above-identified order. Accordingly the amendment promulgated thereby became effective February 13, 1972.

Dated: March 16, 1972.

SAM D. FINE,  
*Associate Commissioner  
for Compliance.*

[FR Doc.72-4686 Filed 3-27-72;8:53 am]

## Title 25—INDIANS

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

#### SUBCHAPTER F—ENROLLMENT

##### PART 43g—PREPARATION OF A ROLL TO SERVE AS THE BASIS FOR THE DISTRIBUTION OF JUDGMENT FUNDS AWARDED TO THE PEMBINA BAND OF CHIPPEWA INDIANS

#### Filing of Applications and Deadline for Filing

MARCH 23, 1972.

This notice is published in the exercise of rule making authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938). The authority to issue regulations on Indian affairs is vested in the Secretary of the Interior by sections 463 and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9).

Part 43g, Subchapter F, Chapter I, of Title 25 of the Code of Federal Regulations is amended by the revision of § 43g.5. This revision extends the deadline from March 29, 1972, to June 27, 1972, for filing applications for enrollment with the Pembina Band of Chippewa Indians, authorized by the Act of July 29, 1971 (85 Stat. 158).

Since this revision extends the period provided for eligible Indians to apply for enrollment, advance notice and public procedure thereon would shorten the application period and are deemed contrary to the public interest. Therefore, advance notice and public procedure are dispensed with under the exception provided in subsection (b)(B) of 5 U.S.C. 553 (1970).

Since this revision extends the period provided for eligible Indians to apply for enrollment, the 30-day deferred effective date would shorten the application period and may result in some eligible Indians not receiving benefits. Therefore, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (1970). Accordingly, this revision

will become effective on March 29, 1972. Section 43g.5 is revised to read as follows:

**§ 43g.5 Filing of applications and deadline for filing.**

(a) Any person who desires to be enrolled pursuant to the Act must file, or have filed in his behalf, a completed application form with the Director, Bureau of Indian Affairs, Aberdeen Area Office, 820 South Main Street, Aberdeen, SD 57401. Applications must be post-marked no later than midnight on June 27, 1972.

JOHN O. CROW,  
Deputy Commissioner.

[FR Doc. 72-4682 Filed 3-27-72; 8:51 am]

**Title 26—INTERNAL REVENUE**

Chapter I—Internal Revenue Service,  
Department of the Treasury

[T.D. 7175]

**PART 211—DISTRIBUTION AND USE OF DENATURED ALCOHOL AND RUM**

**Miscellaneous Amendments**

**Correction**

In F.R. Doc. 72-4263 appearing at page 5751 in the issue for Tuesday, March 21, 1972, the heading for § 211.265(b) should read: "(b) *Persons using specially denatured spirits for other purposes.*"

**Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT**

Chapter 14—Department of the Interior

**PART 14-10—BONDS AND INSURANCE**

**Insurance Under Fixed-Price and Cost-Reimbursement Type Contracts**

Pursuant to the authority of the Secretary of the Interior, contained in 5 U.S.C. 301, Part 14-10 of Chapter 14, Title 41 of the Code of Federal Regulations is hereby amended.

This proposed amendment to the Interior procurement regulations was published as a proposed rule in the FEDERAL REGISTER on February 4, 1972. Thirty days were given in which to submit comments, suggestions, or objections.

No comments, suggestions, or objections have been received. Therefore, the amendment to the Interior procurement regulations is hereby adopted with the following minor editorial and clarifying changes:

Section 14-10.451(b) is changed by providing that the Civil Aeronautics Board prescribes minimum insurance requirements for air taxi operators and commercial operators of small aircraft, i.e., fixed-wing aircraft and helicopters under 12,500 pounds gross takeoff weight

(proposed rule provided 6,000 pounds gross takeoff weight for helicopters).

Section 14-10.451(d) (1) is changed by adding after the word "aircraft" the language, "i.e., aircraft over 12,500 pounds gross takeoff weight."

Section 14-10.451(d) (2) is changed by adding in the first sentence after the word "clause" the word "up"; and after the word "more" the words "if considered appropriate."

WARREN F. BRECHT,  
Deputy Assistant Secretary  
of the Interior.

MARCH 22, 1972.

**Subpart 14-10.4—Insurance Under Fixed-Price Contracts**

**§ 14-10.451 Insurance requirements for contract aircraft.**

(a) Interior bureaus and offices contract for use of aircraft, including helicopters with or without pilot. Depending on the degree of Government control and the circumstances present if an accident occurs, the Government may be totally or partially liable for personal injury, death, or property damage claims. The cost of insurance coverage is relatively small compared to potential liability. Therefore, in accordance with FPR § 1-10.301, and under the conditions set forth below, minimum insurance requirements are prescribed to protect contractors and the Government.

(b) At Title 14 CFR 298.42, the Civil Aeronautics Board (CAB) prescribes certain minimum insurance requirements for air taxi operators and commercial operators of small aircraft, i.e., fixed-wing aircraft and helicopters under 12,500 pounds gross takeoff weight. Following the CAB minimums, contracts for small aircraft with pilot, except those defined in paragraph (f) of this section, shall include the following clause:

**INDEMNITY AND MINIMUM INSURANCE REQUIREMENTS**

(a) The Contractor shall indemnify and hold the Government harmless from any and all losses, damages, or liability, or claims therefor, on account of personal injury, death, or property damage of any nature whatsoever, arising out of the activities under the contract of the Contractor, his employees, subcontractors, or agents. For the purpose of fulfilling his obligation under this clause, the Contractor shall procure and maintain during the term of this contract, and any extension thereof, liability insurance acceptable to the Contracting Officer. The insured parties named under the policy or policies shall be the Contractor and the United States of America.

(b) The minimum limits of liability insurance coverage shall be:

(1) *Liability for personal injury to or death of aircraft passengers.* A limit for any one passenger of at least seventy-five thousand dollars (\$75,000), and a limit for each occurrence in any one aircraft of at least an amount equal to the sum produced by multiplying seventy-five thousand dollars (\$75,000) by seventy-five percent (75%) of the total number of passenger seats installed in the aircraft.

(2) *Liability for personal injury to or death of persons (excluding passengers).* A limit of at least seventy-five thousand dollars (\$75,000) for any one person in any one

occurrence, and a limit of at least three hundred thousand dollars (\$300,000) for each occurrence.

(3) *Liability for loss of or damage to property.* A limit of at least one hundred thousand dollars (\$100,000) for each occurrence.

(c) In lieu of the separate coverages specified in paragraph (b) of this clause, the Contractor may be insured for a single limit of liability for each occurrence. In that event, the single limit coverage must be equal to or greater than the combined required minimums set forth in paragraph (b) of this clause.

(d) In the case of a single limit of liability, the aircraft may be insured by a combination of primary and excess policies. Such policies must have combined coverage equal to or greater than the combined minimums set forth in paragraph (b) of this clause.

(e) If the Contractor and his aircraft are covered by an Air Taxi Commercial Operator's Certificate issued under Title 14 CFR 135, the terms, conditions, and exclusions set forth in 14 CFR 298.43 and 298.44 are applicable.

(f) Prior to the commencement of work hereunder, the Contractor shall furnish the Contracting Officer a copy of the insurance policy or policies or a certificate of insurance issued by the underwriter(s) showing that the coverage required by this clause has been obtained.

(c) As an example, for a four-passenger aircraft, the minimum single limit coverage in lieu of the three individual coverages prescribed in the Indemnity and Minimum Insurance Requirements clause in paragraph (b) of this section is computed as follows: \$75,000 × 75 × 4 = \$225,000; \$225,000 + \$300,000 + \$100,000 = \$625,000 (Single Limit Coverage). Single limit insurance has an advantage in that up to the entire coverage may be used to pay under any one of the three liability categories, if necessary.

(d) Insurance coverages prescribed in the Indemnity and Minimum Insurance Requirements clause in paragraph (b) of this section should be appropriately changed or deleted by contracting officers in the following circumstances:

(1) In contracts for large aircraft, i.e., aircraft over 12,500 pounds gross takeoff weight, with pilot, increase the minimum coverages in paragraphs (b) (2) and (3) of the clause so that the limit for each occurrence is \$500,000 or more.

(2) In contracts for aerial spraying services, increase the limit of coverage in paragraph (b) (3) of the clause up to \$500,000 or more, if considered appropriate. Also, in such contracts, and in those for aerial tanker services, delete paragraph (b) (1) of the clause.

(e) In one-time charters or hires of large or small aircraft, with pilot, if Government exposure appears minimal, and time limitations are present, a formal indemnity-insurance clause need not be included in the contract document.

(f) Hull insurance is usually very costly and most aircraft owners do not carry it. However, if Government liability is established after an accident, it is likely that the Government will also be responsible to a contractor for the fair market value of the aircraft. Accordingly, in contracts for aircraft with pilot where an aircraft is valued at more than

\$500,000, an additional requirement for hull insurance shall be added as paragraph (b)(4) of the Indemnity and Minimum Insurance Requirements clause in paragraph (b) of this section as follows:

(4) *Liability for damage or destruction of aircraft hull.* A limit equal to the fair market value of the aircraft, when it is put in service to the Government.

(g) Contracts for aerial photography, aerial surveys, meteorological studies, or other work similar in character need not contain the Indemnity and Minimum Insurance Requirements clause in paragraph (b) of this section, if there will be no direct Government control or supervision of flight operations. Such contracts are basically for end products rather than for flight services. Contractors will be "independent" and therefore solely responsible for any torts committed. Contracts for this type work shall include a statement that the contractor will be considered an independent contractor, and he will obtain all necessary insurance to protect himself from liability arising out of the contract. Contracts also shall include an indemnity, consisting of the first sentence of the clause.

(h) In contracts for aircraft without pilot, there is a high probability of Government liability for claims arising out of an accident, because flight operations and the Government pilot will be under Government control. However, Government liability will be avoided if it can be proven that the aircraft owner was negligent in maintenance, or that a latent defect led to the accident. In contracts for aircraft without pilot it is departmental policy to assume its own risks, just as with Government-owned aircraft, not to require insurance. Accordingly, in such contracts the clause set forth below shall be included:

#### LIABILITY FOR LOSS OR DAMAGE

(a) The Government assumes all risk and liability for loss (including loss of life, personal injury, damage to private property, and damage to or loss of the aircraft) for the term of this contract, while the aircraft is in the Government's possession, except for (1) normal wear and tear to the aircraft, or (2) loss which occurs as a result of negligence or fault in maintenance of the aircraft by the Contractor, or (3) loss resulting from a latent defect in the construction of the aircraft or a component thereof.

(b) In the event of damage to the aircraft, the Government may, at its option, make the necessary repairs with its own facilities, or by contract, or pay the Contractor the reasonable cost of repair of the aircraft. If damage to the aircraft is established to be the fault of the Government, rental payments to the Contractor during the repair period will be made as set forth elsewhere in this contract.

(c) In the event the aircraft is lost, destroyed, or damaged so extensively as to be beyond repair, no rental payment will be made to the Contractor thereafter, but the Government will pay to the Contractor a sum equal to the fair market value of the aircraft just prior to such loss, destruction, or extensive damage, less the salvage value of the aircraft.

(d) The Contractor certifies that the contract price does not include any cost attributable to insurance or to any reserve

fund it has established to protect its interests in or use of the aircraft, regardless of whether or not the insurance coverage applies for the period during which the Government has possession of the aircraft. If, in the event of loss or damage to the aircraft, the Contractor receives compensation for such loss or damage, in any form, from any source, the amount of such compensation shall be credited to the Government in determining the amount of the Government's liability under this clause; except that this shall not apply to proceeds of insurance received solely as an advance of insurance pending determination of Government liability, or for an increment of value of the aircraft beyond the value for which the Government is responsible.

(e) In the event of loss or damage, the Government shall be subrogated to all rights of recovery by the Contractor against third parties for such loss or damage and such rights shall be immediately assigned to the Government. Except as the Contracting Officer may permit in writing, the Contractor shall neither release nor discharge any third party from liability for such loss or damage nor otherwise compromise or adversely affect the Government's subrogation or other rights hereunder. The Contractor shall cooperate with the Government in any suit or action undertaken by the Government against any such third party.

(f) Any failure to agree as to the responsibility of the Government or the Contractor under this clause shall, after a final finding and determination by the Contracting Officer, be considered a dispute within the meaning of the "Disputes" clause of this contract.

#### Subpart 14-10.5—Insurance Under Cost-Reimbursement Type Contracts § 14-10.501 Policy.

(a) Indemnity and insurance requirements set forth in §§ 14-10.450 and 14-10.451 are also applicable to cost-reimbursement type contracts.

[FR Doc.72-4648 Filed 3-27-72; 8:48 am]

## Title 43—PUBLIC LANDS: INTERIOR

### Chapter II—Bureau of Land Management, Department of the Interior

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5186]

#### ALASKA

### Withdrawal for Classification and Protection of the Public Interest in Lands Not Selected by the State of Alaska

#### Correction

In F.R. Doc. 72-4138 appearing at page 5589 in the issue of Thursday, March 16, 1972, the following changes should be made:

1. In the second line of the description of the Fairbanks Meridian, the word "number" should read "north".

2. The 23d through 44th items, inclusive, of the Copper River Meridian should appear at the end of the descriptions of the Seward Meridian.

3. The third paragraph from the end of the document should refer to "approximately 45 million acres".

## Title 29—LABOR

### Subtitle A—Office of the Secretary of Labor

#### PART 70—EXAMINATION AND COPYING OF LABOR DEPARTMENT DOCUMENTS

#### Action on Request; Protection of Privacy

#### Correction

In F.R. Doc. 72-4429 appearing at page 5910 in the issue of Wednesday, March 22, 1972, the reference to "§ 207-21" in the second line of § 70.48(a) should read "§ 70.21".

## Title 50—WILDLIFE AND FISHERIES

### Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

#### PART 28—PUBLIC ACCESS, USE, AND RECREATION

#### Salt Plains National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (3-28-72).

§ 28.28 Special regulations; public access, use, and recreation, for individual wildlife refuge areas.

#### OKLAHOMA

#### SALT PLAINS NATIONAL WILDLIFE REFUGE

Portions of the Salt Plains National Wildlife Refuge, Okla., are open to public access, use, and recreation, subject to the provisions of Title 50, Code of Federal Regulations. The public use area is designated on maps available at refuge headquarters, Jet, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103, and subject to the following special conditions:

(1) The public is permitted to enter upon the Great Salt Plains from the west along designated routes of travel to collect gypsum (selenite) crystals. Vehicles will be allowed only along such travel lanes and parking areas as are posted for such activity.

(2) Each individual may collect for his personal use up to a maximum of 10 pounds plus one crystal or crystal cluster per day.

(3) Digging for crystals will be confined to areas posted for such activity.

(4) The period of use shall be on Saturdays, Sundays, and holidays, from April 1 through October 15, 1972, inclusive.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal

Regulations, Part 28, and are effective through October 15, 1972.

MARCUS C. NELSON,  
Regional Supervisor,  
Albuquerque, N. Mex.

MARCH 21, 1972.

[FR Doc. 4646 Filed 3-27-72; 8:48 a.m.]

## Title 18—CONSERVATION OF POWER AND WATER RESOURCES

### Chapter I—Federal Power Commission

[Docket No. R-429; Order 450]

#### SUBCHAPTER C—ACCOUNTS, FEDERAL POWER ACT

#### PART 125—PRESERVATION OF RECORDS OF PUBLIC UTILITIES AND LICENSEES

#### SUBCHAPTER F—ACCOUNTS, NATURAL GAS ACT

#### PART 225—PRESERVATION OF RECORDS OF NATURAL GAS COMPANIES

#### Preservation of Records of Public Utilities and Licensees, and Natural Gas Companies

MARCH 14, 1972.

On October 4, 1971, the Commission issued a notice of proposed rule making in this proceeding (36 F.R. 20052, October 15, 1971) proposing to revise its regulations to govern the preservation of records of Public Utilities and Licensees, and Natural Gas Companies. The primary purpose of the proposed revisions would be to update the present regulations due to the changing regulatory and management methods and technological advances in the computer field. Also, the revisions proposed to §§ 125.3 and 225.3, Schedule of Records and Periods of Retention, would incorporate a more realistic arrangement of classifying items under major headings and eliminate the microfilm indicator column. Additional major proposed revisions are: (1) Provision in the general instructions for the acceptability of various media forms which will become the "original" for that particular record; (2) provision for shortened retention periods for certain types of records; and (3) provision for retention of nuclear production records.

Comments were invited from interested parties to be submitted by November 18, 1971.<sup>1</sup> In response to this notice, the Commission has received comments from 36 respondents,<sup>2</sup> including two associations, 24 electric utilities, nine gas

utilities, and one independent corporation.

Thirty-one respondents expressed overwhelming support for the rule making. Five respondents were noncommittal but suggested modifications. There were no expressed objections to the rule making. Several of the respondents offered constructive suggestions which were of considerable value in adding clarity and substance to the overall revisions and they have been included in the revisions to the regulations to govern the preservation of records, which we are adopting.

The Commission finds:

(1) The notice and opportunity to participate in this rule making proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, and suggestions in the manner described above, are consistent and in accordance with the procedural requirements prescribed by section 553 of title 5 of the United States Code.

(2) The revisions to the Commission's regulations prescribing the Preservation of Records of Public Utilities, Licensees, and Natural Gas Companies herein prescribed are necessary and appropriate for the administration of the Federal Power Act and the Natural Gas Act.

(3) Since the revisions to the regulations, Preservation of Records of Public Utilities and Licensees and Natural Gas Companies as originally proposed result essentially from suggestions made by the respondents to the notice of proposed rule making herein and since these revisions do not impose a further burden on persons subject to these regulations and do not amount to a substantial departure from that originally proposed, no further notice and hearing prior to adoption is necessary.

(4) Good cause exists for making the revisions adopted herein effective January 1, 1972.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 301, 304, and 309 thereof (49 Stat. 854, 855-856, 858-859; 16 U.S.C. 825, 825c, and 825h) and of the Natural Gas Act, as amended, particularly sections 8, 10, and 16 thereof (52 Stat. 825, 826, and 830; 15 U.S.C. 717g, 717i, and 717o), orders:

(A) The Commission's regulations, Preservation of Records of Public Utilities and Licensees, prescribed by Part 125, Subchapter C of Chapter I, Title 18 of the Code of Federal Regulations are revised as follows:

Northeast Utilities, Northern State Power Co., Oklahoma Gas & Electric Co., Pacific Gas & Electric Co., Pacific Power & Light Co., Pennsylvania Power & Light Co., Philadelphia Electric Co., Public Service Co. of Colorado, Public Service Indiana, Puget Sound Power & Light Co., Southern California Edison Co., Virginia Electric & Power Co., West Texas Utilities Co., Wisconsin Electric Power Co., Arkansas Louisiana Gas Co., Colorado Interstate Gas Co., Consolidated Gas Supply Corp., El Paso Natural Gas Co., Natural Gas Pipeline Co. of America, Northern Illinois Gas Co., Panhandle Eastern Pipe Line Co., Transcontinental Gas Pipe Line Corp., United Gas Pipe Line Co., and Ampex Corp.

Sec.

125.1 Promulgation.  
125.2 General instructions.  
125.3 Schedule of records and periods of retention.

AUTHORITY: The provisions of this Part 125 issued under secs. 301, 304, 309; 49 Stat. 854, 855, 856, 858, 859; 16 U.S.C. 825, 825c, 825h.

#### § 125.1 Promulgation.

(a) This part is prescribed and promulgated as the regulations governing the preservation of records by public utilities subject to the jurisdiction of the Commission and by licensees holding licenses issued by the Commission, to the extent and in the manner set forth therein;

(b) This part shall, as to all public utilities now subject to the jurisdiction of the Commission and as to all present licensees, become effective as herein revised on January 1, 1972. As to any public utility or licensee which may hereafter become subject to the jurisdiction of the Commission, this part shall become effective as of the date when such public utility becomes subject to the jurisdiction of the Commission or on the effective date of the license of such licensee.

#### § 125.2 General instructions.

(a) *Scope of this part.* (1) The regulations in this part apply to all books of account and other records prepared by or on behalf of the public utility or licensee. See subsection 64 of the schedule for those records which come into possession of the public utility or licensee in connection with the acquisition of property, such as purchase, consolidation, merger, etc.

(2) The regulations in this part shall not be construed as excusing compliance with any other lawful requirement for the preservation of records for periods longer than those prescribed herein.

(3) Unless otherwise specified in the schedule (§ 125.3), duplicate copies of records may be destroyed at any time: *Provided, however,* That such duplicate copies contain no significant information not shown on the originals.

(4) Records other than those listed in the schedule may be destroyed at the option of the public utility or licensee: *Provided, however,* That records which are used in lieu of those listed shall be preserved for the periods prescribed for the records used for substantially similar purposes. And, *provided further,* That retention of records pertaining to added services, functions, plant, etc., the establishment of which cannot be presently foreseen, shall conform to the principles embodied herein.

(5) Notwithstanding the provisions of the Records Retention Schedule, the Commission may, upon the request of the Company, authorize a shorter period of retention for any record listed therein upon a showing by the Company that preservation of such record for a longer period is not necessary or appropriate in the public interest or for the protection of investors or consumers.

(b) *Designation of supervisory official.* Each public utility or licensee subject to the regulations in this part shall design-

<sup>1</sup> Extension of time granted to December 15, 1971 (36 F.R. 22187, November 20, 1971).

<sup>2</sup> American Gas Association, Independent Natural Gas Association of America, Allegheny Power Service Corp., Baltimore Gas & Electric Co., The Cincinnati Gas & Electric Co., The Cleveland Electric Illuminating Co., Columbus & Southern Ohio Electric Co., The Detroit Edison Co., Florida Power Corp., Georgia Power Co., Kansas City Power & Light Co., New England Electric System,

nate one or more persons with official responsibility to supervise the utility's or licensee's program for preservation and the authorized destruction of its records.

(c) *Protection and storage of records.* The public utility or licensee shall provide reasonable protection for records subject to the regulations in this part from damage by fire, floods, and other hazards and, in the selection of storage spaces, safeguards the records from unnecessary exposure to deterioration from excessive humidity, dryness, or lack of proper ventilation.

(d) *Definition of record media.* (1) For the purpose of these regulations, the data constituting the records listed in the schedule may be retained in any of the media forms in Figure 1 below, provided that the media selected has a standard life expectancy equal to or in excess of the specified retention period. However, records supporting plant and licensed project cost shall be retained in their original form, unless microfilmed. (See general instruction (j), for periods of retention.) In no instance, except in emergencies, will media regeneration to achieve the full length of period retention be allowed without Commission approval of the request of the company. In emergency cases management shall take such action as prudence calls for and notify the Commission immediately thereafter.

(2) If the media form of the record retained is other than a readable paper copy, then reader and/or printer equipment and related printout programs, if required, shall be provided by the utility for data reference.

(3) The media form initially selected for the record becomes the "original" for that particular record. If subsequent conditions (e.g. improved media life expectancy, increased utility resources, environmental factors) require and the remaining retention period permits a change in the media forms, the utility may convert to another media and dispose of its old equipment, provided the certification processes described in instruction (e) below are observed and data referencing capability is maintained.

FIGURE 1  
RECORD MEDIA

Record media/form	Media expected life	Comments and standards
1. Paper and card stock (hard-copy).	Archival permanency.	For each document, paper stock should be selected with a life expectancy equal to or greater than the retention period specified for that document.
2. Tape: Magnetic (including video tape).	5 years	Assumes storage in a controlled environment with a temperature and humidity range of 60°-80°F. and 40-50%, respectively. (Ref. Instruction (g) for specific storage conditions.)
Punched.	Archival permanency.	For each record, tape media (paper, mylar, metallic base) should be selected with a life expectancy equal to or greater than the retention period specified for that record.

Record media/form	Media expected life	Comments and standards
3. Microforms:		
a. Microfilm (including COM, microfiche, jackets and aperture cards).	do	Assumes storage in a controlled environment with a temperature and humidity range of 60°-80°F. and 40-50%, respectively. (Ref. American National Standard Institute (ANSI) standard # PH 1.28-1969 and PH 5.4-1970.)
b. Metallic recording data strips.	do	Same storage conditions as for microfilm.

(e) *Microform and tape certification.*

(1) As the initial recording media—

(i) Each microform record series shall contain, at the beginning, a microform introduction stating the title of the record series, the date prepared, the name of the official responsible for validating or confirming the data contained therein. Each microform record series shall be closed with a clear and standard microform notation indicating the completion of the series and the date.

(ii) If after validation, supplemental data and/or corrections (i.e., resulting from computer programming) are required, said microform may be produced separately or as a part of the series re-run, but shall be affixed to the original microform certificate as described in subdivision (i) of this subparagraph.

(iii) Each tape record series shall be externally labeled and shall include, as a basic part of the program, at the beginning of that series an introduction stating the record series title, date prepared, the name of the official responsible for validating or confirming the data contained therein and an index where appropriate. Each record series shall be closed with a clear and standard notation indicating the completion of that series and the date.

(2) Conversion from other media—

(i) Each microform record series shall include, as an integral part, a certificate(s) stating that the microforms are direct and facsimile reproductions of the original records and that they have been made in accordance with prescribed instructions. Such certificate(s) shall be executed by a person(s) having personal knowledge of the facts covered thereby.

(ii) Each microform record series shall commence and end with a statement as to the nature and arrangement of the records reproduced, and the date. Rolls of film shall not be cut. Supplemental or retaken film whether of misplaced or omitted documents or of portions of microform found to be defective, shall be attached to the beginning of the microform record series and in such an event, the aforementioned certificate shall cover the supplemental or retaken film and shall state the reasons for the subsequent actions.

(iii) If, in accordance with the provisions of paragraph (f) of this section, the utility or licensee elects to convert

records to the tape media, the same certification provisions specified in paragraph (e) (1) (iii) of this section must be provided in the conversion program.

(f) *Change of media for existing records.* Those records prepared and maintained under previous regulations in a paper media and whose remaining retention period falls within the life expectancy range of any of the media detailed in Figure 1, may be converted to that media at the public utility's and/or licensee's option, provided the applicable certification processes described in paragraph (e) of this section are observed and an audit referencing capability maintained.

(g) *Media.* (1) All records created or maintained in a media and a format other than readable entries on paper shall:

(i) Be prepared, arranged, classified identified, and indexed as to permit the subsequent location, examination, and reproduction of the record to a readable media;

(ii) Be stored in such a manner as to provide reasonable protection from hazards such as fire, flood, theft, etc.; and be maintained in a controlled environment;

(iii) Be stored in such a manner as to certification, when damaged. (Also see § 125.2(d) (1).)

(2) The company shall be prepared to furnish, at its own expense, standard facilities for reading media and shall additionally provide, if the Commission so directs, copies of record in a readable form.

(3) All film stock shall be of approved operationally-permanent-record microcopying type, which meets the current specifications of the National Bureau of Standards.

(h) *Destruction of records.* The destruction of the records permitted to be destroyed under the provisions of the regulations in this part may be performed in any manner elected by the public utility or licensee concerned. Precautions should be taken, however, to macerate or otherwise destroy the legibility of records, the content of which is forbidden by law to be divulged to unauthorized persons.

(i) *Premature destruction or loss of records.* When records are destroyed or lost before the expiration of the prescribed period of retention, a certified statement listing, as far as may be determined, the records destroyed and describing the circumstances of accidental or other premature destruction or loss shall be filed with the Commission within ninety (90) days from the date of discovery of such destruction.

(j) *Schedule of records and periods of retention.* The schedule of records, § 125.3, shows the period of time that designated records shall be preserved. However, records related to plant shall be retained a minimum of 25 years unless accounting adjustments resulting from reclassification and original cost studies have been approved by the regulatory commission having jurisdiction, and either (1) continuing plant inventory

records are maintained, or (2) unitization of construction costs appear in work orders, except that those relating to the construction of licensed projects, or additions or betterments thereto for which the Commission has not determined the actual legitimate original cost are to be retained until such cost has been determined. Additionally, all records which affect the determination of amortization reserves related to licensed projects shall be retained until Commission determination and final adjudication is made.

(k) *Retention periods designated "Destroy at option".* Use of the retention period, "Destroy at option," in the regulations in this part constitutes authorization for such destruction under the conditions specified for the particular types of records, only if such optional destruction is appropriate to limited managerial interest in such records and if such optional destruction is not in conflict with other legal retention requirements or usefulness of such records in satisfying pending regulatory actions or directives.

(l) *Records of services performed by associated companies.* The public utility or licensee to which the regulations in this part apply shall assure the availability of records of services performed by associated companies for the periods indicated herein, as are necessary, to support the cost of services rendered to it by an associated company.

(m) *Index of records.* At each office of the public utility or licensee where records are kept or stored, such records as are herein required to be preserved shall be so arranged, filed and currently indexed that they may be readily identified and made available to representatives of the Commission.

(n) *Schedule of notes:*

(1) For the purpose of the regulation, a stockholder's account may be treated as a closed account at the time that such stockholder ceases to be a holder of record of the particular class and series of stock of the company and the 6-year retention period prescribed herein shall run from that date. If such person subsequently acquires shares of capital stock of the company and thus again becomes a stockholder of the company, the record of such acquisition shall be treated as a new stockholder account.

(2) The terms "bonds" and "debentures," as used in captions (a) through (f) of this item, shall include all debt securities, such as bonds, debentures or notes other than debt securities which evidence temporary borrowings and which are expected to be repaid out of the proceeds of the sale of longer term securities. Typical of such temporary debt securities as described in 4(1) would be notes issued to banks evidencing temporary working capital and construction loans.

(3) Canceled bonds and debentures and paid interest coupons pertaining thereto may be destroyed, provided that a certificate of destruction giving full descriptive reference to the documents destroyed shall be made by the person or persons authorized to perform such destruction and shall be retained by the company for the period herein prescribed. The certificate of destruction evidencing the destruction of paid interest coupons pertaining to bonds or debentures need not contain a listing of the bond or debenture serial numbers pertaining to such paid interest coupons. When documents represent debt secured by mortgage, the certificate of destruction shall also be authorized by a representative of the trustee(s) acting in conjunction with the person or persons destroying the documents or shall have the trustee(s) acceptance thereon. The certificate of destruction above described may be destroyed 6 years after the payment and discharge of the bonds or debentures or interest coupons described in such certificate.

(4) If a retention period is prescribed elsewhere in the schedule with respect to any document which is included as an exhibit to any filing retained pursuant to the requirements of this item, the company need retain only one copy of such document in its files provided appropriate cross references are established.

(5) Life or mortality study data for depreciation purposes shall be retained for the life of the corporation.

§ 125.3 Schedule of records and periods of retention.

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62	Budgets and other forecasts.
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64	Records of predecessor and former associates.
65	Reports to Federal and State regulatory commissions.
66	Copies of advertisements.

SCHEDULE OF RECORDS AND PERIODS OF RETENTION—CONTINUED

Description	Retention period
4. Debt security records: <sup>2</sup>	
(a) Registered bond and debenture ledgers-----	3 years after redemption.
(b) Bond and debenture subscription accounts, warrants, subscription notices, requests for allotment and essential papers related thereto.	3 years after settlement.
(c) Stubs or similar records of bond and debenture certificates issued.	3 years after redemption.
(d) Papers pertaining to or supporting transfers of registered bonds and debentures:	
(1) Papers that are recorded officially in a court or in the office of some other public recording authority; and other papers presented by any bank or trust company requesting transfers in its capacity as a fiduciary, plus other miscellaneous papers.	Destroy at option or return to holders of the bonds or debentures.
(e) Records of bond and debenture interest coupons paid and unpaid.	Destroy at option. <sup>3</sup>
(f) Canceled bonds and debentures and paid interest coupons pertaining thereto.	Do. <sup>3</sup>
(g) Trust indentures, loan agreements or other contracts or agreements securing debt securities issued. (If such papers or documents are included among the records covered by Subsection 5 of the Regulation, this instruction will not apply.)	6 years after redemption.
(h) Copies of reports, statements, letters or memoranda filed with Trustee(s) pursuant to provisions of trust indenture or other security instrument or agreement securing debt securities issued.	6 years after redemption. (Destroy at option provided that the Trustee(s) under such indenture or security instrument is a National Bank, a member of the Federal Reserve System or a subsidiary or cancellation are main- Federal Reserve System member bank; and provided further that the trustee(s) has certified to the company that copies of all such documents will be available in the offices of the trustee(s) for inspection at any time prior to redemption by holders of debt securities to which such documents relate and for inspection by any Federal or State regulatory authority prior to redemption and for an additional period of six years after redemption.)
(i) Paid or canceled debt securities evidencing temporary borrowings.	3 years after payment or cancellation, provided other records of issuance and payment or cancellation are maintained.
(j) Paid interest checks-----	6 years.

SCHEDULE OF RECORDS AND PERIODS OF RETENTION

Description	Retention period
CORPORATE AND GENERAL	
1. Capital stock records:	
(a) Capital stock ledgers or other records showing the same information.	6 years after the stockholder's account is closed. <sup>1</sup>
(b) Capital stock subscription accounts, warrants, requests for allotments and other essential papers related thereto.	2 years after settlement.
(c) Stubs or similar records of capital stock certificate issuance where not used as capital stock ledger record.	6 years after cancellation of certificate. If this record serves the purpose of a capital stock ledger, Subsection 1(a) is applicable.
(d) Stock transfer registers or sheets or similar records.	6 years after last entry on page or sheet of record.
(e) Papers pertaining to or supporting transfers of capital stock:	
(1) Papers that are recorded officially in a court or in the office of some other public recording authority; and other papers presented by any bank or trust company requesting transfers in its capacity as a fiduciary and miscellaneous papers.	Destroy at option or return to stockholder.
(f) Canceled capital stock certificates where not used as capital stock ledger records.	6 years after cancellation of certificate. If this record serves the purpose of a capital stock ledger, Subsection 1(a) is applicable.
(g) Change of address notices of stockholders-----	Destroy at option after changes are recorded.
(h) Bonds of indemnity and affidavits covering issuances of stock certificates to replace lost certificates.	6 years after expiration of bonds.
(i) Letters, notices, reports, statements and other communications distributed to all stockholders of a particular class:	
(1) Formal communications addressed to all stockholders of a particular class, including annual reports to stockholders, notices of annual and special meetings of stockholders, and other notices, reports, letters or statements relating to corporate or stockholder actions.	Life of corporation.
(2) Interim reports of operations, speeches or corporate officers, notices of change of corporate address or telephone numbers, etc.	6 years after the date thereof.
(j) Dividend registers, lists or similar records-----	6 years.
(k) Paid dividend checks-----	Do.
(l) Third party dividend orders-----	6 years after recision order.
2. Proxies and voting lists:	
(1) Proxies of holders of voting securities-----	3 years.
(b) Lists of holders of voting securities represented at meetings.	1 year.
3. Reports to stockholders.	
(a) Annual reports or statements to stockholders-----	Life of corporation.
(b) Written acknowledgments of receipts of reports to stockholders and written requests for copies of such reports.	Destroy at option.

See footnotes at end of table.

## Description

## Retention period

5. Filings with and authorizations by regulatory agencies:

(a) Authorizations from regulatory bodies for issuance of securities:

(1) Copies of applications to regulatory bodies for authority to issue stocks, bonds, and other securities, including copies of exhibits in support of such applications.

(2) Official copies of opinions and orders of regulatory bodies granting authority to issue securities.

(3) Reports filed with regulatory bodies in compliance with authorizations to issue securities. (Reports of sales of securities of application of proceeds, etc.) File copies of such reports and supporting papers.

(b) Copies of registration statements and other data filed with the Securities and Exchange Commission:

(1) In connection with offerings of securities for sale to the public, or the listing of securities on exchanges, including supporting papers.

(2) Copies of periodic reports and supporting papers filed in compliance with either the Securities Act of 1933 or the Securities Exchange Act of 1934.

(b) Titles, franchises, and licenses:

(1) Deeds and other title papers (including abstracts of title and supporting data).

(2) Corporate charters or certificates of incorporation.

(3) Franchises and certificates authorizing operations as a public utility.

(4) Licenses (including amendments thereof) granted by Federal or State authorities for construction and operation of utility plant.

(5) Copies of formal orders of regulatory commissions served upon the utility.

(c) Permits:

(1) Permits and granted applications for the use of facilities of others.

(2) Copies of permits and applications granted others for the use of the utility's facilities.

(3) Applications for the use of facilities not granted and copies of such applications.

(4) Permits of a temporary nature from municipalities or others to perform specific work, such as permits to open streets.

(d) Organization diagrams and charts.

See footnotes at end of table

25 years or until all securities covered are retired, whichever is shorter.<sup>4</sup>

Until securities covered are retired.

Do.

25 years or until all securities covered are retired, whichever is shorter.<sup>4</sup>

25 years.

Life of corporation.

6 years after property is disposed of unless surrendered to transferee.

Life of corporation.

Do.

25 years after plant is retired or expiration of license, whichever is shorter.

Life of corporation.

6 years after expiration or cancellation.

Do.

Destroy at option.

Do.

Destroy at option after expiration or supersession.

## Description

## Retention period

7. Contracts and agreements (except contracts provided for elsewhere):

(a) Service contracts, such as for management, accounting and financial services.

(b) Contracts with other utilities for the purchase, sale or interchange of product.

(c) Leases pertaining to rentals of property to or from others.

(d) Contracts and agreements with individual employees, labor unions, company unions, and other employee organizations relative to wage rates, hours and similar matters.

(e) Contracts, agreements, and/or other essential records necessary to the carrying out of the functions of an employee's stock purchase or other type of employees' saving plan.

(f) Contracts or agreements for the acquisition or disposal of investments (excluding temporary cash investments).

(g) Memoranda essential to clarifying or explaining provisions of contracts listed above.

(h) Card or book records of contracts, leases, and agreements made, showing dates of expirations and of renewals, memoranda of receipts and payments under such contracts, etc.

8. Accountants' and auditors' reports:

(a) Reports of examinations and audits by accountants and auditors not in the regular employ of the utility (such as reports of public accounting firms and regulatory commission accountants).

(b) Internal audit reports and work papers.

9. Automatic data processing records (retain original source data used as input for data processing and data processing report printouts for the applicable periods prescribed elsewhere in the schedule):

(a) Punched cards, tapes or similar media used as intermediate records or steps in data processing for assembling data to be posted to the records of the company or used in a report or study.

(b) Program documentation and revisions thereto.

10. General and subsidiary ledgers:

(a) (1) General ledgers

(2) Ledgers subsidiary or auxiliary to general ledgers except ledgers provided for elsewhere.

(b) (1) Indexes to general ledgers.

(2) Indexes to subsidiary ledgers except ledgers provided for elsewhere.

(c) Trial balance sheets of general and subsidiary ledgers.

6 years after expiration or cancellation. See Section 125.2(c). See Section 125.2(j). 6 years after expiration or cancellation.

Do.

Do.

Do.

25 years after disposal.

For the same periods as contracts to which they relate.

Do.

7 years after date of report or Commission audit, whichever comes last.

Do.

Destroy at option.

Retain as long as it represents an active viable program or for periods prescribed for related output data, whichever is shorter.

50 years.

Do.

Do.

Do.

2 years.

## RULES AND REGULATIONS

Description	Retention period
11. Journals: General and subsidiary-----	50 years.
12. Journal vouchers and journal entries including sup- porting detail:	Do.
(a) Journal vouchers and journal entries-----	Do.
(b) Analyses, summarizations, distributions, and other computations which support journal vouchers and journal entries:	6 years. See section 125.2(j).
(1) Charging plant accounts-----	6 years.
(2) Charging all other accounts-----	Destroy when superseded.
(c) Schedules for recurring journal entries-----	Do.
(d) Lists of standard journal entry numbers-----	Do.
13. Cash books:	10 years after close of fiscal year. See subsection 12(a).
(a) General and subsidiary or auxiliary books-----	6 years. See section 125.2(j).
14. Voucher registers:	6 years. See section 125.2(j).
(a) Voucher registers or similar records when used as a source document.	Do.
15. Vouchers:	Do.
(a) Paid and canceled vouchers (1 copy—analysis sheets showing detailed distribution of charges on individual vouchers and other supporting papers).	Do.
(b) Original bills and invoices for materials, services, etc., paid by vouchers.	Do.
(c) Paid checks and receipts for payments by voucher or otherwise.	6 years.
(d) Authorization for the payment of specific vouchers.	6 years. See section 125.2(j).
(e) Lists of unaudited bills (accounts payable), lists of vouchers transmitted and memoranda regarding changes in unaudited bills.	Destroy at option.
(f) Voucher indexes-----	Do.
16. Accounts receivable (see subsections 53 and 54 for accounts with customers for utility service and for merchandise sales):	3 years after settlement.
(a) Records of accounts receivable pertaining to sales of utility plant.	Do.
(b) Record or register of accounts receivable and indexes thereto and summaries of distribution.	Do.
(c) Accounting department copies of invoices issued and supporting papers which do not accompany the original invoices and authorizations for charges including supporting papers.	Do.
(d) Periodic statements of unsettled accounts, except trial balances.	Destroy at option.
(e) Schedule of invoices to be issued-----	Do.
17. Records of securities owned:	6 years after disposal of the investment.
(a) Records of securities owned, in treasury, or with custodians (excluding temporary investments of cash).	6 years.
18. Payroll records:	6 years. See Subsection 12(b).
(a) Payroll sheets or registers of payments of salaries and wages.	6 years.
(b) Records showing the distribution of salaries and wages paid and summaries or recapitulation state- ments of such distribution.	6 years.
(c) Time tickets, time sheets, time books, time cards, workmen's reports and other records showing hours worked, description of work and accounts to be charged:	6 years.
See footnotes at end of table	
(1) When used as a basis for payment of salaries and wages supporting records described in subsection 18(a).	Destroy at option if the basis in- formation contained thereon is transferred to other records.
(2) When used solely as basis for supporting records described in subsection 18(b).	Destroy at option.
(d) Paid checks, receipts for wages paid in cash and other evidences of payments for services rendered by employees.	3 years.
(e) Applications and authorizations for changes in wage and salary rates, summaries and reports of changes in payrolls, and similar records.	Do.
(f) Applications for payroll changes not authorized---	Destroy at option.
(g) Payroll authorizations and records of authorized positions.	3 years.
(h) Records of deductions from payrolls-----	Destroy at option.
(i) Comparative or analytical statements of payrolls---	Do.
(j) Employee's individual earnings record-----	6 years after termination of em- ployment.
19. Assignments, attachments, and garnishments:	Destroy at option.
(a) Record of assignments, attachments, and garnish- ments of employees' salaries, including files of no- tices, etc., pertaining thereto.	Do.
(b) Minors' salary releases-----	Do.
INSURANCE	
20. Insurance records:	Destroy when superseded.
(a) Records of insurance policies in force, showing coverage, premiums paid, and expiration dates.	Destroy at option after expira- tion of such policies.
(b) Insurance policies-----	Do.
(c) Records of amounts recovered from insurance com- panies in connection with losses and of claims against insurance companies, including reports of losses and supporting papers.	6 years. See subsection 125.2(j).
(d) Inspectors' reports and records of condition of property.	Do.
(e) Insurance maps of property and structures erected thereon.	Do.
(f) Records and statements relating to insurance requirements.	Destroy at option.
21. Injuries and damages:	2 years after settlement.
(a) Claim registers, card or book indexes and similar records in connection with claims presented against the company in connection with accidents resulting in damage to the property of others or personal injuries.	Do.
(b) Papers, reports, statements of witnesses, etc., neces- sary to the support or rejection of individual claims against the company.	Do.
(c) Other papers, reports, or statements, pertaining to accidents, resulting in property damages or personal injuries, not necessary to the support or rejection of claims.	Destroy at option.
(d) Detailed schedules or spread sheets of payments to others for personal injuries or for property damages.	2 years after settlement.

Description Retention period

**OPERATIONS AND MAINTENANCE**

- 22.1 Production—Electric (less nuclear):
- (a) Boiler room, condenser room, turbine room, and pump room logs, including supporting data. 3 years.
  - (b) Boiler room and turbine room reports of equipment in service and performance. Do.
  - (c) Boiler-tube failure report. Do.
  - (d) Generation and output logs with supporting data. 6 years.
  - (e) Station and system generation reports. 25 years. See section 125.2(j)
  - (f) Generating high-tension and low-tension load records. 3 years.
  - (g) Oil and waste reports. Do.
  - (h) Load curves, temperature logs, coal, and water logs. Do.
  - (i) Gage-reading reports. 2 years, except riverflow data collected in connection with hydro-operation shall be retained for life of corporation.
  - (j) Recording instrument charts. 1 year, except where the basic chart information is transferred to another record, the charts need only be retained 6 months provided the record containing the basic data is retained 1 year. Do.
  - (k) Load dispatcher's and station permits. Do.

- 22.2 Production—nuclear:
- (a) Records of normal plant operation, including power levels and periods of operation at each power level. 6 years/operating charts for the first year's operation will be stored for the life of the corporation. Do.
  - (b) Records of principal maintenance activities, including inspection, repair, substitution or replacement of principal items of equipment pertaining to nuclear safety. Do.
  - (c) Records of abnormal occurrences. Do.
  - (d) Records of periodic checks, inspections and callibrations performed to verify that surveillance requirements are being met. Do.
  - (e) Records and prints of changes made to the plant as described in the Final Safety Analysis Report. Life of corporation.
  - (f) Records of new and spent fuel inventory and assembly histories. Do.
  - (g) Records of monthly plant radiation and continuation surveys. Do.
  - (h) Records of off-site environmental monitoring surveys. Do.
  - (i) Records of radiation exposure of all plant personnel, including all contractors and visitors to the plant who enter radiation control areas. Do.
  - (j) Records of radioactivity in liquid and gaseous wastes released to the environment. Do.
  - (k) Records of any special reactor tests or experiments. Do.
  - (l) Records of changes made in the operating procedures. Do.
- See footnotes at end of table.

Description Retention period

- 23 Transmission and distribution—Electric:
- (a) Substation and transmission line logs. 3 years.
  - (b) System operator's daily logs and reports of operation. Do.
  - (c) Storage battery and other equipment logs and records. Do.
  - (d) Interruption logs and reports. 6 years.
  - (e) Records of substation general inspections and operation tests. 3 years.
  - (f) Apparatus failure reports. 6 years.
  - (g) Line-trouble reports and records. 3 years.
  - (h) Lightning and storm data. 6 years.
  - (i) Insulator test records. 3 years.
  - (j) Reports on inspections and repairs of all street openings. 6 years.
  - (k) Records of meter tests. Until superseding test but not less than 2 years, or as may be necessary to comply with service rules regarding re-funds on fast meters. 3 years.
- (l) Meter shop reports (monthly reports summarizing tests, repairs, etc.). For life of meter.
  - (m) Meter history records. For life of transformer.
  - (n) Transformer history records. Destroy at option.
  - (o) Records of transformer inspections, oil tests, etc. For life of equipment.
  - (p) Pole, tower, structure, equipment, and other history records.
24. Customers' service:
- (a) Reports of inspections of customers' premises. 2 years.
  - (b) Records and reports of customers' service complaints. Do.
  - (c) Survey of customers' premises to determine type of service and equipment to be installed. Destroy at option.
  - (d) Records of installed customers' appliances. Do.
  - (e) Records of auxiliary and other operations: Retain for same periods as prescribed in these regulations for similar records pertaining to utility operations.
    - Records of operations other than utility operations. 6 years.
26. Maintenance work orders and job orders:
- (a) Authorizations for expenditures for maintenance work to be covered by work orders, including memoranda showing the estimates of costs to be incurred. Do.
  - (b) Work order sheets to which are posted in detail the entries for labor, material, and other charges in connection with maintenance, and other work pertaining to utility operations. Do.
  - (c) Summaries of expenditures on maintenance and job orders and clearances to operating and other accounts (exclusive of plant accounts).
- PERSONNEL
27. Personnel records:
- (a) Employees' service records, length of service, and other pertinent data. 3 years after termination of employment.
  - (b) Applications for employment, requests for medical examination, medical examiner's report, photographs and other identification records, and other miscellaneous records pertaining to the hiring of employees. Destroy at option.

RULES AND REGULATIONS

Description	Retention period	Description	Retention period
<p>28. Employees' benefit and pension records:                      (a) Detailed records showing computations of accruals for pension liabilities.                      (b) Pension or annuity payrolls.                      (c) Pension paychecks.                      (d) Records pertaining to employees' benefit programs.</p>	<p>6 years after supersession of the study or report or termination of plan.                      6 years.                      3 years.                      Destroy at option.</p>	<p>(g) Records and reports pertaining to progress of construction work, the order in which jobs are to be completed, and similar records which do not form a basis of entries to the accounts.                      Retirement work in progress ledgers, work orders, and supplemental records:                      (a) Work order sheets to which are posted the entries for removal costs, materials recovered, and credits to utility plant accounts for cost of plant retired.                      (b) Authorizations for retirement of utility plant, including memoranda showing the basis for determination of cost of plant to be retired and estimates of salvage and removal costs.</p>	<p>Destroy at option.                      10 years after plant is retired.<sup>5</sup>                      10 years after clearance to the plant account, provided continuing plant inventory records are maintained; otherwise 6 years after plant is retired.<sup>5</sup>                      10 years.                      10 years after clearance to the plant account, provided continuing plant inventory records are maintained; otherwise 6 years after plant is retired.</p>
<p>29. Instructions to employees and others:                      (a) Bulletins or memoranda of general instructions issued by the company to employees pertaining to changes in accounting, engineering, operating, maintenance, and construction policies.                      (b) Bulletins or memoranda of general instructions issued by the company to employees pertaining to accounting, engineering, operating, maintenance, and construction methods and procedures.                      (c) Notices to employees on matters of discipline, deportment, and other similar subjects.</p>	<p>10 years after expiration or supersession.                      Destroy at option after expiration or supersession.                      Destroy at option.</p>	<p>(c) Registers of retirement work orders.                      33. Summary sheets, distribution sheets, reports, statements, and papers directly supporting debits and credits to utility plant accounts not covered by construction or retirement work orders and their supporting records.</p>	<p>10 years.                      10 years after clearance to the plant account, provided continuing plant inventory records are maintained; otherwise 6 years after plant is retired.                      3 years after disposition, termination of lease, or write-off of property or investment.</p>
<p>PLANT AND DEPRECIATION</p>		<p>34. Appraisals and valuations:                      Appraisals and valuations made by the company of its properties or investments or of the properties or investments of any associated companies. (Includes all records essential thereto.)</p>	<p>3 years after disposition, termination of lease, or write-off of property or investment.</p>
<p>30. Plant ledgers:                      (a) Ledgers of utility plant accounts including land and other detailed ledgers showing the cost of utility plant by classes.                      (b) Continuing plant inventory ledger, book or card records showing description, location, quantities, cost, etc., of physical units (or items) of utility plant owned.</p>	<p>50 years.                      6 years after plant is retired, provided mortality data are retained.<sup>5</sup></p>	<p>35. Production maps and reproductions thereof:                      (a) Geological maps, including aerial photographs, showing the location of all utility production, transmission and distribution facilities.                      36. The original or reproductions of engineering records, drawings and other supporting data for proposed as-constructed utility facilities:                      (a) Maps, diagrams, profiles, photographs, field survey notes, plot plan, detail drawings, records of engineering studies and similar records showing the location of proposed or as-constructed facilities:                      (1) If construction of facility results wholly, or in part.                      (2) If construction of facility does not result.</p>	<p>Maps or reproductions thereof pertinent to the facility as-constructed until superseded or 6 years after facility is retired.<sup>5</sup>                      Records pertinent to the constructed facility until record is superseded or 6 years after facility is retired.<sup>5</sup>                      Destroy at option, after complete accounting for expenses incurred.                      6 years after plant is retired.                      6 years. See section 125.2(j).</p>
<p>31. Construction work in progress ledgers, work orders, and supplemental records:                      (a) Construction work in progress ledgers.                      (b) Work order sheets to which are posted in summary form or in detail the entries for labor, materials, and other charges for utility plant additions and the entries closing the work orders to utility plant in service at completion.                      (c) Authorizations for expenditures for additions to utility plant, including memoranda showing the detailed estimates of cost and the bases therefor (including original and revised or subsequent authorizations).                      (d) Requisitions and registers of authorizations for utility plant expenditures.                      (e) Completion or performance reports showing comparison between authorized estimates and actual expenditures for utility plant additions.                      (f) Analysis of cost reports showing quantities of materials used, unit costs, number of man-hours, etc., in connection with completed construction project.</p>	<p>10 years after clearance to the plant account, provided continuing plant inventory records are maintained; otherwise 6 years after plant is retired.                      Do.                      Do.                      10 years after clearance to the plant account, provided continuing property plant inventory records are maintained; otherwise 6 years after plant is retired.                      Do.                      Do.                      10 years after clearance to the plant account, provided continuing property plant inventory records are maintained; otherwise 6 years after plant is retired.</p>	<p>37. Contracts and other agreements relating to utility records:                      (a) Contracts relating to acquisition or sale of plant.                      (b) Contracts and other agreements relating to services performed in connection with construction of utility plant (including contracts for the construction of plant by others for the utility and for supervision and engineering relating to construction work).</p>	<p>3 years after disposition, termination of lease, or write-off of property or investment.                      Maps or reproductions thereof pertinent to the facility as-constructed until superseded or 6 years after facility is retired.<sup>5</sup>                      Records pertinent to the constructed facility until record is superseded or 6 years after facility is retired.<sup>5</sup>                      Destroy at option, after complete accounting for expenses incurred.                      6 years after plant is retired.                      6 years. See section 125.2(j).</p>

See footnotes at end of table.

## RULES AND REGULATIONS

Description	Retention period
38. Records pertaining to reclassifications of utility plant accounts to conform to prescribed systems of accounts, including supporting papers showing the bases for such reclassifications.	6 years. See section 125.2(j).
39. Records of accumulated provisions for depreciation and depletion of utility plant: (a) Detailed records or analysis sheets segregating the accumulated depreciation according to functional classification of plant. (b) Records supporting computation of depreciation and depletion expense of utility plant, including such data as life and salvage studies.	25 years.  Do.
PURCHASES AND STORES	
40. Procurements: (a) Agreements entered into for the acquisition of goods or the performance of services. Includes all forms of agreements not specifically set forth in Subsection 7 such as, but not limited to: Letters of intent, exchange of correspondence, master agreements, term contracts, rental agreements and the various types of purchase orders: (1) For goods or services relating to plant construction. (2) For other goods or services. (b) Supporting documents including bids or proposals evidencing all relevant elements of the procurement. (c) All other procurement records such as requisitions, advices from suppliers, registers or similar records or invoices.	6 years. See section 125.2(j).  6 years.  6 years. See section 125.2(j).  Destroy at option after company's accounts have been examined by independent accountants.
41. Material ledgers: (a) Ledger sheets and card records of materials and supplies received, issued, and on hand. (b) Statements of materials and supplies on hand, per ledgers.	6 years. See section 125.2(j).  Destroy at option after completion of annual audit by independent accountants.
42. Materials and supplies received and issued: (a) Records and reports pertaining to receipt of materials and supplies. (b) Records of inspecting and testing materials and supplies. (c) Records showing the detailed distribution of materials and supplies issued during accounting periods. (d) Records of material issued, transferred or returned to stock: (1) Showing quantities, unit prices, and accounts to be charged. (2) Showing only quantities and accounts to be charged.	Do.  Destroy at option.  6 years. See Section 125.2(j).  Do.  Destroy at option if the basic information contained thereon is transferred to other records.

See footnotes at end of table.

Description	Retention period
(e) Minor records and reports pertaining to materials and supplies not involving costs or final disposition, such as reports of unfilled requisitions, authorizations for additions to stock, and similar records; also, storehouse copies of purchase orders and price records, other copies being retained in files of purchasing department.	Destroy at option.
43. Records of sales of scrap and materials and supplies: (a) Authorizations for sale of scrap and materials and supplies. (b) Contracts for sale of scrap and materials and supplies. (c) Memoranda pertaining to sale of scrap and materials and supplies.	3 years.  Do.  Destroy at option.
44. Inventories of materials and supplies: (a) General inventories of materials and supplies on hand with records of adjustments of accounts required to bring stores records into agreement with physical inventories. (b) Stock cards, inventory cards, and other detailed records pertaining to the taking of inventories if abstracted into records covered by subsection 44(a). (c) Minor inventories of materials and supplies on hand if not reflected in adjustments of accounts.	Destroy at option after completion of annual audit by independent accountants.  Destroy at option.  Do.
REVENUE ACCOUNTING AND COLLECTING	
45. Customers' service applications and contracts: (a) Applications for utility service for which contracts have been executed. (b) Applications for utility service used in lieu of contracts.	Do.  1 year.
(c) Contracts and card files or other records thereof with customers for utility service. (See also Subsection 7(b).)	1 year after expiration or cancellation.
(d) Applications for utility service which were withdrawn by applicant or not granted by the utility.	1 year after sales agreement is discharged.
(e) Contracts or sales agreements with customers and others for sale of merchandise and appliances.	1 year after expiration of contract or return of equipment.
(f) Contracts for lease of equipment to customers, including receipts for same.	1 year after entire amount is refunded.
(g) Applications and contracts for extensions covered by refundable deposits or guarantees of revenue, also records pertaining to such contracts.	50 years.
(h) Applications and contracts for extensions for which donations or contributions are made by customers or others.	Do.
46. Rate schedules: (a) General files of published rate sheets and schedules of utility service. (Including schedules suspended or superseded.) (b) Divisional or local office copies of rate sheets and schedules of utility service.	1 year after expiration or cancellation.

## SCHEDULE OF RECORDS AND PERIODS OF RETENTION—CONTINUED

## Description

## Retention period

47. Customers' guarantee deposits:
- (a) Customers' deposit ledgers or card records..... 6 years after refund.
  - (b) Customers' deposit certificate books..... Do.
  - (c) Receipts for customers' deposits refunded..... Do.
  - (d) Receipts for interest on customers' deposits..... Do.
48. Meter reading sheets and records:
- (a) Superseded meter reading sheets..... 2 years or as may be necessary to comply with service rules regarding refunds on fast meters. 1 year.
  - (b) Meter reread sheets (special readings to check high or low consumption). See footnotes at end of table.
  - (c) Customers' reading cards..... Do.
  - (d) Connection and disconnection orders..... Do.
  - (e) Superseded indexes to meter books..... Destroy at option.
  - (f) Mark sensed meter reading cards..... Destroy at option after transferring data to other record.
49. Maximum demand, and demand meter record cards..... 1 year, except where the basic chart information is transferred to another record the charts need only be retained 6 months, provided the record containing the basic data is retained 1 year.
50. Miscellaneous billing data:
- (a) Billing department's copies of contracts with customers (in addition to copies in general files). Destroy at option.
  - (b) Service and inspection orders from which customers are charged and sundry charge advices. 1 year.
  - (c) Authorizations for charges under utility service contracts. 1 year after expiration of contract.
  - (d) Standard billing sheets or schedules (showing computed bills of varying consumption according to rates). Destroy at option.
51. Revenue summaries:
- (a) Summaries of monthly operating revenues according to classes of service for entire utility. 6 years.
  - (b) Summaries of monthly operating revenues according to classes of service by towns, districts, or divisions. (Including summaries of forfeited discounts and penalties). Do.
52. Customers' ledgers and other records used in lieu thereof:
- (a) Customers' ledgers..... 2 years or as may be necessary to comply with service rules regarding refunds on fast meters. Do.
  - (b) Records used in lieu of customers' ledgers, such as bill summaries, registers, bill stubs, etc.
  - (c) Copies of large bills:
    - (1) If details are transcribed to ledgers covered by Subsection 52(a). Destroy at option.
    - (2) If details are not transcribed to ledgers. 2 years.
  - (d) Trial balances of ledgers referred to above. 1 year.
- See footnotes at end of table.

## SCHEDULE OF RECORDS AND PERIODS OF RETENTION—CONTINUED

## Description

## Retention period

- (e) Indexes to customers' accounts..... 2 years.
  - (f) Change of address notices..... Destroy at option.
  - (g) Cards and other records relating to forfeited discounts. 2 years.
53. Merchandise sales—accounting and collecting:
- (a) Merchandise sales tickets (duplicates) and charge slips for work done. Destroy at option after annual audit and 6 months after account is settled. 3 years.
  - (b) Merchandise registers and summaries of sales. 1 year after completion of payments.
  - (c) Merchandise ledgers and installment records..... Destroy at option after annual audit and 6 months after account is settled. 6 months.
  - (d) Merchandise sales returns and adjustment tickets. 1 year.
- (e) Cashiers' stubs for merchandise collections..... Destroy at option.
  - (f) Cashiers' periodic reports and statements of collections on merchandise accounts. 1 year.
  - (g) Records of monthly statements to customers..... Destroy at option.
  - (h) Reports relating to status of merchandise accounts receivable.
  - (i) Job orders and supporting details of charges to customers for work done. 3 years.
  - (j) Indexes and trial balances of merchandise ledgers. 1 year.
54. Collection reports and records:
- (a) Periodic reports, lists, and summaries of collections of operating revenues by collectors, agents, and local or divisional or district offices. (See subsection 60(d).) Destroy at option.
  - (b) Bill stubs, copies of bills, collection slips, and other records pertaining to collections, summarized or detailed in daily or periodic cash reports. 6 months.
  - (c) Memorandum records of remittances from local or branch offices. Do.
- NOTE: See subsection 59 pertaining to deposits of cash with banks. Subsection 59 applies to all bank accounts whether at general, local, or divisional offices.
55. Customers' account adjustments:
- (a) Detailed records pertaining to adjustments of customers' accounts for overcharges, undercharges, and other errors, results of which have been transcribed to other records. 1 year.
  - (b) Detailed records of high-bill complaints whether or not resulting in adjustments to customers' accounts. Do.
56. Uncollectible accounts and customers' credit records:
- (a) Records of ratings, credit classifications, and investigations of customers. Destroy at option.
  - (b) Ledger accounts and supporting details of customers' accounts considered to be uncollectible. For period legally collectible.
  - (c) Reports and statements showing age and status of customers' accounts. 1 year.
  - (d) Data on unpaid final bills. Do.
  - (e) Authorizations for writing off customers' accounts. 3 years.

Retention period

Description

TAX

57. Tax records:
- (a) Copies of returns and schedules filed with taxing authorities, supporting work papers, records of appeals, tax bills and receipts for payment. (See Sub-section 15(b) for vouchers evidencing disbursements):
    - (1) Income tax returns.----- 7 years after settlement.
    - (2) Property tax returns.----- 2 years after settlement.
    - (3) Sales and use taxes.----- 3 years.
    - (4) Other taxes.----- 3 years after settlement.
    - (5) Agreements between associate companies as to allocation of consolidated income taxes.----- 7 years after settlement.
    - (6) Schedule of allocation of consolidated Federal income taxes among associate companies. Do.
  - (b) Summaries of taxes paid.----- Destroy at option.
  - (c) Filings with taxing authorities to qualify employee benefit plans.----- 7 years after settlement or discontinuance of plan, whichever is later.
  - (d) Information returns and reports to taxing authorities.----- 3 years, or for the period of any extensions granted for audit.

TREASURY

58. Statements of funds and deposits:
- (a) Summaries and periodic statements of cash balances on hand and with depositories.----- Destroy at option.
  - (b) Statement of managers' and agents' cash balances on hand and with depositories. Do.
  - (c) Authorizations for and statements of transfer of funds from one depository to another. Do.
  - (d) Requisitions and receipts for funds furnished managers, agents, and others. Destroy at option after funds have been returned or accounted for.
  - (e) Records of fidelity bonds of employees and others responsible for funds of the utility. Destroy at option after liability of bonding company has expired.
  - (f) Reports and estimates of funds required for general and special purposes. Destroy at option.

59. Records of deposits with banks and others:
- (a) Copies of bank deposit slips.----- Destroy at option after completion of annual audit by independent accountants.
  - (b) Advice of deposits made when information thereon is shown on other records which are retained. Do.
  - (c) Statements from depositories showing the details of funds received, disbursed, transferred, and balances on deposit. Do.
  - (d) Bank reconciliation papers.----- Do.
  - (e) Statements from banks of interest credits. Do.
  - (f) Check stubs, registers, or other records of checks issued. 6 years.
  - (g) Correspondence and memoranda relating to the stopping of payment of bank checks and to the issuance of duplicate checks. 6 years or destroy at option after check is recovered.

See footnotes at end of table.

RULES AND REGULATIONS

Retention period

Description

60. Records of receipts and disbursements:
- (a) Daily or other periodic statements of receipts or disbursements of funds. Destroy at option after completion of annual audit by independent accountants. Do.
  - (b) Records or periodic statements of outstanding vouchers, checks, drafts, etc. issued and not presented. Do.
  - (c) Reports of associates showing working fund transactions and summaries thereof. Do.
  - (d) Reports of revenue collections by field cashiers, pay stations, etc. Do.
- MISCELLANEOUS
61. Statistics:
- (a) Annual financial, operating and statistical reports regularly prepared in the course of business for internal administrative or operating purposes (and not used as the basis for entries to accounts of the companies concerned) to show the results of operations and the financial condition of the utility. 10 years after date of report.
  - (b) Quarterly, monthly or other periodic financial, operating and other statistical reports as above. 2 years after date of report.
  - (c) All other statistical reports (not covered elsewhere in these regulations) prepared for internal administrative or operating purposes only and not used as the basis for entries to the accounts of the company. Destroy at option.
62. Budgets and other forecasts.----- 3 years.
- (Prepared for internal administrative or operating purposes) of estimated future income, receipts and expenditures in connection with financing, construction and operations and acquisitions or disposals of properties or investments by the company and its associate companies, including revisions of such estimates and memoranda showing reasons for revisions; also records showing comparison of actual income and receipts and expenditures with estimates.
63. Correspondence:
- (a) Correspondence and indexes thereto relating to offices covered by other items of these regulations. Retain for the period prescribed for the item to which it relates where necessary to a proper explanation of same. Destroy at option.
  - (b) Stenographers' notebooks and dictaphone or other mechanical device records. Do.
  - (c) Mailing lists of prospects for appliance sales, securities, etc. Retain until the records of utility plant acquired have been integrated with the utility's plant records and the original cost of the acquired plant is adequately supported by cost details and until it is ascertained that such records are not necessary to fulfillment of any unsatisfied regulatory requirement, such as: (a) Approval and recording of accounting adjustments resulting from reclassification and original cost studies and acceptance of property acquisition journal entries, (b) cost,
64. Records of predecessors and former associates.-----

## SCHEDULE OF RECORDS AND PERIODS OF RETENTION—CONTINUED

Description	Retention period
	depreciation and amortization reserve determinations for licensed projects, (c) establishment of continuing plant inventory records or accounting evidence of the cost of long-lived property in the absence of such continuing plant inventory records.
65. Reports to Federal and State regulatory commissions:	
(a) Annual financial, operating, and statistical reports.	Life of corporation.
(b) Monthly and quarterly reports of operating revenues, expenses, and statistics.	2 years after date of report.
(c) Special or periodic reports on the following subjects:	
(1) Transactions with associated companies.....	6 years.
(2) Budgets of expenditures.....	3 years.
(3) Accidents.....	6 years.
(4) Employees and wages.....	5 years.
(5) Loans to officers and employees.....	3 years after fully paid.
(6) Issues of securities.....	Data filed with the SEC retain 25 years or until all securities covered are retired, whichever is shorter; other reports retain until securities covered are retired.
(7) Purchases and sales, utility properties.....	Life of corporation.
(8) Plant changes—units added and retired.....	Do.
(9) Service interruptions.....	6 years.
66. Other miscellaneous records:	
(a) Copies of advertisements by the company in behalf of itself or any associate company in newspapers, magazines and other publications including records thereof (excluding advertising of product, appliances, employment opportunities, services, territory, routine notices and invitations for bids for securities, all of which may be destroyed at option).	Do.
(b) Indexes of forms used by company.....	Destroy when superseded.

<sup>1</sup> See § 125.2, *General instructions* (n)—Schedule of Notes (1).

<sup>2</sup> See § 125.2, *General instructions* (n)—Schedule of Notes (2).

<sup>3</sup> See § 125.2, *General instructions* (n)—Schedule of Notes (3).

<sup>4</sup> See § 125.2, *General instructions* (n)—Schedule of Notes (4).

<sup>5</sup> See § 125.2, *General instructions* (n)—Schedule of Notes (5).

(B) The Commission's regulations, Preservation of Records of Natural Gas Companies, prescribed by Part 225, Subchapter F of Chapter I, Title 18 of the Code of Federal Regulations are revised as follows:

Sec.	
225.1	Promulgation.
225.2	General instructions.
225.3	Schedule of records and periods of retention.

**AUTHORITY:** The provisions of this Part 225 issued under secs. 8, 10, 16, 52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717i, 717o.

#### § 225.1 Promulgation.

(a) This part is prescribed and promulgated as the regulations governing the preservation of records by natural gas companies subject to the jurisdiction of the Commission, to the extent and in the manner set forth therein;

(b) This part shall, as to all natural gas companies now subject to the jurisdiction of the Commission, become effective as herein revised on January 1, 1972. As to any natural gas company which may hereafter become subject to the jurisdiction of the Commission, this part

shall become effective as of the date when such natural gas company becomes subject to the jurisdiction of the Commission.

#### § 225.2 General instructions.

(a) *Scope of this part.* (1) The regulations in this part apply to all books of account and other records prepared by or on behalf of the natural gas company. See subsection 64 of the schedule for those records which come into possession of the natural gas company in connection with the acquisition of property, such as purchase, consolidation, merger, etc.

(2) The regulations in this part shall not be construed as excusing compliance with any other lawful requirement for the preservation of records for periods longer than those prescribed herein.

(3) Unless otherwise specified in the schedule (§ 225.3), duplicate copies of records may be destroyed at any time: *Provided, however,* That such duplicate copies contain no significant information not shown on the originals.

(4) Records other than those listed in the schedule may be destroyed at the option of the natural gas company; *Pro-*

*vided, however,* That records which are used in lieu of those listed shall be preserved for the periods prescribed for the records used for substantially similar purposes. And, *provided further,* That retention of records pertaining to added services, functions, plant, etc., the establishment of which cannot be presently foreseen, shall conform to the principles embodied herein.

(5) Notwithstanding the provisions of the Records Retention Schedule, the Commission may, upon the request of the company, authorize a shorter period of retention for any record listed therein upon a showing by the company that preservation of such record for a longer period is not necessary or appropriate in the public interest or for the protection of investors or consumers.

(b) *Designation of supervisory official.* Each natural gas company subject to the regulations in this part shall designate one or more persons with official responsibility to supervise the natural gas company's program for preservation and the authorized destruction of its records.

(c) *Protection and storage of records.* The natural gas company shall provide reasonable protection for records subject to the regulations in this part from damage by fires, floods, and other hazards and, in the selection of storage spaces, safeguard the records from unnecessary exposure to deterioration from excessive humidity, dryness, or lack of proper ventilation.

(d) *Definition of record media.* (1) For the purpose of these regulations, the data constituting the records listed in the schedule may be retained in any of the media forms in Figure 1 below, provided that the media selected has a standard life expectancy equal to or in excess of the specified retention period. However, records supporting plant cost shall be retained in their original form unless microfilmed. (See general instruction (j), for periods of retention.) In no instance, except in emergencies, will media regeneration to achieve the full length of period retention be allowed without Commission approval of the request of the company. In emergency cases management shall take action as prudence calls for and notify the Commission immediately thereafter.

(2) If the media form of the record retained is other than a readable paper copy, then reader and/or printer equipment and related printout programs, if required, shall be provided by the utility for data reference.

(3) The media form initially selected for the record becomes the "original" for that particular record. If subsequent conditions (e.g., improved media life expectancy, increased company resources, environmental factors) require and the remaining retention period permits a change in the media forms the company may convert to another media and dispose of its old equipment, provided the certification processes described in paragraph (e) of this section are observed and data referencing capability is maintained.

FIGURE 1  
RECORD MEDIA

Record media form	Media expected life	Comments and standards
1. Paper & card stock (hard-copy).	Archival permanency.	For each document, paper stock should be selected with a life expectancy equal to or greater than the retention period specified for that document.
2. Tape: Magnetic (including video tape).	5 years.....	Assumes storage in a controlled environment with a temperature and humidity range of 60°-80°F. and 40-60%, respectively. (Ref. Instruction (g) for specific storage conditions.)
Punched.....	Archival permanency.	For each record, tape media (paper, mylar, metallic base) should be selected with a life expectancy equal to or greater than the retention period specified for that record.
3. Microforms: a. Microfilm (including COM, microfiche, jackets and aperture cards).	.....do.....	Assumes storage in a controlled environment with a temperature and humidity range of 60°-80°F. and 40-50%, respectively. (Ref. American National Standard Institute (ANSI) standard # PH 1.28-1969 and PH 5.4-1970.)
b. Metallic recording data strips.	.....do.....	Same storage conditions as for microfilm.

(e) *Microform and tape certification.*

(1) As the initial recording media—

(i) Each microform record shall contain, at the beginning, a microform introduction stating the title of the record series, the date prepared, the name of the official responsible for validating or confirming the data contained therein. Each microform record series shall be closed with a clear and standard microform notation indicating the completion of the series and the date.

(ii) If after validation, supplemental data and/or corrections (i.e., resulting from computer programming) are required, said microform may be produced separately or as a part of the series re-run, but shall be affixed to the original microform certificate as described in subparagraph (1) (i) of this paragraph.

(iii) Each tape record series shall be externally labeled and shall include, as a basic part of the program, at the beginning of that series an introduction stating the record series title, date prepared, the name of the official responsible for validating or confirming the data contained therein and an index where appropriate. Each record series shall be closed with a clear and standard notation indicating the completion of that series and the date.

(2) Conversion from other media—

(i) Each microform record series shall include, as an integral part, a certificate(s) stating that the microforms are direct and facsimile reproductions of the original records and that they have been made in accordance with prescribed instructions. Such certificate(s) shall be executed by a person(s) having personal knowledge of the facts covered thereby.

(ii) Each microform record series shall commence and end with a statement as to the nature and arrangement of the records reproduced, and the date. Rolls of film shall not be cut. Supplemental or retaken film, whether of misplaced or omitted documents or of portions of microform found to be defective, shall be attached to the beginning of the microform record series and in such an event, the aforementioned certificate shall cover the supplemental or retaken film and shall state the reasons for the subsequent action.

(iii) If, in accordance with the provisions of paragraph (f) of this section, the natural gas company elects to convert records to the tape media, the same certification provision specified in paragraph (e) (1) (iii) of this section must be provided in the conversion program.

(f) *Change of media for existing records.* Those records prepared and maintained under previous regulations in a paper media and whose remaining retention period falls within the life expectancy range of any of the media detailed in Figure 1, may be converted to that media at the natural gas company's option, provided the applicable certification processes described in paragraph (e) of this section are observed and an audit referencing capability maintained.

(g) *Media.*—(1) All records created or maintained in a media and a format other than readable entries on paper shall:

(i) Be prepared, arranged, classified, identified, and indexed as to permit the subsequent location, examination, and reproduction of the record to a readable media;

(ii) Be stored in such a manner as to provide reasonable protection from hazards such as fire, flood, theft, etc.; and maintained in a controlled environment;

(iii) Be regenerated, including proper certification, when damaged. (Also see § 225.2 (d) (1).)

(2) The company shall be prepared to furnish, at its own expense, standard facilities for reading media and shall additionally provide, if the Commission so directs, copies of the record in a readable form.

(3) All film stock shall be of approved operationally-permanent-record microcopying type, which meets the current specifications of the National Bureau of Standards.

(h) *Destruction of records.* The destruction of the records permitted to be destroyed under the provisions of the regulations in this part may be performed in any manner elected by the natural gas company concerned. Precautions should be taken, however, to macerate or otherwise destroy the legibility of records, the content of which is forbidden by law to be divulged to unauthorized persons.

(i) *Premature destruction or loss of records.* When records are destroyed or lost before the expiration of the prescribed period of retention, a certified statement listing, as far as may be determined, the records destroyed and describing the circumstances of accidental

or other premature destruction or loss shall be filed with the Commission within ninety (90) days from the date of discovery of such destruction.

(j) *Schedule of records and periods of retention.* The schedule of records, § 225.3, shows the period of time that designated records shall be preserved. However, records related to plant shall be retained a minimum of 25 years unless accounting adjustments resulting from reclassification and original cost studies have been approved by the regulatory commission having jurisdiction, and either (1) continuing plant inventory records are maintained, or (2) unitization of construction costs appear in work orders.

(k) *Retention periods designated "Destroy at option".* Use of the retention period, "Destroy at option," in the regulations in this part constitutes authorization for such destruction under the conditions specified for the particular types of records, only if such optional destruction is appropriate to limited managerial interest in such records and if such optional destruction is not in conflict with other legal retention requirements or usefulness of such records in satisfying pending regulatory actions or directives.

(l) *Records of services performed by associated companies.* The natural gas company to which the regulations in this part apply shall assure the availability of records of services performed by associated companies for the periods indicated herein, as are necessary, to support the cost of services rendered to it by an associated company.

(m) *Index of records.* At each office of the natural gas company where records are kept or stored, such records as are herein required to be preserved shall be so arranged, filed and currently indexed that they may be readily identified and made available to representatives of the Commission.

(n) *Schedule of notes:*

(1) For the purposes of the regulation, a stockholder's account may be treated as a closed account at the time that such stockholder ceases to be a holder of record of the particular class and series of stock of the company and the 6-year retention period prescribed herein shall run from that date. If such person subsequently acquires shares of capital stock of the company and thus again becomes a stockholder of the company, the record of such acquisition shall be treated as a new stockholder account.

(2) The terms "bonds" and "debentures," as used in paragraphs (a) through (f) of this section, shall include all debt securities, such as bonds, debentures, or notes other than debt securities which evidence temporary borrowings and which are expected to be repaid out of the proceeds of the sale of longer term securities. Typical of such temporary debt securities as described in 4(i) would be notes issued to banks evidencing temporary working capital and construction loans and gas storage loans.

(3) Canceled bonds and debentures and paid interest coupons pertaining thereto may be destroyed, provided that

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a certificate of destruction giving full descriptive reference to the documents destroyed shall be made by the person or persons authorized to perform such destruction and shall be retained by the company for the period herein prescribed. The certificate of destruction evidencing the destruction of paid interest coupons pertaining to bonds or debentures need not contain a listing of the bond or debenture serial numbers pertaining to such paid interest coupons. When documents represent debt secured by mortgage, the certificate of destruction shall also be authorized by a representative of the trustee(s) acting in conjunction with the person or persons destroying the documents or shall have the trustee(s) acceptance thereon. The certificate of destruction above described may be destroyed 6 years after the payment and discharge of the bonds or debentures or interest coupons described in such certificate.

(4) If a retention period is prescribed elsewhere in the schedule with respect to any document which is included as an exhibit to any filing retained pursuant to the requirements of this item, the company need retain only one copy of such document in its files provided appropriate cross references are established.

(5) Life or mortality study data for depreciation purposes shall be retained for the life of corporation.

### § 225.3 Schedule of records and periods of retention.

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#### SCHEDULE OF RECORDS AND PERIODS OF RETENTION

Description	Retention period
CORPORATE AND GENERAL	
1. Capital stock records:	
(a) Capital stock ledgers or other records showing the same information.	6 years after the stockholder's account is closed. <sup>1</sup>
(b) Capital stock subscription accounts, warrants, requests for allotments and other essential papers related thereto.	2 years after settlement.
(c) Stubs or similar records of capital stock certificate issuance where not used as capital stock ledger record.	6 years after cancellation of certificate. If this record serves the purpose of a capital stock ledger, subsection 1(a) is applicable.
(d) Stock transfer registers or sheets or similar records.	6 years after last entry on page or sheet of record.
(e) Papers pertaining to or supporting transfers of capital stock:	
(1) Papers that are recorded officially in a court or in the office of some other public recording authority; and other papers presented by any bank or trust company requesting transfers in its capacity as a fiduciary and miscellaneous papers.	Destroy at option or return to stockholder.
(f) Canceled capital stock certificates where not used as capital stock ledger records.	6 years after cancellation of certificate. If this record serves the purpose of a capital stock ledger, subsection 1(a) is applicable.
(g) Change of address notices of stockholders.	Destroy at option after changes are recorded.
(h) Bonds of indemnity and affidavits covering issuances of stock certificates to replace lost certificates.	6 years after expiration of bonds.
(i) Letters, notices, reports, statements and other communications distributed to all stockholders of a particular class:	
(1) Formal communications addressed to all stockholders of a particular class, including annual reports to stockholders, notices of annual and special meetings of stockholders, and other notices, reports, letters or statements relating to corporate or stockholder actions.	Life of corporation.
(2) Interim reports of operations, speeches of corporate officers, notices of change of corporate address or telephone numbers, etc.	6 years after the date thereof.
(j) Dividend registers, lists or similar records.	6 years.
(k) Paid dividend checks.	Do.
(l) Third party dividend orders.	6 years after rescission order.
See footnotes at end of table.	

Retention period

2. Proxies and voting lists:  
 (a) Proxies of holders of voting securities.-----  
 (b) Lists of holders of voting securities represented at meetings.
3. Reports to stockholders:  
 (a) Annual reports or statements to stockholders.-----  
 (b) Written acknowledgements of receipts of reports to stockholders and written requests for copies of such reports.
4. Debt security records:  
 (a) Registered bond and debenture ledgers.-----  
 (b) Bond and debenture subscription accounts, warrants, subscription notices, requests for allotment and essential papers related thereto.  
 (c) Stubs or similar records of bond and debenture certificates issued.  
 (d) Papers pertaining to or supporting transfers of registered bonds and debentures:  
 (1) Papers that are recorded officially in a court or in the office of some other public recording authority; and other papers presented by any bank or trust company requesting transfers in its capacity as a fiduciary, plus other miscellaneous papers.  
 (e) Records of bond and debenture interest coupons paid and unpaid.  
 (f) Canceled bonds and debentures and paid interest coupons pertaining thereto.  
 (g) Trust indentures, loan agreements or other contracts or agreements securing debt securities issued. (If such papers or documents are included among the records covered by Subsection 5 of the Regulation, this instruction will not apply.)  
 (h) Copies of reports, statements, letters or memoranda filed with trustee(s) pursuant to provisions of trust indenture or other security instrument or agreement securing debt securities issued.

3 years.  
 1 year.  
 Life of corporation.  
 Destroy at option.  
 3 years after redemption.  
 3 years after settlement.  
 3 years after redemption.  
 Destroy at option or return to holders of the bonds or debentures.  
 Destroy at option.<sup>3</sup>  
 Do.<sup>3</sup>  
 6 years after redemption.  
 6 years after redemption. (Destroy at option provided that the trustee(s) under such indenture or security instrument is a National Bank, a member of the Federal Reserve System or a subsidiary of any such National Bank or Federal Reserve System member bank; and provided further that the trustee(s) has certified to the company that copies of all such documents will be available in the offices of the trustee(s) for inspection at any time prior to redemption by holders of debt securities to which such documents relate and for inspection by any Federal or State regulatory authority prior to redemption and for an additional period of 6 years after redemption.)

See footnotes at end of table.

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Description

Retention period

- (1) Paid or canceled debt securities evidencing temporary borrowings.  
 3 years after payment or cancellation, provided other records of issuance and payment or cancellation are maintained.  
 6 years.
- (1) Paid interest checks.-----  
 5. Filings with and authorizations by regulatory agencies:  
 (a) Authorizations from regulatory bodies for issuance of securities:  
 (1) Copies of applications to regulatory bodies for authority to issue stocks, bonds, and other securities, including copies of exhibits in support of such applications.  
 (2) Official copies of opinions and orders of regulatory bodies granting authority to issue securities.  
 (3) Reports filed with regulatory bodies in compliance with authorizations to issue securities. (Reports of sales of securities of application of proceeds, etc.) File copies of such reports and supporting papers.  
 (b) Copies of registration statements and other data filed with the Securities and Exchange Commission:  
 (1) In connection with offerings of securities for sale to the public, or the listing of securities on exchanges, including supporting papers.  
 (2) Copies of periodic reports and supporting papers filed in compliance with either the Securities Act of 1933 or the Securities Exchange Act of 1934.  
 6. Organizational documents:  
 (a) Minute books of stockholders', directors', and directors' committee meetings.  
 (b) Titles, franchises, and licenses:  
 (1) Deeds and other title papers (including abstracts of title and supporting data).  
 (2) Corporate charters or certificates of incorporation.  
 (3) Franchises and certificates authorizing operations as a public utility.  
 (4) Licenses (including amendments thereto) granted by Federal or State authorities for construction and operation of utility plant.  
 (5) Copies of formal orders of regulatory commissions served upon the utility.  
 (c) Permits:  
 (1) Permits and granted applications for the use of facilities of others.  
 (2) Copies of permits and applications granted others for the use of the utility's facilities.  
 (3) Applications for the use of facilities not granted and copies of such applications.  
 (4) Permits of a temporary nature from municipalities or others to perform specific work, such as permits to open streets.  
 (d) Organization diagrams and charts.-----  
 25 years or until all securities covered are retired, whichever is shorter.<sup>4</sup>  
 25 years.  
 Life of corporation.  
 6 years after property is disposed of unless surrendered to transferee.  
 Life of corporation.  
 Do.  
 25 years after plant is retired or expiration of license, whichever is shorter.  
 Life of corporation.  
 6 years after expiration or cancellation.  
 Do.  
 Destroy at option.  
 Do.  
 Destroy at option after expiration or supersession.

## SCHEDULE OF RECORDS AND PERIODS OF RETENTION—CONTINUED

Description	Retention period
(c) Trial balance sheets of general and subsidiary ledgers.	2 years.
11. Journals: General and subsidiary	50 years.
12. Journal vouchers and journal entries including supporting detail:	Do.
(a) Journal vouchers and journal entries	6 years. See Section 225.2(j).
(b) Analyses, summarizations, distributions, and other computations which support journal vouchers and journal entries:	6 years.
(1) Charging plant accounts	Destroy when superseded.
(2) Charging all other accounts	Do.
(c) Schedules for recurring journal entries	10 years after close of fiscal year. See Subsection 12(a).
(d) Lists of standard journal entry numbers	6 years. See Section 225.2(j).
13. Cash books:	
(a) General and subsidiary or auxiliary books	6 years.
14. Voucher registers:	
(a) Voucher registers or similar records when used as a source document.	6 years.
15. Vouchers:	
(a) Paid and canceled vouchers (1 copy—analysis sheets showing detailed distribution of charges on individual vouchers and other supporting papers).	Do.
(b) Original bills and invoices for materials, services, etc., paid by vouchers.	Do.
(c) Paid checks and receipts for payments by voucher or otherwise.	6 years.
(d) Authorization for the payment of specific vouchers.	6 years. See Section 225.2(j).
(e) Lists of unaudited bills (accounts payable), lists of vouchers transmitted and memoranda regarding changes in unaudited bills.	Destroy at option.
(f) Voucher indexes	Do.
16. Accounts receivable (see Subsections 53 and 54 for accounts with customers for utility service and for merchandise sales):	
(a) Records of accounts receivable pertaining to sales of utility plant.	3 years after settlement.
(b) Record or register of accounts receivable and indexes thereto and summaries of distribution.	Do.
(c) Accounting department copies of invoices issued and supporting papers which do not accompany the original invoices and authorizations for charges including supporting papers.	Do.
(d) Periodic statements of unsettled accounts, except trial balances.	Destroy at option.
(e) Schedule of invoices to be issued	Do.
17. Records of securities owned:	
(a) Records of securities owned, in treasury, or with custodians (excluding temporary investments of cash).	6 years after disposal of the investment.
18. Payroll records:	
(a) Payroll sheets or registers of payments of salaries and wages.	6 years.
(b) Records showing the distribution of salaries and wages paid and summaries or recapitulation statements of such distribution.	6 years. See subsection 12(b).

## SCHEDULE OF RECORDS AND PERIODS OF RETENTION—CONTINUED

Description	Retention period
7. Contracts and agreements (except contracts provided for elsewhere):	
(a) Service contracts, such as for management, accounting and financial services.	6 years after expiration or cancellation. See § 225.2(j).
(b) Contracts with other utilities or other persons for the purchase, sale or interchange of product, or for advance payments for gas.	6 years after expiration or cancellation.
(c) Leases pertaining to rentals of property to or from others.	Do.
(d) Contracts and agreements with individual employees, labor unions, company unions, and other employee organizations relative to wage rates, hours, and similar matters.	Do.
(e) Contracts, agreements, and/or other essential records necessary to the carrying out of the functions of an employee's stock purchase or other type of employee saving plan.	Do.
(f) Contracts or agreements for the acquisition or disposal of investments (excluding temporary cash investments).	25 years after disposal.
(g) Memoranda essential to clarifying or explaining provisions of contracts listed above.	For the same periods as contracts to which they relate.
(h) Card or book records of contracts, leases, and agreements made, showing dates of expirations and of renewals, memoranda of receipts, and payments under such contracts, etc.	Do.
8. Accountants' and auditors' reports:	
(a) Reports of examinations and audits by accountants and auditors not in the regular employ of the utility (such as reports of public accounting firms and regulatory commission accountants).	7 years after date of report or Commission audit, whichever comes last.
(b) Internal audit reports and work papers	Do.
AUTOMATIC DATA PROCESSING	
9. Automatic data processing records. (Retain original source data used as input for data processing and data processing report printouts for the applicable periods prescribed elsewhere in the schedule.):	
(a) Punched cards, tapes or similar media used as intermediate records or steps in data processing for assembling data to be posted to the records of the company or used in a report or study.	Destroy at option.
(b) Program documentation and revisions thereto	Retain as long as it represents an active viable program or for periods prescribed for related output data, whichever is shorter.
GENERAL ACCOUNTING RECORDS	
10. General and subsidiary ledgers:	
(a) (1) General ledgers	50 years.
(2) Ledgers subsidiary or auxiliary to general ledgers except ledgers provided for elsewhere.	Do.
(b) (1) Indexes to general ledgers	Do.
(2) Indexes to subsidiary ledgers except ledgers provided for elsewhere.	Do.
See footnotes at end of table.	

Retention period

- (c) Time tickets, time sheets, time books, time cards, workmen's reports and other records showing hours worked, description of work and accounts to be charged:
  - (1) When used as a basis for payment of salaries and wages supporting records described in subsection 18(a).
  - (2) When used solely as basis for supporting records described in subsection 18(b).
- (d) Paid checks, receipts for wages paid in cash and other evidences of payments for services rendered by employees.
- (e) Applications and authorizations for changes in wage and salary rates, summaries and reports of changes in payrolls, and similar records.
- (f) Applications for payroll changes not authorized.
- (g) Payroll authorizations and records of authorized positions.
- (h) Records of deductions from payrolls.
- (i) Comparative or analytical statements of payrolls.
- (j) Employee's individual earnings record.

19. Assignments, attachments, and garnishments:

- (a) Record of assignments, attachments, and garnishments of employees' salaries, including files of notices, etc., pertaining thereto.
- (b) Minors' salary releases.

INSURANCE

- 20. Insurance records:
  - (a) Records of insurance policies in force, showing coverage, premiums paid and expiration dates.
  - (b) Insurance policies.
  - (c) Records of amounts recovered from insurance companies in connection with losses and of claims against insurance companies, including reports of losses and supporting papers.
  - (d) Inspectors' reports and records of condition of property.
  - (e) Insurance maps of property and structures erected thereon.
  - (f) Records and statements relating to insurance requirements.

21. Injuries and damages:

- (a) Claim registers, card or book indexes and similar records in connection with claims presented against the company in connection with accidents resulting in damage to the property of others or personal injuries.
- (b) Papers, reports, statements of witnesses, etc., necessary to the support or rejection of individual claims against the company.

See footnotes at end of table.

Destroy at option if the basic information contained therein is transferred to other records.  
 Destroy at option.

3 years.

Do.

Destroy at option.  
 3 years.

Destroy at option.  
 Do.  
 6 years after termination of employment.

Destroy at option.

Do.

Destroy at option after expiration of such policies.  
 Do.  
 6 years. See section 225.2(j).

Destroy when superseded.

Do.

Destroy at option.

2 years after settlement.

Do.

Retention period

- (c) Other papers, reports or statements, pertaining to accidents, resulting in property damages or personal injuries, not necessary to the support or rejection of claims.
- (d) Detailed schedules or spread sheets of payments to others for personal injuries or for property damages.

OPERATIONS AND MAINTENANCE

22. Production—Gas:

- (a) Boiler and gas machine logs, including supporting data.
- (b) Gas generation and output logs with supporting data.
- (c) Temperature and atmospheric pressure logs.
- (d) Coal, coke and oil reports.
- (e) Residual reports.
- (f) Recording instrument charts such as pressure (static and/or differential), temperature specific gravity, heating value, etc.
- (g) Test of heating value at stations and outlying points.
- (h) Records of gas produced, gas purchased, gas sent out and holder stock.
- (i) Analysis of gas produced and purchased including B.t.u. and sulphur content.
- (j) Records of general inspection and operating tests.
- (k) Well records, including clearing, palling, shooting, etc., records; rock pressure; open flow; production, gas analysts' reports, etc.
- (l) Gasoline production.
- (m) Gas production by counties.
- (n) Gas measuring records.

- (o) Tool record.
- (p) Royalty record.
- (q) Records of meter tests.
- (r) Meter history records.

23. Transmission and distribution—Gas:

- (a) Transmission line logs.
- (b) Transmission and distribution department load dispatching operating logs.
- (c) Service interruption logs and reports.
- (d) Records of general inspection and operating tests.
- (e) Reports on inspections and repairs of all street openings.
- (f) Apparatus failure reports.

Destroy at option.

2 years after settlement.

3 years.

6 years.

3 years.

Do.

Do.

1 year, except where the basic chart information is transferred to another record, the charts need only be retained 6 months provided the record containing the basic data is retained one year.

6 years.

Do.

Do.

3 years.

1 year after field or relevant production area abandoned.

6 years.

Destroy at option.

1 year, except where the basic chart information is transferred to another record, the charts need only be retained 6 months provided the record containing the basic data is retained 1 year.

For life of equipment.

6 years.

Until superseding test, but not less than 2 years.

For life of meter.

3 years.

Do.

6 years.

3 years.

6 years.

Do.

SCHEDULE OF RECORDS AND PERIODS OF RETENTION—CONTINUED

Description Retention period

- (g) Records of meter tests.....  
Until superseding test, but not less than 2 years, or as may be necessary to comply with service rules regarding re-funds on fast meters.  
For life of meter.  
3 years.
  - (h) Meter history records.....  
1 year.
  - (i) Meter shop reports (monthly reports summarizing tests, repairs, etc.).....  
3 years.
  - (j) Gas measuring records.....  
Do.
  - (k) Transmission line operating reports.....  
Do.
  - (l) Compressor operation and reports.....  
1 year, except where the basic chart information is transferred to another record, the charts need only be retained 6 months provided the record containing the basic data is retained 1 year.
  - (m) Gas pressure department reports.....  
1 year after reservoir, field, or relevant storage area is abandoned.
  - (n) Recording instrument charts such as pressure (static and differential), temperature, specific gravity, heating value, etc.  
Do.
- 23.1 Underground storage of natural gas:  
 (a) Well records, reports and logs which includes data relating to pressures, injected volumes, withdrawn volumes, core analysis, daily volumes of gas injected into and withdrawn from reservoir, and cushion and working gas volumes for each reservoir.  
 (b) Records containing information relating to reservoir gas leakage, showing the total gas leakage and recycled gas.  
 (c) Maps of the storage project.....  
 (d) Records on back pressure tests field data.....  
 (e) Records on back pressure test results, gas analysis.....
24. Customers' service:  
 (a) Reports of inspections of customers' premises.....  
 (b) Records and reports of customers' service complaints.  
 (c) Survey of customers' premises to determine type of service and equipment to be installed.  
 (d) Records of installed customers' appliances.....  
 (e) Records of auxiliary and other operations:  
 Records of operations other than utility operations.....
25. Records of operations other than utility operations:  
 (a) Authorizations for expenditures for maintenance work to be covered by work orders, including memoranda showing the estimates of costs to be incurred.  
 (b) Work order sheets to which are posted in detail the entries for labor, material, and other charges in connection with maintenance, and other work pertaining to utility operations.  
 (c) Summaries of expenditures on maintenance and job orders and clearances to operating and other accounts (exclusive of plant accounts).  
 See footnotes at end of table.

SCHEDULE OF RECORDS AND PERIODS OF RETENTION—CONTINUED

Description Retention period

- (g) Records of meter tests.....  
Until superseding test, but not less than 2 years, or as may be necessary to comply with service rules regarding re-funds on fast meters.  
For life of meter.  
3 years.
  - (h) Meter history records.....  
1 year.
  - (i) Meter shop reports (monthly reports summarizing tests, repairs, etc.).....  
3 years.
  - (j) Gas measuring records.....  
Do.
  - (k) Transmission line operating reports.....  
Do.
  - (l) Compressor operation and reports.....  
1 year, except where the basic chart information is transferred to another record, the charts need only be retained 6 months provided the record containing the basic data is retained 1 year.
  - (m) Gas pressure department reports.....  
1 year after reservoir, field, or relevant storage area is abandoned.
  - (n) Recording instrument charts such as pressure (static and differential), temperature, specific gravity, heating value, etc.  
Do.
- 23.1 Underground storage of natural gas:  
 (a) Well records, reports and logs which includes data relating to pressures, injected volumes, withdrawn volumes, core analysis, daily volumes of gas injected into and withdrawn from reservoir, and cushion and working gas volumes for each reservoir.  
 (b) Records containing information relating to reservoir gas leakage, showing the total gas leakage and recycled gas.  
 (c) Maps of the storage project.....  
 (d) Records on back pressure tests field data.....  
 (e) Records on back pressure test results, gas analysis.....
24. Customers' service:  
 (a) Reports of inspections of customers' premises.....  
 (b) Records and reports of customers' service complaints.  
 (c) Survey of customers' premises to determine type of service and equipment to be installed.  
 (d) Records of installed customers' appliances.....  
 (e) Records of auxiliary and other operations:  
 Records of operations other than utility operations.....
25. Records of operations other than utility operations:  
 (a) Authorizations for expenditures for maintenance work to be covered by work orders, including memoranda showing the estimates of costs to be incurred.  
 (b) Work order sheets to which are posted in detail the entries for labor, material, and other charges in connection with maintenance, and other work pertaining to utility operations.  
 (c) Summaries of expenditures on maintenance and job orders and clearances to operating and other accounts (exclusive of plant accounts).  
 See footnotes at end of table.

PERSONNEL

27. Personnel records:  
 (a) Employees' service records, length of service, and other pertinent data. 3 years after termination of employment.  
 (b) Applications for employment, requests for medical examination, medical examiner's report, photographs and other identification records, and other miscellaneous records pertaining to the hiring of employees. Destroy at option.  
 28. Employees' benefit and pension records:  
 (a) Detailed records showing computations of accruals for pension liabilities. 6 years after supersession of the study or report or termination of plan.  
 (b) Pension or annuity payrolls..... 3 years.  
 (c) Pension paychecks..... 3 years.  
 (d) Records pertaining to employees' benefit programs. Destroy at option.  
 29. Instructions to employees and others:  
 (a) Bulletins or memoranda of general instructions issued by the company to employees pertaining to changes in accounting, engineering, operating, maintenance and construction policies. 10 years after expiration or supersession.  
 (b) Bulletins or memoranda of general instructions issued by the company to employees pertaining to accounting, engineering, operating, maintenance and construction methods and procedures. Destroy at option after expiration or supersession.  
 (c) Notices to employees on matters of discipline, deportment, and other similar subjects. Destroy at option.

PLANT AND DEPRECIATION

30. Plant ledgers:  
 (a) Ledgers of utility plant accounts including land and other detailed ledgers showing the cost of utility plant by classes. 50 years.  
 (b) Continuing plant inventory ledger, book or card records showing description, location, quantities, cost, etc., of physical units (or items) of utility plant owned. 6 years after plant is retired, provided mortality data are retained.<sup>5</sup>

31. Construction work in progress ledgers, work orders, and supplemental records:  
 (a) Construction work in progress ledgers..... 10 years after clearance to the plant account, provided continuing plant inventory records are maintained; otherwise 6 years after plant is retired.  
 (b) Work order sheets to which are posted in summary form or in detail the entries for labor, materials and other charges for utility plant additions and the entries closing the work orders to utility plant in service at completion. Do.  
 (c) Authorizations for expenditures for additions to utility plant, including memoranda showing the detailed estimates of cost and the bases therefor (including original and revised or subsequent authorizations). 10 years.

Retention period

Description

- (d) Requisitions and registers of authorizations for utility plant expenditures.
- (e) Completion or performance reports showing comparison between authorized estimates and actual expenditures for utility plant additions.
- (f) Analysis or cost reports showing quantities of materials used, unit costs, number of man-hours, etc., in connection with completed construction project.
- (g) Records and reports pertaining to progress of construction work, the order in which jobs are to be completed, and similar records which do not form a basis of entries to the accounts.
- (h) Well-drilling logs and well-construction records---
  - 10 years.
  - Do.
  - 10 years after clearance to the plant account, provided continuing property plant inventory records are maintained; otherwise 6 years after plant is retired.
  - Destroy at option.
  - 1 year after field or relevant production area abandoned.
  - 10 years after plant is retired.<sup>5</sup>
  - 10 years after clearance to the plant account, provided continuing plant inventory records are maintained; otherwise 6 years after plant is retired.<sup>5</sup>
  - 10 years.
  - 10 years after clearance to the plant account, provided continuing plant inventory records are maintained; otherwise 6 years after plant is retired.

32. Retirement work in progress ledgers, work orders, and supplemental records:

- (a) Work order sheets to which are posted the entries for removal costs, materials recovered, and credits to utility plant accounts for cost of plant retired.
- (b) Authorizations for retirement of utility plant, including memoranda showing the basis for determination of cost of plant to be retired and estimates of salvage and removal costs.
- (c) Registers of retirement work orders.-----

33. Summary sheets, distribution sheets, reports, statements, and papers directly supporting debits and credits to utility plant accounts not covered by construction or retirement work orders and their supporting records.

- 34. Appraisals and valuations:
  - Appraisals and valuations made by the company of its properties or investments or of the properties or investments of any associated companies. (Includes all records essential thereto.)

35. Production maps and reproductions thereof:

- (a) Geological maps, including aerial photographs, showing the location of all natural gas production, transmission and distribution facilities.

36. The original or reproductions of engineering records, drawings and other supporting data for proposed as-constructed natural gas facilities:

- (a) Maps, diagrams, profiles, photographs, field survey notes, plot plan, detail drawings, records of engineering studies and similar records showing the location of proposed or as-constructed facilities:

See footnotes at end of table.

RULES AND REGULATIONS

Description

Retention period

- (1) If construction of facility results wholly, or in part.
- (2) If construction of facility does not result.-----

37. Contracts and other agreements relating to natural gas company records:

- (a) Contracts relating to acquisition or sale of plant.--
- (b) Contracts and other agreements relating to services performed in connection with construction of utility plant (including contracts for the construction of plant by others for the utility and for supervision and engineering relating to construction work).
- (c) The primary records of gas acreage owned, leased or optioned excluding deeds and leases but including such records as lease sheets, leasehold cards, and option agreements.

38. Records pertaining to reclassifications of utility plant accounts to conform to prescribed systems of accounts, including supporting papers showing the bases for such reclassifications.

- 39. Records of accumulated provisions for depreciation and depletion of utility plant:
  - (a) Detailed records or analysis sheets segregating the accumulated depreciation according to functional classification of plant.
  - (b) Records supporting computation of depreciation and depletion expense of utility plant, including such data as life and salvage studies.

PURCHASES AND STORES

40. Procurements:

- (a) Agreements entered into for the acquisition of goods or the performance of services. Includes all forms of agreements not specifically set forth in Subsection 7 such as, but not limited to: Letters of intent, exchange of correspondence, master agreements, term contracts, rental agreements and the various types of purchase orders:
  - (1) For goods or services relating to plant construction.
  - (2) For other goods or services.-----

- (b) Supporting documents including bids or proposals evidencing all relevant elements of the procurement.
- (c) All other procurement records such as requisitions, advices from suppliers, registers or similar records of invoices.

41. Material ledgers:

- (a) Ledger sheets and card records of materials and supplies received, issued, and on hand.
- (b) Statements of materials and supplies on hand, per ledgers.

Records pertinent to the constructed facility until record is superseded or 6 years after facility is retired.<sup>5</sup>

Destroy at option, after completely accounting for expenses incurred.

6 years after plant is retired.

6 years. See section 225.2(j).

6 years after rights to the gas acreage have expired or otherwise dissolved.

6 years. See section 225.2(j).

25 years.

Do.

6 years. See section 225.2(j).

6 years.

6 years. See section 225.2(j).

Destroy at option after company's accounts have been examined by independent accountants.

6 years. See section 225.2(j).

Destroy at option after completion of annual audit by independent accountants.

Description	Retention period
42. Materials and supplies received and issued:	
(a) Records and reports pertaining to receipt of materials and supplies.	Do.
(b) Records of inspecting and testing materials and supplies.	Destroy at option.
(c) Records showing the detailed distribution of materials and supplies issued during accounting periods.	6 years. See section 225.2(j).
(d) Records of material issued, transferred or returned to stock:	
(1) Showing quantities, unit prices, and accounts to be charged.	Do.
(2) Showing only quantities and accounts to be charged.	Destroy at option if the basic information contained thereon is transferred to other records.
(e) Minor records and reports pertaining to materials and supplies not involving costs or final disposition, such as reports of unfilled requisitions, authorizations for additions to stock, and similar records; also, storeroom copies of purchase orders and price records, other copies being retained in files of purchasing department.	Destroy at option.
43. Records of sales of scrap and materials and supplies:	
(a) Authorizations for sale of scrap and materials and supplies.	3 years.
(b) Contracts for sale of scrap and materials and supplies.	Do.
(c) Memoranda pertaining to sale of scrap and materials and supplies.	Destroy at option.
44. Inventories of materials and supplies:	
(a) General inventories of materials and supplies on hand with records of adjustments of accounts required to bring stores records into agreement with physical inventories.	Destroy at option after completion of annual audit by independent accountants.
(b) Stock cards, inventory cards, and other detailed records pertaining to the taking of inventories if abstracted into records covered by subsection 44(a).	Destroy at option.
(c) Minor inventories of materials and supplies on hand if not reflected in adjustments of accounts.	Do.
REVENUE ACCOUNTING AND COLLECTING	
45. Customers' service applications and contracts:	
(a) Applications for utility service for which contracts have been executed.	Do.
(b) Applications for utility service used in lieu of contracts.	1 year.
(c) Contracts and card files or other records thereof with customers for utility service. (See also subsection 7(b).)	1 year after expiration or cancellation.
(d) Applications for utility service which were withdrawn by applicant or not granted by the utility.	1 year.
(e) Contracts or sales agreements with customers and others for sale of merchandise and appliances.	1 year after sales agreement is discharged.
(f) Contracts for lease of equipment to customers, including receipts for same.	1 year after expiration of contract or return of equipment.
See footnotes at end of table.	

Description	Retention period
(g) Applications and contracts for extensions covered by refundable deposits or guarantees of revenue, also records pertaining to such contracts.	1 year after entire amount is refunded.
(h) Applications and contracts for extensions for which donations or contributions are made by customers or others.	50 years.
46. Rate schedules:	
(a) General files of published rate sheets and schedules of utility service. (Including schedules suspended or superseded.)	Do.
(b) Divisional or local office copies of rate sheets and schedules of utility service.	1 year after expiration or cancellation.
47. Customers' guarantee deposits:	
(a) Customers' deposit ledgers or card records.	6 years after refund.
(b) Customers' deposit certificate books.	Do.
(c) Receipts for customers' deposits refunded.	Do.
(d) Receipts for interest on customers' deposits.	Do.
48. Meter reading sheets and records:	
(a) Superseded meter reading sheets.	2 years or as may be necessary to comply with service rules regarding refunds on fast meters.
(b) Meter reread sheets (special readings to check high or low consumption).	1 year.
(c) Customers' reading cards.	Do.
(d) Connection and disconnection orders.	Do.
(e) Superseded indexes to meter books.	Destroy at option.
(f) Mark sensed meter reading cards.	Destroy at option after transferring data to other record.
49. Maximum demand, pressure, temperature, and specific gravity charts and demand meter record cards.	1 year, except where the basic chart information is transferred to another record the charts need only be retained 6 months, provided the record containing the basic data is retained 1 year.
50. Miscellaneous billing data:	
(a) Billing department's copies of contracts with customers (in addition to contracts in general files).	Destroy at option.
(b) Service and inspection orders from which customers are charged and sundry charge advices.	1 year.
(c) Authorizations for charges under utility service contracts.	1 year after expiration of contract.
(d) Standard billing sheets or schedules (showing computed bills of varying consumption according to rates).	Destroy at option.
51. Revenue summaries:	
(a) Summaries of monthly operating revenues according to classes of service for entire utility.	6 years.
(b) Summaries of monthly operating revenues according to classes of service by towns, districts, or divisions (including summaries of forfeited discounts and penalties).	Do.

Description

Retention period

56. Uncollectible accounts and customers' credit records:  
 (a) Records of ratings, credit classifications, and investigations of customers. Destroy at option.  
 (b) Ledger accounts and supporting details of customers' accounts considered to be uncollectible. For period legally collectible.  
 (c) Reports and statements showing age and status of customers' accounts. 1 year.  
 (d) Data on unpaid final bills. Do.  
 (e) Authorizations for writing off customers' accounts. 3 years.
- TAX
57. Tax records:  
 (a) Copies of returns and schedules filed with taxing authorities, supporting work papers, records of appeals, tax bills and receipts for payments. (See Subsection 15(b) for vouchers evidencing disbursements):  
 (1) Income tax returns. 7 years after settlement.  
 (2) Property tax returns. 3 years after settlement.  
 (3) Sales and use taxes. 3 years.  
 (4) Other taxes. 2 years after settlement.  
 (5) Agreements between associate companies as to allocation of consolidated income taxes. 7 years after settlement.  
 (6) Schedule of allocation of consolidated Federal income taxes among associate companies. Do.  
 (b) Summaries of taxes paid. Destroy at option.  
 (c) Filings with taxing authorities to qualify employee benefit plans. 7 years after settlement of Federal return or discontinuance of plan, whichever is later.  
 (d) Information returns and reports to taxing authorities. 3 years, or for the period of any extensions granted for audit.
- TREASURY
58. Statements of funds and deposits:  
 (a) Summaries and periodic statements of cash balances on hand and with depositories. Destroy at option.  
 (b) Statement of managers' and agents' cash balances on hand and with depositories. Do.  
 (c) Authorizations for and statements of transfer of funds from one depository to another. Do.  
 (d) Requisitions and receipts for funds furnished managers, agents, and others. Destroy at option after funds have been returned or accounted for.  
 (e) Records of fidelity bonds of employees and others responsible for funds of the utility. Destroy at option after liability of bonding company has expired.  
 (f) Reports and estimates of funds required for general and special purposes. Destroy at option.  
 59. Records of deposits with banks and others:  
 (a) Copies of bank deposit slips. Destroy at option after completion of annual audit by independent accountants.  
 (b) Advice of deposits made when information thereon is shown on other records which are retained. Do.  
 (c) Statements from depositories showing the details of funds received, disbursed, transferred, and balances on deposit. Do.

Description

Retention period

52. Customers' ledgers and other records used in lieu thereof:  
 (a) Customers' ledgers. 2 years or as may be necessary to comply with service rules regarding refunds on fast meters. Do.  
 (b) Records used in lieu of customers' ledgers, such as bill summaries, registers, bill stubs, etc. Destroy at option.  
 (c) Copies of large bills:  
 (1) If details are transcribed to ledgers covered by Subsection 52(a). 2 years.  
 (2) If details are not transcribed to ledgers. 1 year.  
 (d) Trial balances of ledgers referred to above. 2 years.  
 (e) Indexes to customers' accounts. Destroy at option.  
 (f) Change of address notices. 2 years.  
 (g) Cards and other records relating to forfeited discounts.
53. Merchandise sales—accounting and collecting:  
 (a) Merchandise sales tickets (duplicates) and charge slips for work done. Destroy at option after annual audit and 6 months after account is settled.  
 (b) Merchandise registers and summaries of sales. 3 years.  
 (c) Merchandise ledgers and installment records. 1 year after completion of payments.  
 (d) Merchandise sales returns and adjustment tickets. Destroy at option after annual audit and 6 months after account is settled.  
 (e) Cashiers' stubs for merchandise collections. 6 months.  
 (f) Cashiers' periodic reports and statements of collections on merchandise accounts. 1 year.  
 (g) Records of monthly statements to customers. Destroy at option.  
 (h) Reports relating to status of merchandise accounts receivable. 1 year.  
 (i) Job orders and supporting details of charges to customers for work done. 3 years.  
 (j) Indexes and trial balances of merchandise ledgers. 1 year.  
 54. Collection reports and records:  
 (a) Periodic reports, lists, and summaries of collections of operating revenues by collectors, agents, and local or divisional or district offices. (See subsection 60(d).) Destroy at option.  
 (b) Bill stubs, copies of bills, collection slips, and other records pertaining to collections, summarized or detailed in daily or periodic cash reports. 6 months.  
 (c) Memorandum records of remittances from local or branch offices. Do.
- NOTE: See subsection 59 pertaining to deposits of cash with banks. Subsection 59 applies to all bank accounts whether at general, local, or divisional offices.
55. Customers' account adjustments:  
 (a) Detailed records pertaining to adjustments of customers' accounts for overcharges, undercharges, and other errors, results of which have been transcribed to other records. 1 year.  
 (b) Detailed records of high-bill complaints whether or not resulting in adjustments to customers' accounts. Do.  
 See footnotes at end of table.

RULES AND REGULATIONS

Retention period

Description

64. Records of predecessors and former associates.-----  
 Retain until the records of utility plant acquired have been integrated with the utility's plant records and the original cost of the acquired plant is adequately supported by cost details and until it is ascertained that such records are not necessary to fulfillment of any unsatisfied regulatory requirement, such as: (a) Approval and recording of accounting adjustments resulting from reclassification and original cost studies and acceptance of property acquisition journal entries, (b) establishment of continuing plant inventory records or accounting evidence of the cost of long-lived property in the absence of such continuing plant inventory records.

Life of corporation.  
 2 years after date of report.

6 years.  
 3 years.  
 6 years.  
 5 years.  
 3 years after fully paid.

Data filed with the SEC retain 25 years or until all securities covered are retired, whichever is shorter; other reports retain until securities covered are retired.  
 Life of corporation.  
 Do.  
 6 years.

Do.

Destroy when superseded.

65. Reports to Federal and State regulatory commissions:

- (a) Annual financial, operating and statistical reports.
- (b) Monthly and quarterly reports of operating revenues, expenses, and statistics.
- (c) Special or periodic reports on the following subjects:
  - (1) Transactions with associated companies.
  - (2) Budgets of expenditures.
  - (3) Accidents
  - (4) Employees and wages.
  - (5) Loans to officers and employees.
  - (6) Issues of securities.

(7) Purchases and sales, utility properties.

(8) Plant changes—units added and retired

(9) Service interruptions.

(a) Copies of advertisements by the company in behalf of itself or any associate company in newspapers, magazines and other publications including records thereof. (Excluding advertising of product, appliances, employment opportunities, services, territory, routine notices and invitations for bids for securities, all of which may be destroyed at option.)

(b) Indexes of forms used by company

See § 225.2, General instructions (n) — Schedule of Notes (1)

See § 225.2, General instructions (n) — Schedule of Notes (2)

See § 225.2, General instructions (n) — Schedule of Notes (3)

See § 225.2, General instructions (n) — Schedule of Notes (4)

See § 225.2, General instructions (n) — Schedule of Notes (5)

See § 225.2, General instructions (n) — Schedule of Notes (6)

See § 225.2, General instructions (n) — Schedule of Notes (7)

See § 225.2, General instructions (n) — Schedule of Notes (8)

See § 225.2, General instructions (n) — Schedule of Notes (9)

See § 225.2, General instructions (n) — Schedule of Notes (10)

See § 225.2, General instructions (n) — Schedule of Notes (11)

See § 225.2, General instructions (n) — Schedule of Notes (12)

See § 225.2, General instructions (n) — Schedule of Notes (13)

See § 225.2, General instructions (n) — Schedule of Notes (14)

See § 225.2, General instructions (n) — Schedule of Notes (15)

See § 225.2, General instructions (n) — Schedule of Notes (16)

See § 225.2, General instructions (n) — Schedule of Notes (17)

See § 225.2, General instructions (n) — Schedule of Notes (18)

See § 225.2, General instructions (n) — Schedule of Notes (19)

See § 225.2, General instructions (n) — Schedule of Notes (20)

See § 225.2, General instructions (n) — Schedule of Notes (21)

See § 225.2, General instructions (n) — Schedule of Notes (22)

See § 225.2, General instructions (n) — Schedule of Notes (23)

See § 225.2, General instructions (n) — Schedule of Notes (24)

See § 225.2, General instructions (n) — Schedule of Notes (25)

See § 225.2, General instructions (n) — Schedule of Notes (26)

See § 225.2, General instructions (n) — Schedule of Notes (27)

See § 225.2, General instructions (n) — Schedule of Notes (28)

See § 225.2, General instructions (n) — Schedule of Notes (29)

See § 225.2, General instructions (n) — Schedule of Notes (30)

See § 225.2, General instructions (n) — Schedule of Notes (31)

See § 225.2, General instructions (n) — Schedule of Notes (32)

See § 225.2, General instructions (n) — Schedule of Notes (33)

See § 225.2, General instructions (n) — Schedule of Notes (34)

See § 225.2, General instructions (n) — Schedule of Notes (35)

See § 225.2, General instructions (n) — Schedule of Notes (36)

See § 225.2, General instructions (n) — Schedule of Notes (37)

See § 225.2, General instructions (n) — Schedule of Notes (38)

Retention period

Description

(d) Bank reconciliation papers.  
 (e) Statements from banks of interest credits.  
 (f) Check stubs, registers, or other records of checks issued.  
 (g) Correspondence and memoranda relating to the stopping of payment of bank checks and to the issuance of duplicate checks.

60. Records of receipts and disbursements:

(a) Daily or other periodic statements of receipts or disbursements of funds.

(b) Records or periodic statements of outstanding vouchers, checks, drafts, etc. issued and not presented.

(c) Reports of associates showing working fund transactions and summaries thereof.

(d) Reports of revenue collections by field cashiers, pay stations, etc.

Do.

Do.

Do.

10 years after date of report.

2 years after date of report.

Destroy at option.

3 years.

61. Statistics:

(a) Annual financial, operating and statistical reports regularly prepared in the course of business for internal administrative or operating purposes (and not used as the basis for entries to accounts of the companies concerned) to show the results of operations and the financial condition of the utility.

(b) Quarterly, monthly or other periodic financial, operating and other statistical reports as above.

(c) All other statistical reports (not covered elsewhere in these regulations) prepared for internal administrative or operating purposes only and not used as the basis for entries to the accounts of the company.

62. Budgets and other forecasts: (Prepared for internal administrative or operating purposes) of estimated future income, receipts and expenditures in connection with financing, construction and operations and acquisitions or disposals of properties or investments by the company and its associate companies, including revisions of such estimates and memoranda showing reasons for revisions; also records showing comparison of actual income and receipts and expenditures with estimates.

63. Correspondence:

(a) Correspondence and indexes thereto relating to offices covered by other items of these regulations.

(b) Stenographers' notebooks and dictaphone or other mechanical device records.

(c) Mailing lists of prospects for appliance sales, securities, etc.

Retain for the period prescribed for the item to which it relates where necessary to a proper explanation of same.

Destroy at option.

Do.

See footnotes at end of table.

See § 225.2, General instructions (n) — Schedule of Notes (1)

See § 225.2, General instructions (n) — Schedule of Notes (2)

See § 225.2, General instructions (n) — Schedule of Notes (3)

See § 225.2, General instructions (n) — Schedule of Notes (4)

See § 225.2, General instructions (n) — Schedule of Notes (5)

See § 225.2, General instructions (n) — Schedule of Notes (6)

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See § 225.2, General instructions (n) — Schedule of Notes (10)

See § 225.2, General instructions (n) — Schedule of Notes (11)

See § 225.2, General instructions (n) — Schedule of Notes (12)

See § 225.2, General instructions (n) — Schedule of Notes (13)

See § 225.2, General instructions (n) — Schedule of Notes (14)

See § 225.2, General instructions (n) — Schedule of Notes (15)

See § 225.2, General instructions (n) — Schedule of Notes (16)

See § 225.2, General instructions (n) — Schedule of Notes (17)

See § 225.2, General instructions (n) — Schedule of Notes (18)

(C) The revisions ordered herein are effective as of January 1, 1972.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL]

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-4397 Filed 3-27-72;8:45 am]

## Title 49—TRANSPORTATION

### Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 2, Amdt. No. 7-5]

#### PART 7—PUBLIC AVAILABILITY OF INFORMATION

##### Miscellaneous Amendments

The purpose of these amendments is to make adjustments to the Departmental regulations governing public availability of information in light of the Department's experience under the Freedom of Information Act (5 U.S.C. section 552) during the four and a half years since its enactment. Sections dealing with specific exemptions listed in section 552 (b) of the Act have been modified, and the fee schedule contained in Subpart H of the regulations is amended by reducing the fee for copying of documents from 50 cents per page to 25 cents per page, by eliminating the one dollar minimum charge, and by providing for the furnishing of documents without charge or at a reduced charge in certain cases. The following section-by-section analysis describes the significant changes in detail.

**Section 7.43.** This section is amended to provide that where the fee is not readily ascertainable from the fee schedule without examination of the records, the fee may be collected after the record is made available. It is also amended to provide that the search fee is charged "if a search is necessary". Where no search is required to locate a requested record, no search fee will be charged.

**Section 7.45.** This section, relating to requests for records of concern to more than one Governmental organization, provided that such a record will be made available by the Department only if its interest in the record is the primary interest, "and only after coordination" with the other interested agency or government. As rewritten, the word "coordination", which implies the necessity for agreement, is replaced by the word "consultation", a word more accurately describing the process by which the other interested agency or government is given an opportunity to express its views. A new paragraph provides that primary interest is in the Department if the record was developed "pursuant to Departmental regulations, directive, requirement, or request", even though the document originated outside the Department. Where the primary interest is in another Federal agency, the request will be transferred to that agency.

**Sections 7.51 through 7.69.** These sections represent this Department's construction of the exemption provisions of the Freedom of Information Act and, as

such, serve as the basis for determining whether or not a request for a Departmental record can be denied. Experience over the four and one-half years since passage of the Act indicates that some of the provisions in these sections of the regulations may have been broader than the statutory exemptions on which they are based. Therefore, the following changes are made to §§ 7.55, 7.59, and 7.61.

**Section 7.55.** The exemption listed in 5 U.S.C. section 552(b)(2) applies to matters which are "related solely to internal personnel rules and practices." As originally worded, § 7.55 covered "records related solely to internal rules and practices" and included "operating rules, practices, guidelines, and procedures for departmental inspectors, investigators, and examiners." Section 7.55 is revised. The revision is based on the position that the words "internal personnel" modify both the words "rules" and "practices," and that the exemption in its more limited interpretation applies to rules and practices concerning the relations between an agency and its personnel, rather than to rules and practices concerning relations between the agency or its employees and outsiders. Consequently, the reference to operating rules and practices for the guidance of departmental inspectors, investigators, etc., as an example of records not available under this specific exemption, is deleted from § 7.55. However, this is not to say that records containing such guidelines for employees doing inspections, examinations, auditing, contract negotiations, and the like, the disclosure of which would substantially prejudice the effective performance of significant Department functions, are available, but merely that they should not be included as examples of this particular exemption which relates to internal rules and practices concerning personnel matters. Such records have often been held to be more properly privileged as intra-agency memoranda prepared for internal use under the "fifth" exemption (5 U.S.C. sec. 552(b)(5)), and the fact that they are not available is noted in an addition to § 7.31(a)(3).

**Section 7.59.** The exemption listed in 5 U.S.C. section 552(b)(4) applies to "trade secrets and commercial or financial information obtained from a person and privileged or confidential." Read literally, this exemption applies to information given in confidence only if it is commercial or financial information. The examples given in § 7.59 have been modified to reflect this limitation.

**Section 7.61.** The section on intra-governmental exchanges is revised to make clear that the exemption for internal memoranda containing advice, opinions, recommendations, and deliberation, does

not include memoranda that are actually made a part of agency action, but that the exemption, if applicable, does afford protection both before and after decision is made. As revised, it also provides that factual information contained in such memoranda is available unless the facts are so inextricably intertwined with policymaking processes that they cannot be separated without disclosing those processes.

**Section 7.71.** The revision of this section substitutes the General Counsel of the Department for the Director of Public Affairs, as the person in the Office of the Secretary to whom application should be made for reconsideration of a determination that a requested record will not be disclosed, and whose decision as to availability of a record is administratively final.

**Section 7.85.** The charge for copies of documents by photocopy is reduced from 50 cents per page to 25 cents per page. This charge, together with the \$3 search fee prescribed in § 7.85(a), should still permit services performed by the Department under the Freedom of Information Act to be self-sustaining, in accordance with the Government's policy on user charges. That policy is set out in 31 U.S.C. section 483a providing for fees, that are—

Fair and equitable, taking into consideration the direct and indirect cost to the Government, value to the recipient, public policy or interest served and other pertinent facts.

**Section 7.87.** New § 7.87(a) makes it clear that no fee is charged for time spent in preparing correspondence relating to a request for information, including determinations as to availability. The \$3 search fee provided in § 7.85(a) is not a research charge to reimburse the Government for employee costs in determining whether information is, or is not, of a privileged nature, and is only charged where a search is necessary to locate a requested record. New § 7.87(b) provides that no fee is charged for requests for documents in certain specific categories. New § 7.87(c) permits a waiver or reduction of fees if the Director of Public Affairs or the head of the operating administration concerned, as the case may be, determines that no fee, or a reduced charge, would be "in the public interest."

**Section 7.89.** While transcripts of hearings and oral arguments have been available for inspection, in the past copies have usually been available only from the nongovernment reporting service which retained the exclusive sales privilege for duplicate copies. New § 7.89 makes it clear that where the Department has retained the right to handle the reproduction of further copies, the fee provisions in Subpart H apply.

**Section 7.91.** New § 7.91 calls attention to alternate sources of information in the interest of making documents of general interest publicly available as cheaply as possible.

Since this amendment relates to Departmental organization, procedure, and practices, notice and public procedure thereon is unnecessary and it may be

made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 7 of Title 49 of the Code of Federal Regulations is amended as set forth below, effective March 28, 1972.

(Sec. 552, title 5, U.S.C.; sec. 9, Department of Transportation Act, Public Law 89-670; 49 U.S.C. 1657; Title V, Independent Offices Appropriation Act of 1952, 65 Stat. 290; 31 U.S.C. 483a)

Issued in Washington, D.C., on March 24, 1972.

JOHN A. VOLPE,  
Secretary of Transportation.

1. The table of contents is amended by revising the section headings §§ 7.55 and 7.59 and by adding the following new section headings, to read as follows:

- 7.55 Records related solely to internal personnel rules and practices.  
7.59 Trade secrets and commercial or financial information that is privileged or confidential.  
7.87 Services performed without charge or at a reduced charge.  
7.89 Transcripts.  
7.91 Alternate sources of information.

§ 7.1 [Amended]

2. Section 7.1 is amended by deleting paragraph (e).

3. Section 7.11 is amended by revising the first sentence to read as follows:

§ 7.11 Administration of part.

Except as provided in Subpart G of this part, authority to administer this part in connection with the records in the Office of the Secretary is delegated to the Director of Public Affairs. \* \* \*

§ 7.15 [Amended]

4. Section 7.15 is amended by adding the word "and" to paragraph (a); by striking the semicolon and word "and" from paragraph (b) and inserting a period in place thereof; and by deleting paragraph (c).

5. Section 7.31(a)(3) is amended by adding to the end thereof the following; and by adding to the flush paragraph at the end thereof the words "as available".

§ 7.31 Applicability.

(a) \* \* \*  
(3) \* \* \* However this does not include staff manuals or instructions to staff concerning internal operating rules, practices, guidelines and procedures for Departmental inspectors, investigators, examiners, auditors and negotiators, the release of which would substantially impair the effective performance of their duties.

6. Section 7.43(f) is revised to read as follows:

§ 7.43 Public availability of records.

(f) Except for services performed without charge or at a reduced charge pursuant to § 7.87, each request for a search of records or for a copy of a record must be accompanied by the fee prescribed in the applicable fee schedule. When the fee is not readily ascertainable without examination of the records, the

fee may be collected after the records are made available. If a search is necessary the fee for a search is charged, regardless of whether it is successful. If the fee cannot be ascertained from the appropriate schedule, the officer or employee receiving the request will furnish an estimate of the fee to the person making the request.

7. Section 7.45 is revised to read as follows:

§ 7.45 Request for records of concern to more than one Government organization.

(a) If the release of a record covered by this subpart would be of concern to both this Department and another Federal agency, the record will be made available by the Department only if its interest in that record is the primary interest, and only after consultation with the other interested agency. If this Department's interest in such a record is not the primary interest, the request will be transferred to the Federal agency having the primary interest, and the requester will be notified of that action. Primary interest is in the Department if the record was developed pursuant to Department regulations, directive, requirement, or request even though the document originated outside the Department.

(b) If the release of a record covered by this subpart would be of concern to both this Department and a State or local government, or a foreign government, the record will be made available by the Department only after consultation with the other interested State or local government or foreign government.

8. Section 7.51 is revised to read as follows:

§ 7.51 Applicability.

This subpart implements section 552 (b) of title 5, United States Code. Section 552(b) exempts certain records from public inspection under section 552(a). The Department will, however, release a record authorized to be withheld under §§ 7.55 through 7.69 unless it determines that the release of that record would be inconsistent with a purpose of the section concerned. Examples given in §§ 7.55 through 7.69 of records included within a particular statutory exemption are not necessarily illustrative of all types of records covered by the exemption.

9. Section 7.53 is amended by revising paragraphs (a), (b), and (c) to read as follows:

§ 7.53 Records relating to matters that are required by Executive order to be kept secret.

(a) Executive Order 10501 of November 5, 1953 (3 CFR 1949-53 Comp., p. 979), as amended by Executive Order 11097 of February 28, 1963 (3 CFR 1959-1963 Comp., p. 750).

(b) Executive Order 10865 of February 20, 1960 (3 CFR 1959-1963 Comp., p. 398); and

(c) Executive Order 10104 of February 1, 1950 (3 CFR 1949-1953 Comp., p. 298).

10. Section 7.55 is revised to read as follows:

§ 7.55 Records related solely to internal personnel rules and practices.

(a) Records related solely to internal personnel rules and practices that are within the statutory exemption include memoranda pertaining to personnel matters such as staffing policies and policies and procedures for the hiring, training, promotion, demotion, and discharge of employees, and management plans, records, or proposals related to labor-management relationships.

(b) The purpose of this section is to authorize the protection of any record related to internal personnel rules and practices dealing with the relations between the Department and its employees.

11. Section 7.59 is revised to read as follows:

§ 7.59 Trade secrets and commercial or financial information that is privileged or confidential.

(a) Trade secrets and commercial or financial information that is privileged or confidential are within the statutory exemption. This includes the following:

(1) Commercial or financial information furnished by any person, to the extent that the person furnishing the information would not customarily release it to the public.

(2) Commercial or financial information furnished and accepted in confidence.

(3) Statements of financial interests furnished by employees of the Department.

(4) Commercial, technical, and financial information furnished by any person in connection with an application for a loan or a loan guarantee.

(5) Commercial or financial information customarily subjected to an attorney-client or similar evidentiary privilege.

(6) Materials in which the Department has a property right such as designs, drawings, and other data and reports acquired in connection with any research project, inside or outside of the Department, or any grant or contract.

(7) Business records of the Alaska Railroad of the kind which are ordinarily treated by railroads as confidential.

(b) The purpose of this section is to authorize the protection of trade secrets and commercial or financial records that are customarily privileged or are appropriately given to the Department in confidence. It assures the confidentiality of commercial or financial information obtained by the Department through questionnaires and required reports to the extent that the information would not customarily be made public by the person from whom it was obtained. In any case in which the Department has obligated itself not to disclose commercial or financial information it

receives, this section authorizes the Department to honor that obligation. In addition, this section recognizes that certain materials, such as research data and materials, formulae, designs, and architectural drawings, have significance not as records but as items of property acquired, in many cases, at public expense. In any case in which similar proprietary material in private hands would be held in confidence, material covered by this section may be held in confidence.

12. Section 7.61 is revised to read as follows:

**§ 7.61 Intragovernmental exchanges.**

(a) Any record prepared by a Government officer or employee (including those prepared by a consultant or advisory body) for internal Government use is within the statutory exemption to the extent that it contains—

(1) Opinions, advice, deliberations, or recommendations made in the course of developing official action by the Government, but not actually made a part of that official action, or

(2) Information concerning any pending proceeding or similar matter including any claim or other dispute to be resolved before a court of law, administrative board, hearing officer, or contracting officer.

(b) This section has two distinct purposes. One is to protect the full and frank exchange of ideas, views, and opinions necessary for the effective functioning of the Government and to afford this protection both before and after an action is taken. This judicially recognized privilege of protection against disclosure in litigation or elsewhere is intended to assure that these resources will be fully and readily available to those officials upon whom the responsibility rests to take official and final Department action. However, the action itself, any memoranda made part of that action, and the facts on which it is based are not within this protection. The other purpose is to protect against the premature disclosure of material that is in the development stage if premature disclosure would be detrimental to the authorized and appropriate purposes for which the material is being used, or if, because of its tentative nature, the material is likely to be revised or modified before it is officially presented to the public.

(c) Examples of records covered by this section include minutes, to the extent they contain matter described in paragraph (a) of this section; staff papers containing advice, opinions, suggestions, or exchanges of views, preliminary to final agency decision or action; budgetary planning and programing information; advance information on such things as proposed plans to procure, lease, or otherwise hire and dispose of materials, real estate, or facilities; documents exchanged preparatory to anticipated legal proceedings; material intended for public release at a specified future time, if premature disclosure would be detrimental to orderly processes of the De-

partment; records of inspections, investigations, and surveys pertaining to internal management of the Department; and matters that would not be routinely disclosed under disclosure procedures in litigation and which are likely to be the subject of litigation. However, if such a record also contains factual information, that information may be made available under § 7.15, unless the facts are so inextricably intertwined with deliberative or policymaking processes, that they cannot be separated without disclosing those processes.

13. Section 7.71 is revised to read as follows:

**§ 7.71 General.**

(a) Each officer or employee of the Department who, upon a request by a member of the public for a record under this part, makes a determination that the record is not to be disclosed, will give a written statement of his reasons for that determination to the person making the request.

(b) Any person to whom a record is not made available within a reasonable time after his request, and any person who has been given a determination pursuant to paragraph (a) of this section, that a record he has requested will not be disclosed, may apply to the head of the operating administration concerned, or in the case of the Office of the Secretary, to the General Counsel of the Department, for reconsideration of the request. No determination that a record will not be disclosed is administratively final for the purposes of judicial review unless it was made by the head of the operating administration concerned (or his designee), or the General Counsel, as the case may be.

(c) Each application for reconsideration must be in writing and must include all information and arguments relied upon by the person making the request.

(d) Whenever the head of the operating administration concerned, or the General Counsel, as the case may be, determines it to be necessary, he may require the person making the request to furnish additional information, or proof of factual allegations, and may order other proceedings appropriate in the circumstances. The decision of the head of the operating administration concerned, or the General Counsel, as the case may be, as to the availability of the record is administratively final.

(e) The decision by the head of the operating administration concerned, or the General Counsel, as the case may be, not to disclose a record under this part is considered to be a withholding by the Secretary for the purposes of section 552 (a) (3) of title 5, United States Code.

14. Section 7.81 is revised to read as follows:

**§ 7.81 General.**

(a) This subpart prescribes fees for services performed for the public under Subparts D and E of this part by the Department of Transportation.

(b) This subpart does not apply to any special study, special statistical compilation, table or other record requested under section 9(n) of the Department of Transportation Act. The fee for the performance of such a service is the actual cost of the work involved in compiling the record. All moneys received by the Department in payment of the cost of the work are deposited in a separate account administered under the direction of the Secretary, and may be used for the ordinary expenses incidental to the work.

15. Section 7.83 is revised to read as follows:

**§ 7.83 Payment of fees.**

The fees prescribed in this subpart may be paid by check, draft, or postal money order, payable to the Treasurer of the United States. Except as provided in § 7.43(f), the fees are payable in advance.

16. Section 7.85 (a) and (b) are revised to read as follows:

**§ 7.85 Fee schedule.**

(a) Except as provided in paragraph (j) of this section, search for a record under Subpart E of this part, when required, including making it available for inspection.....	\$3.00
(b) Copies of documents by photocopy or similar method:	
Each page not larger than 12 x 18 inches.....	.25

17. New §§ 7.87, 7.89, and 7.91 are added to read as follows:

**§ 7.87 Services performed without charge or at a reduced charge.**

(a) No fee is charged for time spent in preparing correspondence related to a request and in making determinations pursuant to § 7.71.

(b) No fee is charged for documents furnished in response to:

(1) A request from an employee or former employee of the Department for copies of personnel records of the employee;

(2) A request from a member of Congress for his official use;

(3) A request from a State, territory, U.S. possession, county or municipal government, or an agency thereof;

(4) A request from a court that will serve as a substitute for the personal court appearance of an officer or employee of the Department;

(5) A request from a foreign government or an agency thereof, or an international organization.

(c) Documents may be furnished without charge or at a reduced charge, if the Director of Public Affairs, or the head of the operating administration concerned, as the case may be, determines that waiver or reduction of the fee is in the public interest, because furnishing the information can be considered as primarily benefiting the general public. Examples of requests that may fall within this paragraph are reasonable requests from groups engaged in a nonprofit activity designed for the public safety, health, or welfare; schools; and students

engaged in study in the field of transportation.

#### § 7.89 Transcripts.

Transcripts of hearings and oral argument are available for inspection. Where transcripts are prepared by a nongovernment contractor, and the contract permits the Department to handle the reproduction of further copies, the provisions of Subpart H apply. Where the contract for transcription services reserves the sales privilege to the reporting service, any duplicate copies should be purchased directly from the reporting service.

#### § 7.91 Alternate sources of information.

In the interest of making documents of general interest publicly available at as reasonable a cost as possible, alternate sources are arranged whenever practicable. In appropriate instances, material that is published and offered for sale may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, the Commerce Department's National Technical Information Service (NTIS), Springfield, Va. 22151; the National Audio-visual Center, National Archives and Records Service, General Services Administration, Washington, D.C. 20405; or the Consumer Product Information Coordinating Center, General Services Administration, Washington, D.C. 20407.

[FR Doc. 72-4814 Filed 3-27-72; 8:53 am]

### Chapter X—Interstate Commerce Commission

#### SUBCHAPTER B—OTHER REGULATIONS RELATING TO TRANSPORTATION

[Ex Parte No. 55 (Sub-No. 4)]

#### PART 1100—GENERAL RULES OF PRACTICE

#### Implementation of National Environmental Policy Act and Related Requirements

*Order.* At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 14th day of January 1972.

It appearing that the Commission, on the date hereof, has made and filed its report in this proceeding setting forth its conclusions and findings and its reasons therefor, which report is hereby referred to and made a part hereof;

*It is ordered,* That Part 1100 of Subchapter B of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by adding a new § 1100.250, reading as follows:

**§ 1100.250—Special rules pertaining to all proceedings before the Commission to insure that environmental amenities and values are given appropriate consideration.**

(a) *Scope of special rules.* These special rules are applicable to all proceedings before the Commission. They are intended to assist the Commission in discharging its duties under the National Environmental Policy Act of 1969 (Public Law 91-190, 83 Stat. 852) which au-

thorizes and directs that, to the fullest extent possible, the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies for the protection of the environment declared in that act.

#### (b) Detailed environmental statement.

(1) It shall be the general policy of the Interstate Commerce Commission to adopt and adhere to the objectives and aims of the National Environmental Policy Act in performing its regulatory duties and powers under the Interstate Commerce Act and related statutes. Among other things, the National Environmental Policy Act requires, to the fullest extent possible, a detailed environmental statement in all reports and recommendations on legislative proposals and other major Federal actions which will significantly affect the quality of the human environment.

(2) In compliance with this requirement, a detailed environment statement will be made when the regulatory action taken by the Commission under the applicable statutes will have such a significant environmental impact. The detailed statement, which statement shall be made as part of the initial decision in the proceeding and shall become final (with or without modification) when a final decision or order is entered by the Commission, shall fully develop the five factors listed below, among other relevant factors including the justification of a proposed action as compared to its alternatives. The following factors are listed merely to illustrate the kinds of values that *must* be considered in the statement, and in no respect is this listing to be construed as covering all factors relevant to the disposition of any particular proceeding:

(i) The environmental impact of the requested action;

(ii) Any adverse environmental effects which cannot be avoided should the requested action be granted;

(iii) Alternatives to the requested action;

(iv) The relationship, if any, between local short-term uses of man's environment and maintenance and enhancement of long-term productivity; and

(v) Any irreversible and irretrievable commitments of resources which would be involved in the requested action should it be granted.

The procedures set forth in this rule are intended to encourage, to the fullest extent possible, public and governmental participation in those formal proceedings which might significantly affect the quality of the human environment, and to the end of insuring that a complete record is developed which will enable the Commission to consider fully the environmental impact of a contemplated action.

(c) *Applicable general and special rules not affected.* The Commission's general and/or special rules heretofore applicable to a proceeding shall remain in effect and govern the procedure therein. These special rules shall supplement the applicable existing rules.

(d) *Papers to show effect of subject matter of proceeding on the quality of human environment.* (1) In all initial papers filed with this Commission by a party, there shall be filed a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the paper shall include, but not be limited to, statements relating to each of the relevant factors set forth in paragraph (b) (2) (i)-(v) of this section.

(2) In all proceedings determined or alleged to have a significant effect on the quality of the environment, all parties shall file statements submitting information relating to the relevant factors set forth in paragraph (b) (2) (i)-(v) of this section.

(e) *Notice to appropriate governmental agencies.* (1) All papers submitted in compliance with these rules, and affirmatively alleging a substantial environmental impact, beneficial or adverse, shall be served by the person or persons submitting it on those governmental bodies given notice pursuant to subparagraph (1) of this paragraph. The person or persons submitting the statement also shall supply 10 copies of the statement to the Council on Environmental Quality.

(2) A notice of all proceedings determined to have a significant effect on the quality of the human environment will be transmitted by the Commission as promptly as possible to the Council on Environmental Quality and to appropriate governmental bodies—Federal, regional, State, and local—(as identified in the guidelines promulgated by the Council on Environmental Quality) with a request for public comments on the environmental considerations listed in paragraph (b) (2) (i)-(v) of this section.

(3) All interveners, including other Government agencies, taking a position on environmental matters shall file with the Commission an explanation of their environmental position, specifying any differences with the original party's detailed statement upon which intervenor wishes to make its views known, and including therein a discussion of that position in the context of the factors enumerated in paragraph (b) of this section. All interveners shall be responsible for filing 10 copies of their submission with the Council on Environmental Quality at the time they file with the Commission and shall also supply a copy of such submission to all participants to the proceeding. Nothing herein shall preclude an intervenor from filing a detailed environmental statement. The Commission will consider all representations submitted prior to the final disposition of the proceeding.

(4) The views of the Council on Environmental Quality, if any, should be made in a written statement served upon the Secretary of the Commission and all parties of record.

(f) *Official notice.* The Commission may take official notice of any facts relating to the environmental situations before it. This shall include, but not be limited to, scientific studies, governmental reports, and maps which have



# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

Office of the Secretary

[ 41 CFR Part 14-4 ]

### SPECIAL TYPES AND METHODS OF PROCUREMENT

#### Research and Development

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 251 et seq.), the Office of the Secretary is considering an amendment to 41 CFR Chapter 14 by adding a new Part 14-4, a new Subpart 14-4.51, and new §§ 14-4.5101, 14-4.5101-1, 14-4.5101-2, and 14-4.5101-3.

Any person who wishes to submit written data, views, or comments pertaining to the proposed additions may do so by filing them in duplicate with the Director, Office of Survey and Review, Office of the Assistant Secretary—Management and Budget, Department of the Interior, 19th and E Streets NW., Washington, DC 20240, within 30 days after publication of this notice in the FEDERAL REGISTER.

The proposed amendment provides a departmental policy and uniform procedures for receiving, considering, and handling unsolicited proposals.

The additions to the Interior procurement regulations as proposed would read as follows:

### PART 14-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

#### Subpart 14-4.51—Research and Development

##### § 14-4.5101 Unsolicited proposals.

##### § 14-4.5101-1 Policy.

It is the policy of the Department of the Interior to inform the public, organizations, and individuals of scientific and technological areas encompassed by its missions, and to encourage the submission of unsolicited proposals containing relevant new ideas. Whenever opportunities exist for consideration of unsolicited proposals, such opportunities shall be publicized through the Commerce Business Daily and other channels as appropriate.

##### § 14-4.5101-2 Definitions.

(a) Research—includes all effort directed toward increased knowledge of natural phenomena and environment and efforts directed toward the solution of problems in the physical, biological, behavioral and social sciences.

(b) Development—includes all effort directed toward solution of specific problems.

(c) Unsolicited proposal—a research or development proposal which is made to the Government by a prospective contractor without prior formal or informal solicitation. Unsolicited proposals may be the product of original thinking and generally are the property of the organization or individual that presents them. They are offered in hope that the Government will contract with the offeror for further research on, or development of, the ideas they contain. Accordingly, it is important that such proposals be handled in a manner which will encourage prospective contractors to disclose to the Government ideas which they have originated, conceived, or developed.

(d) Contract—the term "contract" as used in this Subpart 14-4.51 includes "grant."

##### § 14-4.5101-3 General provisions.

(a) (1) An unsolicited proposal may include data, such as a technical design or concept or financial and management plan, which the offeror does not want disclosed to the public for any purpose or used by the Government for any purpose other than evaluation of the proposal. If an offeror wishes to so restrict his proposal, he shall mark the title page with the following legend:

This data shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed in whole or in part for any purpose other than to evaluate the proposal; Provided, That if a contract is awarded to this offeror as a result of, or in connection with the submission of this data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the contract. This restriction does not limit the Government's right to use information contained in the data if it is obtained from another source without restriction. The data subject to this restriction is contained in Sheets -----.

(2) The offeror shall mark each sheet of data which he wishes to restrict with the following legend:

Use or disclosure of proposal data is subject to the restriction on the title page of this proposal.

Contracting officers and other Government personnel shall comply with the terms of the legend and shall not refuse to consider any proposal merely because it or the data submitted with it is so marked. Those portions of the proposal and data which are so marked (except for information which is also obtained from another source without restriction) shall be used only to evaluate the proposal and shall not be disclosed outside the Government without the written permission of the offeror. If it is desired to duplicate, use or disclose the data of the offeror, for purposes other than to evaluate the proposal, any resulting contract shall so provide.

(b) Proposals of subcontractors which are included as part of a proposal submitted by a prime offeror may be marked as provided in paragraph (a) of this section.

(c) If the contracting officer receives an unsolicited proposal marked with a more restrictive legend than that provided in paragraph (a)(1) of this section, he shall immediately return the proposal to the submitter with a letter stating that the proposal cannot be considered because it is impracticable for the Government to comply with the legend and pointing out specifically why this is so, but that the proposal will be considered if it is resubmitted with a satisfactorily revised legend or with the legend provided in paragraph (a)(1) of this section.

(d) Except as provided in paragraph (e) of this section, if the contracting officer receives an unsolicited proposal without any restrictive legend, he shall place a cover sheet on the proposal or otherwise clearly mark it substantially as shown below, unless the submitter gives a clear written indication that he does not wish to impose any restrictions on the disclosure or use of the data contained in the proposal.

All Government personnel handling this proposal shall exercise extreme care to insure that the information contained herein is not disclosed outside the Government and is not duplicated, used or disclosed in whole or in part for any purpose other than to evaluate the proposal, without the written permission of the submitter, however, if a contract is awarded on the basis of this proposal, the terms of the contract shall control disclosure and use.

This notice does not limit the Government's rights to use information contained in the proposal if it is obtainable from another source without restriction.

This notice shall not by itself be construed to impose any liability upon the Government or Government personnel for any disclosure or use of data contained in this proposal.

(e) If the contracting officer receives an unsolicited proposal without any restrictive legend and it is necessary or appropriate to obtain an evaluation of the proposal outside the Government in order to ascertain the scientific or technical merits of the proposal, he shall place a cover sheet on the proposal or otherwise clearly mark it with the legend set forth in paragraph (d) of this section, as modified by deleting the words "not disclosed outside the Government and is." He shall obtain prior written agreement from the outside evaluator to use the information in the proposal for Government evaluation purposes only, unless said information is obtainable from another source without restriction.

(f) (1) The submitter of an unsolicited proposal is not, because of his submission of such a proposal, entitled to preferential treatment in the award of any contract.

(2) When the substance of an unsolicited proposal is available without restriction from another source, or its substance closely resembles that of a pending competitive solicitation or otherwise is not sufficiently unique to justify acceptance, competitive proposals should be solicited.

(3) A favorable technical evaluation of an unsolicited proposal is not, in itself, sufficient justification for negotiations on a noncompetitive basis with the submitter. When an unsolicited proposal has received a technical recommendation for acceptance and it is determined that the substance of the proposal is not available without restriction from another source, or competition is otherwise precluded, procurement may be made on a noncompetitive basis. The technical office sponsoring the procurement shall support its recommendation with a "Justification for Acceptance of Sole Source Procurement." The justification shall include, but not necessarily be limited to, one or more of the findings set forth below, and shall explain the circumstances thereof:

(i) The proposal was selected on the basis of its overall merit, cost and potential contribution to the Interior program objectives after a thorough evaluation and comparison with other proposals submitted in response to a public announcement of interest in receiving unsolicited proposals in that field.

(ii) The proposal contains technical data or offers unique capabilities that are not available from another source and it is not feasible or practicable to define the Government's requirement in such a way as to avoid the necessity of using the technical data contained in the proposal.

(iii) The proposal is submitted in response to a program for which there is specific authorization to procure on a noncompetitive basis.

(g) An unsolicited proposal shall be returned to the offeror if, for any reason, the Government decides not to enter into a contract, based on such proposal, with the offeror.

WARREN F. BRECHT,  
Assistant Secretary  
of the Interior.

MARCH 22, 1972.

[FR Doc.72-4649 Filed 3-27-72;8:48 am]

## DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[ 7 CFR Part 1822 ]

[FHA Instruction 444.5]

REAL ESTATE LOANS

Rural Rental Housing

The Farmers Home Administration is considering amending Subpart D of Part 1822. The major policy changes are summarized as follows:

1. Individuals and profit corporations who agree to operate on a limited profit basis may be granted interest credit. Limited profit borrowers are allowed a

6 percent return on their initial investment. In the present regulations, individuals or profit organizations are not eligible to receive interest credits.

2. If an applicant cannot obtain a loan from other sources or can obtain a loan but not on terms and conditions which would permit him to rent the units to eligible low and moderate income families at rents they can afford, he would be considered eligible for a loan. For other than nonprofit organizations, the assets of the individual members will be considered in determining whether the applicant can obtain a loan from other sources. This clarifies the present regulations.

3. Applicants for a loan who do not reside in close proximity to the project must designate a managing agent with full authority to act for and on their behalf. The present regulation requires an applicant to live close enough to give general supervision to the project.

4. RRH loans may be made to finance housing which may be leased to a local housing authority under the HUD section 23 leasing program. Present regulations do not provide for RRH loans in connection with the HUD section 23 leasing program.

5. Interim construction financing may be provided by the Farmers Home Administration (FHA) if not available elsewhere. Interest due on interim construction financing obtained from other sources may be included in the FHA RRH loan. There is no present provision for interim financing.

6. Personal liability ordinarily will not be required of the individual members of a profit corporation. Present regulations require personal liability in such cases.

7. A tie-in (or second) mortgage will only be required in the case of a subsequent loan to improve or extend a project in the same location or one immediately adjacent. Presently tie-in mortgages are required on all subsequent RRH loans.

8. Loans to other than nonprofit applicants including loans to applicants who are contractors or builders are limited to 95 percent of the development cost or 95 percent of the value of the security, whichever is less. At the present time loans are limited to 100 percent of the development cost or value of the security, whichever is less, except that loans to applicant-contractors are limited to the actual cost of materials and labor.

9. A performance bond will be required for all projects over \$60,000. This raises the minimum from \$20,000.

10. The income limits of eligible occupants for RRH projects will be those established by the FHA from time to time. These limits are now set by the State Director acting on the advice and recommendations of the county committee.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Assistant Administrator for Management, Farmers Home Administration, U.S. Department of Agriculture,

Room 5013, South Building, Washington, D.C. 20250, within 30 days after date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Assistant Administrator for Management during regular business hours (8:15 a.m.-4:45 p.m.).

(Sec. 510, 63 Stat. 437, 42 U.S.C. 1480; Order of Acting Secretary of Agriculture, 36 F.R. 21529; Order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529.)

Dated: March 22, 1972.

JAMES V. SMITH,  
Administrator,  
Farmers Home Administration.

[FR Doc.72-4705 Filed 3-27-72;8:53 am]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[ 14 CFR Part 73 ]

[Airspace Docket No. 71-GL-33]

RESTRICTED AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a restricted area near Crane, Ind.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief Air Traffic Division, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official document will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

A controlled firing area has been established and utilized. The U.S. Navy proposed establishment of a restricted area in lieu of the controlled firing area. Shrapnel from detonations present a hazard up to 1,800 feet MSL. The required firing devices do not allow curtailment of firing for intruding aircraft.

In view of the foregoing, the FAA proposes to designate a restricted area near Crane, Ind., to encompass a hazardous explosives demolition area as follows:

R-3404 CRANE, IND.

**Boundaries.** A circular area 1-nautical-mile in diameter, centered on latitude 38°49'18" N., longitude 86°50'03" W.

**Designated altitudes.** Surface to 1,800 feet MSL.

**Time of designation.** Sunrise to sunset.

**Controlling agency.** Federal Aviation Administration, Terre Haute Flight Service Station.

**Using agency.** Commanding Officer, Naval Ammunition Depot, Crane, Ind.

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

Issued in Washington, D.C., on March 22, 1972.

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

[FR Doc.72-4636 Filed 3-27-72; 8:47 am]

## CIVIL AERONAUTICS BOARD

[ 14 CFR Parts 207, 208, 212, 214,  
372a ]

[Docket No. 23055; EDR 218B]

### CHARTER AIR TRAVEL

#### Supplemental Notice of Proposed Rule Making and Notice of Oral Argument

The Board, by circulation of notice of proposed rule making EDR-218, SPDR-22A, dated December 30, 1971, and publication at 37 F.R. 222, gave notice that it had under consideration the issuance of a new part of its special regulations to be entitled "Travel Group Charters," Part 372a (14 CFR Part 372a). Interested persons have been given an opportunity to participate in the proposed rule making through submission of written comments.

A number of comments have requested a full-scale evidentiary hearing on the issues raised in this rule making proceeding. The Board is not persuaded to depart from its tentative view, as set forth in the notice, that an evidentiary hearing would not be useful. It is clear that the principal factual issue involved herein is the extent of diversion, if any, which the scheduled route carriers might suffer as a result of the operation of this new class of charters by the several classes of direct air carriers. In our judgment, this issue can only be resolved on the basis of facts ascertained after an experimental period. Therefore, no useful purpose would be served by hearings with respect to this issue. As to any remaining factual issues in the case, we have no reason to believe that their resolution requires an evidentiary hearing, any more than do the factual issues which normally arise in rule making proceedings and are satisfactorily resolved on the basis of written comments.

However, the Board has determined that it would be appropriate, and in the public interest, to provide interested persons with an opportunity to present their views to the Board in oral argument on the issues raised in this proceeding. The Board also desires to hear argument on

whether this proposed new class of Travel Group Charters should be a substitute for, rather than an alternative to, the presently authorized affinity charters.

Accordingly, the Civil Aeronautics Board hereby gives notice:

1. That the Board will hear oral argument on the matters indicated above at its office in Washington, D.C. on April 27, 1972; and

2. That all persons desiring to participate in such oral argument shall file with the Chief Examiner on or before April 13, 1972, a written request to participate therein. The request shall indicate the time allotment desired.<sup>1</sup>

The participants will be notified at a later date as to the time to be allotted them.

(Secs. 204(a) and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 788; 49 U.S.C. 1324 and 1481)

Dated: March 22, 1972.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,  
Secretary.

[FR Doc.72-4694 Filed 3-27-72; 8:52 am]

[ 14 CFR Parts 208, 223 ]

[Docket No. 24337; EDR 224]

### SUPPLEMENTAL AIR CARRIERS ENGAGED IN OVERSEAS OR FOREIGN AIR TRANSPORTATION

#### Proposed Terms, Conditions, and Limitations

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Parts 208 and 223 of its Economic regulations (14 CFR Parts 208 and 223), which would permit supplemental air carriers engaged in overseas or foreign air transportation to provide free or reduced-rate overseas or foreign air transportation to employees of their own affiliates, and to utilize unused charter space for such purpose, with the consent of the charterers.

The background and principal features of the proposed amendments are described in the attached explanatory statement, and the proposed amendments are set forth in the proposed rule. The amendments are proposed under the authority of sections 204(a) and 403 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758 (as amended by 74 Stat. 445); 49 U.S.C. 1324, 1373.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material re-

<sup>1</sup> NOTE: Since the time the Board can devote to oral argument is necessarily limited, it cannot guarantee that all persons requesting oral argument can be accommodated. Therefore, the Board encourages joint presentations by organizations or persons sharing a common position in order to reduce the possibility of denying requests.

ceived on or before April 27, 1972, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, upon receipt thereof.

Dated: March 22, 1972.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,  
Secretary.

#### EXPLANATORY STATEMENT

Pursuant to authority granted by the provisions of section 403(b) of the Federal Aviation Act, as amended, Part 223 of the Board's regulations permits carriers engaged in overseas or foreign air transportation to provide free or reduced-rate overseas or foreign air transportation to certain described classes of persons other than those specifically mentioned in said section 403(b) of the Act. Under § 223.2(b) (1) any such carrier may provide free or reduced-rate overseas or foreign air transportation to directors, officers, and employees and members of their immediate families of "any affiliate of such carrier." However, because the definition of the term "affiliate" in § 223.1(b) is to some extent expressed in terms of "scheduled transportation" the applicability of § 223.2(b) (1) is also to the same extent limited to scheduled carriers.

Thus, insofar as § 223.1(b) defines an "affiliate" in terms of a person whose principal business is "scheduled transportation" (subparagraph (2)(ii)) or "activities devoted to \* \* \* scheduled transportation conducted by such carrier," (subparagraph (2)(iv)), the regulation does not apply to affiliates of supplemental carriers.

By Order 72-3-76, being issued contemporaneously herewith, the Board has denied an application by World Airways, Inc. (World), requesting, inter alia, special authority to provide free or reduced-rate overseas or foreign air transportation to the employees of World Air Center (WAC) a wholly owned subsidiary of World, and members of their families.

In denying World's application for special authorization, we stated that World might well be justified in contending that the employees of affiliates of supplemental carriers should be accorded the same privilege as employees of affiliates of scheduled carriers in overseas and foreign air transportation. However, we noted that this contention involves a general question as to the advisability of amending our rules, rather than the kind of question to be disposed of on an individual supplemental carrier's application for exemption from our existing rules. We therefore stated that we would issue an appropriate notice of proposed rule making, in which proceedings we could determine, in light of comments received thereon, whether our rules should indeed be so amended.

<sup>1</sup> Docket 23654.

Accordingly, we hereby propose to amend our definition of "affiliate" in § 223.1, so that the provisions in § 223.2 (b) for free and reduced-rate overseas and foreign air transportation of employees of affiliates will be applicable to supplemental carriers, as well as to scheduled carriers, which are engaged in overseas or foreign air transportation. Indeed, in order to remove any possible ambiguity as to the classes of air carriers to whom Part 223 applies, we are taking this occasion to amend the definition of "carrier" in § 223.1(a), so as to expressly include all air carriers operating under section 401 certificates and all foreign air carriers operating under section 402 permits.<sup>2</sup>

Moreover, because flights operated by supplemental carriers will almost invariably be on charter, we also propose hereby to amend § 208.7, so that unused charter space may be utilized by a supple-

<sup>2</sup> Of course, the classes of carriers to which any particular provision of Part 223 applies continue to depend on the precise wording and context of the particular provision. Thus, for example, the provisions of § 223.2(f), relating to a carrier's free or reduced-rate transportation to travel agents on "domestic group familiarization tours between points on its certificated routes \* \* \*" would, by their terms, apply only to carriers operating under a certificate covering such routes.

mental carrier for the overseas and foreign air transportation of employees of its affiliates, provided only that the charterer consents thereto in writing.

PROPOSED RULE

It is proposed to amend Parts 208 and 223 of the Economic Regulations (14 CFR Parts 208 and 223), as follows:

**PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION**

1. Amend § 208.7 to designate the existing section as paragraph (a), and to add thereto a new paragraph (b), to read as follows:

§ 208.7 Unused space.

\* \* \* \* \*

(b) A supplemental air carrier engaged in overseas or foreign air transportation may, with the written consent of the charterer(s), utilize any unused space for the overseas or foreign air transportation of directors, officers, and employees and members of their immediate families, of any affiliate of such carrier as defined in § 223.1 of this chapter: *Provided, however,* That the name of such affiliate is currently included in the list of affiliates filed by such carrier pursuant to § 223.7.

**PART 223—TARIFFS OF AIR CARRIERS; FREE AND REDUCED-RATE TRANSPORTATION**

2. Section 223.1 is amended as follows:  
 a. In paragraph (a), the definition of "carrier," is revised and in paragraph (b) (2) (ii) and (iv), the definition of "affiliate" is revised to read as follows:

§ 223.1 Definitions.

As used in this part, unless the context otherwise requires:

(a) "Carrier" means (1) an air carrier holding a certificate of public convenience and necessity issued pursuant to section 401 of the Act, or (2) a foreign air carrier which holds a permit issued under section 402 of the Act.

(b) An "affiliate" of a carrier means a person:

\* \* \* \* \*

(2) Whose principal business in purpose or in fact is:

\* \* \* \* \*

(ii) Transportation by air or the sale of tickets therefor, or

\* \* \* \* \*

(iv) Activities devoted to the transportation by air conducted by such carrier or by another carrier which controls or is controlled by such carrier or which is under common control with such carrier by another person.

\* \* \* \* \*

[FR Doc.72-4695 Filed 3-27-72;8:52 am]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Serial No. Idaho 07702]

#### IDAHO

### Notice of Termination of Proposed Withdrawal and Reservation of Lands

MARCH 20, 1972.

Notice of an application serial No. I-07702, for withdrawal and reservation of lands was published as F.R. Doc. 57-10252 on page 9949 of the issue for December 12, 1957. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR 2091.2-5(b), such lands will be at 10 a.m. on March 30, 1972, relieved of the segregative effect of the above-mentioned application.

The lands involved in the notice of termination are:

#### BOISE MERIDIAN

T. 14 N., R. 10 E.,  
Sec. 19, S $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ ;  
Sec. 30, N $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ .

The area described aggregates 40 acres.

RICHARD H. PETRIE,  
Chief, Division of  
Technical Services.

[FR Doc.72-4629 Filed 3-27-72; 8:46 am]

### National Park Service NATIONAL CAPITAL PARKS

### Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20) public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior through the Superintendent, proposes to issue a concession permit to Trail Cycles authorizing them to provide concession facilities and services for the public on the Mall for a period of 5 years from January 1, 1972, through December 31, 1976.

The foregoing concessioner performed his obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent for information as to the requirements of the proposed permit.

Dated: March 6, 1972.

WILLIAM R. FAILOR,  
Superintendent.

[FR Doc.72-4647 Filed 3-27-72; 8:48 am]

[Order 5]

### SUPERINTENDENTS ET AL. MIDWEST REGION

#### Delegation of Authority

SECTION 1. *Superintendents.* The National Park Service Superintendents of the Midwest Region, in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Director, Midwest Region, by the Director, National Park Service, except with respect to the following:

(a) Approval of master plans.  
(b) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed \$5,000, and (3) payment of the full amount of the damages is offered.

(c) Sales of timber pursuant to the Federal Property and Administrative Services Act of 1949, and the Federal Property Management Regulations when the fair market value of the timber involved in any single transaction exceeds \$1,000.

(d) Approval of programs for destruction and disposition of wild animals which are damaging the land or its vegetative cover, and of permits to collect rare or endangered species.

(e) Acceptance of donations of personal property valued in excess of \$10,000, and acceptance of donations of money in excess of \$10,000.

(f) Authority to designate areas at which recreation fees will be charged as specified by sections 1, 2, and 3 of Executive Order 11200.

(g) Authority to select from the fees established by 43 CFR, Part 18, the specific fees to be charged at the designated areas in accordance with section 5(a) of Executive Order 11200.

(h) Authority to execute, approve, and administer contracts and to issue purchase orders for equipment, supplies, and services as follows:

- (1) Superintendents, Grade GS-12 and below—in excess of \$2,000
- (2) Superintendents, Grade GS-13—in excess of \$200,000
- (3) Superintendents, Grade GS-14—in excess of \$100,000
- (4) Superintendents, Grade GS-15—in excess of \$200,000.

The limitations in this paragraph (h) apply only to open market or non-mandatory sources of supply. Each office may continue to issue orders to GSA Centers and sources under established Federal Supply Schedules of Contracts in amounts exceeding \$2,000.

(i) Authority with respect to the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as a result of the construction of a dam.

(j) Authority to approve land acquisition priorities.

(k) Authority to execute the land acquisition program, including contracting for acquisition of lands and related property, and options and offers to sell related thereto.

(l) Authority to issue revocable special use permits having a term of more than 10 years.

(m) Authority to hire, rent, or purchase personal property from employees.

SEC. 2. *Delegation.*—(a) *Regional Chief, Office of Finance and Control.* The Regional Chief, Office of Finance and Control is authorized to exercise all the procurement and contracting authority now or hereafter vested in the Director, Midwest Region, except authority to contract for acquisition of land and related property, and options and offers to sell related thereto.

(b) *Regional Chief, Division of Property Management and General Services.* The Regional Chief, Division of Property Management and General Services, is authorized to exercise all the procurement and contracting authority now or hereafter vested in the Director, Midwest Region, except authority to contract for acquisition of land and related property, and options and offers to sell related thereto.

(c) *Regional Procurement and Property Management Assistant.* The Regional Procurement and Property Management Assistant may execute and approve purchase orders not in excess of \$2,000.

(d) *Chief Land Acquisition Officer.* The Chief Land Acquisition Officer is authorized to execute the land acquisition program, including contracting for acquisition of lands and related property, and options and offers to sell related thereto.

SEC. 3. *Redelegation.* The authority delegated in this order No. 5 may not be redelegated, except that a Superintendent may, in writing, redelegate to any officer or employee the authority delegated to him by this order and may authorize written redelegation of such authority. Each redelegation shall be published in the FEDERAL REGISTER.

SEC. 4. *Revocation.* This order supercedes Midwest Region Order No. 4, dated March 31, 1966, and published in 31 F.R.

5769-70, April 14, 1966. (National Park Service Order No. 66, 36 F.R. 21218, as amended 37 F.R. 4001 dated February 25, 1972.)

Dated: March 1, 1972.

PHILLIP R. IVERSEN,  
Acting Director, Midwest Region.

[FR Doc. 72-4631 Filed 3-27-72; 8:47 am]

[Order 7]

### SUPERINTENDENTS ET AL., NORTHEAST REGION

#### Delegation of Authority

SECTION 1. *Superintendents.* The National Park Service Superintendents of the Northeast Region, in the administration, operation, and development of the areas under their supervision are authorized to exercise all of the authority now or hereafter delegated to the Director, Northeast Region, by the Director, National Park Service, except with respect to the following:

- (a) Approval of master plans.
  - (b) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed \$5,000, and (3) payment of the full amount of the damages is offered.
  - (c) Sales of timber pursuant to the Federal Property and Administrative Services Act of 1949, and the Federal Property Management Regulations when the fair market value of the timber involved in any single transaction exceeds \$1,000.
  - (d) Approval of programs for destruction and disposition of wild animals which are damaging the land or its vegetative cover, and of permits to collect rare or endangered species.
  - (e) Acceptance of donations of personal property value in excess of \$10,000, and acceptance of donations of money in excess of \$10,000.
  - (f) Authority to designate areas at which recreation fees will be charged as specified by sections 1, 2, and 3 of Executive Order 11200.
  - (g) Authority to select from the fees established by 43 CFR, Part 18, the specific fees to be charged at the designated areas in accordance with section 5(a) of Executive Order 11200.
  - (h) Authority to execute, approve, and administer contracts and to issue purchase orders for equipment, supplies, and services as follows:
    - (1) Superintendents, Grade GS-12 and below—in excess of \$2,000.
    - (2) Superintendents, Grade GS-13—in excess of \$50,000.
    - (3) Superintendents, Grade GS-14—in excess of \$100,000.
    - (4) Superintendents, Grade GS-15—in excess of \$200,000.
- The limitations in this paragraph (h) apply only to open market or nonmandatory sources of supply. Each office may continue to issue orders to GSA Centers and sources under established Federal Supply Schedules of Contracts in amounts exceeding \$2,000.

(i) Authority with respect to the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as a result of the construction of a dam.

(j) Authority to approve land acquisition priorities.

(k) Authority to execute the land acquisition program, including contracting for acquisition of lands and related property, and options and offers to sell related thereto.

(l) Authority to issue revocable special use permits having a term of more than 10 years.

(m) Authority to hire, rent, or purchase personal property from employees.

SEC. 2. *Delegation*—(a) *Regional Chief, Office of Finance and Control.* The Regional Chief, Office of Finance and Control is authorized to exercise all the procurement and contracting authority now or hereafter vested in the Director, Northeast Region, except authority to contract for acquisition of land and related property, and options and offers to sell related thereto. This authority may be exercised by the Regional Chief, Office of Finance and Control, in behalf of any office or area for which the Northeast Regional Office serves as the field finance office.

(b) *Regional Chief, Division of Property Management and General Services.* The Regional Chief, Division of Property Management and General Services, is authorized to exercise all the procurement and contracting authority now or hereafter vested in the Director, Northeast Region, except authority to contract for acquisition of land and related property, and options and offers to sell related thereto. This authority may be exercised by the Regional Chief, Division of Property Management and General Services, in behalf of any office or area for which the Northeast Regional Office serves as the field finance office.

(c) *Regional Procurement Agent.* The Regional Procurement Agent may execute and approve purchase orders not in excess of \$2,000. This authority may be exercised by the Regional Procurement Agent in behalf of any office or area for which the Northeast Regional Office serves as the field finance office.

(d) *Regional Land Acquisition Officer.* The Regional Land Acquisition Officer is authorized to: (1) Execute the land acquisition program, including contracting for acquisition of lands and related properties, and accept offers to sell to, or exchange with the United States, lands or interests in lands, and to execute all necessary agreements and conveyances incidental thereto; (2) accept deeds giving to the United States lands or interests in lands; and (3) approve on behalf of the National Park Service offers of settlement in condemnation cases.

(e) *Chief, Duluth Land Acquisition Field Office.* The Chief, Duluth Land Acquisition Field Office is authorized to: (1) Execute the land acquisition program, including contracting for acquisition of lands and related properties, and accept offers to sell to, or exchange with the United States, lands or interests in lands, and to execute all necessary agree-

ments and conveyances incidental thereto; (2) accept deeds giving to the United States lands or interests in lands; and (3) approve on behalf of the National Park Service offers of settlement in condemnation cases.

(f) *Field Land Acquisition Officer.* The Field Land Acquisition Officer is authorized to execute the land acquisition program, including contracting for acquisition of lands and related property, and acceptance of offers to sell related thereto when the amount does not exceed \$100,000.

SEC. 3. *Redelegation.*—The authority delegated in this Order No. 7 may not be redelegated, except that a Superintendent may, in writing, redelegate to any officer or employee the authority delegated to him by this order and may authorize written redelegation of such authority. Each redelegation shall be published in the FEDERAL REGISTER.

SEC. 4. *Revocation.* This order supercedes Northeast Region Order No. 6 dated April 9, 1969, and published in 36 F.R. 7090, as amended. However, redelegations based thereon are continued in effect to the extent that they are not in conflict with this order. (National Park Service Order No. 66, as amended 36 F.R. 21218 dated November 4, 1971.)

Dated: February 25, 1972.

CHESTER L. BROOKS,  
Director, Northeast Region.

[FR Doc. 72-4632 Filed 3-27-72; 8:47 am]

[Order 3]

### SUPERINTENDENTS ET AL., PACIFIC NORTHWEST REGION

#### Delegation of Authority

SECTION 1. *Superintendents.* The National Park Service Superintendents of the Pacific Northwest Region, in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Director, Pacific Northwest Region, by the Director, National Park Service, except with respect to the following:

- (a) Approval of master plans.
- (b) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed \$5,000, and (3) payment of the full amount of the damages is offered.
- (c) Sales of timber pursuant to the Federal Property and Administrative Services Act of 1949, and the Federal Property Management Regulations when the fair market value of the timber involved in any single transaction exceeds \$1,000.
- (d) Approval of programs for destruction and disposition of wild animals which are damaging the land or its vegetative cover, and of permits to collect rare or endangered species.
- (e) Acceptance of donations of personal property valued in excess of \$10,000, and acceptance of donations of money in excess of \$10,000.

(f) Authority to designate areas at which recreation fees will be charged as specified by sections 1, 2, and 3 of Executive Order 11200.

(g) Authority to select from the fees established by 43 CFR, Part 18, the specific fees to be charged at the designated areas in accordance with section 5(a) of Executive Order 11200.

(h) Authority to execute, approve, and administer contracts and to issue purchase orders for equipment, supplies, and services as follows:

(1) Superintendents, Grade GS-12 and below—in excess of \$2,000.

(2) Superintendents, Grade GS-13—in excess of \$50,000.

(3) Superintendents, Grade GS-14—in excess of \$100,000.

(4) Superintendents, Grade GS-15—in excess of \$200,000.

The limitations in this paragraph (h) apply only to open market or nonmandatory sources of supply. Each office may continue to issue orders to GSA Centers and sources under established Federal Supply Schedules of Contracts in amounts exceeding \$2,000.

(i) Authority with respect to the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as a result of the construction of a dam.

(j) Authority to approve land acquisition priorities.

(k) Authority to execute the land acquisition program, including contracting for acquisition of lands and related property, and options and offers to sell related thereto.

(l) Authority to issue revocable special use permits having a term of more than 10 years.

(m) Authority to hire, rent, or purchase personal property from employees.

**Sec. 2. Delegation.**—(a) *Regional Chief, Office of Finance and Control.* The Regional Chief, Office of Finance and Control, is authorized to exercise all the procurement and contracting authority now or hereafter vested in the Director, Pacific Northwest Region, except authority to contract for acquisition of land and related property, and options and offers to sell related thereto.

(b) *Regional Chief, Division of Property Management and General Services.* The Regional Chief, Division of Property Management and General Services, is authorized to exercise all the procurement and contracting authority now or hereafter vested in the Director, Pacific Northwest Region, except authority to contract for acquisition of land and related property, and options and offers to sell related thereto.

(c) *Regional Procurement and Property Management Assistant.* The Regional Procurement and Property Management Assistant may execute and approve purchase orders not in excess of \$2,000.

(d) *Chief Land Acquisition Officer.* The Chief Land Acquisition Officer is authorized to execute the land acquisition program, including contracting for acquisition of lands and related property, and options and offers to sell related thereto.

**SEC. 3. Redelegation.** The authority delegated in this Order No. 3 may not be redelegated, except that a Superintendent may, in writing, redelegate to any officer or employee the authority delegated to him by this order and may authorize written redelegation of such authority. Each redelegation shall be published in the FEDERAL REGISTER.

**SEC. 4. Revocation.** This order supercedes Pacific Northwest Region Order No. 1, dated July 25, 1969, and Order No. 2 published in 35 F.R. 2601. (National Park Service Order No. 66, 36 F.R. 21218, as amended 37 F.R. 4001 dated February 25, 1972.)

Dated: March 6, 1972.

BENNETT T. GALE,  
Acting Director,  
Pacific Northwest Region.

[FR Doc. 72-4630 Filed 3-27-72; 8:47 am]

[Order 7]

### SUPERINTENDENTS ET AL., WESTERN REGION

#### Delegation of Authority

**SECTION 1. Superintendents.** The National Park Service Superintendents of the Western Region, in the administration, operation and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Director, Western Region, by the Director, National Park Service, except with respect to the following:

(a) Approval of master plans.

(b) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed \$5,000, and (3) payment of the full amount of the damages is offered.

(c) Sales of timber pursuant to the Federal Property and Administrative Services Act of 1949, and the Federal Property Management Regulations when the fair market value of the timber involved in any single transaction exceeds \$1,000.

(d) Approval of programs for destruction and disposition of wild animals which are damaging the land or its vegetative cover, and of permits to collect rare or endangered species.

(e) Acceptance of donations of personal property valued in excess of \$10,000, and acceptance of donations of money in excess of \$10,000.

(f) Authority to designate areas at which recreation fees will be charged as specified by sections 1, 2, and 3 of Executive Order 11200.

(g) Authority to select from the fees established by 43 CFR Part 18, the specific fees to be charged at the designated areas in accordance with section 5(a) of Executive Order 11200.

(h) Authority to execute, approve, and administer contracts and to issue purchase orders for equipment, supplies, and services as follows:

(1) Superintendents, Grade GS-12 and below—in excess of \$2,000.

(2) Superintendents, Grade GS-13—in excess of \$50,000.

(3) Superintendents, Grade GS-14—in excess of \$100,000.

(4) Superintendents, Grade GS-15—in excess of \$200,000.

The limitations in this paragraph (h) apply only to open market or nonmandatory sources of supply. Each office may continue to issue orders to GSA Centers and sources under established Federal Supply Schedules of Contracts in amounts exceeding \$2,000.

(i) Authority with respect to the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as a result of the construction of a dam.

(j) Authority to approve land acquisition priorities.

(k) Authority to execute the land acquisition program, including contracting for acquisition of lands and related property, and options and offers to sell related thereto.

(l) Authority to issue revocable special use permits having a term of more than 10 years.

(m) Authority to hire, rent, or purchase personal property from employees.

**Sec. 2. Delegation.**—(a) *Regional Chief, Office of Finance and Control.* The Regional Chief (Assistant Director), Office of Finance and Control is authorized to exercise all the procurement and contracting authority now or hereafter vested in the Director, Western Region, except authority to contract for acquisition of land and related property, and options and offers to sell related thereto.

(b) *Regional Chief, Division of Property Management and General Services.* The Regional Chief, Division of Property Management and General Services, is authorized to exercise all the procurement and contracting authority now or hereafter vested in the Director, Western Region, except authority to contract for acquisition of land and related property, and options and offers to sell related thereto.

(c) *Regional Procurement and Property Management Assistant.* The Regional Procurement and Property Management Assistant may execute and approve purchase orders not in excess of \$2,000.

(d) *Chief Land Acquisition Officer.* The Chief Land Acquisition Officer is authorized to execute the land acquisition program, including contracting for acquisition of lands and related property, and options and offers to sell related thereto.

**SEC. 3. Redelegation.** The authority delegated in this Order No. 7 may not be redelegated, except that a Superintendent may, in writing, redelegate to any officer or employee the authority delegated to him by this order and may authorize written redelegation of such authority. Each redelegation shall be published in the FEDERAL REGISTER.

**SEC. 4. Revocation.** This order supercedes Western Region Order No. 6, dated September 24, 1971, and published in 36 F.R. 18960. (National Park Service Order

No. 66 (36 F.R. 21218) as amended (37 F.R. 4001) dated February 24, 1972.)

Dated: March 3, 1972.

DANIEL J. TOBIN, Jr.,  
Acting Director, Western Region,  
[FR Doc. 72-4633 Filed 3-27-72; 8:47 am]

## DEPARTMENT OF AGRICULTURE

### Forest Service PELICAN BUTTE WINTER SPORTS DEVELOPMENT

#### Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Pelican Butte Winter Sports Development, Oregon, USDA-FS-DES(Adm) 72-26.

The environmental statement concerns a proposal to develop a major winter sports site in Klamath County, Oregon.

This draft environmental statement was filed with CEQ on March 17, 1972.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th Street and Independence Avenue SW., Washington, D.C. 20250.

USDA, Forest Service, Pacific Northwest Region, 319 Southwest Pine Street, Portland, OR 97208.

Winema National Forest, Post Office Building, Klamath Falls, Oregon, 97601.

A limited number of single copies are available upon request to R. A. Resler, Regional Forester, U.S. Forest Service, 319 Southwest Pine Street, Post Office Box 3623, Portland, OR 97208.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151 for \$3 each. Please refer to the name and number of environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Mr. R. A. Resler, U.S. Forest Service, Post Office Box 3623, Portland, OR 97208. Comments must be received within 30 days

of the date of publication of this notice in order to be considered in the preparation of the final environmental statement.

ADRIAN M. GILBERT,  
Acting Deputy Chief,  
Forest Service.

MARCH 22, 1972.

[FR Doc. 72-4655 Filed 3-27-72; 8:49 am]

### TONTO WORKING CIRCLE, TONTO NATIONAL FOREST

#### Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Tonto Working Circle, Tonto National Forest, Arizona, USDA-FS-DES(Adm) 72-25.

The environmental statement concerns a proposed timber harvest for the Tonto National Forest.

This draft environmental statement was filed with CEQ on March 17, 1972.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, Southern Agriculture Building, Room 3230, 12th Street and Independence Avenue SW., Washington, D.C. 20250.

USDA, Forest Service, Southwestern Region, 517 Gold Avenue SW., Albuquerque, NM 87101.

Tonto National Forest, Federal Building, Room 6208, 230 North First Avenue, Phoenix, AZ 85025.

A limited number of single copies are available upon request to William D. Hurst, Regional Forester, U.S. Forest Service, 517 Gold Avenue SW., Albuquerque, NM 87101.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151 for \$3 each. Please refer to the name and number of environmental statement when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Mr. William D. Hurst, U.S. Forest Service, 517 Gold Avenue SW., Albuquerque, NM 87101. Comments must be received within 30 days of the date of publication of this notice in order to be considered in the

preparation of the final environmental statement.

LAWRENCE M. WHITFIELD,  
Acting Deputy Chief,  
Forest Service.

MARCH 23, 1972.

[FR Doc. 72-4656 Filed 3-27-72; 8:49 am]

#### Office of the Secretary

### ANIMAL AND PLANT HEALTH INSPEC- TION SERVICE AND AGRICULTURAL MARKETING SERVICE

#### Assignment of Functions and Delegation of Authority

On January 22, 1972, 37 F.R. 1071, the Department gave notice of a proposal to establish a new Animal and Plant Health Inspection Service and vest in the Assistant Secretary for Marketing and Consumer Services certain functions, responsibilities, and delegations of authority for animal and plant health activities and meat and poultry inspection activities with authority to delegate them to the Administrator of the new Animal and Plant Health Inspection Service. The notice also contained a proposal to change the name of the Consumer and Marketing Service to the Agricultural Marketing Service.

The public notice invited comments from interested persons and groups. Responses have been favorable.

Therefore, in accordance with the proposal and pursuant to the authority contained in 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953, I am taking the following actions effective April 2, 1972:

1. The Animal and Plant Health Inspection Service is established, headed by an Administrator reporting to the Assistant Secretary for Marketing and Consumer Services.

2. The following animal and plant health functions, responsibilities, and delegations of authority are transferred from the Director of Science and Education to the Assistant Secretary for Marketing and Consumer Services with authority to delegate them on a temporary basis to the Administrator of the Animal and Plant Health Inspection Service:

(a) Control, suppression, eradication, or prevention of spread of plant pests, plant diseases, and nematodes, including the administration of the Federal Plant Pest Act, Mexican Border Act, and Golden Nematode Act. (7 U.S.C. 145, 147a, 148, 149, 150-150g, 150aa-150jj.)

(b) Inspection of plants and plant products offered for export and certification that products meet the import requirements of foreign countries. (7 U.S.C. 147a(b).)

(c) Inspection and quarantine of products and articles to prevent the dissemination into the United States or interstate transportation of plant pests including the administration of the Plant Quarantine Act. (7 U.S.C. 151-167.)

(d) Control of introduction of honeybees offered for import into the United States under the Honeybees Act. (7 U.S.C. 281-282.)

(e) Cooperation with State agencies in control and eradication of plant and animal diseases and pests and the coordination of administration of Federal and State laws relating to such activities. (7 U.S.C. 450.)

(f) Voluntary inspection and certification for exportation of inedible poultry and animal products and byproducts. (7 U.S.C. 1622, 1624.)

(g) Control, suppression, and eradication of the poisonous weed *Halogeton glomeratus* on range and pasture lands and other lands. (7 U.S.C. 1651-1856.)

(h) Administration of the Animal Welfare Act relating to the humane care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets. (7 U.S.C. 2131-2154.)

(i) Administration of the Horse Protection Act, relating to prohibiting the movement in interstate commerce of horses that are sore. (15 U.S.C. 1821-1831.)

(j) Import inspection and certification for duty-free entry of purebred animals for breeding purposes. (19 U.S.C. 1202.)

(k) Import inspection and quarantine of poultry and animals, and products and byproducts thereof, to prevent the spread of contagious, infectious, and other communicable diseases of animals and poultry. (19 U.S.C. 1306(a), 1306(c), 21 U.S.C. 101-105.)

(l) Control, suppression, eradication, or prevention of contagious, infectious, and other communicable diseases of animals including the administration of the Foot-and-Mouth Program. (21 U.S.C. 111-134h.)

(m) Establish and maintain an international quarantine station permitting animals to be imported from any country under conditions deemed necessary to prevent introduction of livestock or poultry diseases or pests. (21 U.S.C. 135.)

(n) Regulation and control, under the Virus-Serum-Toxin Act, of the preparation of biological products introduced into interstate commerce to be used in the diagnosis, treatment, or prevention of diseases of animals. (21 U.S.C. 151-158.)

(o) Inspection and certification of livestock as disease-free for export purposes. (21 U.S.C. 612-614, 618.)

(p) Administration of the 28-Hour Law concerning the care of animals in transit. (45 U.S.C. 71-74.)

(q) Inspection of vessels used to carry export livestock and regulating the accommodations necessary for safe and proper transportation and humane treatment of such animals. (46 U.S.C. 466a.)

3. The following meat and poultry inspection functions, responsibilities, and delegations of authority are continued in the Assistant Secretary for Marketing and Consumer Services and authority is hereby given to delegate them on a temporary basis to the Administrator of the

Animal and Plant Health Inspection Service:

(a) Administration of the Federal Meat Inspection Act concerning mandatory inspection of meat and related products for wholesomeness and truthful labeling. (21 U.S.C. 601-691.)

(b) Administration of the Poultry Products Inspection Act concerning mandatory inspection of poultry products for wholesomeness and truthful labeling. (21 U.S.C. 451-470.)

(c) Monitoring livestock slaughter activities to assure that humane slaughter techniques are effectively applied under the Humane Slaughter Act. (7 U.S.C. 1901-1906.)

(d) Providing voluntary meat and poultry inspection and certification service relating to wholesomeness of edible products not subject to Federal meat inspection laws and certification of meat and poultry products for use as food for dogs, cats, and other carnivora. (7 U.S.C. 1622, 1624.)

(e) Cooperation with State agencies in the performance of meat and poultry inspection in federally inspected establishments. (7 U.S.C. 450.)

4. The name of the Consumer and Marketing Service is changed to the Agricultural Marketing Service.

Done in Washington, D.C., this 22d day of March 1972.

EARL L. BUTZ,  
Secretary.

[FR Doc.72-4693 Filed 3-27-72; 8:52 am]

## DEPARTMENT OF COMMERCE

Social and Economic Statistics  
Administration

### ESTABLISHMENTS OF MULTIUNIT COMPANIES

#### Notice of Determination for Surveys of Number of Employees, Taxable Wages, Geographic Location and Kind of Business

In conformity with title 13, United States Code, sections 181, 224 and 225, and due notice of consideration having been published on February 18, 1972 (37 F.R. 3651), I have determined that a first quarter 1972 survey of selected multiunit companies is needed to collect information for the 1972 County Business Patterns Report. The survey is similar to those conducted for previous County Business Patterns Reports and is designed to collect information on number of employees, taxable wages, geographic location, and kind of business for establishments of selected multiunit companies. The data will have significant application to the needs of the public and to governmental agencies and are not publicly available from nongovernmental or governmental sources.

Report forms will be furnished to firms included in the survey and additional copies of the forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that a survey be conducted for the purpose of collecting these data.

GEORGE H. BROWN,  
Director, Bureau of the Census.  
[FR Doc.72-4643 Filed 3-27-72; 8:48 am]

### Office of Import Programs AMES RESEARCH LABORATORY

#### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No.: 71-00548-65-46040. Applicant: Ames Research Laboratory, NASA Ames Research Center, Moffett Field, Calif. 94035. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article will be used on ultrastructure research on the lunar samples returned by the Apollo missions. It will also be associated with deeper space probes, i.e., to Mars. Reports of light flashes in the retina of the eye of astronauts and radiation measurements make it necessary to increase the understanding of the effects of galactic radiation on tissue ultrastructure.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forglow Corp. The Model EMU-4C has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the National Bureau of Standards (NBS) in its memorandum dated December 3, 1971, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article

is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,  
Director,  
Office of Import Programs.

[FR Doc. 72-4657; Filed 3-27-72; 8:49 am]

#### HOWARD UNIVERSITY

##### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00555-65-46070. Applicant: Howard University, 2400 Sixth Street NW., Washington, DC 20001. Article: Scanning electron microscope, Model JSM-U3. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used for teaching and research regarding the ultrastructure of the surface of pollens and other airborne organic particles of plant origin; high resolution analysis of the outer surfaces of bacteria, fungi and yeasts; ultrastructure of biological pollutants of importance to students in civil engineering interested in sewerage problems; and for rapid analysis of minerals and dust and inorganic materials from the moon's surface.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (May 12, 1971).

Reasons: The foreign article provides a guaranteed resolution of 100 angstroms. The most closely comparable domestic instrument was the AMR Model 900 manufactured by Advanced Metals Research Corp. (AMR) Burlington, Mass., which had a resolving power of 100 to 150 angstroms. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 23, 1971 that the best resolution available is pertinent to the purposes for which the article is intended to be used. HEW further advises that it knew of no available domestic scanning electron microscope which can be used for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being

manufactured in the United States at the time the foreign article was ordered.

SETH M. BODNER,  
Director,  
Office of Import Programs.

[FR Doc. 72-4658 Filed 3-27-72; 8:49 am]

#### HOWARD UNIVERSITY

##### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No.: 71-00509-33-46040. Applicant: Howard University, Department of Pathology, 520 W Street NW., Washington, D.C. 20001. Article: Electron microscope, Model EM-9S-2. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article will be used for teaching students and residents in the College of Medicine. The function and operation of the electron microscope will be taught to persons without any previous experience, therefore the most important factor is the overall ease of operation.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a relatively simple medium resolution electron microscope which can be used by students with a minimum detailed programing and early use with self-confidence. The foreign article provides distortion free micrographs at magnifications as low as 30 diameters which permits an easy transition from light microscopy. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forglow Corp. The Model EMU-4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation and does not provide for distortion free micrographs at magnifications as low as 30 diameters. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 3, 1971 that the capabilities for basic simplicity and very low magnification micrographs are pertinent to the applicant's educational purposes. HEW further advises that these features of the article are not matched in domestic instruments.

We, therefore, find the Model EMU-4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,  
Director,  
Office of Import Programs.

[FR Doc. 72-4659 Filed 3-27-72; 8:49 am]

#### LEHIGH UNIVERSITY ET AL.

##### Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles; Correction

The following docket was inadvertently included in the list of applications denied pursuant to § 602.5(e) (15 CFR 602.5) (now § 701.8) which appeared in the FEDERAL REGISTER on January 19, 1972 (37 F.R. 818), and should therefore be deleted.

Docket No. 71-00421-33-90000. Applicant: University of Chicago, 5727 Ellis Avenue, Jones Laboratory, Chicago, IL 60637. Article: Rotating Anode X-ray generator, Model GX-6. Date of denial without prejudice to resubmission: April 26, 1971.

SETH M. BODNER,  
Director,  
Office of Import Programs.

[FR Doc. 72-4660 Filed 3-27-72; 8:49 am]

#### MEDICAL UNIVERSITY OF SOUTH CAROLINA

##### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00048-33-46040. Applicant: Medical University of South Carolina, Department of Pathology, 80 Barre Street, Charleston, SC 29401. Article: Electron microscope, Model HU-12. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used in research projects which include:

(a) A study of central nervous system fine structure in healthy rat brain and in experimental animals subjected to varying hyperbaric pressures and varying oxygen tensions;

(b) Electron microscopic enumeration of fibrous particles in human and experimental lung tissue;

(c) Comparison of polychlor-biphenol-treated animals with DDT-treated animals and combination of the two compared with normal tissue.

The educational purposes include training of graduate and undergraduate students in electron microscopy.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of three angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corp. The Model EMU-4C has a specified resolving capability of five angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 28, 1972 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,  
Director,  
Office of Import Programs.

[FR Doc.72-4661 Filed 3-27-72;8:49 am]

#### NEUROPSYCHIATRIC INSTITUTE AT UCLA

##### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00027-33-46040. Applicant: The Neuropsychiatric Institute at UCLA, Department of Mental Hygiene, 760 Westwood Plaza, Los Angeles, CA 90024. Article: Electron microscope, Model Elmiskop IA. Manufacturer: Siemens AG, West Germany. Intended use

of article: The article will be used to delineate and assess the extent of development and/or variation in synaptic patterns, changes in dendritic arborization, general membrane disruptions and other abnormalities relevant to the study of mental retardation. The article will also be used by post doctoral and predoctoral students for training in neurobiology research.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corp. The Model EMU-4C has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 14, 1972, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,  
Director,  
Office of Import Programs.

[FR Doc.72-4662 Filed 3-27-72;8:50 am]

#### NEW ENGLAND DEACONESS HOSPITAL

##### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No.: 71-00598-36-46040. Applicant: New England Deaconess Hospital, 185 Pilgrim Road, Boston, MA 02215. Article: Electron microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used to supplement mor-

phologic investigations at the light microscopy level in order to better define various disease processes. The material examined will be primarily from human clinical sources and will supplement an examination with the light microscope in some instances. Resident and senior staff physicians will be trained in electron microscopy with the article.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corp. The Model EMU-4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated October 22, 1971, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU-4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,  
Director,  
Office of Import Programs.

[FR Doc.72-4663 Filed 3-27-72;8:50 am]

#### STATE UNIVERSITY OF NEW YORK AT BUFFALO ET AL.

##### Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of

Import Programs, Department of Commerce, Washington, D.C.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 701.8 of the regulations provides in pertinent part:

The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. \* \* \* If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of § 701.11.

The meaning of the section is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 701.8 further provides:

\* \* \* the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket No.: 71-00087-33-78095. Applicant: State University of New York at Buffalo, Department of Biochemistry, 3435 Main Street, Buffalo, NY 14214. Article: Two Model 124 spectrophotometers and two model 165 recorders. Date of denial without prejudice to resubmission: June 22, 1971.

Docket No.: 70-00830-73-29800. Applicant: University of Chicago, Opera-

tor of Argonne National Laboratory, Motion Picture Section, 9700 South Cass Avenue, Argonne, IL 60439. Article: Film editing machine. Date of denial without prejudice to resubmission: November 12, 1971.

Docket No. 71-00135-98-42900. Applicant: Carnegie-Mellon University, Purchasing Division, Warner Hall, 5000 Forbes Avenue, Pittsburgh, PA 15213. Article: Superconducting magnet system. Date of denial without prejudice to resubmission: June 23, 1971.

Docket No. 71-00145-01-54600. Applicant: Rutgers University, New Brunswick, N.J. 08903. Article: Diffractometer, single, crystal. Date of denial without prejudice to resubmission: May 24, 1971.

Docket No. 71-00177-33-46070. Applicant: Battelle Memorial Institute, Pacific Northwest Laboratories, Post Office Box 999, Richland, WA 99352. Article: Scanning electron microscope, Model JSM-U3. Date of denial without prejudice to resubmission: September 15, 1971.

Docket No. 71-00197-99-29800. Applicant: Southern Illinois University, Edwardsville, Ill. 62025. Article: Film editing machine, Model ST 900W. Date of denial without prejudice to resubmission: May 14, 1971.

Docket No. 71-00298-33-79200. Applicant: Veterans Administration Hospital, Chief Supply Division, Building 222, Fort Snelling, St. Paul, Minn. 55111. Article: Automatic electric water still, Type 3. Date of denial without prejudice to resubmission: September 29, 1971.

Docket No. 71-00449-33-46500. Applicant: Medical University of South Carolina, Institute of Pathology, Department of Pathology, 80 Barre Street, Charleston, SC 29401. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: September 29, 1971.

Docket No. 71-00499-65-41750. Applicant: University of Oregon, Eugene, Oreg. 97403. Article: Glass working lathe. Date of denial without prejudice to resubmission: September 29, 1971.

Docket No. 71-00516-33-68300. Applicant: University of Louisville, School of Medicine, Health Sciences Center, 500 South Preston Street, Louisville, KY 40202. Article: Microperfusion pump. Date of denial without prejudice to resubmission: September 29, 1971.

Docket No. 70-00643-33-46500. Applicant: Vanderbilt University, Department of Obstetrics and Gynecology, 21st Avenue South and Garland Avenue, Nashville, TN 37203. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: July 14, 1971.

Docket No. 70-00721-01-77040. Applicant: University of Rochester, River Campus Station, Chemistry Department, Lattimore Building, Rochester, N.Y. 14580. Article: Mass spectrometer, Model RMU-6E. Date of denial without prejudice to resubmission: May 10, 1971.

Docket No. 71-00403-82-01200. Applicant: U.S. Department of Interior, Bureau of Mines, c/o B & K Instruments, Inc., 511 West 164th Street, Cleveland, OH 44142. Article: Miniature sound level

meter and portable acoustic calibrator. Date of denial without prejudice to resubmission: May 18, 1971.

Docket No. 71-00067-01-77040. Applicant: University of Wyoming, Department of Chemistry, Box 3838, University Station, Laramie, WY 82070. Article: Mass spectrometer, Model CH-5. Date of denial without prejudice to resubmission: October 21, 1971.

Docket No. 71-00178-01-77030. Applicant: Calvin College, 1801 East Beltline Avenue, Grand Rapids, MI 49506. Article: NMR spectrometer, MH-60. Date of denial without prejudice to resubmission: October 26, 1971.

Docket No. 71-00217-01-10100. Applicant: The University of Mississippi, Purchasing Department, University, Miss. 38677. Article: Temperature jump instrument. Date of denial without prejudice to resubmission: October 12, 1971.

Docket No. 71-00229-33-46500. Applicant: University of Alabama Medical Center, 1919 Seventh Avenue South, Birmingham, AL 35233. Article: Ultramicrotome, Om U2. Date of denial without prejudice to resubmission: October 12, 1971.

Docket No. 71-00259-99-25300. Applicant: Milwaukee Area Technical College, 1015 North Sixth Street, Milwaukee, WI 53203. Article: Electrical discharge machine (Isopulse) p2F. Date of denial without prejudice to resubmission: October 12, 1971.

Docket No. 71-00276-33-43780. Applicant: Hospital for Special Surgery, 535 East 70th Street, New York, NY 10021. Article: Medical apparatus (Femoral Prosthesis). Date of denial without prejudice to resubmission: October 26, 1971.

Docket No. 71-00365-01-77030. Applicant: McMurry College, Department of Chemistry, South 14th and Sayles Boulevard, Abilene, TX 79605. Article: NMR spectrometer, Model R-12-A. Date of denial without prejudice to resubmission: October 21, 1971.

SETH M. BODNER,  
Director,

Office of Import Programs.

[FR Doc.72-4664 Filed 3-27-72;8:50 am]

#### TEMPLE UNIVERSITY ET AL.

#### Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the decisions is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00526-33-46040. Applicant: Temple University, School of

Dentistry, Electron Microscope Laboratory, Philadelphia, PA 19140. Article: Electron microscope, Model 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article will be used to study cellular damage and molecular changes inflicted upon tissues of the parotid gland by X-irradiation and other cell damaging agents. The experiments involve the study of the ultrastructure of normal and altered glands. Other research concerns the study of enzyme localizations and the localization of radioactive amino acids administered to the experimental animals. Application received by Commissioner of Customs: May 3, 1971. Advice submitted by Department of Health, Education, and Welfare on: December 17, 1971.

Docket No. 71-00552-33-46040. Applicant: Battelle Memorial Institute, Pacific Northwest Laboratories, Post Office Box 999, Richland, WA 99352. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article will be used for research on biological specimens derived from experiments in radiation biology and effects of thermal changes in river water on fish and to the study of pollutant particles with respect to size, radioactivity and composition. The effects of radiation on biological specimens will be studied for gross biological changes and intracellular changes, the damage due to the radiation and its effects. Application received by Commissioner of Customs: May 17, 1971. Advice submitted by Department of Health, Education, and Welfare on: December 17, 1971.

Docket No. 71-00574-33-46040. Applicant: Arizona State University, Department of Botany and Microbiology, Temple, Arizona 85281. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands.

Intended use of article: The article will be used to investigate ultrastructural changes in the pili (fimbriae) of the Gram negative bacteria *Pseudomonas aeruginosa*, *Caulobacter crescentus*, and *C. fusiformis*, following adsorption of their specific RNA bacteriophages. Other research involves the pathological changes resulting from various biological toxins—notably that of venoms and alterations of membranes by toxins. Application received by Commissioner of Customs: June 1, 1971. Advice submitted by Department of Health, Education, and Welfare on: December 30, 1971.

Docket No. 71-00581-33-46040. Applicant: The University of Kansas, Lawrence, Kans. 66044. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article will be used for research dealing with the structure and function of cylindrical elements, called microtubules, which are found in most cell types and can only be seen with the electron microscope; and the substructure, multiplication, and pathology of *Coxiella burnetii* (rickettsia), a disease producing microbe inter-

mediate in size between viruses and bacteria. Application received by Commissioner of Customs: June 7, 1971. Advice submitted by Department of Health, Education, and Welfare on: December 30, 1971.

Docket No. 71-00587-33-46040. Applicant: Temple University Fels Research Institute, 3420 North Broad Street, Philadelphia, PA 19140. Article: Electron microscope, Model EM 300.

Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article will be used for research investigating the molecular mechanism for the development of cancer, using as a model liver cancer induced in the rat by chemical carcinogens, such as aflatoxin, ethionine, and acetylaminofluorene. The application of electron microscopy will be taught in courses on cellular pathology, biochemistry of the aging and advanced biochemistry and the biology of neoplasia. Application received by Commissioner of Customs: June 9, 1971. Advice submitted by Department of Health, Education, and Welfare on: December 30, 1971.

Docket No. 71-00618-90-46040. Applicant: University of Washington, Department of Genetics, Seattle, Wash. 98105. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used in structural analysis of ribosome crystals from chick embryos, and the chromosomes of mitotic and meiotic yeasts and molds. The article will also be used in the development of high-resolution electron-dense markers for the specific localization of macromolecular species. Application received by Commissioner of Customs: June 28, 1971. Advice submitted by Department of Health, Education, and Welfare on: December 30, 1971.

Docket No. 72-00022-33-46040. Applicant: University of Kansas, Lawrence, Kans. 66044. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used to study the structure of materials of biological origin in the form of (1) "negatively-stained" components of cells and macromolecules and (2) ultra thin sections of experimentally treated tissues. Application received by Commissioner of Customs: July 9, 1971. Advice submitted by Department of Health, Education, and Welfare on: January 14, 1972.

Docket No. 72-00031-33-46040. Applicant: Veterans Administration Hospital, West Spring Street, West Haven, Conn. 06516. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article is intended to be used to examine three general types of specimens: (1) Cancer cells from human patients and experimental animals, (2) tissue and cell cultures prepared from human patients and experimentally infected laboratory animals, and (3) cell, tissues, and organ cultures experimentally infected with virus agents. The article will

allow an intensive research program in the study of virus-cell interaction in vivo and in vitro. In addition, postdoctoral students will be trained on the instrument in a course entitled "Experimental and Diagnostic Methods in Medical Virology". Application received by Commissioner of Customs: July 15, 1971. Advice submitted by Department of Health, Education, and Welfare on: January 14, 1972.

Docket No. 72-00047-33-46040. Applicant: Georgetown University School of Medicine, Microbiology Department, 3900 Reservoir Road NW., Washington, DC 20007. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for high resolution studies of bacteria, viruses, biological macromolecules such as DNA and RNA, isolated components of viruses and bacterial cells, virus-infected cells, and isolated cell components. The article will also be used to teach the ultrastructure of cells and viruses to medical students, graduate students and other personnel involved in medical research. Application received by Commissioner of Customs: July 23, 1971. Advice submitted by Department of Health, Education, and Welfare on: January 28, 1972.

Docket No. 72-00066-33-46040. Applicant: University of Iowa, Department of Zoology, Iowa City, Iowa 52240. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for research studies which include the following:

1. Studies on the biogenesis of the cytoplasmic organelle called the "peroxisome" to establish the relation between enzyme induction and organelle development.

2. Study of sections of organs which must be seen distinctly at low magnification and photographed in order to locate and identify specific cell types which are then studied at intermediate and high magnification to analyze their structural characteristics.

3. Characterization of the structure and composition of a cytoplasmic component believed to represent stored gene product. Application received by Commissioner of Customs: July 29, 1971. Advice submitted by Department of Health, Education, and Welfare on: February 11, 1972.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: Each foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope which is manufactured by the Forghio Corporation (Forghio). The Model EMU-4C has a specified resolving capability of five angstroms.

(Resolving capability bears an inverse relationship to its numerical rating in angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Forgflo Model EMU-4C is not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

SETH M. BODNER,  
Director,  
Office of Import Programs.

[FR Doc. 72-4665 Filed 3-27-72; 8:50 am]

#### TRANSPORTATION SYSTEMS CENTER

##### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00603-01-10520. Applicant: Transportation Systems Center, Department of Transportation, 55 Broadway, Cambridge, MA 02142. Article: Vapor trace analyzer. Manufacturer: Hydronautics, Israel. Intended use of article: The article will be among various existing devices used to detect explosives which are to be evaluated for effectiveness in an aircraft hijacking deterrence program.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a field type (portable) instrument which provides high sensitivity. We are advised by the National Bureau of Standards (NBS) in its memorandum dated January 7, 1972, that the characteristics described above are pertinent to the intended uses of the article. NBS further advises that it knows of no comparable domestic

instrument providing an equivalent capability.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,  
Director,  
Office of Import Programs.

[FR Doc. 72-4667 Filed 3-27-72; 8:50 am]

#### WILLIAM H. SINGER MEMORIAL RESEARCH INSTITUTE

##### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No.: 71-00494-33-46500. Applicant: William H. Singer Memorial Research Institute, 320 East North Avenue, Pittsburgh, PA 15212. Article: Ultramicrotome, Model OmU2. Manufacturer: C. Reichert Optische Werke A. G., Austria. Intended use of article: The article will be used to prepare ultrathin sections of the following types of cells of tissues: LLC-MK2, BHK, Vero, WI-38 and HeLa cells containing several types of oncogenic simian adenoviruses or Herpes virus; interstitial cells of Leydig; chick myocardial cells; human malignant blue nevi (and other melanotic tumors), hilar cell tumors and synovial sarcomas.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00118-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] obvious factors as

knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69-665-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is . . . a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with still another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.5 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of August 27, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's intended use in sectioning softer embedded or more difficult specimens.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,  
Director,  
Office of Import Programs.

[FR Doc. 72-4666 Filed 3-27-72; 8:50 am]

#### UNIVERSITY OF ALABAMA ET AL.

##### Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the February 24, 1972, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 72-00364-99-54900. Applicant: University of Alabama in Birmingham, School of Optometry, 1919 Seventh Avenue South, Birmingham, AL 35233. Article: 4 major amblyoscopes (Haploscopes) and accessories. Manufacturer: Clement Clark, United Kingdom. Intended use of article: The articles are intended to be used to provide a means of presenting separate visual stimuli to the two eye in laboratory courses for professional optometry students. The articles will also be used in clinical research in the anomalies of binocular vision. Application received by Commissioner of Customs: February 3, 1972.

Docket No. 72-00365-99-66700. Applicant: Kansas State University, Computing Center, Cardwell Hall, Manhattan, Kans. 66502. Article: Teleprinter projector, Model 2510T. Manufacturer: I. P. Sharp Associates, Canada. Intended use of article: The article is intended to be used to show classes information coming off a computer on a remote terminal. Application received by Commissioner of Customs: February 3, 1972.

Docket No. 72-00366-33-46040. Applicant: The Ohio State University, Department of Medical Microbiology, 190 North Oval Drive, Columbus, OH 43210. Article: Electron microscope, Model HU-12. Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of article: The article is intended to be used as a tool in the following research projects:

1. Determination of the morphology of mycobacteriophages and examination of these mycobacteriophages following treatment with various lipid solvents;
2. Particle count on virus-containing samples (rhinoviruses, etc.);
3. Klenischmidt techniques to visualize DNA contour length of viruses;
4. Sections of virus-infected cells and virus transformed tumor cells; and
5. Examination of cellular and sub-cellular membranes by histochemical and immunological techniques.

The article will also be used in teaching and training of medical students, graduate students, interns, residents and fellows as well as research personnel (research assistants and research associates) in the techniques and biological application of electron microscopy. Application received by Commissioner of Customs: February 3, 1972.

Docket No. 72-00367-33-46500. Applicant: Rush-Presbyterian-St. Luke's Medical Center, 1753 West Congress Parkway, Chicago, IL 60612. Article: Ultramicrotome, Om U2. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended Use of Article: The article is intended to be used to section human tumors, virus-induced animal tumors,

tumor cell lines, cells infected in vitro with oncogenic viruses, and concentrated virus preparations to study virus-host interrelationships in these materials, striving toward the elucidation of the mechanism(s) responsible for cellular transformation and virus expression, repression and derepression. Application received by Commissioner of Customs: February 4, 1972.

Docket No. 72-00368-00-46040. Applicant: University of Michigan, Mental Health Research Institute, 205 North Washtenaw, Ann Arbor, MI 48104. Article: Spare parts for Elmiskop I electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The articles are spare parts for an existing electron microscope. Application received by Commissioner of Customs: February 4, 1972.

Docket No. 72-00369-01-77000. Applicant: Brown University, Providence, R.I. 02912. Article: Electron spectrometer, Model ES 100B. Manufacturer: AEI Scientific Apparatus, Ltd., United Kingdom. Intended use of article: The article is intended to be used to investigate the chemical bonding and electronic structure of a variety of materials in solid, liquid, and gaseous form; specifically, the characterization of solid surfaces including adsorption processes and surface reactions, and the investigation of metal-metal bonding and metal-liquid bonding in molecules. The article is also intended to be used by students in physics, chemistry and related fields to learn an important new analytical technique. Application received by Commissioner of Customs: February 4, 1972.

Docket No. 72-00370-33-46040. Applicant: The University of Texas Medical School at Houston, 102 Jesse Jones Library Building, Texas Medical Center, Houston, Tex. 77025. Article: Electron microscope, Model JEM 100B. Manufacturer: JEOL, Ltd., Japan. Intended use of article: The article is intended to be used in studies of biological materials in the following investigations:

1. Normal physiological behavior of cells and tissues;
2. Comparative ultrastructure and physiology of receptors in marine and fresh water fish in an attempt to uncover the mechanisms of reception transduction and transmission of stimuli from the environment; and
3. Normal and pathologic myelinated nerve involving the use of various methods of embedding and sectioning the specimen to better understand the fine structure and molecular arrangement.

The article is also intended to be used for instruction to the medical students in methodology as related to neurohormone function of the nerve system. Application received by Commissioner of Customs: February 4, 1972.

Docket No. 72-00371-33-46500. Applicant: University of Minnesota, Department of Veterinary Obstetrics and Gynecology, College of Veterinary Medicine, 346C Veterinary Clinic, St. Paul, Minn. 55101. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of ar-

title: The article is intended to be used in the following research programs:

1. The study of spermatogenesis and its response to stress which will include obtaining repeated testicular biopsies from pigtail monkeys before and after exposure to stress such as immobilization, isolation, etc.

2. Processing of equine testes for ultrastructural study of cellular interrelationships.

3. Examination of the bovine genital organs for presence of ultrastructural pathologic alterations due to experimental viral infection.

Application received by Commissioner of Customs: February 4, 1972.

Docket No. 72-00372-99-40500. Applicant: Bates College, Lewiston, Maine 04240. Article: Michelson interferometer. Manufacturer: SOPRA, France. Intended use of article: The article is intended to be used for the instruction of students in its theory and operation in two physics courses. It will also be used in Physics 458 in which students do individual projects leading to the writing of senior thesis. Application received by Commissioner of Customs: February 4, 1972.

Docket No. 72-00373-00-46500. Applicant: University of Pennsylvania, Department of Neurology, 3400 Spruce Street, Philadelphia, PA 19104. Article: LKB 14800 Cryokit. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is an accessory for an existing ultramicrotome. Application received by Commissioner of Customs: February 4, 1972.

Docket No.: 72-00374-33-46500. Applicant: University of Wisconsin, Department of Pathology, Service Memorial Institute, 470 North Charter Street, Madison, WI 53706. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in studies of both normal and pathological tissues including biopsy, autopsy and research material. Specific experiments in which this instrument will be used involve:

1. Effects of mercurial compounds on tissues of the central nervous system.
2. Response of brain cells to pesticide poisoning.
3. Ultrastructure of glomerular capillaries in the diseased kidney.
4. Morphology of complement producing peritoneal macrophages.
5. Correlation of ribosomal ultrastructure with cell RNA fractions.
6. Ultrastructural manifestations of experimentally induced renal disease.

Application received by Commissioner of Customs: February 4, 1972.

Docket No.: 72-00375-01-46040. Applicant: National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20014. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used for high resolution studies of macromolecules such as proteins and nucleic acids, both as separate entities and in crystalline forms. An at-

tempt will be made to find the arrangement of asymmetric units in proteins and nucleic acid crystals as an aid to collaborative X-ray diffraction analysis of these crystals. Further experiments will be conducted to determine the position in these molecules of the heavy metal which is introduced into the protein or nucleic acid crystals to solve the phase problem for X-ray diffraction analysis. Application received by Commissioner of Customs: February 9, 1972.

Docket No. 72-00376-33-46500. Applicant: Humboldt State College, Arcata, Calif. 95521. Article: Ultramicrotome, Model Om U2. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used for original research into a variety of biological phenomena which include the following studies:

1. Ultrastructure of the "vacuole-like" inclusions of the cells lining the stomach and cerata of the eolid nudibranch *Hermissenda crassicornia*.
2. Ultrastructure of the rare gametophyte stage of the vascular cryptogam *psilotum nudum*.
3. Muscle ultrastructure with an investigation of the subcellular structure of avian muscles.
4. Physiological effects of fluorides on plant cells.
5. Research in microbiology, and on the parasites of animals.
6. Origin and development of the mitotic spindle apparatus in normal and abnormal divisions.
7. Ultrastructure of motile protozoa, in particular the structure of the sub-pillicular cytoplasm of hypotrich ciliates.
8. Ultrastructure of the membrane systems of bacteria.

The article will also be used in Biology 203, Electron Microscope Techniques, for the training of graduate students and advanced undergraduate students in electron microscopy. Application received by Commissioner of Customs: February 9, 1972.

Docket No. 72-00377-01-10100. Applicant: University of Maryland, Baltimore County, 5401 Wilkens Avenue, Baltimore, MD 21228. Article: Temperature jump apparatus. Manufacturer: Messanlagen Studiengesellschaft mbH, West Germany. Intended use of article: The article is intended to be used to study rapid equilibrium reactions during investigations of protein associations, enzymatic reactions, lanthanide complexations and cation phosphate interactions. In addition, the article will be used by undergraduate students in Chemistry 0499, Senior Research. Application received by Commissioner of Customs: February 9, 1972.

Docket No. 72-00378-33-46500. Applicant: Indiana University, Indianapolis, 630 West New York Street, Indianapolis, IN 46202. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in studies concerned with the electron microscopic examination of tissues from the brains of diseased human beings. The article will also be used in an elective

course for medical students entitled "Introduction to Electron Microscopy" for training in electron microscopy. Application received by Commissioner of Customs: February 9, 1972.

Docket No. 72-00379-33-43400. Applicant: Veterans Administration Hospital, Archer Road, Gainesville, Fla. 32601. Article: Hydraulic micro-manipulator. Manufacturer: Narishige Scientific Instrument Lab., Japan. Intended use of article: The instrument will be used in continuation of the research project entitled "Alterations in the Structure and Function of the Atrial Conduction Systems of the Transplanted and ex vivo Preserved Heart." Application received by Commissioner of Customs: February 9, 1972.

Docket No. 72-00380-33-46040. Applicant: NYS Institute for Research in Mental Retardation, 1050 Forest Hill Road, Staten Island, NY 10314. Article: Electron microscope, Model HU-11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used for research which will include the examination of tissue from mentally retarded children and also from patients with diseases known to be associated with mental retardation. Similar diseases induced in experimental animals will also be studied. The effects of various agents on tissue cultures of the nervous system will be examined at the fine structural level. The possibility that some disease of unknown etiology may be caused by viral agents will be investigated. Furthermore, metabolic and genetic abnormalities will be studied. The article will also be used for instruction in the techniques of electron microscopy. Application received by Commissioner of Customs: February 9, 1972.

SETH M. BODNER,  
Director,  
Office of Import Programs.

[FR Doc.72-4668 Filed 3-27-72; 8:50 am]

#### UNIVERSITY OF ALASKA

##### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00447-89-70000. Applicant: University of Alaska Geophysical Institute, College, Alaska 99701. Article: Lightweight portable radiometer, Model PD4-QK. Manufacturer: Physico-Meteorological Observatory, Switzerland. Intended use of article: The radiation instrument will be used for the McCall Glacier project to measure the albedo of

different surfaces, and to measure the albedo changes of the snow cover during the season in different altitudes.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The article is capable of simultaneous measurement with four receivers, incident and reflected shortwave radiation and incident and emitted longwave radiation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 18, 1972, that long- and shortwave radiation measured simultaneously is pertinent to the purposes for which the article is intended to be used. HEW also advises that it knows of no comparable domestic instrument which is scientifically equivalent to the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,  
Director,

Office of Import Programs.

[FR Doc.72-4669 Filed 3-27-72; 8:50 am]

#### UNIVERSITY OF CALIFORNIA

##### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No.: 71-00525-33-46040. Applicant: University of California, San Francisco, Purchasing Department, 1438 South 10th Street, Richmond, CA 94804. Article: Electron microscope, Model HU-11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to screen for viral particles in brain tumors; for histochemical analysis of various enzyme system on ultrastructural level in brain tumors; and for studies of intercellular and internuclear bridges in the human and animal glioma in tissue culture.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manu-

factured in the United States at the time the article was ordered, February 6, 1970.

Reasons: The foreign article provides a continuous magnification from 900 to 400,000 magnifications, without changing the pole-piece. The most closely comparable domestic instrument is the Model EMU-4B which was being supplied by the Forgio Corp. The Model EMU-4B, with its standard pole-piece, had a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range could be reduced to 200 magnifications or less. But the continued reduction of magnification induces an increasingly greater distortion. The domestic manufacturer suggested in its literature on the Model EMU-4B that for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, an optional low magnification pole-piece should be used. Changing the pole-piece on the Model EMU-4B required a break in the vacuum of the column. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 17, 1971, that the applicant requires the capability of taking-high-quality micrographs at both low and high magnifications in order to achieve the purposes for which the article is intended to be used. HEW further advises that breaking the vacuum in the column induces the danger of contamination which would very likely lead to the failure of the experiment. Therefore, the capability of moving from 900 to 400,000 magnifications without changing pole-pieces, while at the same time providing high-quality micrographs at low magnifications, is considered to be a pertinent characteristic. For these reasons, we find that the Model EMU-4B was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

SETH M. BODNER,  
Director,

Office of Import Programs.

[FR Doc.72-4670 Filed 3-27-72; 8:50 am]

#### UNIVERSITY OF CONNECTICUT

##### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce at the Office

of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00538-65-46040. Applicant: University of Connecticut Institute of Materials Science, Storrs, Conn. 06268. Article: Electron microscope, Model HU-200F. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for studies on dislocation structures and subboundary structures formed in high temperature alloys during fatigue and creep; of stacking-faults and antiphase boundaries in nickel-base superalloys; of precipitation hardened alloys and high strength directionally solidified eutectic alloys; on oral biological materials; and on polymeric materials.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (August 7, 1970).

Reasons: The foreign article provides an accelerating voltage of 200 kilovolts. We are advised by the National Bureau of Standards (NBS) in its memorandum dated December 10, 1971, that the applicant's stated requirement for a 200 kilovolt maximum accelerating voltage is pertinent to the applicant's intended use. NBS further advises that it knows of no domestically manufactured instrument or apparatus providing an equivalent capability which was available at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

SETH M. BODNER,  
Director,  
Office of Import Programs.

[FR Doc.72-4671 Filed 3-27-72; 8:50 am]

#### UNIVERSITY OF ILLINOIS

##### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00420-65-46070. Applicant: University of Illinois, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Scanning electron microscope, Model JSM-U3. Manufacturer: Japan Electron Optics

Laboratory Co., Ltd., Japan. Intended use of article: The article will be used to study metals, semiconductors, ceramics, rocks and minerals, plastics, and biological tissues. Metals and ceramics will be examined while subjecting them to stress or temperature variations with a view to obtaining information on phase changes that occur in such systems. Rocks and minerals, including structural materials, such as concrete, are to be examined for morphological characteristics and chemical compositions of individual phases in such materials.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used was being manufactured in the United States at the time the foreign article was ordered (April 15, 1970).

Reasons: This application is a resubmission of Docket No. 70-00570-65-46070 which was denied without prejudice to resubmission due to informational deficiencies. The applicant's research studies require the recording of images within a few seconds of the sample's being exposed to the vacuum system. The foreign article provides a dual pump system which permits the vacuum in the column and specimen chamber to be independently maintained. We are advised by the National Bureau of Standards (NBS) in its memorandum dated July 28, 1971, that the rapid recording capability described above is pertinent to the applicant's research studies and that the dual pump system of the article provides this capability by keeping the electron gun at an appropriate vacuum while the sample is inserted. NBS further advises that they know of no source of a comparable domestic instrument equivalent to the article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

SETH M. BODNER,  
Director,  
Office of Import Programs.

[FR Doc.72-4672 Filed 3-27-72; 8:51 am]

#### UNIVERSITY OF MARYLAND

##### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00536-33-46040. Applicant: University of Maryland, School of Medicine, Department of Pathology, 31 South Greene Street, Baltimore, MD 21201. Article: Electron microscope, JEM-100B-2. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used for research on cells, cellular organelles, cell membranes and cellular products, macromolecules and viruses, and to compare the alteration of the abnormal state with the normal state morphologically and functionally. Projects concern membranes altered by such pathological processes such as peroxidation and studies on membrane associated protein complexes.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3 angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forglow Corp. The Model EMU-4C has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 17, 1971, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,  
Director,

Office of Import Programs.

[FR Doc.72-4673 Filed 3-27-72;8:51 am]

#### UNIVERSITY OF MIAMI

##### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00615-01-16050. Applicant: University of Miami, Post Office Box 8184, Coral Gables, FL 33124. Article: Low level gas counter. Manufacturer: Lars Engstrand, Sweden. Intended use of article: The article will be used to determine radiocarbon and tritium accurately in large numbers of selected samples.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has the capacity to measure radiocarbon and tritium at ultra low levels. We are advised by the National Bureau of Standards in its memorandum dated January 3, 1972, that the characteristic described above is pertinent to the applicant's research studies. NBS further advises that it knows of no comparable domestic instrument providing an equivalent capability.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,  
Director,

Office of Import Programs.

[FR Doc.72-4674 Filed 3-27-72;8:51 am]

#### UNIVERSITY OF MICHIGAN

##### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No.: 71-00457-65-46070. Applicant: The University of Michigan, Department of Chemistry and Metallurgical Engineering, East Engineering Building, East University Avenue, Ann Arbor, MI 48104. Article: Scanning electron microscope, Model JSM-U3. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used for research on the structure of porous glassy carbon; research on the distribution of silicon, potassium and other metals in plant cells; research on scrapie, a transmissible, fatal chronic disease of the central nervous system of sheep; and for a program of research requiring the identification and classification of algae, diatoms, and phytoplankton found in the Great Lakes.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (Dec. 22, 1970).

Reasons: The foreign article provides a guaranteed resolution of 100 angstroms. The most closely comparable domestic instrument is the AMR Model 900 manufactured by Advanced Metals Research Corp. (AMR) Burlington, Mass. which provides a resolving powers of 100 to 150 angstroms. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 16, 1971, that the best resolution available is pertinent to the purposes for which the article is intended to be used. HEW further advises that it knows of no available domestic scanning electron microscope which can be used for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

SETH M. BODNER,  
Director,

Office of Import Programs.

[FR Doc.72-4675 Filed 3-27-72;8:51 am]

#### UNIVERSITY OF NORTH CAROLINA

##### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No.: 71-00563-33-46040. Applicant: University of North Carolina, School of Medicine, Chapel Hill, N.C. 27514. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used to examine the fine structure and the molecular components of spermatozoa, ova, and other tissues involved in reproductive biology. Molecular components are to be separated from cells and tissues important in reproductive biology. These molecules and molecular complexes are then to be examined at the highest possible resolution in order to show the desired molecular detail.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent

scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (January 20, 1970).

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly manufactured by the Radio Corporation of America and which is presently being supplied by the Forgflo Corp. The Model EMU-4B has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 17, 1971, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4B is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,  
Director,  
Office of Import Programs.

[FR Doc.72-4676 Filed 3-27-72; 8:51 am]

#### UNIVERSITY OF TENNESSEE

##### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00033-99-03400. Applicant: The University of Tennessee, Knoxville, Tenn. 37916. Article: Audio training unit, Model SUVA I and II. Manufacturer: Societe Sedi Monsieur Germe, France. Intended use of article: The article will be used to train the residual hearing of deaf children after determining the auditory field of all defective ears including all the congenitally deaf.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is in-

tended to be used, is being manufactured in the United States.

Reasons: The foreign article provides filter networks for emphasizing specific frequency bands in the audio spectrum. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated January 14, 1972, that the characteristic noted above is pertinent to the purposes for which the foreign article is intended to be used. We are further advised by HEW that it knows of no comparable domestic instrument with the pertinent characteristics of the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,  
Director,  
Office of Import Programs.

[FR Doc.72-4677 Filed 3-27-72; 8:51 am]

#### VETERANS ADMINISTRATION HOSPITAL, EAST ORANGE, N.J.

##### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00016-33-46040. Applicant: Veterans Administration Hospital, Supply Division, East Orange, N.J. 07019. Article: Electron microscope, Model HU-12. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to study enzymes in the healthy human brain and in diseased patients affected by multiple sclerosis and cerebral infarcts. The study is aimed at correlating biochemical alterations in certain cells in the brain preceding the appearance of clinical symptoms and anatomical alterations with these patients.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is equipped with a tilt stage having a guaranteed resolving power of 5 angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by Forgflo Corp. (Forgflo). The Model EMU-4C can be equipped with a tilt stage but the guar-

anteed resolving power of this stage is 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving power.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated December 30, 1971, that the guaranteed resolving power of the tilt stage of the foreign article is pertinent to the applicant's research studies. We, therefore, find that the Model EMU-4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes which such article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,  
Director,  
Office of Import Programs.

[FR Doc.72-4679 Filed 3-27-72; 8:51 am]

#### VETERANS ADMINISTRATION HOSPITAL, SEATTLE, WASH.

##### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No.: 71-00533-33-46040. Applicant: Veterans Administration Hospital, 4435 Beacon Avenue South, Seattle, WA 98108. Article: Electron microscope, Model EM 801. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The article will be used for research and research training. Projects include studies of basal lamina, collagen, structure of capillaries and products from cell and tissue culture. Residents in pathology will be trained in the use and application of electron microscopic techniques.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is equipped with a tilt stage having a guaranteed resolving power of 5 angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by Forgflo Corp. (Forgflo). The Model EMU-4C can be equipped with a tilt stage but the

guaranteed resolving power of this stage is 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving power.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated December 17, 1971, that the guaranteed resolving power of the tilt stage of the foreign article is pertinent to the applicant's research studies. We, therefore, find that the Model EMU-4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,  
Director,  
Office of Import Programs.

[FR Doc.72-4678 Filed 3-27-72; 8:51 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[Docket No. FDC-D-444; NDA No. 12-658]

#### ARMOUR PHARMACEUTICAL CO.

#### Hydroxyphenamate; Notice of Withdrawal of Approval of New-Drug Application

In the FEDERAL REGISTER of June 25, 1970 (35 F.R. 10394), the Commissioner of Food and Drugs announced (DESI 6566) his conclusions pursuant to evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning the following drug:

NDA 12-658; Listica Tablets, containing hydroxyphenamate; Armour Pharmaceutical Co., Box 511, Kankakee, Ill. 60901.

The announcement stated that the drug was regarded as either lacking substantial evidence of effectiveness or possibly effective for the various labeled indications. Six months from the date of that publication were allowed for the holder of the application and any person marketing such drug without approval to obtain and submit data providing substantial evidence of effectiveness of the drug for the possibly effective indications. No such data have been received and the holder of said new-drug application has requested withdrawal of approval of its new-drug application and thereby has waived opportunity for a hearing, stating that marketing of the drug was discontinued in 1971.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)), and under authority delegated to him (21 CFR 2.120), finds

that on the basis of new information before him with respect to said drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug 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 new-drug application No. 12-658, and all amendments and supplements thereto, is withdrawn effective on the date of publication hereof in the FEDERAL REGISTER (3-28-72).

Dated: March 16, 1972.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.72-4689 Filed 3-27-72; 8:53 am]

[DESI 4054-4]

### CERTAIN SHORT-ACTING AND INTERMEDIATE-ACTING SYSTEMIC SULFONAMIDES

#### Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration published announcements in the FEDERAL REGISTER June 17, 1969 (34 F.R. 9464), August 30, 1969 (34 F.R. 13948), and November 28, 1970 (35 F.R. 18215), regarding the efficacy of certain short-acting and intermediate-acting systemic sulfonamides.

The notices stated that certain preparations containing sulfachlorpyridazine; sulfadiazine; sulfaethidole; sulfamerazine; sulfamethizole; sulfamethoxazole; sulfisomidine; sulfisoxazole; or sulfadiazine and sulfamerazine with or without sulfamethazine were regarded as effective, probably effective, possibly effective, and/or lacking substantial evidence of effectiveness for their various labeled indications.

Based on a further reevaluation of the reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, and other available evidence, the Commissioner of Food and Drugs finds it appropriate to amend the announcement of November 28, 1970 (35 F.R. 18215) by:

1. Reclassifying sulfisoxazole, sulfamethoxazole, sulfisomidine, sulfachlorpyridazine, sulfaethidole, sulfamethizole, and combinations of sulfadiazine, sulfamerazine, and sulfamethazine from probably effective to effective in the treatment of recurrent or chronic urinary tract infections (primarily pyelonephritis, pyelitis, and cystitis) due to susceptible organisms (usually *E. coli*, *Klebsiella-Aerobacter*, staphylococcus, *Proteus mirabilis*, and less frequently, *Proteus vulgaris*) in the absence of obstructive uropathy or foreign bodies.

2. Reclassifying the following probably effective indication for sulfonamides other than sulfadiazine as lacking substantial evidence of effectiveness in that no new evidence of effectiveness has been

received pursuant to the notices of August 30, 1969, and November 28, 1970: For use in the prophylaxis of rheumatic fever as an alternative to penicillin.

3. Reclassifying the possibly effective indications as lacking substantial evidence of effectiveness in that no new evidence of effectiveness has been received pursuant to the notices of August 30, 1969, and November 28, 1970, i.e.; the treatment of pneumococcal infections; gas gangrene; lymphogranuloma venereum; shigellosis; for suppressive therapy in patients with indwelling catheters, ureterostomies, urinary stasis, cord bladder, and before and after genitourinary surgery and instrumentation; and in "acute or chronic otitis media." Sulfachlorpyridazine, sulfaethidole, sulfamethizole, and sulfamethoxazole are, for the same reason, reclassified as lacking substantial evidence of effectiveness in the treatment of meningococcal meningitis and as adjunctive therapy in *Haemophilus influenzae* meningitis.

4. Adding information under the "Adverse Reactions" section relating to the goitrogenic effects of sulfonamides during long-term administration in the rat.

5. Rewording the "Indications" and "Adverse Reactions" sections to reflect the above findings, as follows:

#### INDICATIONS

Chancroid.  
Trachoma.  
Inclusion conjunctivitis.  
Nocardiosis.

Acute urinary tract infections (primarily pyelonephritis, pyelitis, and cystitis) due to susceptible organisms (usually *E. coli*, *Klebsiella-Aerobacter*, staphylococcus, *Proteus mirabilis*, and less frequently, *Proteus vulgaris*) in the absence of obstructive uropathy or foreign bodies.

Toxoplasmosis as adjunctive therapy with pyrimethamine.

Malaria due to chloroquine-resistant strains of *Plasmodium falciparum*, when used as adjunctive therapy.

Meningococcal meningitis prophylaxis when sulfonamide-sensitive group A strains are known to prevail in family groups or larger closed populations. (The prophylactic usefulness of sulfonamides when group B or C infections are prevalent is not proven and in closed population groups may be harmful.)

In acute otitis media due to *Haemophilus influenzae* when used concomitantly with adequate doses of penicillin.

Add for: Sulfisoxazole, sulfamethoxazole, sulfisomidine, sulfachlorpyridazine, sulfaethidole, sulfamethizole, and combinations of sulfadiazine, sulfamerazine, and sulfamethazine only—The treatment of recurrent or chronic urinary tract infections (primarily pyelonephritis, pyelitis and cystitis) due to susceptible organisms (usually, *E. coli*, *Klebsiella-Aerobacter*, staphylococcus, *Proteus mirabilis*, and less frequently, *Proteus vulgaris*) in the absence of obstructive uropathy or foreign bodies.

Add for: Sulfadiazine only—

Prophylaxis against recurrences of rheumatic fever as an alternative to penicillin.

Add for: Sulfadiazine, sulfamerazine, sulfisomidine, sulfisoxazole, and combinations of sulfadiazine and sulfamerazine with or without sulfamethazine only—

*Haemophilus influenzae* meningitis (as adjunctive therapy with parenteral streptomycin), and

Meningococcal meningitis (where the organism has been demonstrated to be susceptible).

**Important note.** *In vitro* sulfonamide sensitivity tests are not always reliable. The test must be carefully coordinated with bacteriologic and clinical response. When the patient is already taking sulfonamides, follow-up cultures should have aminobenzoic acid added to the culture media.

Currently, the increasing frequency of resistant organisms is a limitation of the usefulness of antibacterial agents including the sulfonamides, especially in the treatment of chronic and recurrent urinary tract infections.

Wide variation in blood levels may result with identical doses. Blood levels should be measured in patients receiving sulfonamides for serious infections. Free sulfonamide blood levels of 5-15 mg. per 100 ml. may be considered therapeutically effective for most infections, with blood levels of 12-15 mg. per 100 ml. optimal for serious infections; 20 mg. per 100 ml. should be the maximum total sulfonamide level, as adverse reactions occur more frequently above this level.

#### ADVERSE REACTIONS

**Blood dyscrasias.** Agranulocytosis, aplastic anemia, thrombocytopenia, leukopenia, hemolytic anemia, purpura, hypoprothrombinemia, and methemoglobinemia.

**Allergic reactions.** Erythema multiforme (Stevens-Johnson Syndrome), generalized skin eruptions, epidermal necrolysis, urticaria, serum sickness, pruritus, exfoliative dermatitis, anaphylactoid reactions, periorbital edema, conjunctival and scleral injection, photosensitization, arthralgia, and allergic myocarditis.

**Gastrointestinal reactions.** Nausea, emesis, abdominal pains, hepatitis, diarrhea, anorexia, pancreatitis, and stomatitis.

**C.N.S. reactions.** Headache, peripheral neuritis, mental depression, convulsions, ataxia, hallucinations, tinnitus, vertigo, and insomnia.

**Miscellaneous reactions.** Drug fever, chills, and toxic nephrosis with oliguria and anuria. Periarthritis nodosum and L.E. phenomenon have occurred.

The sulfonamides bear certain chemical similarities to some goitrogens, diuretics (acetazolamide and the thiazides), and oral hypoglycemic agents. Goiter production, diuresis, and hypoglycemia have occurred rarely in patients receiving sulfonamides. Cross-sensitivity may exist with these agents.

Rats appear to be especially susceptible to the goitrogenic effects of sulfonamides, and long-term administration has produced thyroid malignancies in the species.

6. Revising the first paragraph of the Warnings section (that follows "Use in Pregnancy") so that the entire section reads as follows:

#### WARNINGS

The sulfonamides should not be used for the treatment of group A beta-hemolytic streptococcal infections. In an established infection, they will not eradicate the streptococcus and, therefore, will not prevent sequelae such as rheumatic fever and glomerulonephritis.

Deaths associated with the administration of sulfonamides have been reported from hypersensitivity reactions, agranulocytosis, aplastic anemia, and other blood dyscrasias.

The presence of clinical signs such as sore throat, fever, pallor, purpura, or jaundice

may be early indications of serious blood disorders.

Complete blood counts should be done frequently in patients receiving sulfonamides.

The frequency of renal complications is considerably lower in patients receiving the more soluble sulfonamides. Urinalysis with careful microscopic examinations should be obtained frequently in patients receiving sulfonamides.

7. Adding a statement in the Precautions section so that the section reads as follows:

#### PRECAUTIONS

Sulfonamides should be given with caution to patients with impaired renal or hepatic function and to those with severe allergy or bronchial asthma.

Adequate fluid intake must be maintained in order to prevent crystalluria and stone formation.

In glucose-6-phosphate dehydrogenase deficient individuals, hemolysis may occur. This reaction is frequently dose-related.

The new-drug applications held by Parke, Davis & Co. (NDA 4-154), Abbott Laboratories (NDA 4-125), Ayerst Laboratories (NDA 8-565), Ciba Pharmaceutical Co. (NDA 8-070) and Roche Laboratories (NDA's 6-525, 6-917, 9-182 and 12-715) have been satisfactorily supplemented to delete those claims for which substantial evidence of effectiveness is lacking and to be in accord with this notice.

Other holders of applications approved for these drugs should submit, within 60 days following publication of this amended announcement in the FEDERAL REGISTER, supplements to their new-drug applications to provide for revised labeling in accord with the sections above. Such supplements should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest time.

Any such preparation, for human use, introduced into interstate commerce after 60 days following publication of this notice in the FEDERAL REGISTER with labeling bearing indications that lack substantial evidence of effectiveness may be subject to regulatory proceedings.

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

Dated: March 16, 1972.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.72-4684 Filed 3-27-72; 8:53 am]

[DESI 7322]

### DOXYCYCLINE FOR ORAL USE

#### Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration published an announcement in the FEDERAL REGISTER of September 2, 1970 (35

F.R. 13897), regarding the efficacy of tetracycline, oxytetracycline, chlortetracycline, demethylchlortetracycline, and rolitetracycline for systemic use. A correction of that announcement, which extended the labeling guidelines for tetracycline to include doxycycline capsules and suspension and methacycline capsules and syrup, was published April 20, 1971 (36 F.R. 7473). Based upon new information and a reevaluation of available data, the Commissioner of Food and Drugs finds it appropriate to amend the labeling section of the September 2, 1970 and April 20, 1971 announcements insofar as they concern doxycycline as follows: (Revised labeling for tetracycline, oxytetracycline, chlortetracycline, demeclocycline, rolitetracycline, and methacycline is the subject of a separate notice.)

#### DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

#### ACTION

Doxycycline is primarily bacteriostatic and is thought to exert its antimicrobial effect by the inhibition of protein synthesis. Doxycycline is active against a wide range of gram-positive and gram-negative organisms.

The drugs in the tetracycline class have closely similar antimicrobial spectra and cross-resistance among them is common. Microorganisms may be considered susceptible if the M.I.C. (minimum inhibitory concentration) is not more than 4.0 mcg./ml. and intermediate if the M.I.C. is 4.0 to 12.5 mcg./ml.

Susceptibility plate testing: A tetracycline disc may be used to determine microbial susceptibility to drugs in the tetracycline class. If the Kirby-Bauer method of disc susceptibility testing is used, a 30 mcg. tetracycline disc should give a zone of at least 19 mm. when tested against a tetracycline-susceptible bacterial strain.

Tetracyclines are readily absorbed and are bound to plasma proteins in varying degree. They are concentrated by the liver in the bile, and excreted in the urine and feces at high concentrations and in a biologically active form.

Doxycycline is virtually completely absorbed after oral administration. Following a 200 mg. dose, normal adult volunteers averaged peak serum levels of 2.6 mcg./ml. of doxycycline at 2 hours decreasing to 1.45 mcg./ml. at 24 hours. Excretion of doxycycline by the kidney is about 40 percent/72 hours in individuals with normal function (creatinine clearance about 75 ml./min.). This percentage excretion may fall as low as 1-5 percent/72 hours in individuals with severe renal insufficiency (creatinine clearance below 10 ml./min.). Studies have shown no significant difference in serum half-life of doxycycline (range 18-22 hours) in individuals with normal and severely impaired renal function.

Hemodialysis does not alter serum half-life.

#### INDICATIONS

Doxycycline is indicated in infections caused by the following microorganisms:

Rickettsiae (Rocky Mountain spotted fever, typhus fever, and the typhus group, Q fever, rickettsialpox and tick fevers),

*Mycoplasma pneumoniae* (PPLO, Eaton Agent),

Agents of psittacosis and ornithosis,  
Agents of lymphogranuloma venereum and granuloma inguinale,

The spirochetal agent of relapsing fever (*Borrelia recurrentis*).

The following gram-negative microorganisms:

*Haemophilus ducreyi* (chancroid),  
*Pasteurella pestis* and *Pasteurella tularensis*,  
*Bartonella bacilliformis*,  
*Bacteroides* species,  
*Vibrio comma* and *Vibrio fetus*,  
*Brucella* species (in conjunction with streptomycin).

Because many strains of the following groups of microorganisms have been shown to be resistant to tetracyclines, culture and susceptibility testing are recommended.

Doxycycline is indicated for treatment of infections caused by the following gram-negative microorganisms, when bacteriologic testing indicates appropriate susceptibility to the drug:

*Escherichia coli*,  
*Enterobacter aerogenes* (formerly *Aerobacter aerogenes*),  
*Shigella* species,  
*Mima* species and *Herellea* species,  
*Haemophilus influenzae* (respiratory infections),

*Klebsiella* species (respiratory and urinary infections).

Doxycycline is indicated for treatment of infections caused by the following gram-positive microorganisms when bacteriologic testing indicates appropriate susceptibility to the drug:

*Streptococcus pyogenes* (For upper respiratory infections due to Group A beta-hemolytic streptococci, penicillin is the usual drug of choice, including prophylaxis of rheumatic fever),

Alpha-hemolytic streptococci (viridans group),

Enterococcus group (*Streptococcus faecalis*).

*Diplococcus pneumoniae*.

*Staphylococcus aureus*, skin and soft tissue infections. Tetracyclines are not the drugs of choice in the treatment of any type of staphylococcal infections.

When penicillin is contraindicated, doxycycline is an alternative drug in the treatment of infections due to:

*Neisseria gonorrhoeae*,  
*Treponema pallidum* and *Treponema pertenue* (syphilis and yaws),  
*Listeria monocytogenes*,  
*Clostridium* species,  
*Bacillus anthracis*,  
*Fusobacterium fastiforme* (Vincent's infection),

*Actinomycin* species.

In acute intestinal amebiasis, doxycycline may be a useful adjunct to amebicides.

In severe acne, doxycycline may be a useful adjunctive therapy.

Doxycycline is indicated in the treatment of trachoma, although the infectious agent is not always eliminated, as judged by immunofluorescence.

Inclusion conjunctivitis may be treated with oral doxycycline alone or with a combination of oral and topical agents.

#### CONTRAINDICATIONS

This drug is contraindicated in persons who have shown hypersensitivity to any of the tetracyclines.

#### WARNINGS

The use of drugs of the tetracycline class during tooth development (last half of pregnancy, infancy and childhood to the age of 8 years) may cause permanent discoloration of the teeth (yellow-gray-brown). This adverse reaction is more common during long-term use of the drugs but has been observed following repeated short-term courses. Enamel hypoplasia has also been reported.

Tetracycline drugs, therefore, should not be used in this age group unless other drugs are not likely to be effective or are contraindicated.

Photosensitivity manifested by an exaggerated sunburn reaction has been observed in some individuals taking tetracyclines. Patients apt to be exposed to direct sunlight or ultraviolet light should be advised that this reaction can occur with tetracycline drugs, and treatment should be discontinued at the first evidence of skin erythema.

The antianabolic action of the tetracyclines may cause an increase in BUN. Studies to date indicate that this does not occur with the use of doxycycline in patients with impaired renal function.

#### USAGE IN PREGNANCY

(See above "Warnings" about use during tooth development.)

Results of animal studies indicate that tetracyclines cross the placenta, are found in fetal tissues and can have toxic effects on the developing fetus (often related to retardation of skeletal development). Evidence of embryo-toxicity has also been noted in animals treated early in pregnancy.

#### USAGE IN NEWBORNS, INFANTS, AND CHILDREN

(See above "Warnings" about use during tooth development.)

As with other tetracyclines, doxycycline forms a stable calcium complex in any bone forming tissue. A decrease in the fibula growth rate has been observed in premature given oral tetracycline in doses of 25 mg./kg. every 6 hours. This reaction was shown to be reversible when the drug was discontinued.

Tetracyclines are present in the milk of lactating women who are taking a drug in this class.

#### PRECAUTIONS

As with other antibiotic preparations, use of this drug may result in overgrowth of nonsusceptible organisms, including fungi. If superinfection occurs, the antibiotic should be discontinued and appropriate therapy instituted.

In venereal diseases when coexistent syphilis is suspected, darkfield examination should be done before treatment is started and the blood serology repeated monthly for at least 4 months.

Because tetracyclines have been shown to depress plasma prothrombin activity, patients who are on anticoagulant therapy may require downward adjustment of their anticoagulant dosage.

In long-term therapy, periodic laboratory evaluation of organ systems, including hematopoietic, renal and hepatic studies should be performed.

All infections due to group A beta-hemolytic streptococci should be treated for at least 10 days.

Since bacteriostatic drugs may interfere with the bactericidal action of penicillin, it is advisable to avoid giving tetracycline in conjunction with penicillin.

#### ADVERSE REACTIONS

Gastrointestinal: anorexia, nausea, vomiting, diarrhea, glossitis, dysphagia, enterocolitis, and inflammatory lesions (with monilial overgrowth) in the anogenital region. These reactions have been caused by both the oral and parenteral administration of tetracyclines.

Skin: maculopapular and erythematous rashes. Exfoliative dermatitis has been reported but is uncommon. Photosensitivity is discussed above. (See "Warnings.")

Renal toxicity: rise in BUN has been reported and is apparently dose related. (See "Warnings.")

Hypersensitivity reactions: urticaria, angioneurotic edema, anaphylaxis, anaphylac-

toid purpura, pericarditis and exacerbation of systemic lupus erythematosus.

Bulging fontanelles have been reported in young infants following full therapeutic dosage. This sign disappeared rapidly when the drug was discontinued.

Blood: hemolytic anemia, thrombocytopenia, neutropenia and eosinophilia have been reported.

When given over prolonged periods, tetracyclines have been reported to produce brown-black microscopic discoloration of thyroid glands. No abnormalities of thyroid function studies are known to occur.

#### DOSE AND ADMINISTRATION

The usual dosage and frequency of administration of doxycycline differs from that of the other tetracyclines. Exceeding the recommended dosage may result in an increased incidence of side effects.

(Adult and pediatric dose—to be supplied. Dosage for the treatment of gonorrhea should conform with recommendations of the U.S. Public Health Service.)

The therapeutic antibacterial serum activity will usually persist for 24 hours following recommended dosage.

When used in streptococcal infections, therapy should be continued for 10 days.

If gastric irritation occurs, it is recommended that doxycycline be given with food or milk. The absorption of doxycycline is not markedly influenced by simultaneous ingestion of food or milk.

Concomitant therapy: Antacids containing aluminum, calcium, or magnesium impair absorption and should not be given to patients taking oral doxycycline.

Studies to date have indicated that doxycycline does not lead to excessive accumulation of the antibiotic in patients with renal impairment at the usual recommended doses.

Holders of applications approved for doxycycline for oral use are requested to submit, within 60 days following publication of this announcement in the FEDERAL REGISTER, amendments to their antibiotic applications to provide for revised labeling in accord with the labeling section above.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 16, 1972.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 72-4683 Filed 3-27-72; 8:53 am]

#### LITHIUM CORP. OF AMERICA

#### Notice of Filing of Petition for Food Additive

Pursuant to the 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 2H2732) has been filed by Lithium Corp. of America, a subsidiary of Gulf Resources & Chemical Corp., Post Office Box 795, Bessemer City, N.C. 28016, proposing that § 121.2547 *Sanitizing solutions* (21 CFR 121.2547) be amended to provide for the safe use of an aqueous

solution containing lithium hypochlorite as a sanitizing solution for food-processing equipment and utensils.

Dated: March 17, 1972.

VIRGIL O. WODICKA,  
Director, Bureau of Foods.

[FR Doc.72-4687 Filed 3-27-72;8:53 am]

[Docket No. FDC-D-393; NDA No. 0-4150, etc.]

## NEW-DRUG APPLICATIONS

### Notice of Withdrawal of Approval

A notice of opportunity for hearing was published in the FEDERAL REGISTER on December 16, 1971 (36 F.R. 23964), extending to each holder of a "deemed approved" new-drug application listed herein, and to any interested person who might be adversely affected, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order under the provision of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of such applications and all approved amendments thereto.

The objective of this action is to close a large number of new-drug files on drugs that have been discontinued or were never marketed. Withdrawal of approval of these applications is not for the purpose of classifying the products as new drugs or of applying the efficacy provisions of the act to drugs of the same composition marketed by other firms.

The applicants listed below have either indicated that they will not avail themselves of the opportunity for a hearing or have not filed a written appearance of election within 30 days as provided by said notice for the new-drug applications listed herein. The failure to file such an appearance is construed as an election by such persons not to avail themselves of the opportunity for 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 repeatedly 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).

George Breon & Company, Inc.—Division of Sterling Drug, 90 Park Avenue, New York, N.Y., 10016.

#### NDA's:

- 0-4150, Thiamine HCL Tablets.
- 0-4234, Alfabetamin Capsules.
- 0-4304, Brenonex Stronger Injection.
- 0-4328, Menadione Injection.
- 0-4333, Menadione Solution.
- 0-4398, Mannitol Hexanitrate Tablets.
- 0-4447, Stilbestrol Suspension.

- 0-4450, Thromboplastin Suspension.
- 0-4453, Riboflavin Tablets.
- 0-4475, Diethylstilbestrol Injection.
- 0-4475, Nicotinic Acid Amide Tablets.
- 0-4623, Dehydrocholic Acid Tablets.
- 0-5096, Sulthigel Gel.
- 0-5481, Diethylstilbestrol Dipropionate Injection.
- 0-5583, Biotin Sol. Injection.
- 0-5604, Lorthio Solution.
- 0-5765, Fenoxidyne Tablets.
- 0-7686, Merteate Injection.
- 0-7785, Pregnenolone AC Tablets.
- 0-8676, Acorto Gel Injection.
- 0-8743, El-Acorto-Gel Injection.
- 0-9334, Broxolin Tablets.
- 10-699, Maxukal Brand/Calciumkinate Gluconate Injection.
- 10-779, Enzeon Chymotrypsin Injection.

G. F. Harvey Co., Division Bard-Saratoga Labs, 99-101 Saw Mill River Road, Yonkers, New York 10701.

#### NDA's:

- 10-490, Harvamine Syrup.
- 10-591, Warcoumin Tablets.
- 10-903, Cobegel Injection.
- 11-715, Serphylline Tablets.
- 11-716, Serphedrine Tablets.
- 12-175, Palfium Tablets.

Givaudan Corp., 321 West 44th Street, New York, New York 10036.

#### NDA's:

- 0-5818, Germicidal Soap.
- Gold Leaf Pharmacal Inc., 223 South Dean St., Englewood, N.J. 07631.

#### NDA's:

- 0-7141, Histex Tablets.
- 0-7665, Methiouracil Tablets.
- 0-7870, Gentsol Tablets.
- 0-8282, Cortisone AC Tablets.
- 0-8509, Hexamethonium CL Tablets.
- 0-9785, Hydrocortisone Acetate Ophthalmic 1.5 percent Ointment.
- 0-9787, Hydrocortisone Tablets.
- 10-445, Reserpine Elixir.
- 10-892, Neobalin Injection.

Hoechst Pharmaceutical Co., Division American Hoechst Corp., 1385 Tennessee Avenue, Cincinnati, Ohio 45229.

#### NDA's:

- 0-8182, Khelloyd W/Phenobarbital Tablets.
  - 10-235, Cobaloyd Tablets.
  - 11-758, Copietin Tablets.
- Hoffman-LaRoche Inc., 340 Kingsland Street, Nutley, N.J. 07110.

#### NDA's:

- 0-0240, Berocca Elixir.
- 0-0280, Vi-Penta Drops.
- 0-0764, Syntrogel Capsules.
- 0-0830, Berocca-B Complex Capsules.
- 0-2449, Prostagmin Methylsulfate and Atropine Sulfate Injection.
- 0-2574, Morphine-Prostigmin Hypodermic Tablets.
- 0-2575, Pantopon-Prostigmin Hypodermic Tablets.
- 0-3021, Visco-Rayopake Injection.
- 0-5502, Larovical Wafer.
- 0-6443, Prestidion Roche Tablets.
- 0-7082, Propotin Cream, Ointment, Powder.
- 0-7528, Dormoran Hydro-Bromide Injection.
- 0-8028, Dormoran Hydro-Bromide Tablets.
- 0-8394, Marslid Phosphate Tablets.
- 0-9759, Clafanone Suspension & Tablets.
- 10-593, Trionine Tablets.
- 11-765, Madricol Capsules.

Hyland Labs., Division of Travenol Labs., 6301 Lincoln Avenue, Morton Grove, Illinois 60053.

#### NDA:

- 0-7376, Paraminose Powder & Injection.

Hynson Westcott & Dunning Inc., Charles and Chase Streets, Baltimore, Maryland 21201.

#### NDA:

- 0-4361, Sulfanilamide H. W. & D. Powder, Intermedico Corp., 21 Hudson Street, New York, New York.

#### NDA:

- 0-8514, Comison Tablets.
- International Vitamin Corp., 50 East 42nd Street, New York, New York.

#### NDA:

- 0-1093, I.V.C. Compomol Liquid.
- Smith, Kline & French Labs., 1500 Spring Garden Street, Philadelphia, Pa. 19101.

#### NDA's:

- 0-6996, Aptrol Tablets.
  - 0-7042, Feojectin Injection.
  - 0-7273, Eskel Tablets.
  - 0-7615, Resodoc Powder.
  - 0-8227, Toryn Syrup and Tablets.
- Smith, Miller & Patch, 902 Broadway, New York, New York 10010.

#### NDA's:

- 0-4181, Diethylstilbestrol Tablets.
  - 0-4215, Choranid Injection.
  - 0-4325, Private Formula Rx 1979 Tablets.
- Smith-Dorsey Co., Division Wander Co., Lincoln, Nebraska 68501.

#### NDA's:

- 0-0135, Vitamin B Complex Syrup.
- 0-0232, Nicotinic Acid Tablets.
- 0-0273, Petrolatum w/agar & Triamin chloride in Chocolate Emulsion.
- 0-0274, Aspirin Acetophenetidin & Codeine Compound #2 Tablets.
- 0-0275, Aspirin Acetophenetidin & Codeine Compound #2 Tablets.
- 0-0324, Private Formula Tablets.
- 0-0343, Special Formula for George Jay Drug Company Tablets.
- 0-0344, Tannin Belladonna & Benzocaine Compound.
- 0-0345, Rhubarb Hydrastis Pancreatin Elixir.
- 0-0369, Petrolatum w/Phenolphthalein #1 Chocolate Emulsion.
- 0-0370, Petrolatum w/Phenolphthalein No. 2 Chocolate Emulsion.
- 0-0371, Petrolatum #3 Chocolate Emulsion.
- 0-0372, Magnesium Trisilicate w/Lac Pulvis Tablets.
- 0-0410, Petrolatum w/cascara Emulsion.
- 0-0435, Atropine Sulfate Hypodermic Tablets.
- 0-0436, Atropine Sulfate Hypodermic Tablets/Injection.
- 0-0437, Codeine Sulfate Hypodermic Tab.
- 0-0438, Morphine Sulfate Hypodermic Tab/Injection.
- 0-0439, Morphine Sulfate Hypodermic Tab/Injection.
- 0-0440, Morphine Sulfate Hypodermic Tab/Injection.
- 0-0441, Morphine Sulfate Hypodermic Tab/Injection.
- 0-0442, Morphine Sulfate Hypodermic Tab/Injection.
- 0-0443, Strychnine Sulfate Hypodermic Tab/Injection.
- 0-0444, Strychnine Sulfate Hypodermic Tab/Injection.
- 0-0445, Strychnine Sulfate Hypodermic Tab/Injection.

Effective date: This order shall become effective on its date of publication in the FEDERAL REGISTER (3-28-72).

Dated: March 17, 1972.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.72-4688 Filed 3-27-72;8:53 am]

[DESI 9206; Docket No. FDC-D-414; NDA Nos. 9-205, 10-431]

**TORCH LABORATORIES, INC., AND ABBOTT LABORATORIES**

**Tellurium Dioxide Suspension; and Selenium Sulfide With Hydrocortisone Acetate Ointment; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications**

In a notice (DESI 9206) published in the FEDERAL REGISTER of July 30, 1970 (35 F.R. 12234), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs, stating that the drugs were regarded as possibly effective for the labeled indications.

NDA 9-205; (previously incorrectly identified as NDA 9-206); Teles Suspension Torch containing tellurium dioxide; Torch Laboratories, Inc., 542 Industrial Park Drive, Yeadon, Pa. 19051.

NDA 10-431; Selsunef Ointment containing selenium sulfide and hydrocortisone acetate; Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064.

Information subsequently presented to the Food and Drug Administration concerning Teles Suspension Torch was found not to provide substantial evidence of effectiveness.

Both of the drugs have been reclassified as lacking substantial evidence of effectiveness in that such evidence has not been submitted.

Therefore, notice is given to the holders of the new drug applications, and to any interested person who may be adversely affected, that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug applications and all amendments and supplements thereto on the grounds that new information before him with respect to the drugs, evaluated together with the evidence available to him when the applications were approved, shows there is a lack of substantial evidence that the drugs will have all the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicants, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new drug applications should not be withdrawn. Any related drug for human use, not the subject of an approved new drug application, may be affected by this action.

Within 30 days after publication hereof in the FEDERAL REGISTER such persons are required to file with the Hearing

Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or
2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new drug application. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, Oct. 27, 1970).

Received requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 16, 1972.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.72-4685 Filed 3-27-72;8:53 am]

**Office of the Secretary**

**OFFICE OF PROCUREMENT AND MATERIEL MANAGEMENT**

**Statement of Organization, Functions, and Delegation of Authority**

Part 1 of the Statement of Organization, Functions, and Delegation of Authority for the Department of Health, Education, and Welfare, Office of the Secretary, is amended to add a new section 1U14, *Office of Procurement and Materiel Management*. The text of the new section reads as follows:

Sec. 1U14.00 *Mission*. The Office of Procurement and Materiel Management provides staff support and technical assistance to the Office of the Secretary and operating agencies, and directs comprehensive evaluations of departmental procurement and materiel activities.

Sec. 1U14.10 *Organization*. A. The Director, Office of Procurement and Materiel Management, reports to the Deputy Assistant Secretary for Administration.

B. The Office of Procurement and Materiel Management consists of the following:

Procurement Management Division;  
Materiel Management Division.

These Divisions, each of which is headed by a director reporting to the Director, OPMM, are organized to provide their specialized support and assistance to operating activities throughout the Department.

Sec. 1U14.20 *Functions*. A. The Office of Procurement and Materiel Management provides departmental staff support in the areas of procurement and materiel management, as follows:

1. Provides support and technical assistance to the Office of the Secretary and to the operating agencies.
2. Evaluates activities.
3. Directs and provides departmental training.
4. Compiles, analyzes, and distributes data for use by DHEW management, the Congress, and other Government agencies.
5. Provides liaison with other Government agencies and the Congress.

B. *Procurement Management Division*.

1. Develops and issues departmental policies, regulations, and procedures pertaining to the procurement of personal property and nonpersonal services.

2. Plans, provides leadership, conducts, and reports on scheduled and special studies. This includes: Determining compliance with existing statutes and policies and procedures or regulations; evaluating and reporting on effectiveness of operating activities; making recommendations for corrections and improvements; following up and reporting on action taken to effectuate recommendations; developing and installing new, revised, or standard systems of operation.

3. Plans, develops, and administers an integrated system of statistical reporting and analysis for procurement.

4. Monitors and takes action on legislative and special inquiries.

5. Provides staff guidance to activities of the Department on procurement matters.

6. Reviews and coordinates, within the Department, proposed policies and procedures or regulations of mutual interest.

7. Maintains liaison with other Government agencies and represents the Department in interagency activities on procurement matters, such as, the Interagency Procurement Policy Committee.

8. Recommends to the Assistant Secretary for Administration and Management proposed delegations of procurement authority to operating agencies.

9. Reviews and makes recommendations on determinations and findings required by statute or regulations to be made at the Office of the Secretary level.

10. Reviews and takes necessary action on cases involving mistakes in bids, protests of awards, and late proposals or modifications.

11. Provides staff assistance and advice to operating agencies on contracts involving special or complex procurement problems.

12. Conducts research, originates and develops innovations in procurement concepts, philosophies, and practices.

**C. Materiel Management Division.** 1. Develops and issues departmental standards, policies, regulations, and accounting procedures pertaining to the receipt, issuance, management, loss, and disposal of personal property.

2. Plans, provides leadership, conducts, and reports on special studies. This includes: Determining compliance with existing statutes, policies and procedures or regulations; evaluating and reporting on effectiveness of operating activities, making recommendations for corrections and improvements; following up and reporting on action taken to effectuate recommendations; developing and installing new, revised, or standard systems of operation.

3. Plans, develops, and administers an integrated departmental system of statistical reporting and analysis for material.

4. Monitors and takes action on legislative and special inquiries.

5. Provides staff guidance to activities of the Department on materiel matters.

6. Reviews and coordinates, within the Department, proposed policies and procedures or regulations of mutual interest.

7. Maintains liaison with other Government agencies and represents the Department in interagency activities on materiel matters.

8. Recommends to the Assistant Secretary for Administration and Management proposed delegations of materiel authority to operating agencies.

9. Conducts research, originates and develops innovations in materiel concepts, philosophies, and practices.

STEVEN D. KOHLERT,  
Acting Deputy Assistant  
Secretary for Management.

MARCH 17, 1972.

[FR. Doc. 72-4577 Filed 3-27-72; 8:46 am]

### Public Health Service OCCUPATIONAL SAFETY AND HEALTH

#### Request for Information on Certain Chemical and Physical Agents

Section 20(a)(3) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)(3)) provides that the Secretary of Health, Education, and Welfare, on the basis of information available to him, shall develop criteria dealing with toxic materials and harmful physical agents and substances which will describe exposure levels that are safe for various periods of employment. Section 22(c) of the Act authorizes the National Institute for Occupational Safety and Health to develop recommended occupational safety and health standards and to perform all functions of the Secretary of Health, Education, and Welfare, under sections 20 and 21 of the Act. The Institute is developing criteria documents and recommended occupational health standards for a number of chemical and physical agents including,

1. Beryllium and its compounds.
2. Carbon monoxide.
3. Noise.
4. Heat stress.

Each criteria document will include among other items an evaluation of available information relative to the nine areas listed below.

Any person having information or data which is not readily available in "open scientific literature" in any of the nine areas listed, or in other areas which the person considers relevant to the establishment of a safe and healthful occupational environment involving the chemical and physical agents set forth above, is invited to submit such information, with accompanying documentation, to the Assistant Director, National Institute of Occupational Safety and Health, Office of Research and Standards Development, Room 10-28, 5600 Fishers Lane, Rockville, Md. 20852, within 30 days after publication of this notice.

1. Establishment of safe occupational environment levels for such agents including levels for acute and chronic exposure to airborne concentrations of the chemical agents as well as safe practices concerning direct contact with such agents.

2. Establishment of biologic standards, i.e., the levels of such chemical agents which may be present within man without his suffering ill effects, taking into

consideration (a) the correlation of airborne concentrations of, and extent of exposure to, substances with effects on specific biological systems of man such as the circulatory, respiratory, urinary, and nervous system, and (b) the analytical methods for determining the amount of the substance which may be present within man.

3. Engineering controls, including ventilation, environmental temperature, humidity, and housekeeping, and sanitation procedures, with attention to the technological feasibility of such controls.

4. Specifications for and conditions under which personal protective devices should be required.

5. Methodology, including instrumentation, for air sampling and sample analysis of chemical agents and methodology for measuring levels of exposure to physical agents.

6. The need for medical examinations for workers exposed to such agents, the frequency of such examinations, and the specific diagnostic tests which should be used and the rationale for their selection.

7. Work practices to be instituted when environmental levels are temporarily exceeded or where maximum permissible levels of chemical agents in man are reached.

8. The types of records concerning occupational exposure to such agents that employers should be required to maintain.

9. Warning devices and labels which should be required for the prevention of occupational diseases and hazards caused by such agents.

All information received concerning any agent will be available for public inspection after the development of the respective criteria document.

Dated: March 23, 1972.

MARCUS M. KEY,  
Director, National Institute for  
Occupational Safety and  
Health.

[FR. Doc. 72-4681 Filed 3-27-72; 8:53 am]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration  
GREAT LAKES REGIONAL OFFICE

### Notice of Relocation

Effective on or about April 15, 1972, the Great Lakes Regional Office at 3166 Des Plaines Avenue will be relocated. Services to the public formerly provided by this office, will be provided by the Great Lakes Regional Office at 2300 East Devon Avenue, Des Plaines, IL 60018. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Des Plaines, Ill., on March 15, 1972.

LYLE K. BROWN,  
Director, Great Lakes Region.

[FR Doc.72-4557 Filed 3-27-72; 8:45 am]

## NORTHWEST REGION

### Transfer of Functions

Notice is hereby given that on or about February 20, 1972, the responsibility for services related to air carrier activities in the States of Idaho, Oregon, and Washington, as well as those related to Johnson Flying Service, a supplemental air carrier presently based at Missoula, Mont., were transferred to the Northwest Region of the Federal Aviation Administration. These services were formerly provided by the FAA's Western Region, with headquarters in Los Angeles, Calif. The Air Carrier District Office and the Aircraft Evaluation Group, both located at Seattle, Wash., are now under the jurisdiction of the Northwest Region. This information will be reflected in the FAA Organization Statement the next time it is reissued.

Issued in Seattle, Wash., on Wednesday, March 15, 1972.

C. B. WALK, JR.,  
Director, Northwest Region.

[FR Doc.72-4558 Filed 3-27-72; 8:45 am]

## Office of the Secretary

### ASSOCIATE ADMINISTRATOR FOR ADMINISTRATION, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

#### Receipt and Disbursement of Certain Gifts; Delegation of Authority

The Associate Administrator for Administration, National Highway Traffic Safety Administration, is hereby delegated authority under section 9(m) of the Department of Transportation Act (80 Stat. 946; 49 U.S.C. 1657(m)) with respect to monetary gifts made to the Department on behalf of the YOUTHS Highway Safety Advisory Committee. Funds received under this delegation may be utilized only to support the activities of the YOUTHS Highway Safety Advisory Committee. This authority may not be redelegated.

This delegation is made pursuant to the authority of section 9(e) of the Department of Transportation Act (80 Stat. 944; 49 U.S.C. 1657(e)).

This delegation is effective immediately and terminates the delegation of authority made to the Assistant Secretary for Administration on January 13, 1972, for the same purpose.

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

JAMES M. BEGGS,  
Acting Secretary  
of Transportation.

[FR Doc.72-4653 Filed 3-27-72; 8:49 am]

## ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-317, 50-318]

### BALTIMORE GAS AND ELECTRIC CO.

#### Supplementary Notice of Availability of Applicant's Environmental Report and Draft Detailed Statement on Environmental Considerations

On January 27, 1972, the Atomic Energy Commission issued a "Notice of Availability of Applicant's Environmental Report and AEC Draft Detailed Statement on Environmental Considerations," in connection with the Calvert Cliffs Nuclear Plant, Units 1 and 2 (37 F.R. 2460, February 1, 1972). The notice indicated the availability for public inspection of applicant's reports discussing environmental considerations related to Baltimore Gas and Electric Co.'s Calvert Cliffs Nuclear Plant, Units 1 and 2, under construction in Calvert County, Md. The notice also indicated the availability of the Commission's Draft Detailed Statement on environmental considerations related to the Calvert Cliffs Plant.

The notice indicated that interested persons may, within thirty (30) days from the date of publication of the notice in the FEDERAL REGISTER, submit comments on the proposed action, the report, and the Draft Detailed Statement for the Commission's consideration.

In accordance with the Commission's regulations, 10 CFR Part 50, Appendix D, notice is hereby given of additional time for submittal of comments on the report and the Draft Detailed Statement, on the proposed issuance of operating licenses to the applicant, authorizing operation of the Calvert Cliffs Nuclear Plant, Units 1 and 2, and on whether the construction permits should be continued, modified, terminated, or appropriately conditioned to protect environmental values.

Such comments may be submitted within forty-five (45) days from the date of publication of this supplemental notice in the FEDERAL REGISTER.

Dated at Bethesda, Md., this 21st day of March 1972.

For the Atomic Energy Commission.

RICHARD C. DEYOUNG,  
Assistant Director for Pressurized  
Water Reactors, Division  
of Reactor Licensing.

[FR Doc.72-4642 Filed 3-27-72; 8:48 am]

[Docket No. 50-271]

### VERMONT YANKEE NUCLEAR POWER CORP.

#### Notice of Issuance of Facility Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued Facility Operating License No. DPR-28 to Vermont Yankee Nuclear Power Corp. (Vermont Yankee) which permits fuel loading and low-power testing, at power levels not to exceed 15.9 megawatts (thermal), of the Vermont

Yankee Nuclear Power Station, a boiling water nuclear reactor located at the licensee's site in Windham County, Vt. The facility is designed for operation at approximately 1,593 megawatts thermal, but in accordance with the provisions of Facility Operating License No. DPR-28 and the technical specifications appended thereto, activities under the license are restricted to fuel loading and low-power testing at power levels not to exceed 15.9 megawatts thermal (1 percent of the facility's rated power level of 1,593 MWt).

A notice of hearing on Vermont Yankee's application for a facility license was issued by the Commission on February 24, 1971 (36 F.R. 3837). Pursuant to a Commission Order, a public hearing commenced on August 10, 1971, in Brattleboro, Vt. This hearing is still in progress. On October 22, 1971, Vermont Yankee made a motion, pursuant to §§ 2.730, 50.57(c) and Appendix D to Part 50, section D.2 of the Commission's rules and regulations, for an order authorizing the Director of Regulation to issue a license authorizing the loading of fuel in the reactor core and limited operation of the facility at a power level of not more than 1 percent of the proposed full-power rating of 1,593 megawatts thermal for the purposes of low-power start-up testing. A supplementary notice of hearing, pertaining to environmental matters not previously encompassed by the notice of hearing, was issued by the Commission on March 1, 1972 (37 F.R. 4733).

In response to the licensee's request for a license authorizing initial fuel loading and low-power start-up testing, and in accordance with the provisions of paragraph D. 2 of Appendix D to 10 CFR Part 50, further evidence was presented to the Board by the applicant and the Commission's staff concerning environmental impact of such operation. On March 14, 1972, the Atomic Safety and Licensing Board (the Board) issued an initial decision authorizing the Director of Regulation to issue a license authorizing fuel loading and low-power testing of the Vermont Yankee plant at power levels not to exceed 15.9 megawatts thermal in accordance with the technical specifications (Appendix "A") appended thereto.

The Commission's regulatory staff has inspected the facility and has determined that, for operation as authorized by the license, the facility has been constructed in accordance with the application, as amended, the provisions of Provisional Construction Permit No. CPPR-36, the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The licensee has submitted proof of financial protection in satisfaction of the requirements of 10 CFR Part 140.

The Board has concluded that the facility will operate in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission and will not be inimical to the common defense and security or to the health and safety of the public and that Vermont Yankee is tech-

nically and financially qualified to engage in the activities authorized by the operating license. The Board has further concluded that the activities authorized by the license will not have a significant, adverse impact on the quality of the environment and that the requirements of 10 CFR 50.57(c) have been satisfied.

The license is effective as of the date of issuance and shall expire six (6) months from said date unless extended for good cause shown or upon the earlier issuance of a subsequent licensing action.

Copies of (1) the Board's initial decision, dated March 14, 1972, (2) Facility Operating License No. DPR-28, complete with technical specifications (Appendix "A"), (3) the safety evaluation for the Vermont Yankee Nuclear Power Station, dated June 1, 1971, and Supplements 1 and 2, thereto, dated July 7, 1971, and July 19, 1971, respectively, (4) the report of the Advisory Committee on Reactor Safeguards, dated March 9, 1971, and (5) "Discussion and Conclusions by the Division of Reactor Licensing, Pursuant to Appendix D of 10 CFR Part 50 supporting the issuance of an operating license to Vermont Yankee Nuclear Power Corp. authorizing the loading of fuel and operation not in excess of 15.9 MWt, Vermont Yankee Nuclear Power Station, Docket No. 50-271," dated November 27, 1971, are available for public inspection in the Commission's public document room, 1717 H Street NW., Washington, DC and at the Brooks Memorial Library, 224 Main Street, Brattleboro, VT. Copies of items (2), (3), and (5) may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 21st day of March 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,  
Assistant Director for Boiling  
Water Reactors, Division of  
Reactor Licensing.

[FR Doc.72-4641 Filed 3-27-72; 8:48 am]

[Docket No. 50-280]

**VIRGINIA ELECTRIC AND POWER CO.**  
**Notice of Availability of Supplement to Applicant's Environmental Report and AEC Draft Detailed Statement on Environmental Considerations**

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Supplement No. 1 to Applicant's Environmental Report—Operating License Stage," December 1, 1971, and "Revision 1 to Environmental Report Supplement," undated (received February 29, 1972) (collectively, "the report"), submitted by the Virginia Electric and Power Co., have been placed in the Commission's public document room at 1717 H Street NW., Washington, DC, and in the Swem

Library, College of William and Mary, Williamsburg, Va. 23185. These supplements supersede the applicant's environmental report of December 31, 1970, in its entirety. The report is also being made available to the public at the Virginia Division of Planning and Community Affairs, 1010 James Madison Building, Richmond, Va. 23219, and at the Crater Planning District Commission, 2825 South Crater Road, Post Office Box 1808, Petersburg, VA 23803.

This report discusses environmental considerations related to the Surry Power Station, Units 1 and 2, located in Surry County, Va.

The report has been analyzed by the Commission's Division of Radiological and Environmental Protection and a draft detailed statement on the environmental considerations related to the Surry Power Station, Units 1 and 2, dated March 13, 1972, has been prepared and has been made available for public inspection at the locations designated above. Copies of the Commission's March 13, 1972, draft detailed statement on the environmental considerations may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection. This statement supersedes the March 22, 1971, draft detailed statement for which a notice of availability was published in the FEDERAL REGISTER on April 3, 1971 (36 F.R. 6450).

Although the report and the draft detailed statement cover both Unit 1 and Unit 2 of the Surry Power Station, the Surry Power Station, Unit 1, facility will be completed before the Surry Power Station Unit 2 facility. As a result, the time periods for review of environmental considerations for the Surry Power Station Unit 1 facility and for the Surry Power Station Unit 2 facility are subject to different provisions of the Commission's regulations in 10 CFR Part 50, Appendix D. This notice provides opportunity for interested persons to submit comments for the Commission's consideration on the report, the draft detailed statement, and on the proposed issuance of an operating license for Surry Nuclear Power Station, Unit 1. Simultaneously, separate notice is being provided for opportunity for interested persons to submit comments for the Commission's consideration on the report of the draft detailed statement on proposed actions with respect to the Surry Nuclear Power Station Unit No. 2.

Pursuant to Appendix D to 10 CFR Part 50, interested persons may, within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, submit comments for the Commission's consideration on the report, the draft detailed statement, and on the proposed issuance of an operating license for the Surry Nuclear Power Station, Unit 1.

Federal and State agencies are being provided with copies of the report and the draft detailed statement (local agencies may obtain these documents on request); and when comments thereon of the Federal, State, and local officials are

received, they will be made available for public inspection at the above-designated locations. Comments on the draft detailed statement on environmental considerations from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection.

Dated at Bethesda, Md., this 21st day of March 1972.

For the Atomic Energy Commission.

RICHARD C. DEYOUNG,  
Assistant Director for Pressurized  
Water Reactors, Division  
of Reactor Licensing.

[FR Doc.72-4638 Filed 3-27-72; 8:47 am]

[Docket No. 281]

**VIRGINIA ELECTRIC AND POWER CO.**  
**Notice of Availability of Supplement to Applicant's Environmental Report and AEC Draft Detailed Statement on Environmental Considerations**

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Supplement No. 1 to Applicant's Environmental Report—Operating License Stage," December 1, 1971, and "Revision 1 to Environmental Report Supplement," undated (received February 29, 1972) (collectively, "the report"), submitted by the Virginia Electric and Power Co., have been placed in the Commission's public document room at 1717 H Street NW., Washington, DC, and in the Swem Library, College of William and Mary, Williamsburg, Va. 23185. These supplements supersede the applicant's environmental report of December 31, 1970, in its entirety. The report is also being made available to the public at the Virginia Division of Planning and Community Affairs, 1010 James Madison Building, Richmond, Va. 23219, and at the Crater Planning District Commission, 2825 South Crater Road, Post Office Box 1808, Petersburg, VA 23803.

This report discusses environmental considerations related to the Surry Power Station, Units 1 and 2, located in Surry County, Va.

The report has been analyzed by the Commission's Division of Radiological and Environmental Protection and a draft detailed statement on the environmental considerations related to the Surry Power Station, Units 1 and 2, dated March 13, 1972, has been prepared and has been made available for public inspection at the locations designated above. Copies of the Commission's March 13, 1972, draft detailed statement on the environmental considerations may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection. This statement

[Docket No. 50-281]

**VIRGINIA ELECTRIC AND POWER CO.****Notice of Consideration of Issuance of Facility Operating License and Notice of Opportunity for Hearing**

The Atomic Energy Commission (the Commission) will consider the issuance of a facility operating license to the Virginia Electric and Power Co. (the licensee) which would authorize the licensee to possess, use, and operate the Surry Power Station Unit No. 2 pressurized water reactor (the facility), located on the licensee's site in Surry County, Va., at steady-state power levels not to exceed 2,441 megawatts (thermal) in accordance with the provisions of the license and the technical specifications appended thereto, upon the submission of a favorable safety evaluation of the application by the Commission's Division of Reactor Licensing, the completion of the environmental review required by the Commission's regulations in 10 CFR Part 50, Appendix D, and a finding by the Commission that the application for the facility license (as amended) complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Chapter I. Construction of the facility was authorized by Provisional Construction Permit No. CPPR-44, issued by the Commission on June 25, 1968. A report on the application by the Advisory Committee on Reactor Safeguards was submitted on December 17, 1971.

Prior to issuance of any operating license, the Commission will inspect the facility to determine whether it has been constructed in accordance with the application, as amended, and the provisions of Provisional Construction Permit No. CPPR-44. In addition, the license will not be issued until the Commission has made the findings, reflecting its review of the application under the Atomic Energy Act of 1954, as amended, which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the license, the licensee will be required to execute an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

The facility is subject to the provisions of section C of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities for which construction permits were issued prior to January 1, 1970. Notice is hereby given, pursuant to 10 CFR Part 2, "Rules of Practice," and Appendix D of 10 CFR Part 50, "Licensing of Production and Utilization Facilities," that the Commission is providing an opportunity for hearing with respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the provisional construction permit in the captioned proceeding should be continued, modified, termi-

nated or appropriately conditioned to protect environmental values.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, Virginia Electric and Power Co. may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene (1) with respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the provisional construction permit should be continued, modified, terminated, or appropriately conditioned to protect environmental values; and (2) with respect to the issuance of a facility operating license. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Rule 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. In accordance with 10 CFR 2.714, a petition for leave to intervene which is not timely filed will be dismissed unless the petitioner shows good cause for failure to file it on time.

For further details pertinent to the matters under consideration, see (1) the application for the facility operating license dated March 20, 1967, as amended; (2) the report of the Advisory Committee on Reactor Safeguards on the application for a facility operating license for the Surry 2 facility dated December 17, 1971; (3) the licensee's Environmental Report dated December 30, 1970, and the Commission's draft detailed statement of environmental considerations dated March 22, 1971, which were prepared under the Commission's regulations in effect prior to September 9, 1971; (4) the licensee's supplemental Environmental Report dated December 1, 1971, which supersedes the licensee's original Environmental Report, noted above; and as they become available; (5) the AEC regulatory staff's draft and final detailed statements of environmental considerations pursuant to 10 CFR Part 50, Appendix D; (6) the safety evaluation prepared by the Division of Reactor Licensing; (7) the proposed facility operating license; and (8) the technical specifications which will be attached as Appendix A to the proposed facility operating license, all of which documents are or will be available for public inspection at the Commission's public document room, 1717 H Street NW., Washington, DC, and at the Swem Library, College of William and Mary, Williamsburg, Va.

Copies of items (2), (4) to the extent of supply, and (5), (6), and (7), when available, may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 20th day of March 1972.

For the Atomic Energy Commission.

PETER A. MORRIS,  
Director.

Division of Reactor Licensing.

[FR Doc.72-4640 Filed 3-27-72; 8:47 am]

supersedes the March 22, 1971, draft detailed statement for which a notice of availability was published in the FEDERAL REGISTER on April 3, 1971 (36 F.R. 6450).

Although the report and the draft detailed statement cover both Unit 1 and Unit 2 of the Surry Power Station, the Surry Power Station, Unit 1, facility will be completed before the Surry Power Station Unit 2 facility. As a result, the time periods for review of environmental considerations for the Surry Power Station Unit 1 facility and for the Surry Power Station Unit 2 facility are subject to different provisions of the Commission's regulations in 10 CFR Part 50, Appendix D. This notice provides opportunity for interested persons to submit comments for the Commission's consideration on the report, the draft detailed statement, and on the proposed actions with respect to the Surry Nuclear Power Station Unit No. 2. Simultaneously, separate notice is being provided for opportunity for interested persons to submit comments for the Commission's consideration on the report of the draft detailed statement and on the proposed issuance of an operating license for the Surry Nuclear Power Station Unit No. 1.

Pursuant to Appendix D to 10 CFR Part 50, interested persons may, within seventy-five (75) days from the date of publication of this notice in the FEDERAL REGISTER, submit comments for the Commission's consideration on the report, the draft detailed statement, and on the proposed issuance of an operating license for the Surry Nuclear Power Station, Unit 2. In addition, interested persons may, within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, submit comments for the Commission's consideration on the report, the draft detailed statement, and on whether the construction permit authorizing construction of Surry Nuclear Power Station Unit 2 should be continued, modified, terminated, or appropriately conditioned to protect environmental values.

Federal and State agencies are being provided with copies of the report and the draft detailed statement (local agencies may obtain these documents on request); and when comments thereon of the Federal, State, and local officials are received, they will be made available for public inspection at the above-designated locations. Comments on the draft detailed statement on environmental considerations from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection.

Dated at Bethesda, Md., this 21st day of March 1972.

For the Atomic Energy Commission.

RICHARD C. DEYOUNG,  
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-4639 Filed 3-27-72; 8:47 am]

## CIVIL AERONAUTICS BOARD

[Docket No. 24297]

### ALCO/ALASKA AIRLINES, INC.

#### Notice of Prehearing Conference Regarding Acquisition Case

Notice is hereby given that a prehearing conference in the above entitled matter is assigned to be held on April 17, 1972, at 10 a.m., local time, in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Arthur S. Present.

In order to facilitate the conduct of the conference parties are instructed to submit to the Examiner and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before April 4, 1972, and the other parties on or before April 11, 1972. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights.

Dated at Washington, D.C., March 22, 1972.

[SEAL]

RALPH L. WISER,  
Chief Examiner.

[FR Doc.72-4696 Filed 3-27-72; 8:52 am]

[Docket No. 24264]

### AVIACION Y COMERCIO, S.A.

#### Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 11, 1972, at 10 a.m., local time, in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Richard M. Hartsock.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before April 4, 1972.

Dated at Washington, D.C., March 22, 1972.

[SEAL]

RALPH L. WISER,  
Chief Examiner.

[FR Doc.72-4697 Filed 3-27-72; 8:52 am]

## COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

### PROCUREMENT LIST

#### Notice of Proposed Addition to Initial List

Notice is hereby given pursuant to section 2(a)(2) of the Act to Create a Com-

mittee on Purchases of Blind-Made Products, as amended, 85 Stat. 79, of the proposed addition of the following commodities and services to the Initial Procurement List published on pages 16982 through 16997 of the FEDERAL REGISTER of August 26, 1971.

- Class 1005:  
Sling, gun (For M16 rifle and M79 grenade launcher.)
- Class 2540:  
Tire-chain adjuster, 2540-507-3467.
- Class 2640:  
Patch, inner tube repair, 2640-204-3196.  
Patch, inner tube repair, 2640-204-3197.  
Patch, inner tube repair, 2640-204-3198.  
Patch, inner tube repair, 2640-204-3199.
- Class 3740:  
Swatters, fly, 3740-252-3383.
- Class 3750:  
Rake, lawn.
- Class 3770:  
Riding saddle cloth, 3770-641-0009.
- Class 4140:  
Cover, electric fan, 4140-782-5462.  
Cover, electric fan, 4140-782-5463.
- Class 4240:  
Mask, air filtering, 4240-856-9077.  
Shelter, forest fire, 4240-893-0099.
- Class 4510:  
Valve, float, 4510-541-7539.
- Class 5110:  
Holder, masonry drill, 5110-240-7519.  
Drill, masonry set, 5110-698-7966.
- Class 5340:  
Dust cover, plastic, lock, 5340-622-4584.
- Class 5510:  
Stakes, wood, 5510-171-7700.  
Stakes, wood, 5510-171-7701.  
Stakes, wood, 5510-171-7732.  
Stakes, wood, 5510-171-7733.  
Stakes, wood, 5510-171-7734.  
Wedge, wood, 5510-640-9237.
- Class 6505:  
Ammonia inhalant solution, aromatic, 6505-106-0875.
- Class 6515:  
Applicator, disposable, 6515-303-8250.  
Case, ear plugs.
- Class 6520:  
Cover, dental bracket, table.  
Cover, dental tray, disposable.
- Class 6530:  
Band, patient, ID.  
Curtain, bedside.  
Curtain, compartment division.  
Drape, surgical, plastic, disposable.
- Class 6532:  
Cap, surgical, disposable.
- Class 7105:  
Frame, picture, 7105-051-1212.  
Frame picture, 7105-052-8686.  
Frame picture, 7105-052-8695.  
Frame picture, 7105-052-8697.  
Frame picture, 7105-053-0170.  
Frame picture, 7105-061-5834.  
Wardrobe, 7105-275-6224.  
Wardrobe, 7105-634-0848.
- Class 7210:  
Washcloth, 7210-144-5029.  
Mattress, berth, synthetic sponge rubber, naval shipboard.  
Pillow, passenger, headrest.  
Protector, hospital bed mattress.  
Towel, dish.
- Class 7240:  
Waste receptacle, 7240-685-5518.  
Waste receptacle, 7240-685-5519.  
Liner, basket, nylon, 7240-899-3031.
- Class 7290:  
Clothespin (standard pack), 7290-205-3094.
- Class 7310:  
Bag, coffee (standard pack), 7310-375-8581.
- Class 7330:  
Spatula, rubber with wooden handle, 7330-849-5194.

- Scraper, baker's, 7330-680-2636.  
Sieve, flour, 7330-798-7356.
- Class 7340:  
Spoon, knife, fork, plastic.
- Class 7510:  
Board, wall calendar.  
Pencils, colored, drawing, thin lead, hexagonal case without eraser.  
Pencils, general writing, hexagonal or round with eraser tip.  
Pencils, writing, fine, line, extra thin lead, hexagonal with eraser tip.  
Tape, pressure sensitive.
- Class 7520:  
Book ends.  
Bookrest.  
Holder, nameplate.
- Class 7530:  
Paper, teletypewriter.
- Class 7920:  
Pad, scouring.  
Cloth, polishing.  
Sponges, cellulose.
- Class 8405:  
Liner, poncho.  
Shirt, man's, 8405-130-3419.  
Shirt, man's, 8405-130-3421.  
Shirt, man's, 8405-130-3422.  
Shirt, man's, 8405-130-3423.  
Shirt, man's, 8405-130-3424.  
Shirt, man's, 8405-130-3425.  
Shirt, man's, 8405-130-3426.  
Shirt, man's, 8405-130-3428.  
Shirt, man's, 8405-130-3432.  
Shirt, man's, 8405-130-3433.  
Shirt, man's, 8405-115-8781.  
Shirt, man's, 8405-492-5972.
- Class 8410:  
Dress, woman's, 8410-115-8780.  
Dress, woman's, 8410-126-2091.  
Dress, woman's, 8410-126-2092.  
Dress, woman's, 8410-126-2093.  
Dress, woman's, 8410-126-2094.  
Dress, woman's, 8410-126-2095.  
Dress, woman's, 8410-126-2096.  
Dress, woman's, 8410-126-2097.  
Dress, woman's, 8410-126-2098.  
Dress, woman's, 8410-126-2099.  
Dress, woman's, 8410-126-2101.  
Dress, woman's, 8410-126-2102.  
Dress, woman's, 8410-126-2103.  
Dress, woman's, 8410-126-2104.  
Dress, woman's, 8410-126-2105.  
Dress, woman's, 8410-126-2110.  
Dress, woman's, 8410-130-3366.  
Dress, woman's, 8410-130-3371.  
Dress, woman's, 8410-130-3383.  
Dress, woman's, 8410-130-3395.  
Dress, woman's, 8410-130-3402.  
Dress, woman's, 8410-130-3405.  
Dress, woman's, 8410-130-3414.  
Dress, woman's, 8410-130-3417.  
Dress, woman's, 8410-130-3408.
- Class 8415:  
Apron, food serving, 8415-105-5939.  
Cap, food handlers, 8415-105-5941.  
Cap, food handlers, 8415-105-5942.  
Cap, food handlers, 8415-105-5943.  
Neckband, soldiers steel helmet.
- Class 8440:  
Handkerchief, cotton.  
Scarf, neckwear.
- Class 8455:  
Holder, identification, 8415-898-9730.  
Insignia, VOS, scar, bib-type.
- Class 8465:  
Case, carrying, 8465-521-3057.  
Tool sheaths, 8465-340-3265.  
Tool sheaths, 8465-293-3326.  
Tool sheaths, 8465-293-3327.  
Tool sheaths, 8465-293-3328.  
Tool sheaths, 8465-293-3329.  
Tool sheaths, 8465-293-3369.  
Carrier, intrenching tool, nylon.  
Case, field, first aid.  
Cover, water canteen.  
Whistle, ball, plastic.
- Class 9930:  
Mortuary wrap, 9930-043-4978.

**National Institute of Health Items:**

Shirt, short sleeve, white.  
Blouse, white.  
Coat, frock style.  
Dress, skimmer type.  
Shirt, scrub, white.  
Trousers, scrub.  
Gown, Hoover type.

**Other Items:**

Applier, rug shampoo foam, with handle.  
Bag, laundry, cotton, with drawstring.  
Brush, brass bristle, utility, with metal scraper.  
Brush, general utility, bathroom, with coarse and soft replaceable heads plastic handle.  
Brush, plastic block scrub with vinyl filament.  
Brush, scrub, tampico fiber with handle.  
Dispenser, sanitary liquid and can opener.  
Duster, twisted wire, plastic filament.  
Plunger, commode, with wooden handle.  
Spatula, food scraper, plastic head and handle.

**Services:**

Carpentry (Milwaukee, Wis.).  
Painting (Milwaukee, Wis.).  
Clean up/securing property (Milwaukee, Wis.).  
Grounds maintenance (Milwaukee, Wis.).  
Landscaping (Milwaukee, Wis.).

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed addition may be filed with the Committee. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 1511 K Street NW., Washington, DC 20005.

By the Committee.

L. F. DONAHUE,  
Acting Executive Director.

[FR Doc.72-4690 Filed 3-27-72; 8:51 am]

## DELAWARE RIVER BASIN COMMISSION COMPREHENSIVE PLAN Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, March 29, 1972, in the South Auditorium of the ASTM Building, 1916 Race Street in Philadelphia, beginning at 2 p.m. The subjects of the hearing are as follows:

1. Proposal to amend the Comprehensive Plan in accordance with Article 11 of the Delaware River Basin Compact so as to include the following projects:

(a) *North Wales Water Authority.* A well water supply projects to augment public water supplies in the Authority's service area of Montgomery Township, Montgomery County, Pa. Designated as Well No. 22, the new facility is expected to yield approximately 730,000 gallons per day.

(b) *Bucks County Department of Parks and Recreation.* A small boat launching ramp along the shore of the Delaware River in Bensalem Township, Bucks County, Pa. Launching ramps, picnic

tables, and a parking area will be included in the project.

(c) *Bushkill-Lower Lehigh Joint Sewer Board.* A regional sewerage plan serving portions of several townships and boroughs in the Bushkill Creek Watershed, Northampton County, Pa. Several miles of collecting sewers would be installed and designed to convey a maximum of 15 million gallons per day to the Easton, Pa. treatment plant. Treated effluent would discharge to the Delaware River.

II. Proposal to approve the following water pollution abatement schedule as submitted in accordance with section 3-4.2(2) of the Basin Regulations-Water Quality:

(a) A-71-13 (revision): Erie Lackawanna Railway Co: Revisions of the abatement schedule for the subject company located in Port Jervis, N.Y., as previously approved by the Commission on April 7, 1971. Discharge is to Zone 1B of the Delaware River. Proposed revision would provide an extension of compliance from March 1 to May 15, 1972, due to delays incurred as a result of inclement weather.

Documents relating to the items listed for hearing may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission; Telephone (609) 883-9500.

Dated: March 17, 1972.

W. BRINTON WHITTALL,  
Secretary.

[FR Doc.72-4587 Filed 3-27-72; 8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY ENVIRONMENTAL IMPACT STATEMENTS

### Notice of Availability of Comments

Appendix I contains a listing of draft environmental impact statements which the Environmental Protection Agency (EPA) has reviewed and commented upon in writing during the period from February 1, 1972, to February 27, 1972, as required by section 102(2)(C) of the National Environmental Policy Act of 1969 and section 309 of the Clean Air Act, as amended. The listing includes the Federal agency responsible for the statement, the number assigned by EPA to the statement, the title of the statement, the classification of the nature of EPA's comments, and the source for copies of the comments.

Appendix II contains a listing of proposed regulations reviewed by EPA during the period from February 1, 1972, to February 27, 1972, under section 309 of the Clean Air Act. The listing includes the Federal agency responsible for the proposed regulation, the title of the regulation, the classification of the nature of EPA's comments, and the source for copies of the comments.

Appendix III contains definitions of the four classifications of the general nature of EPA's comments. Copies of EPA's comments on these draft environmental impact statements are available to the public from the EPA offices noted.

Appendix IV contains a listing of the addresses of the sources for copies of EPA comments listed in Appendix I.

Copies of the draft environmental impact statements are available from the Federal department or agency which prepared the draft statement or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

SHELDON MEYERS,  
Director,  
Office of Federal Activities.

#### APPENDIX I

ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN FEBRUARY 1, 1972 AND FEBRUARY 27, 1972

Title and No. of Statement <sup>1</sup>	General nature of comments	Source for copies of comments
<b>ATOMIC ENERGY COMMISSION</b>		
D-AEC-00011-56: Power Burst Facility, Reactor Testing Station (Idaho).	1	A
D-AEC-60022-30: Elk River Reactor Dismantling (Elk River, Minn.).	2	A
<b>CORPS OF ENGINEERS</b>		
D-COE-32160-07: Maintenance of Tarrytown Harbor.	1	C
D-COE-32183-07: Maintenance of New York and New Jersey Channels.	3	C
D-COE-32154-08: New Jersey Coastal Inlets and Benches.	1	C
D-COE-32097-07: Ninemile Creek (Holland Patent, N.Y.).	1	C
D-COE-32098-08: B.L. England Station-Unit No. 3 (Great Egg Harbor Bay, N.J.).	3	C
D-COE-32096-07: Hudson River Channel, N.Y. Operation and Maintenance Action.	1	C
D-COE-30013-08: Maintenance in Newark Bay, Hackensack, Passaic.	1	C
D-COE-25011-00: Permit Program for Waste Disposal in Atlantic Ocean.	2	C
D-COE-30015-12: Beach Erosion Control, Hurricane Protection (Ocean City, Md.).	2	D
D-COE-30020-20: Beach Erosion and Hurricane Project, Jekyll Island (Savannah Ga.).	3	E
D-COE-30021-21: Mullet Key Beach Erosion Control Project (Florida).	1	E
D-COE-34017-25: Diked Disposal Area (Ontonagon Harbor, Mich.).	2	F
D-COE-34016-28: Diked Disposal Area (Ashland Harbor, Wis.).	2	F
D-COE-32050-29: Sandusky Harbor (Erie County, Ohio).	3	F
D-COE-32086-34: Texas City Channel.	3	G
D-COE-32085-34: Texas-Corpus Christi Ship Channel.	3	G
D-COE-30012-36: Union Dike Improvement (Near Valley, Nebr.).	3	I
<b>DEPARTMENT OF AGRICULTURE</b>		
D-DOA-82012-00: Soil Inhabiting Insects: Transportation Centers.	2	A
D-DOA-82011-00: Witchweed: Cooperative Federal Control Regulation.	2	A
D-DOA-32062-15: Shoemaker River Watershed Work Plan (Rockingham County, Va.).	1	D
D-DOA-67033-39: Associated Electric Cooperative (Springfield, Mo.).	2	H
D-DOA-82009-00: Uncountable Primitive Area.	2	I
D-DOA-36070-58: Georgetown Creek Watershed (Bear Lake County, Idaho).	2	K

## APPENDIX I—Continued

Title and No. of Statement <sup>1</sup>	General nature of comments	Source for copies of comments
D-DOA-82016-55: Use of Herbicides, Siuslaw National Forest (Oregon).	2	K
DEPARTMENT OF COMMERCE		
D-DOC-89023-52: Virgin Islands Rehabilitation of Conada Lagoon.	1	C
D-DOC-20028-00: EDA Project Northwest 54th Street.	1	K
D-DOC-81027-54: Planetarium Education Facility (Washington).	1	K
DEPARTMENT OF DEFENSE		
D-DOD-11006-45: Disposal of Cluster Bombs at Rocky Mountain Arsenal.	1	A
D-DOD-11013-25: Small Scale Explosive Icebreaker (Michigan).	2	F
DEPARTMENT OF INTERIOR		
D-DOI-07015-43: Jim Bridger Project (Wyoming).	3	I
D-DOI-60025-56: East Greenacres Unit, Rathdrum Prairie Project (Idaho).	2	K
DEPARTMENT OF TRANSPORTATION		
D-DOT-40233-05: I-484, #EPA 226 (Hartford, Conn.).	2	B
D-DOT-40058-07: Pin Niagara St. Arterial Route 266 (Tonawanda, N.Y.).	1	C
D-DOT-40134-08: Route 322 Freeway (Gloucester County, N.J.).	1	C
D-DOT-40132-07: Riverhead-Mattituck, Points 1 and 3 State Highway 8181, Route 25 Vicinity of Aldrich Lane, Suffolk County.	2	C
D-DOT-40128-07: Interstate Route Connecticut 571, Forest Interchange (Jamesville, Onondaga County, N.Y.).	2	C
D-DOT-40127-07: Hollowville-Craryville, Route 23 (Columbia County, N.Y.).	1	C
D-DOT-40125-07: Veteran's Memorial Drive, Rockland County (New York).	2	C
D-DOT-40119-07: Relocation of Route 209, Ulster County (New York).	2	C
D-DOT-40118-07: Vandalla-Olean, Cattaraugus County (New York).	1	C
D-DOT-84006-07: The Recommended Transportation Study, Ogdensburg Area Study (New York).	2	C
D-DOT-40459-07: Interstate Route 508, Susquehanna Expressway (New York).	2	C
D-DOT-40458-07: Route 208 Freeway-Bergan County to Vernon, Sussex County.	2	C
D-DOT-40457-14: I-77-2(11)8 West Virginia Turnpike Upgrading, Mercer, Raleigh, Fayette, Kanawha Counties.	1	D
D-DOT-40456-15: Route 288 Chesterfield, Goochland and Henrico Counties (Virginia).	1	D
D-DOT-81029-15: Construction of New Coast Guard Base, Portsmouth (New Hampshire).	2	D
D-DOT-51051-15: Airport Development, Tristate Airport (Huntington, W. Va.).	1	D
D-DOT-40522-14: Wheeling Hospital Access Road County Route 408 (Ohio County, W. Va.).	1	D
D-DOT-40516-23: State Route 60, Bradley County (Cleveland, Tenn.).	1	E
D-DOT-40517-18: Lane Street from I-85 to Cannon Boulevard (North Carolina).	1	E
D-DOT-51050-20: Construction of Airport, Trenton, Dade County (Alabama).	1	E
D-DOT-40519-17: State Route 2-96-9L (Allen County, Ky.).	1	E
D-DOT-40518-18: I-95 Fayetteville Bypass (Cumberland County, N.C.).	1	E
D-DOT-40476-18: Pasquotank County, North Carolina U.S.-17 Bypass, Elizabeth City.	1	E
D-DOT-40502-18: State Route 1216, State Route 1201 from New Bogus Sound Bridge to Atlantic Beach (Carteret, N.C.).	1	E

## APPENDIX I—Continued

Title and No. of Statement <sup>1</sup>	General nature of comments	Source for copies of comments
D-DOT-40501-22: Grade Separation for L&W Railroad, Cullman County.	1	E
D-DOT-40500-22: U.S.-80 to Intersection of Alabama 14 (Selma, Alabama).	1	E
D-DOT-40478-21: Bridge Construction to Three Islands (Hallandale and Hollywood, Fla.).	4	E
D-DOT-40520-18: U.S.-74 (Columbus County, N.C.).	1	E
D-DOT-50039-30: USN 2 Arrowhead Bridge and Approaches (Duluth County, Minn.).	1	F
D-DOT-49014-26: Park and Lake Freeways (Milwaukee County, Wis.).	2	F
D-DOT-49013-29: S.R. 4, Clark, Champaign, Union Counties (Ohio).	2	F
D-DOT-84005-00: Oil Containment Barrier Test, Gulf of Mexico.	1	E
D-DOT-40512-30: Freeway Facility I-394 (Hennepin County, Minn.).	2	F
D-DOT-40452-27: Illinois Route 59, E. W. Rollway to Route 64.	2	F
D-DOT-40475-29: S.R. 29, Anglaize and Shelby Counties (Ohio).	1	F
D-DOT-40474-25: U.S. 41 Reconstruction (Marquette County, Mich.).	2	F
D-DOT-40511-26: Grd. 531 Route Rou e 297 Cisco Lindsey Lakes (Gogebic County, Mich.).	1	F
D-DOT-40509-25: Construction of I-9 from I-69 to U.S. 27 (Clinton County, Mich.).	1	F
D-DOT-40497-29: C.R. 8 Bridge Replacement (Shelby County, Ohio).	1	F
D-DOT-40496-20: S.R. 241 (Stark County, Ohio).	1	F
D-DOT-40495-30: Ch. 39 (Norman County, Minn.).	1	F
D-DOT-40494-25: U.S. 50A, S.R. 7, Marietta Freeway (Washington County, Ohio).	2	F
D-DOT-40493-29: S.R. 1676 (Coshocot County, Ohio).	1	F
D-DOT-40492-29: S.R. 39, Sugar-creek to Dover (Ruscarawas County, Ohio).	1	F
D-DOT-40491-32: Oklahoma Project State Highway 199 (Carter County, Okla.).	1	G
D-DOT-40520-31: Interstate 25 Through Las Vegas (New Mexico).	2	G
D-DOT-40521-36: F-28 Murray Intersection S-543(11) Murray East.	2	H
D-DOT-40506-36: U.S. 79, North Bend (Dodge County, Nebr.).	3	H
D-DOT-40498-39: VII-214 Route 72 (Cape Girardeau, Mo.).	2	H
D-DOT-40507-39: Route AC, Buchanan County, Route 6 S. to Route YY (Missouri).	2	I
D-DOT-40472-44: Highway Project Orem-Center Street (Utah County, Utah).	1	I
D-DOT-40493-47: I-5 at Elk Grove Overcrossing (Sacramento, Calif.).	2	J
D-DOT-40485-55: Tiggard Interchange, I-5.	1	K
FEDERAL AVIATION ADMINISTRATION		
D-FAA-51040-34: Dallas-Fort Worth Airport.	2	G
GENERAL SERVICES ADMINISTRATION		
D-GSA-89036-07: Miller Field-Willard Hotel.	3	C
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT		
D-HUD-81037-07: Low-Rent Public Housing (Forest Hills, N.Y.).	2	C

<sup>1</sup> The number preceding the title is an EPA number assigned to each draft impact statement reviewed. This number should be cited when requesting copies of EPA's comments.

## APPENDIX II

PROPOSED REGULATIONS FOR WHICH COMMENTS WERE ISSUED BETWEEN FEBRUARY 1, 1972 AND FEBRUARY 27, 1972

Title and No. of Statement	General nature of comments	Sources for copies of comments
DEPARTMENT OF INTERIOR		
Proposed rulemaking regarding limitation on use of motor vehicles in Back Bay National Wildlife Refuge Beach (Virginia).	1	A
VETERANS ADMINISTRATION		
Procedures to implement the National Environmental Policy Act of 1969.	2	A

## APPENDIX III

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

(1) *General agreement/lack of objections.* The Agency generally:  
(a) Has no objections to the proposed action as described in the draft impact statement;  
(b) Suggests only minor changes in the proposed action or the draft impact statement; or  
(c) Has no comments on the draft impact statement or the proposed action.

(2) *Inadequate information.* The Agency feels that the draft impact statement does not contain adequate information to assess fully the environmental impact of the proposed action. The Agency's comments call for more information about the potential environmental hazards addressed in the statement, or ask that a potential environmental hazard be addressed since it was not addressed in the draft statement.

(3) *Major changes necessary.* The Agency believes that the proposed action, as described in the draft impact statement, needs major revisions or major additional safeguards to adequately protect the environment.

(4) *Unsatisfactory.* The Agency believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency therefore recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

## APPENDIX IV

SOURCES FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, Room 2303, John F. Kennedy Federal Building, Boston, Mass. 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, NY 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, Sixth and Walnut Streets, Philadelphia, PA 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street NE., Atlanta, GA 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 North Wacker Drive, Chicago, IL 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, TX 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, MO 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, CO 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, CA 94102.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101.

[FR Doc.72-4599 Filed 3-27-72; 8:46 am]

## FEDERAL HOME LOAN BANK BOARD

[H.C. 118]

### VOTING TRUST, MOUNTAIN STATES FINANCIAL CORP.

#### Notice of Receipt of Application for Approval of Retention of Control of Evergreen Savings and Loan Association

MARCH 21, 1972.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Voting Trust, Mountain States Financial Corp., Albuquerque, N. Mex., for approval of retention of control of the Evergreen Savings and Loan Association, Evergreen Park, Ill., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition was effected by the execution of a voting trust agreement by the sole stockholder of Mountain States Financial Corp., which controls the Evergreen Savings and Loan Association. Comments on the proposed retention should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] EUGENE M. HERRIN,  
Assistant Secretary,  
Federal Home Loan Bank Board.

[FR Doc.72-4559 Filed 3-27-72; 8:45 am]

[H.C. 119]

### FIRST S & L SHARES, INC.

#### Notice of Receipt of Application for Approval of Acquisition of Control of Sterling Savings and Loan Association

MARCH 23, 1972.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from First S & L Shares, Inc., Denver, Colo., a multiple savings and loan holding company, for approval of acquisition of control of the Sterling Savings and Loan Association, Sterling, Colo., an insured institution, under the provisions of section 408

(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by an exchange of stock of First S & L Shares, Inc., for stock of Sterling Savings and Loan Association. Following said acquisition it is proposed that Sterling Savings and Loan Association be merged into Majestic Savings and Loan Association, Denver, Colo., an insured subsidiary of the applicant. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] EUGENE M. HERRIN,  
Assistant Secretary,  
Federal Home Loan Bank Board.

[FR Doc.72-4692 Filed 3-27-72; 8:52 am]

## FEDERAL MARITIME COMMISSION

### CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

#### Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 11(p) (1) of the Federal Water Pollution Control Act, as amended.

#### Certificate

No.	Owner/operator and vessels
01011---	Aktieselskabet Det Ostasiatiske Kompagni (The East Asiatic Co., Ltd.): Poona.
01014---	Robert Bornhofen Reederel: Hildegard Doeren Kamp.
01033---	Britain Steamship Co., Ltd.: Pacific Bridge. Atlantic Bridge.
01050---	Gowland Steamship Co., Ltd.: Harmattan.
01097---	Glendon Shipping Co., Ltd.: Greenland Sea.
01299---	Compagnie Havraise et Nantaise Peninsulaire: Pentellina. Ville De Metz.
01330---	Shell Tankers (U.K.), Ltd.: Tanea.
01334---	American President Lines, Ltd.: President Fillmore.
01379---	J. & C. Harrison, Ltd.: Harpalyce.
01428---	The Ocean Steam Ship Co., Ltd.: Automeden.
01444---	Hopepark Shipping Co., Ltd.: Hopepark.
01580---	Herm. Dauelsberg, Bremen: Clivia.
01726---	Ab Allhem: Scandia Clipper.
01755---	Hugo Stinnes Zweigniederlassung Hamburg: Westfalen.
01767---	Gulf & South American Steamship Co., Inc.: Gulf Banker.

#### Certificate

No.	Owner/operator and vessels
01855---	Rebco Towing Co., Inc.: Laura Elizabeth. Robert Ingle. Clark Frame.
01856---	Tennemo Towing Co., Inc.: Jim Southern. James L. Williams. Laguna.
01857---	Ohg i. Fa. Bernhard Schulte: Hamburger Michel.
01889---	Gazocean Armement: Thales.
01892---	Michigan Tankers, Inc.: City of Detroit.
01904---	Waterman Steamship Corp.: City of Alma. Yaka. Kyska. Chatham. Iberville.
01913---	Compagnie Fabre/Societe Generale de Transports Maritimes: Mont Joly.
01920---	Messrs. Svend Foyn Bruun: Pontos.
02137---	Arne Teigen, Egersund, Norway: Ryttvik. Ryttersund. Rytterholm.
02155---	Lorentzen & Sonners Rederi A/S: Arthur Stove.
02194---	Compagnie Generale Transatlantique: ICA.
02202---	Humble Oil & Refining Co.: Esso New York. Esso 253.
02218---	Christian Haaland: Concordia Capo.
02242---	Dal Deutsche Afrika-Linien G.m.b.H. & Co.: Transvaal.
02275---	"Marsud" Compagnia Di Navigazione Per Azioni: Polluce.
02478---	Texas Molten Sulphur Transport, Inc.: TMST 100. Parker-102-25. Hasco 1600. Parker-103-25. TMST 2001. TMST 2000. Virginia K. Brimstone.
02576---	Constantinos Shipping Co., Ltd.: Lena.
02731---	Halcyon Lijn N.V.: Stad Utrecht. Stad Gouda.
02732---	Kapitaen Hans Trueper: Veritas. Securitas.
02748---	Olympic Transportation Co.: Olympic Mountain.
02889---	Showa Kalun K.K.: Urea Maru. Kurushima Maru.
02920---	Atlantic Shipping Inc.: Ariel.
03088---	Transpacific Container Services, Inc.: Oriental Comet. Oriental Arrow. Oriental Despatcher.
03091---	Universal Marine Corp. Liberia: Hongkong Producer.
03129---	Orion Navigation Corp.: Tichl.
03170---	St. George Maritime Co., Ltd.: St. Anna.
03282---	Matheson & Co., Ltd.: Cluden.
03441---	Japan Line K.K.: Japan Elm.

Certificate No.	Owner/operator and vessels
03519	Toko Shosen K.K.: Rhein Maru.
03616	Memphis Towing Co., Inc.: Baxter Southern.
04091	H R & W Marine Corp.: MCD-1041. SF-11. IFS-209.
04106	Universal Mariners S.A.: Bolina.
04173	Foss Launch & Tug Co.: Foss 99.
04357	Koninklijke Nedlloyd N.V.: Limburg.
04433	Allied Chemical Corp.: Whal No. 1.
04625	American Commercial Lines, Inc.: City of Joliet.
04770	Texaco Panama, Inc.: SS Trinidad. SS Brighton.
04915	Pecos Transport, Inc.: Pecos.
05326	Luna II Compania Naviera S.A. Panama: Miaoulis.
05598	Pateras Brothers, Ltd.: Arion.
05634	Ventura Shipping Corp.: My Buena Ventura.
05818	Union Pacific Shipping Co. Inc.: M/S Solar Trader.
05962	Apache Tanker Corp.: Andromeda.

By the Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.72-4698 Filed 3-27-72; 8:52 am]

### L. W. BEAL AND CO. ET AL.

#### Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

L. W. Beal & Co., 39 Auburn Street, Portland, ME 04103. Officers and directors: Leroy W. Beal, President/Director, Walter R. Starkey, Vice President/Director, Gloria A. Couture, Clerk/Director, Eugene A. Waters, Director.

David Ames Richards, Pier "D" Alabama State Docks, Post Office Box 318, Mobile, AL 36601.

Miami Ship Services, Inc., 615 Southwest Second Avenue, Miami, FL 33010. Officers: J. Webster Brown, President, Raymond T. Greene, Vice President, Emilio Manfrediz, Secretary/Treasurer.

Maurice C. Perry, doing business as U.S. Miami International Freight Forwarder, Post Office Box 2261, AMF, Miami, FL 33159.

Byron K. Wilson, doing business as Wilson Shipping Co., 5702 Saxon Drive, Houston, TX 77018.

Aquarius Shipping Co., Inc., c/o William L. Olshan, Attorney, 366 Broadway, New York NY 10013. Officers: Louise Yacker, President/Treasurer, Sam V. Picone, Secretary. Apollo International Co., Post Office Box 60245, AMF, Houston, TX 77060. Officers and director: Heriberto R. Ramirez, President, Mary Sue Ramirez, Secretary/Treasurer, Angel Fraga, Director.

Dated: March 23, 1972.

By the Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.72-4699 Filed 3-27-72; 8:52 am]

### PORT OF SEATTLE AND FOSS-ALASKA LINE, INC.

#### 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, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. T. P. McCutchan, Manager, Property Management, Port of Seattle, Post Office Box 1209, Seattle, WA 98111.

Agreement No. T-2489-3, between the Port of Seattle (Port) and Foss-Alaska Line, Inc., modifies the basic agreement which provides for the lease of certain terminal facilities at Seattle, Wash. The purpose of the modification is to provide for improvements by the port to the Container Freight Building located on the leased premises and increase the monthly rental by \$495.24 to amortize the improvements.

Dated: March 21, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.72-4700 Filed 3-27-72; 8:52 am]

[Docket No. 71-98]

### SEA-LAND SERVICE, INC.

#### Order of Investigation and Hearing and Denial of Motion To Dismiss; Correction

MARCH 21, 1972.

Sea-Land Service, Inc., possible violations of sections 16 first, 17 and 18(b) (5), Shipping Act, 1916.

In the order of investigation and hearing, served March 16, 1972 (37 F.R. 5773, March 21, 1972) in the fifth ordering paragraph, insert the following after "respondent": "American Export Isbrandtsen Lines and Military Sealift Command".

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.72-4701 Filed 3-27-72; 8:52 am]

### FEDERAL POWER COMMISSION

[Docket No. R-398]

#### ASSOCIATED GAS DISTRIBUTORS

#### Order Granting Intervention and Denying Rehearing and Clarification

MARCH 17, 1972.

On December 4, 1970, the Commission issued Order No. 415 (35 F.R. 18958, December 15, 1970) which prescribed §§ 2.80-2.82 of its general policy and interpretations (18 CFR 2.80-2.82) and various related amendments to the Commission's regulations under the Federal Power and Natural Gas Acts. On April 13, 1971, the Commission issued its Order No. 415-A (36 F.R. 7232, April 16, 1971) further clarifying the procedures in §§ 2.81 and 2.82. Experience in applying these regulations, as amended, and the Final Guidelines of the Council of Environmental Quality (36 F.R. 7724) demonstrated the desirability of once again proposing revisions to the Commission's regulations for implementation of the National Environmental Policy Act of 1969 (83 Stat. 852).

Accordingly, on July 7, 1971 (36 F.R. 13040, July 13, 1971), the Commission issued a notice of proposed rule making to amend §§ 2.80-2.82 of its "Statement of General Policy to Implement Procedures for Compliance with the National Environmental Policy Act of 1969," and § 4.41 of the Commission's regulations under the Federal Power Act. All interested persons were invited to submit comments for consideration in connection with the proposed amendments on or before August 9, 1971.

On November 19, 1971, the Commission issued Order No. 415-B which was an order amending §§ 2.80, 2.81, 2.82, of the general rules and 4.41 of the regulations under the Federal Power Act.

Separate petitions were filed in this docket by Phillips Petroleum Co. (Phillips) and the Natural Wildlife Federation (NWF) requesting distinctly different relief. Because of the common environmental policy involved, both matters were treated in a single order issued January 19, 1972.<sup>1</sup>

That order made clear the intent of the Commission to require an applicant's environmental impact statement accompany only each application for the construction of pipeline facilities under section 7(c) of the Natural Gas Act, excluding those filed pursuant to § 157.7 (b), (c), (d), and (e) of Commission regulations.

On February 18, 1972, Associated Gas Distributors (AGD) filed with the Commission a petition to intervene in this docket for the limited purpose of seeking rehearing and clarification of the order of January 19, 1972.

In its petition AGD asks whether or not, in that order, the Commission intended " \* \* \* to preclude appropriate consideration of environmental issues in proceedings where alternative markets are proposed in connection with a given producer sale of gas." The short answer is that in no Commission proceeding is any relevant issue excluded, environmental or otherwise. The Commission will consider all issues raised with respect to Order No. 415-B and nothing stated herein should be considered as dispositive of questions raised thereunder.

As this the case, the Commission has found that it may be in the public interest to grant intervention to AGD, but there is no need to grant rehearing and clarification in Docket R-398.

The Commission finds:

(1) It may be in the public interest to grant intervention to Associated Gas Distributors for the purpose of applying for rehearing and clarification.

(2) There is no matter raised in the petition of Associated Gas Distributors which would require granting of rehearing for purposes of clarification in Docket R-398.

The Commission orders:

(A) Intervention by Associated Gas Distributors in Docket R-398 is granted.

(B) Associated Gas Distributors' application for rehearing and clarification in Docket R-398 is denied.

By the Commission,

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-4644 Filed 3-27-72; 8:48 am]

[Docket No. CP72-220]

## MOUNTAIN FUEL SUPPLY CO.

### Notice of Application

MARCH 20, 1972.

Take notice that on March 9, 1972, Mountain Fuel Supply Co. (applicant), 180 East First South Street, Salt Lake

<sup>1</sup> Order granting intervention, granting rehearing for the purpose of further consideration and amending Order No. 415-B for clarification. (37 F.R. 1162, Jan. 26, 1972.)

City, UT 84111, filed in Docket No. CP72-220 an application pursuant to section 7(b) of the Natural Gas Act for permission for and approval of the abandonment of three natural gas compressor units in Wyoming, and pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities in Wyoming, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to abandon three 1,100 horsepower compressor units at its Nightingale Station near Green River, Wyo., and to construct and operate a 3,300 horsepower compressor unit at the aforesaid plant, a 1,100 horsepower compressor unit on its main gathering trunk line where it passes through the State Line Field in Sweetwater County, Wyo., and 20.2 miles of 10 $\frac{3}{4}$ -inch lateral pipeline extending from the Jackknife Spring Field to its 20-inch main gathering line where it passes the South Baxter Field, all in Sweetwater County, Wyo. Applicant states that the compressor units to be abandoned will be reused either for pipeline compression or after skid-mounting and reconditioning for field compression service. Applicant further states that the purpose of the proposed project is to help offset the decline in deliverability in its producing area and to increase its operating efficiency without any abandonment of service.

Applicant estimates the total cost of the proposed project at \$1,448,000, which it plans to finance from funds on hand and from short-term bank borrowings as may be required.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 10, 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 to 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 and permission and approval for the proposed abandonment are required by the public convenience and

necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-4645 Filed 3-27-72; 8:48 am]

[Docket No. CP72-228]

## DELHI GAS PIPELINE CORP.

### Notice of Application

MARCH 24, 1972.

Take notice that on March 21, 1972, Delhi Gas Pipeline Corp. (applicant), Fidelity Union Tower Building, Dallas, Tex. 75201, filed in Docket No. CP72-228 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Company of America (Natural) at an existing point of interconnection between their facilities in Zapata County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of gas to Natural on March 16, 1972, within the contemplation of Section 2.68 of the Commission's general policy and interpretations (18 CFR 2.68) and that it proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 5,000 Mcf of gas per day at 35 cents per Mcf.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the

Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-4785 Filed 3-27-72;8:53 am]

## FEDERAL RESERVE SYSTEM CROCKER NATIONAL CORP.

### Order Denying Determination Under Bank Holding Company Act

Crocker National Corp., San Francisco, Calif., a bank holding company within the meaning of the Bank Holding Company Act of 1956, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to acquire all of the voting shares of Ralph C. Sutro Co. (Sutro), Los Angeles, Calif. Notice of the application affording opportunity for interested persons to submit comments and views was duly published. The time for filing comments and views has expired and all received have been considered, including those presented orally and in writing in connection with a Board hearing on November 8, 1971, pertaining to mortgage banking in general, and this application in particular.

Applicant owns the Crocker National Bank (Bank), San Francisco, the 12th largest bank in the country and the fourth largest in California. Bank's total deposits of \$4.4 billion represent 8.5 percent of all commercial bank deposits in the State. Bank operates 283 branches which are located throughout the State of California with the principal exceptions of San Diego and Imperial Counties. Through Bank, applicant originates mortgages for its own account and services its own mortgage loan portfolio, which exceeds \$300 million.

Sutro is active in the origination of mortgage loans in most of the major markets in California, and is in direct competition with Bank for originations in many of these markets. Headquartered in Los Angeles, Sutro operates branch offices in Orange County, San Diego, and San Francisco. Sutro is the 29th largest mortgage banking firm in the country, based on its mortgage servicing portfolio of \$560.2 million.<sup>1</sup> Of real estate mort-

<sup>1</sup> Mortgage servicing data as of June 30, 1971.

gages recorded in the Los Angeles area<sup>2</sup> during 1970, Bank originated approximately \$35 million mortgage loans, representing 0.5 percent of all originations in that market. Sutro originated approximately \$45 million mortgage loans in the Los Angeles area, or 0.7 percent in the same market. In the six-county San Francisco market,<sup>3</sup> Bank's mortgage loan originations represented a market share of 2.4 percent, while those of Sutro represented 0.1 percent. Consummation of the proposed transaction would foreclose this existing competition.

Both applicant and Sutro have the capability and appear to have the incentive to enter geographic markets in which neither has offices. In view of the size, resources, experience, and expertise of both parties and the structural conditions of the California mortgage market, the Board believes that the likelihood for competition between applicant and Sutro in new markets is substantial and that the applicant should enter those markets either by the establishment of new offices or, perhaps, through the acquisition of a small going concern.

The Board also views unfavorably the concentration of economic resources that would result from the proposed acquisition.<sup>4</sup> The proposal would combine one of the largest commercial banks in California and the Nation with a mortgage company that itself is of major significance in its field. The consolidated assets of the two financial institutions would exceed \$6 billion; their combined mortgage servicing portfolio would approximate \$877 million.

Applicant states that California mortgage companies find it essential to look to markets outside California to satisfy the demands of their institutional investors, because California is shifting from a capital deficit state to a capital surplus state. On the other hand, no sig-

<sup>2</sup> Los Angeles, Ventura, Orange, and Santa Barbara Counties.

<sup>3</sup> Alameda, Contra Costa, Marin, San Francisco, San Mateo, and Santa Clara Counties.

<sup>4</sup> With respect to an undue concentration of resources, the Conference Report accompanying the 1970 Amendments to the Bank Holding Company Act states: "The danger of undue concentration of economic resources and power is one of the factors which led to the enactment of this legislation, and constitutes a significant threat to the continued healthy evolution of our free economy. American trade has always operated on the principle that relationships between businessmen, large and small, should be founded on economic merit rather than monopoly power. Our national policies of limited governmental regulation and interference in trade and commerce, however, do make it possible for undue concentrations of resources and economic power to override fundamental fairness and economic merit when responding on the profit motive. This possibility is enhanced when concentrations of power are centered about money, credit and other financial areas, the common denominators of the economy \* \* \*. It should be clear that this legislation directs the Board to consider all reasonable ramifications of the concentration of resources in fulfilling its responsibilities under section 4." Report No. 91-1747, p. 17.

nificant public benefit to California borrowers would derive from the proposed acquisition either by way of greater convenience or of gains in efficiencies. In these circumstances, the Board finds that any public benefits to be derived from consummation of the proposed acquisition do not outweigh the probable adverse competitive effects.

In enacting the 1970 amendments to the Act, Congress specified in section 4(c)(8) that the Board shall consider whether the performance of a particular activity by an affiliate of a holding company "can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices". On the record of this case, the evidence of adverse effects that would flow from approval of Applicant's proposal has not been outweighed by evidence of likely benefits to the public.<sup>5</sup>

Accordingly, based upon the foregoing and other considerations reflected in the record, the application is denied.

By order of the Board of Governors,  
March 9, 1972, released on March 16, 1972.

[SEAL]

TYNAN SMITH,  
Secretary of the Board.

[FR Doc.72-4565 Filed 3-27-72;8:45 am]

## OFFICE OF EMERGENCY PREPAREDNESS NEW HAMPSHIRE

### Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92-209 (85 Stat. 742); notice is hereby given that on March 18, 1972, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of New Hampshire from severe storms and flooding, beginning about February 18, 1972, are of sufficient

<sup>5</sup> The House Conference Report (91-1747) states at page 19:

"In connection with the overall application of the public benefits test, it is important to emphasize that the bank holding company making application under section 4(c)(8) must bear the burden of proof in showing that its carrying on of a particular nonbank activity would produce benefits to the public that outweigh any adverse effects."

<sup>6</sup> Voting for this action: Chairman Burns and Governors Robertson, Maisel, and Brimmer. Voting against this action: Governors Mitchell, Daane, and Sheehan.

severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of New Hampshire. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606, as amended), I hereby appoint Mr. Albert D. O'Connor, Regional Director, OEP Region 1, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following area in the State of New Hampshire to have been adversely affected by this declared major disaster:

The County of Rockingham.

Dated: March 21, 1972.

G. A. LINCOLN,  
Director,

Office of Emergency Preparedness.

[FR Doc.72-4582 Filed 3-27-72;8:46 am]

## WEST VIRGINIA

### Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of West Virginia dated February 28, 1972, and published March 3, 1972 (37 F.R. 4477) is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 27, 1972:

The County of Raleigh.

Dated: March 14, 1972.

G. A. LINCOLN,  
Director,

Office of Emergency Preparedness.

[FR Doc.72-4583 Filed 3-27-72;8:46 am]

## SECURITIES AND EXCHANGE COMMISSION

[24-2156]

### DATA COMMUNICATIONS, INC.

#### Order Permanently Suspending Exemption

MARCH 21, 1972.

I, Data Communications, Inc. (Issuer), a corporation incorporated under the laws of the State of Oregon on December 16, 1968, filed with the Commission on January 20, 1969, a notification on Form 1-A and an offering circular relating to a proposed offering of 50,000 shares of common stock at \$5 per share for an aggregate offering price of \$250,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of

section 3(b) thereof and Regulation A promulgated thereunder. The offering was cleared February 19, 1969. A sticker amendment concerning litigation filed February 28, 1969, was filed and cleared March 4, 1969. Form 2-A was filed pursuant to Rule 260 of Regulation A on April 25, 1969, stating that the offering was completed on March 26, 1969. On October 1, 1969, Issuer filed a voluntary petition for reorganization under Chapter X. This petition was subsequently dismissed and Issuer was liquidated.

II. The Commission on December 21, 1971, issued an order pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the exemption. The order alleged that:

A. The Form 1-A filed by the Issuer did not comply with the terms and conditions of Regulation A in that the Issuer had not disclosed, under Item 9, the sale of 2,000 shares of unregistered stock of Data Communications, Inc. to Mr. Herman Lind, Sr. and Mr. Howard Somers, which sale occurred on or about December 23, 1968. Mr. Lind and Mr. Somers were the principals of Lind, Somers, and Collins, Inc., the underwriter of the offering.

B. The Notification and Offering Circular, as amended, contained untrue statements of material facts, and omitted to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading concerning:

1. The adequacy of current income to meet the present obligations and financial needs of the Issuer.

2. The number and type of clients currently serviced by the Issuer.

3. The state of development and condition of various programs the Issuer was offering to its clients.

4. The fact that company moneys would be spent examining possible acquisitions of other businesses.

C. The offering had been in violation of the antifraud provisions of section 17 of the Securities Act of 1933 and section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder.

III. Martin R. Wolf and Larry J. Anderson filed requests for hearing on January 21, 1972, and Edward E. Rubey filed a request for hearing on January 24, 1972. The requests for hearing were subsequently withdrawn, and on February 22, 1972, the hearing was canceled for the Commission by its Chief Hearing Examiner.

The requests for hearing having been withdrawn and no other hearing request having been made within 30 days after the entry of the order temporarily suspending the exemption of the issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be permanently suspended.

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under

Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-4607 Filed 3-27-72;8:46 am]

[812-3104]

## MUNICIPAL INVESTMENT TRUST FUND, SERIES B AND SUBSEQUENT SERIES, ET AL.

### Application for Order Exempting Transactions

MARCH 21, 1972.

In the matter of Municipal Investment Trust Fund, Series B and Subsequent Series; Michigan Tax Exempt Bond Fund, Series 1 and Subsequent Series; c/o Merrill Lynch, Pierce, Fenner & Smith, Inc., 70 Pine Street, New York, NY 10005; c/o First of Michigan Corp., Buhl Building, Detroit, Mich. 48226; c/o Walston & Co., Inc., 77 Water Street, New York, NY 10005; c/o Bache & Co., Inc., 100 Gold Street, New York, NY 10038; Tax Exempt Income Fund Series 1, and Subsequent Series; c/o United States Trust Company of New York, 130 John Street, New York, NY 10005.

Notice is hereby given that Municipal Investment Trust Fund, Series B and Subsequent Series, Tax Exempt Income Fund, Series 1 and Subsequent Series, and Michigan Tax Exempt Bond Fund, Series 1 and Subsequent Series (hereinafter collectively "Applicants"), registered under the Investment Company Act of 1940 (Act) as unit investment trusts, have filed an application pursuant to section 6(c) of the Act for an order exempting them from the provisions of Rule 19b-1 under the Act with regard to the distribution of capital gains no more than once in a taxable year.

All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Rule 19b-1(a) provides in substance that no registered investment company which is a "regulated investment company" as defined in section 851 of the Internal Revenue Code shall distribute more than one capital gain dividend in any one taxable year. Paragraph (b) of the rule contains a similar prohibition for a company not a "regulated investment company" but permits a unit investment trust to distribute capital gain dividends received from a "regulated investment company" within a reasonable time after receipt.

Applicants are registered under the Act as unit investment trusts organized under the Laws of the State of New York, and comprise various existing or proposed Series. One or more of the following firms is currently acting or will act as Sponsor or Sponsors of various Series of Applicants: Merrill Lynch, Pierce, Fenner & Smith, Inc., Bache & Co., Inc., Walston & Co., Inc., First of Michigan Corp. and

United States Trust Company of New York.

Each Series is governed by a Trust Agreement among (1) the Sponsor(s) which deposit into a Series the municipal bonds constituting the portfolio; (2) the Trustee which maintains custody of the bonds; and (3) the Evaluator which through its evaluation of the bonds in the portfolio is responsible for the determination of net asset value.

Distributions of principal and interest on previous Series are made semi-annually. In the case of Municipal Investment Trust Fund, First Monthly Payment Series, the most recent Series registered under the Securities Act of 1933, distributions of principal and interest will be made to unitholders each month. Distributions of principal constituting capital gains to unitholders may arise in two instances: (1) If an issuing authority calls or redeems an issue held in the portfolio, the sums received by the Trust will be distributed to a unitholder on the next distribution date; and (2) if units are redeemed by the Trustee and bonds from the portfolio are sold to provide the funds necessary for such redemption each unitholder will receive his prorata portion of the proceeds from the bonds sold. In such instances, a unitholder will frequently receive in his distribution funds which constitute capital gains since in many cases the value of the portfolio bonds redeemed or sold will have increased since the date of initial deposit.

As noted, paragraph (b) of Rule 19b-1 provides that a unit investment trust may distribute capital gain dividends received from a "regulated investment company" within a reasonable time after receipt. Applicants state that the purpose behind such provision is to avoid forcing unit investment trusts to accumulate valid distributions received throughout the year and distribute them only at year end. Applicants further allege that their situation places them squarely within the purpose of such provision. However, in order to comply with the literal requirements of the rule, a Trust would be forced to hold any monies which would constitute capital gains upon distribution until the end of its taxable year. The application contends that such a practice would clearly be to the detriment of the unitholders.

In support of the requested exemption, the application states that the dangers against which Rule 19b-1 is intended to guard do not exist in Applicants' situation since they and their Sponsors have no control over events which might trigger capital gains, i.e., the tendering of units for redemption and the prepayment of portfolio bonds by the issuing authorities. In addition, it is alleged that the amounts involved in a normal distribution of principal are relatively small in comparison to the normal interest distribution, and such distributions are clearly indicated in accompanying reports to unitholders as a return of principal.

Section 6(c) authorizes the Commission to exempt any person, security or

transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and the rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 11, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc. 72-4608 Filed 3-27-72; 8:46 am]

[812-3105]

#### OPPENHEIMER FUND, INC. AND OP- PENHEIMER SYSTEMATIC CAPITAL ACCUMULATION PROGRAM

##### Notice of Filing of Application for Exemption

MARCH 21, 1972.

Notice is hereby given that Oppenheimer Fund, Inc., One New York Plaza, New York, NY 10004 (Fund), registered under the Investment Company Act of 1940 (Act) as a management open-end, diversified investment company, and Oppenheimer Systematic Capital Accumulation Program (OSCAP), a unit investment trust for accumulation of shares of the Fund, registered as such under the Act (collectively "Applicants") have filed an application pursuant to sections 6(c) and 11(a) of the Act for approval of an offer of Fund shares and OSCP plans to German nationals who are

shareholders of the Loomis Sayles Mutual Fund, Inc. (Loomis Mutual) and Loomis Sayles Capital Development Fund, Inc. (Loomis Capital) (collectively "Loomis Funds") in exchange for shares of the Loomis Funds held by such shareholders; for an order exempting from the provisions of section 22(d) the issuance of Fund shares and OSCP plans pursuant to such exchange offer at a price other than the current public offering price and exempting from the provisions of sections 27 (d), (e), and (f) the OSCP plans so issued. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Loomis Mutual and Loomis Capital are registered under the Act as management open-end diversified investment companies. Loomis Fund shares have been distributed in Germany since October 1967. Loomis Capital shares have also been distributed in Germany under a contractual plan. Because the German distributor of the Loomis Funds has decided to terminate further sales in Germany, the Loomis Funds have withdrawn their applications for registration with the German Federal Banking Commission in Berlin. As a result of this termination of registration, the German shareholders of the Loomis Funds will be subject to adverse German tax provisions applicable to shareholders of nonregistered foreign mutual funds. Both Loomis Funds have agreed to extend to their German shareholders the privilege of having their present investment converted into a mutual fund which will be registered in Germany.

Oppenheimer Fund, which is in process of registering under the German Foreign Investment Company Law, proposes to offer to the German shareholders of the Loomis Funds the privilege of exchanging their investment in either one of the Loomis Funds for the equivalent value of shares of Oppenheimer Fund without payment of any sales load or service charge. The exchange will be carried out through redemption of shares of the Loomis Funds and reinvestment of the proceeds in shares of Oppenheimer Fund at net asset value. German shareholders who have purchased their shares of Loomis Capital under a contractual plan will be offered an OSCP plan under terms which are substantially similar to those of the Loomis Capital contractual plans. The value of the shares of Loomis Capital accumulated under each plan will be converted to an equal value of shares of Oppenheimer Fund without sales charge and an OSCP plan will be issued calling for a monthly payment approximately equal to the monthly payment of the Loomis Capital, contractual plan. The same number of payments made on the Loomis Capital plan will be considered as having been made under the OSCP plan.

Section 22(d) of the Act, as here pertinent, provides that registered investment companies issuing redeemable securities may sell their securities only at the current public offering price as described in the prospectus.

Sections 11 (a) and (c) of the Act require that the terms of an exchange offer involving registered unit investment trusts must first be submitted to and approved by the Commission.

Section 27(d) of the Act requires that each periodic payment plan certificate issued by a registered investment company must provide that the plan-holder may surrender the certificate within the first 18 months after its issuance and receive the value of his account plus any sales charge incurred that exceeds 15 percent of the gross payments made. Section 27(e) of the Act contains provisions relating to the notification of certificate holders of their right of surrender pursuant to section 27(d).

Section 27(f) requires the custodian of a periodic payment plan to mail to each periodic payment plan certificate holder, within 60 days after certificate issuance, a statement of charges to be deducted from the projected payments on the certificate and a notice of his right to withdraw from the plan within 45 days of the mailing of the notice and to receive the value of his account plus an amount equal to the difference between the gross payments made and the net amount invested.

In support of the application, Applicants allege that all of the contractual plans held by German shareholders of Loomis Capital were established prior to the date on which sections 27 (d), (e), and (f) became effective. Such plan-holders now possess no right of refund on their Loomis plans nor would they possess any such right had they purchased an OSCAP plan at the time they established their Loomis plan. In addition the application states that the proposed transaction will enable the Fund to increase its size, which, in the opinion of Applicants, will result eventually in economies to the shareholders on a per-share basis. Applicants further represent that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person involved and that the proposed transaction is consistent with the general purposes of the Act.

Section 6(c) of the Act provides that the Commission, upon application, may exempt a transaction from any provision of the Act to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act.

Notice is further given that any interested person may, no later than April 11, 1972 at 5:30 p.m., submit to the Commission, in writing, a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served

is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in the matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-4606 Filed 3-27-72;8:46 am]

[70-5160]

### OHIO EDISON CO.

#### Notice of Proposed Acquisition of Municipal Electric System

MARCH 20, 1972.

Notice is hereby given that Ohio Edison Co. (Ohio Edison), 47 North Main Street, Akron, OH 44308, a registered holding company and a public utility company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 9(a) and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Ohio Edison proposes to acquire from the village of Hiram, Ohio (Hiram), the electric utility system owned and operated by Hiram, which presently serves approximately 500 customers. Ohio Edison, pursuant to an advertisement inviting bids for the Hiram utility system, submitted the sole bid, which was accepted. Ohio Edison bid \$675,000, plus an amount equal to the cost of net additions after April 1, 1971, the date of the inventory on which its offer was predicated. Ohio Edison has no knowledge of the original cost of the system and is advised that Hiram does not maintain such cost record of the property.

Hiram is surrounded by an area presently being served by Ohio Edison, and it is the intention of Ohio Edison to operate the acquired property as part of Ohio Edison's integrated system. Upon consummation of the acquisition, Ohio Edison proposes to make the changes necessary to permit service to be furnished to Hiram from Ohio Edison's 7,200/12,470 volt system. It is estimated that this initial interconnection will take approximately 4 months. After such time operation of the Hiram generating plant will be discontinued.

Pursuant to a sale agreement between Ohio Edison and Hiram, the property is to be conveyed to Ohio Edison free and clear of all encumbrances on a closing date to be agreed upon by both parties and is to include generators, motors, transmission lines, and all equipment used in connection therewith, except for the land on which the village electric light plant is located. On the closing date, Hiram will assign or convey to Ohio Edison all its right, title, and interest in agreements for joint use or ownership of poles, railroad crossings, licenses, permits and other agreements necessary for operation of the property with such consents of other parties as may be required.

The property proposed to be acquired includes eight diesel generators with a total capacity of approximately 4,517 kv.-a., the building housing the generators, 175 transformers ranging in capacity from 1.5 kv.-a. to 100 kv.-a., 112 street lights, 18.75 circuit miles of primary lines and 7.94 circuit miles of secondary lines.

Ohio Edison estimates, based on the present basis of service by Hiram and Ohio Edison's present rates, that for the first full year of operation by Ohio Edison the operating revenues from the property will be approximately \$200,000 based upon an estimated sale of 9,000,000 kw.-hr. In 1971, under a higher rate schedule, Hiram derived \$221,000 in operating revenues based on 8,361,521 kw.-hr. sales.

The filing further states that the property to be acquired will be recorded on the books of Ohio Edison on the basis of the original cost thereof (to the extent such original cost can be determined from records or estimated) and the difference, if any, between the purchase price of such property and such original cost will be treated in accordance with the accounting regulations and orders of the regulatory commissions having jurisdiction, namely, the Federal Power Commission and The Public Utilities Commission of Ohio; and that, except to the extent of such accounting jurisdiction by said two regulatory agencies, no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The expenses incurred by Ohio Edison in connection with the proposed transaction, consisting of company payroll costs and expenses and miscellaneous expenses, are estimated at \$1,400.

Notice is further given that any interested person may, not later than April 7, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the ap-

plicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulation promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-4573 Filed 3-27-72; 8:45 am]

[File No. 7-4106]

### SCURRY-RAINBOW OIL, LTD.

#### Order Granting Request for Withdrawal of Application

MARCH 20, 1972.

In the matter of Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in Scurry-Rainbow Oil, Ltd., common stock \$3.50 par value [File No. 7-4106].

The Philadelphia-Baltimore-Washington Stock Exchange, pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, having made application to the Commission for unlisted trading privileges in the above named stock; and

The applicant having requested under date of March 14, 1972, that its application be withdrawn:

It is ordered, That the request of the applicant be granted and that the applicant be permitted to withdraw said application without prejudice to possible future action.

For the Commission, by the Division of Trading and Markets (pursuant to delegated authority).

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-4575 Filed 3-27-72; 8:46 am]

[File No. 7-4117]

### UNITED STATES TOBACCO CO.

#### Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 20, 1972.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

United States Tobacco Co., File No. 7-4117.

Upon receipt of a request, on or before April 4, 1972, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-4574 Filed 3-27-72; 8:46 am]

[70-5174]

### CENTRAL INDIANA GAS CO., INC.

#### Notice of Proposed Issue and Sale of Bonds at Competitive Bidding

MARCH 22, 1972.

Notice is hereby given that Central Indiana Gas Co., Inc. (Central), 30 East Main Street, Muncie, IN 47305, a gas utility subsidiary company of American Natural Gas Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Central proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, \$8 million principal amount of its first mortgage bonds, ----- percent Series due 1997. The interest rate of the bonds (which shall be a multiple of one-eighth of 1 percent) and the price to be received by Central for the bonds (which price, exclusive of accrued interest, shall be not less than 98½ percent nor more than 101½ percent of the principal amount) are to be determined by competitive bidding. The bonds will be dated May 15, 1972, will mature May 15, 1997, and will be issued under Central's indenture of mortgage and deed of trust dated as of September 1, 1942, from Central to City National Bank and Trust Co. of Chicago (Continental Illinois National Bank and Trust Co. of Chicago, successor trustee by merger), as heretofore supplemented or as to be further supplemented by a tenth supplemental indenture to be dated as

of May 1, 1972, which includes a prohibition until May 15, 1977, against refunding the issue with or in anticipation of the proceeds from borrowings at a lower interest cost.

Central has outstanding \$7,500,000 of bank loan notes due June 16, 1972, issued under a line of credit for temporary financing of construction expenditures and to reimburse its treasury for funds used to retire bonds due May 1, 1971. (See Holding Company Act Release No. 17165, June 17, 1971.) In addition, Greenfield Gas Co., Inc., which was acquired by Central as of January 1, 1968 (Holding Company Act Release No. 15939), has outstanding \$553,000 principal amount of bonds under a mortgage and deed of trust, dated September 1, 1950, and three supplements thereto (Greenfield Mortgage). Pursuant to a previous filing with the Commission (see Holding Company Act Release No. 17474, March 3, 1972) Central will, prior to sale of the new bonds, acquire the Greenfield bonds for cancellation and thereby secure release from the Greenfield Mortgage, since it will be necessary to utilize the property securing the Greenfield bonds as a basis for withdrawal of a portion of the proceeds from the sale of the new bonds. The net proceeds from the proposed sale of the new bonds will be used to repay the bank loan notes outstanding and the balance will be used to reimburse the treasury for funds used to acquire for retirement the aforementioned \$553,000 principal amount of Greenfield bonds.

It is stated that the issuance and sale of the new bonds will be expressly authorized by the Indiana Public Service Commission and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. A statement of the fees and expenses to be incurred in connection with the proposed transactions will be supplied by amendment.

Notice is further given that any interested person may, not later than April 20, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rule 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is

ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.  
[FR Doc.72-4652 Filed 3-27-72;8:49 am]

## SMALL BUSINESS ADMINISTRATION

[License 04/05-5102]

### ENTERPRISES NOW, INC.

#### Notice of Issuance of License To Operate as Minority Enterprise Small Business Investment Company

On February 15, 1972, a notice was published in the FEDERAL REGISTER (37 F.R. 3395), stating that Enterprises Now, Inc., 898 Beckwith Street SW., Atlanta, GA 30314, had filed an application with the Small Business Administration (SBA), pursuant to § 107.102 of the SBA rules and regulations governing small business investment companies (13 CFR 107.102 (1971)) for a license to operate as a minority enterprise small business investment company (MESBIC).

Interested parties were given to the close of business March 1, 1972, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 04/05-5102 to Enterprise Now, Inc., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: March 16, 1972.

A. H. SINGER,  
Associate Administrator  
for Investment.

[FR Doc.72-4571 Filed 3-27-72;8:45 am]

[License 06/10-0091]

### FIRST WEST TEXAS CAPITAL CORP.

#### Notice of Surrender of License To Operate as Small Business Investment Company

Notice is hereby given that First West Texas Capital Corp. (First West), 305 First National Bank Building, Odessa, Tex. 79760, has, pursuant to § 107.105 of the regulations governing small business investment companies (13 CFR 107.105 (1971)), surrendered its license to operate as a small business investment company (SBIC).

First West, a public company registered under the 1940 Investment Company Act, was incorporated on November 20, 1961, under the laws of the State of Texas to operate solely as an SBIC under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act), and it was issued license

No. 10-0091 by the Small Business Administration on December 18, 1961.

Under the authority vested by the Act, and the regulations promulgated thereunder, the voluntary surrender of the license of First West is hereby accepted and, accordingly, it is no longer licensed to operate as an SBIC.

Dated: March 20, 1972.

JAMES THOMAS PHELAN,  
Acting Associate Administrator  
for Investment.

[FR Doc.72-4568 Filed 3-27-72;8:45 am]

[License 01/02-0011]

### SCHOONER CAPITAL CORP.

#### Approval of Transfer of Control of a Licensed Small Business Investment Company

Pursuant to the provisions of § 107.701 of the Small Business Administration (SBA) rules and regulations (13 CFR 107.701 (1971)) a notice of a proposed transfer of control of Schooner Capital Corp., 441 Stuart Street, Boston, MA 02116 was published in the FEDERAL REGISTER on March 2, 1972 (37 F.R. 4394).

Interested persons were given until March 12, 1972, to submit to SBA their comments on the proposed transfer of control. No comments were received.

Upon consideration of the application and other relevant information, SBA hereby approves the proposed transfer of control of Schooner Capital Corp.

Dated: March 21, 1972.

JAMES THOMAS PHELAN,  
Acting Associate Administrator  
for Investment.

[FR Doc.72-4651 Filed 3-27-72;8:49 am]

[Declaration of Disaster Loan Area 890;  
Class B]

### NEW YORK

#### Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of March 1972, because of the effects of a certain disaster, damage resulted to homes and business property located in New York;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Assistant Administrator for Administration and Operations of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the

Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Chautauqua County, N.Y., suffered damage or destruction resulting from floods occurring on March 1, 3, and 7, 1972.

#### OFFICE

Small Business Administration Branch Office,  
Federal Building, Room 1112, 111 West  
Huron Street, Buffalo, NY 14202.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to September 30, 1972.

Dated: March 16, 1972.

CLAUDE ALEXANDER,  
Assistant Administrator for  
Administration and Operations.

[FR Doc.72-4650 Filed 3-27-72;8:48 am]

## DEPARTMENT OF LABOR

### Office of the Secretary

#### VERMONT MARBLE CO.

#### Worker Request for Certification of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

A petition requesting certification of eligibility to apply for adjustment assistance has been filed, on March 17, 1972, with the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, by the United Steelworkers of America on behalf of workers of the Vermont Marble Co. plant at Rutland, Vt. The petition points out that the request for certification is made under the President's decision of January 23, 1972. That decision provides, pursuant to section 302(a)(3), with respect to the domestic marble and travertine industry, that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance, under chapter 3, title III, of the Trade Expansion Act of 1962. (Weekly Compilation of Presidential Documents, January 31, 1972, p. 148; Congressional Record, issue January 31, 1972, S. 724, H. 447).

The Act, section 302(b)(2), provides that the Secretary of Labor shall certify as eligible to apply for adjustment assistance under chapter 3 any group of workers in an industry with respect to which the President has acted under section 302(a)(3), upon a showing by such group of workers to the satisfaction of the Secretary of Labor that the increased imports (which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused or threatened to cause unemployment or underemployment of a significant number or proportion of workers of such workers' firm, or subdivision thereof.

In view of the petition and the responsibilities of the Secretary of Labor, the Director, Office of Foreign Economic Policy, Bureau of International Labor Af-

fairs, has instituted an investigation, as provided in 29 CFR 90.11. The investigation relates, as above indicated, to the determination of whether any of the group of workers covered by the request should be certified as eligible to apply for adjustment assistance, including the determinations of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart C of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects in investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20210, on or before April 10, 1972.

Signed at Washington, D.C. this 20th day of March 1972.

EDGAR I. EATON,  
Director, Office of  
Foreign Economic Policy.

[FR Doc. 72-4588 Filed 3-27-72; 8:45 am]

## INTERSTATE COMMERCE COMMISSION

### ASSIGNMENT OF HEARINGS

MARCH 23, 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 103926 Sub 20, W. T. Mayfield Sons Trucking Co., now being assigned hearing May 22, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 113678 Sub 285, Curtis, Inc., now being assigned further hearing May 15, 1972, at Denver, Colo., in a hearing room to be later designated.

MC 99680 Sub 2, North Shore & Central Illinois Freight, now being assigned hearing May 8, 1972, at Chicago, Ill., in a hearing room to be designated later.

MC 95084 Sub 82, Hove Truck Line, now being assigned for hearing June 13, 1972, at Kansas City, Mo., in a hearing room to be later designated.

MC 117815 Sub 180, Pulley Freight Lines, Inc., now being assigned for hearing June 12, 1972, at Kansas City, Mo., in a hearing room to be later designated. MC 119493 Sub 80, Monkem Co., Inc., is set with this case.

MC 134966 Sub 1, Clear Water Truck Co., Inc., now being assigned for hearing June 15, 1972, at Kansas City, Mo., in a hearing room to be later designated.

MC 26739 Sub 68, Crouch Bros., Inc., now being assigned hearing June 19, 1972, at Kansas City, Mo., in a hearing room to be later designated.

MC 111 Sub 10, Vigeant Motor Freight, now being assigned hearing June 19, 1972, at Chicago, Ill., in a hearing room to be designated later.

MC 30844 Sub 376, Kroblin Refrigerated Xpress, now being assigned hearing June 20, 1972, at Chicago, Ill., in a hearing room to be designated later.

MC 35358 Sub 26, Berger Transfer & Storage, now being assigned hearing June 21, 1972, at Chicago, Ill., in a hearing room to be designated later.

MC 114274 Sub 17, Vitalis Truck Lines, now being assigned hearing June 22, 1972, at Chicago, Ill., in a hearing room to be designated later.

MC 119669 Sub 26, Tempeo Transportation, now being assigned hearing June 23, 1972, at Chicago, Ill., in a hearing room to be designated later.

MC 124211 Sub 198, Hilt Truck Line, now being assigned hearing June 14, 1972, at Omaha, Nebr., in a hearing room to be later designated.

MC 124211 Sub 194, Hilt Truck Line, now being assigned hearing June 12, 1972, at Omaha, Nebr., in a hearing room to be designated later.

MC-F-11316, Yellow Freight System, Inc.—Purchase—Elgin-Chicago Express Co., and MC 112713 Sub 134, Yellow Freight System, Inc., now being assigned hearing June 19, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 107496 Sub 826, Ruan Transport Corp., now being assigned hearing June 14, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 117815 Sub 181, Pulley Freight Lines, Inc., now being assigned hearing June 12, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 113678 Sub 442, Curtis, Inc., MC 115841 Sub 412, Colonial Refrigerated Transportation, Inc., MC 119619 Sub 44, Distributors Service Co., MC 117883 Sub 158, Bubler Transfer, Inc., now being assigned hearing May 8, 1972, at New York City, N.Y., in a hearing room to be designated later.

MC-F-11308, International Transport, Inc.—Purchase—Dawes Transfer, Inc., now being assigned hearing June 5, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC-F-11358, Cedar Rapids Steel Transportation, Inc.—Purchase (Portion)—Lee Bros., Inc., now being assigned hearing May 31, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC-F-11346, Barber Transportation Co.—Purchase (Portion)—United Buckingham Freight Lines, Inc., and MC 97699 Sub 33, Barber Transportation Co., now being assigned hearing June 15, 1972, at Billings, Mont., in a hearing room to be later designated.

MC-F-11393, E. L. Murphy Trucking Co.—Control & Merge—Dyer Transport Inc., now being assigned hearing June 12, 1972, at Billings, Mont., in a hearing room to be later designated.

MC-F-11411, Transcon Lines—Purchase (Portion)—United-Buckingham Freight Lines, Inc., now being assigned hearing June 19, 1972, at Billings, Mont., in a hearing room to be later designated.

MC 107515 Sub 784, Refrigerated Transport, now assigned April 24, 1972, at Tallahassee, Fla., canceled and reassigned to April 24, 1972, in the Florida Public Service Commission District Office, 660 South Orlando Avenue, Winter Park, FL.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 72-4707 Filed 3-27-72; 8:53 am]

## FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 23, 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. 42381—*Brewers grits from St. Joseph, Mo.* Filed by Southwestern Freight Bureau, agent (No. B-310), for interested rail carriers. Rates on brewers grits (dried), in bulk or in bags, in carloads, as described in the application, from St. Joseph, Mo., to Memphis, Tenn.

Grounds for relief—Carrier competition.

Tariff—Supplement 33 to Southwestern Freight Bureau, agent, tariff ICC 4971. Rates are published to become effective on April 22, 1972.

FSA No. 42382—*Chlorine from Memphis, Tenn.* Filed by M. B. Hart, Jr., agent (No. A6302), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from Memphis, Tenn., and group points, to Naheola, Ala.

Grounds for relief—Rate relationship.

Tariff—Supplement 344 to Southern Freight Association, agent, tariff ICC S-484. Rates are published to become effective on April 27, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 72-4708 Filed 3-27-72; 8:53 am]

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[T.D. 72-88]

### TOMATO PRODUCERS FROM GREECE Countervailing Duties

Notice of countervailing duties to be imposed under section 303, Tariff Act of 1930, by reason of the payment or bestowal of a bounty or grant on exportation of tomato products from Greece.

In the FEDERAL REGISTER of August 26, 1970 (35 F.R. 13586), the Commissioner of Customs announced that information had been received in proper form pursuant to § 16.24(b) of the Customs Regulations (19 CFR 16.24(b)) which appeared to indicate that certain payments made by the Government of Greece on the exportation from Greece of tomato products constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) upon the manufacture, production, or exportation of the merchandise to which the payments apply. The notice provided interested parties 30 days from

the date of publication to submit data, views, or arguments with regard to the existence or nonexistence and the net amount of a bounty or grant.

An investigation was conducted pursuant to § 16.24(d) of the Customs Regulations (19 CFR 16.24(d)).

After consideration of all information received, the Bureau is satisfied that exports of tomato products from Greece are subject to bounties or grants within the meaning of section 303.

Accordingly, notice is hereby given that tomato products imported directly or indirectly from Greece, if entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after publication of this notice in the Customs Bulletin, will be subject to the payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In accordance with section 303, the net amounts of the bounties or grants under the information presently available have been ascertained and determined or estimated to be (1) from 750 drachmas to 2,000 drachmas per metric ton, depending on the concentration and packing, for tomato paste, (2) 330 drachmas per metric ton for peeled tomatoes, and (3) 330 drachmas per metric ton for tomato juice. Because information regarding the exact amount of the bounties or grants is incomplete, declarations of the net amount of the bounties or grants ascertained and determined or estimated to have been paid upon the exportation of tomato products from Greece will be published in subsequent issues of the Customs Bulletin.

Effective on the 31st day after the date of publication of the notice in the Customs Bulletin and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable tomato products imported directly or indirectly from Greece which benefit from such bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declarations.

The liquidation of all entries for consumption or withdrawals from warehouse for consumption of such dutiable tomato products imported directly or indirectly from Greece which benefit from such bounties or grants and are subject to the order shall be suspended pending declarations of the net amounts of the bounties or grants paid. A deposit of the estimated countervailing duty, in the appropriate amount, shall be required at the time of entry for consumption or withdrawal from warehouse for consumption.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be paid or credited, directly or indirectly, upon the manufacture, production, or exportation of such tomato products.

The table in § 16.24(f) of the Customs regulations (19 CFR 16.24(f)) is

amended by inserting the word "Greece" in the column headed "Country," the words "Tomato products" in the column headed "Commodity," the number of this Treasury Decision in the column headed "Treasury Decision," and the words "Bounty Declared—Rate" in the column headed "Action."

(R.S. 251, secs. 303, 624; 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

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

Approved: March 21, 1972.

EUGENE T. ROSSIDES,  
Assistant Secretary  
of the Treasury.

[FR Doc.72-4819 Filed 3-27-72;9:40 am]

### Internal Revenue Service

#### NOTICE OF GRANTING OF RELIEF

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

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

Anderson, Charlie Loy, 3860 Route 1, Shallowford Road, Marietta, GA, convicted on June 16, 1969, in the Superior Court, Cobb County, GA.

Bell, Huntley R., 622 West Kings Highway, San Antonio, TX, convicted on May 14, 1945, in the U.S. District Court, Western District of Texas, San Antonio Division.

Bell, Rex Alman, Route 3, Michigan Lake, Ind., convicted on June 25, 1956, in the U.S. District Court, Southern District of Illinois.

Bilke, Lawrence Donald, 126 East Burnett, Beaver Dam, WI, convicted on April 21, 1969, in the Dodge County Court, Branch II, Juneau, Wis.

Bourquin, John Howard, 4944 Yukon Street NW., Canton, OH, convicted on July 21, 1961, and October 29, 1969, in the Court of Common Pleas, Stark County, Ohio; and on February 1, 1963, in the U.S. District Court for the Northern District of Ohio.

Briand, Edmond Napoleon, 37 Arlington Street, Nashua, NH, convicted on March 12, 1945, in the Hillsborough County Superior Court, Manchester, N.H.

Bruno, Leo A., 238 Avenue U, Brooklyn, NY, convicted on March 8, 1957, in the U.S. District Court, Eastern Judicial District of New York.

Butler, Charles E., 1407½ West 34th Street, Houston, TX, convicted on May 31, 1927, in the District Court of Franklin County, Kans.; and on October 7, 1952, in the District Court of Potter County, Tex.

Chang, David Y. H., 358-A Kalua Drive, Wailuku, Maui, HI, convicted on September 12, 1966, in the Circuit Court of the Second Circuit, State of Hawaii.

Coons, Arthur Robert, 2909 Franklin Avenue, Des Moines, IA, convicted on July 30, 1964, in the Polk County District Court, Des Moines, Iowa.

Cox, Ronald Howard, South English, Iowa, convicted on March 22, 1963, in the Keokuk County District Court, Keokuk, Iowa.

DeLisle, Jean Edward, Jr., 26 Weaver Street, Torrington, CT, convicted on May 26, 1959, in the City Court of Torrington, Conn.

Dennis, Dean LaMont, 2928 43d Avenue South, Minneapolis, MN, convicted on September 13, 1954, in the Fourth Judicial District Court, Hennepin County, Minn.

Doherty, William Joseph, 16 Burns Road, Ashbourne Hills, Claymont, DE, convicted on September 13, 1955, in the Family Court in and for New Castle County, Wilmington, Del.

Dullaghan, Ronald James, 7436 Beatty Avenue, Port Wayne, IN, convicted on September 25, 1969, in the U.S. District Court for the Southern District of Indiana.

Ebert, Lloyd M., Rural Route 3, Box 221, West Bend, WI, convicted on December 9, 1963, in the Washington County Court, West Bend, Wis.

Echols, Kenneth Richard, 40 East Columbia Avenue, Salt Lake City, UT, convicted on January 14, 1963, in the District Court of the Third Judicial District of the State of Utah in and for the County of Tooele.

Elem, Donald Kent, 3926 Arlington Square, Houston, TX, convicted on February 12, 1960, in the Dallas County Criminal District Court No. 3, Dallas County, Tex.

Farrier, Donald Dale, 1854 U Street, Sweet Home, OR, convicted on December 5, 1944, by general court-martial convened by the Headquarters, 13th Naval District, Seattle, Wash.; and on February 24, 1948, and on March 11, 1948, in the Circuit Court of Lane County, Oreg.

Fastiggi, James R., 94 Woodcrest Terrace, Amawalk, NY, convicted on January 28, 1963, in the Westchester County, N.Y., Court; on March 19, 1963, in the Superior Court, Bridgeport, Conn.; and on August 2, 1963, in the Dutchess County, N.Y., Court.

Fewell, George Hamilton, 5811 Belt Line Road, Dallas, TX, convicted on March 17, 1966, in the U.S. District Court for the Western District of Tennessee.

Fox, Abe Morris, 750 Bowhill Road, Hillsborough, CA, convicted on August 22, 1936, in the U.S. District Court, San Francisco, Calif.; and on February 2, 1953, in the Superior Court of the State of California, San Francisco, Calif.

Gunter, John Albert, 4904 South Karen, Oklahoma City, OK, convicted on January 30, 1962, in the District Court of Comanche County, Okla.; and on September 26, 1963, in the District Court of Creek County, Okla.

Hanner, Merle Eugene, 23231 Columbus Street, Warren, MI, convicted on January 12, 1948, in the Oakland County, Mich. Circuit Court; and on April 23, 1962, in the Oakland County, Mich., Circuit Court.

Hubbard, Arthur, Jr., 473 Chapel Street SW., Atlanta, GA, convicted on December 8, 1969, in the U.S. District Court, Northern District of Georgia.

Hughes, Vernon Edward, 395 Hanlon Way, Space 1, Pittsburg, CA, convicted on August 31, 1959, in the Superior Court of the State of California, in and for the County of Contra Costa.

Jaime, Angel, 41720 Eight Mile Road, Northville, MI, convicted on September 21, 1959, in the Circuit Court for Oakland County, Mich.

- Jordan, David Hodge, 12585 Jane, Detroit, MI, convicted on February 5, 1963, in the Recorder's Court, Detroit, Mich.
- Lewis, William Allen, 1512 Harlem Avenue, Altoona, WI, convicted on December 12, 1965, in the Eau Claire County Court, Eau Claire, Wis.
- Liacos, Charles A., Box 44, Tilton, NH, convicted on June 10, 1931, in the Middlesex Superior Court, Cambridge, Mass.
- Logwood, James Burton, Route 4, Gretna, Va., convicted on March 16, 1966, in the Campbell County Circuit Court, Rustburg, Va.; and on September 7, 1966, in the Court of General Sessions, Anderson County, S.C.
- Miller, Shellace Neal, Chesapeake Mobil Home Court, Lot 119, Ridge Chapel Road, Hanover, Md., convicted on May 9, 1949, June 22, 1949, and April 9, 1952, in the Baltimore City Criminal Court; and on November 27, 1950, in the Frederick County, Md., Criminal Court.
- Moore, Larry Edward, 4214 Mount Vernon, Houston, TX., convicted on January 6, 1967, in the Criminal District Court No. 4 of Harris County, Tex.
- Morasco, Eugene, Sr., 2113 Helen Street, Detroit, MI, convicted on April 25, 1933, and on April 25, 1961, in the U.S. District Court for the Eastern District of Michigan.
- Nicewande, James Kelly, 7890 Base Lake Drive, Dexter, MI, convicted on July 8, 1946, and on August 23, 1946, in the Recorder's Court for the city of Detroit, Mich.
- Norholm, Kristian, Jr., 1005 27th Avenue NE., Minneapolis, MN, convicted on June 10, 1968, in the 10th Judicial District Court, in and for Anoka County, Minn.
- Northcutt, Richard Robert, 514 South Third Avenue E, Apartment 3, Newton, IA, convicted on November 17, 1969, in the Jasper County District Court, Newton, Iowa.
- Osborn, Samuel Cade, 1832 West Grand Boulevard, Apartment 26, Detroit, MI, convicted on August 10, 1942, March 3, 1944, October 28, 1950, and July 13, 1961, in the Detroit Recorder's Court, Mich.
- Padula, Joseph, 704 West Walnut, Stockton, CA, convicted on March 16, 1956, in the Superior Court of the State of California, San Joaquin County.
- Paulsen, Robert Andrew, Apartment No. 6, Bel Aire Villa, Tiffin, Iowa, convicted on April 1, 1966, in the Polk County District Court, Des Moines, Iowa.
- Peacock, Richard Gary, 5316 West Glenn Drive, Glendale, AZ, convicted on November 15, 1965, in the Superior Court, Maricopa County, Ariz.
- Penn, Silas, 5316 Sheridan Street, Detroit, MI, convicted on March 23, 1949, and on January 23, 1961, in the Recorder's Court for the city of Detroit, Mich.
- Perrella, Peter G., Box 474 Keewatin, MN, convicted on March 19, 1959, in the Ninth Judicial District Court, Grand Rapids, Mich.
- Rivard, Aisid Leon, County Road 502, Box 160-E, Negaunee, MI, convicted on March 16, 1956, in the Marquette County Circuit Court, Marquette, Mich.
- Schooley, Loren Walter, 1716 North Fourth Street, Yakima, WA, convicted on January 5, 1959, in the Yakima County, Wash. Superior Court.
- Serafini, Anthony, 801 North Street, Endicott, NY, convicted on March 13, 1952, in the U.S. District Court, Northern District of New York.
- Shurden, Archie L., 530 Third Avenue, Selma, AL, convicted on October 7, 1966, in the U.S. District Court for the Northern District of Mississippi.
- Smith, Everette E., 9 Potomac Drive, Caseyville, IL, convicted on October 30, 1956, in the U.S. District Court for the Eastern District of Illinois.
- Snellings, Joseph Lee, Jr., 932 Shadeland Avenue, Roanoke, VA, convicted on November 12, 1963, in the Hustings Court, Roanoke, Va.
- Snyder, George A., 2716 Burchill Road South, Fort Worth, TX, convicted on January 21, 1949, in the Elkhart County, Ind., Superior Court.
- Sopher, Raymond O., Rural Route No. 2, Friendship, Wis., convicted on October 2, 1964, in the U.S. District Court, Chicago, Ill.
- Steen, Anthon J., 16011 Southeast 16th Street, Bellevue, WA., convicted on February 10, 1966, in the King County Superior Court, Seattle, Wash., and on February 15, 1967, in the U.S. District Court for the Western District of Washington.
- Ulry, Glen O., 2590 Early Drive, Eau Claire, WI, convicted on March 14, 1934, and March 10, 1932, in the Eau Claire County Court, Eau Claire, Wis.; and on June 8, 1934, in the Chippewa County Court, Chippewa Falls, Wis.
- Underwood, Vernon F., 975 Main Street, Shrewsbury, MA, convicted on November 7, 1951, in the Worcester County, Mass., Superior Court.
- Vartabedian, Jack, 750 Wheeler Road, Dracut, MA, convicted on October 7, 1953, in the Lawrence, Mass., District Court; on October 13, 1953, in the Haverhill, Mass., District Court; on June 9, 1954, in the Rockingham, N.H., Superior Court; and on August 15, 1955, in the Pittsfield, Mass., District Court.
- Vinson, Virgil J., Box 67, St. Marys, MO, convicted on April 17, 1964, in the U.S. District Court for the District of Kansas.
- Wells, Paul Kelly, 527½ Washington Street, Owosso, MI, convicted on April 25, 1966, in the Circuit Court for Shiawassee County, Mich.
- White, Vesper Dale, 2889 Highland Drive, Smyrna, GA, convicted on May 4, 1933, in the Circuit Court of Gibson County, Ind.
- Wojtewicz, George, 29021 Bock Street, Garden City, MI, convicted on March 16, 1961, in the Circuit Court for Washtenaw County, Mich.
- Wymer, Daniel David, 2114 Shorb Avenue NW., Canton, OH, convicted on October 22, 1969, in the U.S. District Court for the District of Wyoming.

Signed at Washington, D.C., this 17th day of March 1972.

[SEAL]

REX D. DAVIS,  
Director, Alcohol, Tobacco  
and Firearms Division.

[FR Doc.72-4702 Filed 3-27-72; 8:53 am]

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PART II



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## DEPARTMENT OF THE INTERIOR BUREAU OF MINES

■

### UNDERGROUND AND SURFACE COAL MINES

#### Surface Work Area Mandatory Health Standards

## Title 30—MINERAL RESOURCES

### Chapter I—Bureau of Mines, Department of the Interior

#### SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

#### PART 71—MANDATORY HEALTH STANDARDS—SURFACE WORK AREAS OF UNDERGROUND COAL MINES AND SURFACE COAL MINES

Pursuant to the authority vested in the Secretary of the Interior under section 101 of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 811), to promulgate mandatory health standards transmitted to him by the Secretary of Health, Education, and Welfare, there was published in the FEDERAL REGISTER for January 7, 1971 (36 F.R. 252), proposed mandatory health standards applicable to surface coal mines and to surface work areas of underground coal mines.

Interested persons were afforded a period of 45 days within which to submit written comments, suggestions, or objections to the proposed standards. A number of comments were received by the Bureau of Mines and transmitted to the Department of Health, Education, and Welfare. In addition to these comments, a request for a public hearing was filed with the Secretary of the Interior, stating objections to certain of the proposed standards and the grounds therefor. On June 29, 1971, in accordance with section 101(f) of the Act, the Secretary of the Interior published a notice (36 F.R. 12245) specifying the proposed mandatory health standards to which objections had been filed and a hearing requested. On July 15, 1971, the Department of Health, Education, and Welfare published a Notice of Public Hearing (36 F.R. 13172) affording interested persons an opportunity to be heard at a hearing which was conducted by the National Institute for Occupational Safety and Health at that Department on August 17, 1971.

On the basis of the evidence presented at the hearing and on other information available to the Department of Health, Education, and Welfare concerning the surface health standards, findings of fact were made public in accordance with section 101(g) of the Act on October 15, 1971 (36 F.R. 20126).

Section 101(g) of the Act also provides where a public hearing has been held that, in the event the Secretary of the Interior or the Secretary of Health, Education, and Welfare, as the case may be, determines that a proposed mandatory health or safety standard should not be promulgated or should be modified, he shall publish, within a reasonable time, his reasons for his determination. In his letter transmitting Part 71 for publication, the Secretary of Health, Education, and Welfare has requested that his reasons for modifying the proposed health standards be set forth as part of this document. Accordingly, the Secretary's statement is set out as follows:

As proposed on January 7, 1971, each of the standards—dust, airborne contaminants, noise, surface facilities, sanitary toilet facilities, and drinking water—was to have been effective on June 30, 1971, to give operators an opportunity to establish procedures, train personnel and construct facilities to comply with the standards. Because of the public hearing and publication of the findings of fact, final promulgation of the standards has been delayed. However, the rationale for a delay in effective date still exists. Accordingly, the regulations provide for a 90-day delay in effective date.

In addition, with respect to compliance with the respirable dust standards, an operator may, upon application to the Bureau of Mines, be granted an extension of time not to exceed 90 days from the effective date of such standards if it is demonstrated that the operator has made a good faith effort to achieve compliance and that circumstances beyond his control have prevented the application of dust control measures (see item 2, below). It is intended that these extensions be granted sparingly, rather than as a matter of course, where, for example, control equipment has been ordered but delivery delayed.

The proposed regulation provided that where a notice of violation of the dust standard was received, the operator was required to take continuous samples as provided in section 104(i) of the Act until notified that the area in violation was in compliance. Since section 104(i) of the Act, which requires continuous shift sampling upon the issuance of a notice of violation, applies only to sampling pursuant to section 202(a) of the Act, i.e., to active workings in underground mines, continuous sampling under these circumstances is not required by the Act in surface coal mines and surface work areas of underground mines. Since the sampling requirement of § 71.106(d) of the regulations is imposed to ascertain whether appropriate action has been taken to bring surface areas into compliance with the dust standard after a notice of violation has been received, not less than 15 samples in surface mines and surface work areas of underground mines taken from the environment of the working position in question provides a reasonable basis for the necessary determination of whether compliance has been achieved. The provisions of § 71.106 have been modified accordingly.

Since persons exposed over a period of years to concentrations of respirable coal dust of 2.0 mg/m<sup>3</sup> or less are not expected to develop pneumoconiosis, the use of 0.5 mg/m<sup>3</sup>, rather than 1.0 mg/m<sup>3</sup>, as the breakpoint for annual sampling pursuant to §§ 71.108 and 71.109 and semiannual sampling pursuant to §§ 71.107 and 71.109 does not afford an appreciable increase in health protection to the miner. Moreover, due to imprecisions in weighing and measuring dust, use of 0.5 mg/m<sup>3</sup> as the breakpoint is inadvisable; under the circumstances, 1.0 mg/m<sup>3</sup> has been substituted as the breakpoint for annual and semiannual sampling.

While there is no change from the proposal for the standards for airborne contaminants, the language in subpart C has been revised to clarify that the threshold limit values (TLV's) adopted by American Conference of Governmental Hygienists (ACGIH) in Threshold Limit Values of Airborne Contaminants (1970) are mandatory health standards.

Where the ACGIH permits a time weighted average to be used to determine compliance with a specific TLV, a time weighted average will also be used to determine compliance under subpart C. Similarly, excursions above the listed TLV, other than those substances given a "C" designation, must not

be of greater magnitude than is characterized as permissible by the ACGIH document. Any substance with a "C" designation is not subject to the excursion factor, and concentrations of such a substance shall not exceed its listed ceiling limit.

The applicability of Subpart E which concerns surface bathing facilities, change rooms, and sanitary flush toilet facilities, has been modified and now applies only to surface coal mines. Sanitary facilities—bathing facilities, change rooms and toilet facilities—at surface work areas of underground mines are subject to the provisions of 30 CFR Part 75. 1712 et seq. Subpart F similarly has been made applicable to sanitary toilet facilities at surface work sites of surface mines only. This subpart now provides for the installation of additional toilets at sites where more than 10 miners work.

A number of modifications to the waiver provisions of Subpart E are designed to assure the maximum possible compliance with the requirements of that subpart. Operators may obtain waivers if they are providing or making available under arrangements with a third person, facilities which are at least equivalent to those required by the standards. Because of changing conditions, a waiver is not permanent. A time limit of 1 year has been imposed on any waiver granted although extensions of the waiver may be granted. Finally, the Coal Mine Health and Safety District Manager must consult with the appropriate Regional Program Director of the National Institute for Occupational Safety and Health prior to issuing any waiver.

In view of the insufficiency of the evidence concerning the requisite quantity of safe drinking water and distance of sanitary toilet facilities from surface work sites to protect the health of miners, these requirements have for the present been deleted from Subparts G and F respectively. As stated in the findings of October 15, 1971 (36 F.R. 20126), the National Institute for Occupational Safety and Health, after its study of the question, will report thereon, together with recommendations for mandatory health standards on these matters, not later than December 31, 1972.

Effective date: These regulations shall become effective 90 days after the date of publication in the FEDERAL REGISTER.

Dated: March 22, 1972.

ROGERS C. B. MORTON,  
Secretary of the Interior.

1. Part 71, as set forth below, is hereby adopted, effective 90 days after the date of its publication in the FEDERAL REGISTER.

Subpart A—General	
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71.1	Scope.
71.2	Definitions.
Subpart B—Dust Standards	
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**Subpart C—Airborne Contaminants**

- 71.200 Inhalation hazards; threshold limit values for gases, dusts, fumes, mists, and vapors.
- 71.201 Sampling; general requirements.

**Subpart D—Noise Standard**

- 71.300 Noise standard; general requirements.
- 71.301 Measurement of noise levels.

**Subpart E—Surface Bathing Facilities, Change Rooms, and Sanitary Flush Toilet Facilities at Surface Coal Mines**

- 71.400 Bathing facilities; change rooms; sanitary flush toilet facilities.
- 71.401 Location of facilities.
- 71.402 Minimum requirements for bathing facilities, change rooms, and sanitary flush toilet facilities.
- 71.403 Waiver of surface facilities requirements; posting of waiver.
- 71.404 Application for waiver of surface facilities requirements.

**Subpart F—Sanitary Toilet Facilities at Surface Worksites of Surface Coal Mines**

- 71.500 Sanitary toilet facilities at surface worksites; approved sanitary toilets; installation requirements.
- 71.501 Sanitary toilet facilities; maintenance.

**Subpart G—Drinking Water**

- 71.600 Drinking water; general.
- 71.601 Drinking water; quality.
- 71.602 Drinking water; distribution.
- 71.603 Drinking water; dispensing requirements.

**AUTHORITY:** The provisions of this Part 71 issued under sec. 101, 83 Stat. 745; 30 U.S.C. 811.

**Subpart A—General**

**§ 71.1 Scope.**

This Part 71 sets forth mandatory health standards for surface work areas of each underground coal mine and at each surface coal mine, as specified herein, subject to the Federal Coal Mine Health and Safety Act of 1969. This part also sets forth certain actions, conditions, and requirements which must be met by each coal mine operator in carrying out the mandatory health standards.

**§ 71.2 Definitions.**

Any term defined in the Act and not defined below has the meaning given it in the Act. As used in this part—

(a) "Act" means the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173);

(b) "Average concentration" means a determination which accurately represents the atmospheric conditions with regard to respirable dust to which each miner in the active workings of a mine is exposed as measured over a number of continuous production shifts as determined by the Secretary and the Secretary of Health, Education, and Welfare;

(c) "Concentrations of respirable dust" means the average concentrations of respirable dust as measured with an MRE instrument or equivalent concentrations measured with another device approved by the Secretary and the Secretary of Health, Education, and Welfare;

(d) "Miner" means any individual working in a coal mine;

(e) "MRE instrument" means the gravimetric dust sampler with four channel horizontal elutriator developed by the Mining Research Establishment of the National Coal Board, London, England;

(f) "Qualified person" means an individual deemed qualified by the Secretary and designated by the operator to make tests and examinations required by this part;

(g) "Respirable dust sample" means a sample collected with an approved coal mine dust sampler unit attached to the miner, carried by him, or so positioned as to measure the concentration of respirable dust to which he is exposed, and operated continuously over an entire work shift of such miner;

(h) "Secretary" means the Secretary of the Interior;

(i) "Surface coal mine" means a surface area of land and all structures, facilities, machinery, tools, equipment, excavations, and other property, real or personal, placed upon or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities;

(j) "Surface installation" means any structure in which miners work in the surface work areas of an underground coal mine or at a surface coal mine;

(k) "Surface work areas of an underground coal mine" means the surface areas of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, excavations, and other property, real or personal, placed upon or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting bituminous coal, lignite, or anthracite from its natural deposits underground by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities;

(l) "Surface worksite" means any area at which miners work in the surface work areas of an underground coal mine or in any area of a surface coal mine; and

(m) "Work of preparing the coal" means the breaking, crushing, sizing, cleaning, washing, drying, mixing, storing, and loading of bituminous coal, lignite, or anthracite, and such other work of preparing such coal as is usually done by the operator of the coal mine.

**Subpart B—Dust Standards**

**§ 71.100 Dust standards; respirable dust; quartz.**

Each operator of an underground coal mine and each operator of a surface coal mine shall continuously maintain the

average concentration of respirable dust in the atmosphere of each surface installation and at each surface worksite during each shift to which each miner in the mine is exposed at or below 2 milligrams of respirable dust per cubic meter of air; and whenever the average concentration of respirable dust in samples taken in a surface installation or at a surface worksite under this Subpart B contains more than 5 per centum quartz, the operator shall continuously maintain an average concentration of respirable dust in that installation or at that worksite at or below a level, expressed in milligrams per cubic meter of air, which shall be determined by dividing the per centum of quartz present in such concentration into the number 10.

**§ 71.101 Sampling; general requirements.**

(a) Each operator of an underground coal mine and each operator of a surface coal mine shall take, as prescribed in this subpart, accurate samples of the amount of respirable dust in the atmosphere to which each miner employed in a surface installation or at a surface worksite is exposed.

(b) The samples shall be collected with an approved coal mine dust sampler unit attached to the miner, carried by him, or so positioned as to measure the concentration of respirable dust to which he is exposed, and the unit shall be operated continuously over an entire work shift of such miner.

**§ 71.102 Sampling; by whom done.**

The dust sampling required by this subpart shall be done by, or as directed by, a person—

(a) Who has had practical experience in a coal mine;

(b) Who has a working knowledge of the mining equipment employed in the mine in which samples are taken;

(c) Who has a working knowledge of the operation and care of the sampling devices required by § 71.103 and the filters employed in such devices; and

(d) Who has satisfactorily completed a course approved by the Secretary in the sampling and evaluation of respirable coal mine dust concentrations with the sampling devices required by § 71.103.

**§ 71.103 Approved sampling devices.**

The samples which this subpart requires to be taken shall be taken only with a coal mine dust sampler unit approved under Part 74 of this chapter or with an MRE instrument.

**§ 71.104 Approved sampling devices; operation; rates of flow.**

An approved coal mine dust sampler unit shall be operated at the flow rate for which such instrument is approved. An MRE instrument shall be operated at a flow rate of 2.5 liters of air per minute.

**§ 71.105 Approved sampling devices; equivalent concentrations.**

The concentration of respirable dust expressed in milligrams per cubic meter of air shall be determined by dividing the weight of dust in milligrams collected on the filter by the volume of air in cubic

meters passing through the filter. To convert a concentration of respirable dust as measured with an approved coal mine dust sampler unit to an equivalent concentration of respirable dust as measured with an MRE instrument, the concentration of respirable dust measured with an approved coal mine dust sampler unit shall be multiplied by the constant factor prescribed by the Secretary and the Secretary of Health, Education, and Welfare for the approved instrument used, and the product shall be the equivalent concentration as measured with an MRE instrument.

**§ 71.106 Initial sampling cycle; establishment of basic sample; notice of violation.**

(a) Prior to July 1, 1972, one respirable dust sample shall be taken with respect to each miner employed in a surface installation and with respect to each miner employed at a surface worksite.

(b) If the data recorded pursuant to § 71.112 for such initial sample establish a concentration of respirable dust in excess of 2 milligrams per cubic meter of air in the work position sampled, the Secretary shall advise the operator that additional samples will be required to determine compliance with the respirable dust standard set forth in this subpart.

(c) Upon receipt of advice pursuant to paragraph (b) of this section, the operator shall take samples of respirable dust in such work position on 10 consecutive shifts, each of which is worked on a separate calendar day beginning with the first shift worked following receipt of such advice, and corresponding to the shift on which the initial sample was taken. This series of 10 samples shall constitute the basic sample with respect to that miner.

(d) If the data recorded for any one or more of the samples constituting the basic sample establish a cumulative sum of respirable dust concentrations, expressed in milligrams per cubic meter of air, in excess of 20 in the work position of the miner initially sampled, the Secretary will issue a notice that the operator is in violation of the respirable dust standard set forth in this subpart. Upon receipt of a notice of violation, the operator shall take samples during each shift with respect to the work position sampled until at least 15 samples have been taken and transmitted in accordance with this subpart.

**§ 71.107 Initial sampling cycle; basic sampling cycle; semiannual sampling requirements.**

Where the data recorded pursuant to § 71.112 for an initial sample, or a basic sample establish a concentration of respirable dust which falls within a range of more than 1 milligram per cubic meter of air and no more than 2 milligrams per cubic meter of air with respect to the miner sampled, the operator shall, during each succeeding 6-month period, take one sample of the mine atmosphere to which each such miner sampled is exposed.

**§ 71.108 Initial sampling cycle; basic sampling cycle; annual sampling requirements.**

Where the data recorded pursuant to § 71.112 for an initial sample or basic sample establish a concentration of respirable dust which is 1 milligram or less per cubic meter of air, the operator shall, during each succeeding 12-month period, take one respirable dust sample of the mine atmosphere to which each such miner sampled is exposed.

**§ 71.109 Semiannual and annual samples; establishment of basic sample.**

(a) Where the data recorded pursuant to § 71.112 for any semiannual sample or for any annual sample establish a concentration of respirable dust in excess of 2 milligrams per cubic meter of air, the Secretary will advise the operator pursuant to paragraph (b) of § 71.106 and the operator shall be required to establish a basic sample with respect to the miner sampled in accordance with the provisions of paragraph (c) of § 71.106.

(b) Where the data recorded pursuant to § 71.112 for any semiannual sample or for any annual sample taken establish a concentration of respirable dust of 1 milligram or less per cubic meter of air, the operator shall, during each succeeding 12-month period, take one sample of the mine atmosphere to which each such miner sampled is exposed.

(c) Where the data recorded pursuant to § 71.112 for any semiannual sample or for any annual sample establish a concentration of respirable dust which falls within a range of more than 1 milligram per cubic meter of air and no more than 2 milligrams per cubic meter of air with respect to the miner sampled, the operator shall, during each succeeding 6-month period, take one sample of the mine atmosphere to which each such miner sampled is exposed.

**§ 71.110 Partial sampling; initial samples; basic samples; additional samples required.**

(a) If the Secretary fails to receive the number of samples required under the provisions of § 71.106 or if samples have been rejected by the Secretary as invalid samples, the Secretary will, in accordance with the provisions of § 71.112 analyze the valid samples received to determine whether the concentration of respirable dust is in compliance with the respirable dust limit.

(b) If the Secretary receives less than the required number of samples or rejects samples as invalid samples, and has determined in accordance with the provisions of paragraph (a) of this section that the cumulative concentration of respirable dust does not exceed the limit set forth in this subpart, the Secretary will advise the operator to take a specified number of additional samples. Upon receipt of advice that additional sampling is required, the operator shall commence such sampling on the first day on which the miner is employed in his regular duties following the day

upon which the operator receives such advice from the Secretary or on the first work shift in the work position being sampled, as applicable.

(c) Where additional sampling is required under the provisions of paragraph (b) of this section to establish a basic sample and the Secretary receives more than the number of samples required, such additional samples shall be combined with the samples previously received and the most recent valid sample or most recent valid 10 samples shall, where appropriate, constitute the initial sample or the basic sample respectively.

(d) Where additional samples are received by the Secretary in accordance with paragraph (b) of this section and combined with the valid samples already received pursuant to § 71.106(c), a daily determination of compliance or noncompliance shall be made with respect to the miner sampled. If the data recorded pursuant to § 71.112 with respect to the miner sampled establish a cumulative sum of respirable dust concentrations in excess of 20 milligrams, the Secretary will issue a notice to the operator that he is in violation of the respirable dust limit.

**§ 71.111 Respirable dust samples; transmission.**

(a) At the conclusion of each production shift, the operator shall promptly collect and transmit all samples in a container provided by the manufacturer of the cassette to:

Pittsburgh Field Health Group, Bureau of Mines, Department of the Interior, Pittsburgh, Pa. 15213.

(b) Each sample shall be accompanied by a completed 3 x 5 inch white data card provided for this purpose by the cassette manufacturer. The card shall have an identification number identical to that on the cassette used to take the sample and shall contain the following additional information: The mine identification number, sampling time (minutes), date of sample, the social security number and occupation of the miner whose environment was sampled, tons of coal produced during the shift, and method of mining. The data card shall be signed or initialed by the miner whose environment was sampled and the representative of the company responsible for the dust sampling program. If the miner declines to initial or sign the card, the representative of the company shall so note on the card.

**§ 71.112 Respirable dust samples; analysis by the Secretary; report to the operator.**

Upon receipt by the Secretary of respirable dust samples taken with respect to a miner, each sample is analyzed and the following data is recorded:

(a) The mine identification number;  
(b) The surface installation or surface work site within the mine where the sample was taken;

(c) The dust concentration, expressed in milligrams per cubic meter of air, for each sample;

(d) The cumulative total of respirable dust for all valid samples with respect to

the miner sampled, expressed in milligrams per cubic meter of air; and

(e) The social security number of the individual miner whose atmosphere was sampled.

#### § 71.113 Report of data.

The Secretary will provide the operator with a report of the data recorded pursuant to § 71.112 as soon as practicable.

### Subpart C—Airborne Contaminants

#### § 71.200 Inhalation hazards; threshold limit values for gases, dust, fumes, mists, and vapors.

(a) No operator of an underground coal mine and no operator of a surface coal mine may permit any person working at a surface installation or surface work site to be exposed to airborne contaminants (other than respirable coal dust and respirable dust containing quartz) in excess of, on the basis of a time weighted average, the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists in "Threshold Limit Values of Airborne Contaminants" (1970) which is hereby incorporated by reference and made a part hereof. Excursions above the listed threshold limit values shall not be of a greater magnitude than is characterized as permissible by the Conference. This paragraph does not apply to airborne contaminants given a "C" designation by the Conference in the document. This document is available for examination at the Bureau of Mines, 18th and C Streets NW., Washington, D.C.; at every Coal Mine Health and Safety District and Subdistrict Office; at the National Institute for Occupational Safety and Health, 5600 Fishers Lane, Rockville, Md.; and at the Public Health Service Information Centers as listed in 45 CFR 5.31. Copies of the document may be purchased for \$0.50 from the Secretary-Treasurer, American Conference of Governmental Industrial Hygienists, Post Office Box 1937, Cincinnati, OH 45202. An official historic file of Threshold Limit Values of Airborne Contaminants (1970) will be maintained at the National Institute for Occupational Safety and Health, 5600 Fishers Lane, Rockville, Md.

(b) All persons, including employees, shall be withdrawn from any area in which there is a concentration of an airborne contaminant given a "C" designation by the Conference which exceeds the threshold limit value (ceiling "C" limit) listed for that contaminant.

#### § 71.201 Sampling; general requirements.

(a) Air samples will be taken by the Secretary and will be analyzed to determine the concentrations of noxious or poisonous gases, dusts, fumes, mists, and vapors in surface installations and at surface worksites.

(b) Upon written notification by the Secretary to the operator of an underground coal mine or of a surface coal mine, the operator shall conduct any additional air sampling tests and analyses as the Secretary may from time to

time require in order to ensure compliance with the standards set forth in § 71.200 in each surface installation and at each surface worksite.

(c) Where concentrations of airborne contaminants in excess of the applicable threshold limit values and permissible excursions are known by the operator to exist in a surface installation or at a surface worksite, he shall immediately provide necessary control measures to assure compliance with § 71.200.

(d) Where the operator has reasonable grounds to believe that concentrations of airborne contaminants in excess of the applicable threshold limit values and permissible excursions exist, or are likely to exist, he shall promptly conduct appropriate air sampling tests to determine the concentration of any airborne contaminant which may be present and immediately provide the necessary control measures to assure compliance with § 71.200.

### Subpart D—Noise Standard

#### § 71.300 Noise standard; general requirements.

Each operator of an underground coal mine and each operator of a surface coal mine shall, during each shift, maintain the noise level to which each miner in each surface installation and at each surface worksite is exposed at or below the maximum noise exposure level prescribed in Subpart F, Part 70 of this Subchapter O.

#### § 71.301 Measurement of noise levels.

Each operator shall measure the noise level to which each miner is exposed in each surface installation and at each surface worksite in the manner prescribed in Subpart F, Part 70, of this Subchapter O.

### Subpart E—Surface Bathing Facilities, Change Rooms, and Sanitary Flush Toilet Facilities at Surface Coal Mines

#### § 71.400 Bathing facilities; change rooms; sanitary flush toilet facilities.

Each operator of a surface coal mine shall provide bathing facilities, clothing change rooms, and sanitary flush toilet facilities, as hereinafter prescribed, for the use of miners employed in the surface installations and at the surface worksites of such mine. (NOTE: Sanitary facilities at surface work areas of underground mines are subject to the provisions of § 75.1712 of this chapter et seq.)

#### § 71.401 Location of facilities.

Bathhouses, change rooms, and sanitary flush toilet facilities shall be in a location convenient for the use of the miners. Where these facilities are designed to serve more than one mine, they shall be centrally located so as to be convenient for the use of all miners served by the facilities.

#### § 71.402 Minimum requirements for bathing facilities, change rooms, and sanitary flush toilet facilities.

(a) All bathing facilities, change rooms, and sanitary flush toilet facilities shall be provided with adequate light,

heat, and ventilation so as to maintain a comfortable air temperature and to minimize the accumulation of moisture and odors, and the facilities shall be maintained in a clean and sanitary condition.

(b) Bathing facilities, change rooms, and sanitary flush toilet facilities shall be constructed and equipped so as to comply with applicable State and local building codes. However, where no State or local building codes apply to these facilities, or where no State or local building codes exist, the facilities shall be constructed and equipped so as to meet the minimum construction requirements in the National Building Code (1967 edition) and the plumbing requirements in the National Plumbing Code (ASA A40.8—1955) which documents are hereby incorporated by reference and made a part hereof. These documents are available for examination at the Bureau of Mines, 18th and C Streets NW., Washington, D.C.; at every Coal Mine Health and Safety District and Subdistrict Office; at the National Institute for Occupational Safety and Health, 5600 Fishers Lane, Rockville, Md.; and at the Public Health Service Information Centers as listed in 45 CFR 5.31. Copies of the National Building Code (1967 edition) may be purchased from the American Insurance Association, 85 John Street, New York, NY 10038, for \$2.50 per copy and copies of the National Plumbing Code (ASA A40.8—1955) may be purchased from the American National Standards Institute, Inc., 1430 Broadway, New York, N.Y. 10018, for \$6 per copy. An official historic file of the National Building Code (1967 edition) and of the National Plumbing Code (ASA A40.8—1955) will be maintained at the National Institute for Occupational Safety and Health, 5600 Fishers Lane, Rockville, Md.

(c) In addition to the minimum requirements specified in paragraphs (a) and (b) of this § 71.402, facilities maintained in accordance with § 71.400 shall include the following:

(1) *Bathing facilities.* (i) Showers shall be provided with both hot and cold water.

(ii) At least one shower head shall be provided where five or less miners use such showers.

(iii) Where five or more miners use such showers, sufficient showers shall be furnished to provide approximately one shower head for each five miners.

(iv) A suitable nonirritating cleansing agent shall be provided for use at each shower.

(2) *Sanitary flush toilet facilities.* (i) At least one sanitary flush toilet shall be provided where 10 or less miners use such toilet facilities.

(ii) Where 10 or more miners use such toilet facilities, sufficient flush toilets shall be furnished to provide approximately one sanitary flush toilet for each 10 miners.

(iii) Where 30 or more miners use toilet facilities, one urinal may be substituted for one flush toilet, however, where such substitutions are made they shall not reduce the number of toilets

below a ratio of two flush toilets to one urinal.

(iv) An adequate supply of toilet paper shall be provided with each toilet.

(v) Adequate handwashing facilities or hand lavatories shall be provided in or adjacent to each toilet facility.

(3) *Change rooms.* (i) Individual clothes storage containers or lockers shall be provided for storage of miners' clothing and other incidental personal belongings during and between shifts.

(ii) Change rooms shall be provided with ample space to permit the use of such facilities by all miners changing clothes prior to and after each shift.

**§ 71.403 Waiver of surface facilities requirements; posting of waiver.**

(a) The Coal Mine Health and Safety District Manager for the district in which the mine is located, after consultation with the appropriate Regional Program Director, National Institute for Occupational Safety and Health, may, upon written application by the operator, and after consideration of any comments filed within 30 days after receipt of the application, waive any or all of the requirements for §§ 71.400 through 71.402 for a period not to exceed 1 year if he determines that—

(1) The operator is providing or making available, under arrangements with one or more third parties, facilities which are at least equivalent to those required by the standards, or

(2) It is impractical for the operator to meet the requirement(s) or provide the facility (facilities) for which the waiver is sought.

(b) The waiver shall be in writing and shall set forth the requirement(s) which the operator will not be required to meet or the facilities which the operator will not be required to provide and the specific reason or reasons for such waiver.

(c) Upon receipt of any waiver, the operator shall post a copy of the waiver for at least 30 days on the mine bulletin board required by section 107(a) of the Act.

(d) An extension of the waiver at the end of 1 year may be sought by the operator by filing an application pursuant to § 71.404 no later than 30 days nor more than 60 days prior to the expiration date of the waiver.

**§ 71.404 Application for waiver of surface facilities requirements.**

(a) Application for waivers of any requirements of §§ 71.400 through 71.402 shall be in writing, filed with the appropriate Coal Mine Health and Safety District Manager, and shall contain the following information:

(1) The name and address of the mine operator,

(2) The name and location of the mine, and

(3) A detailed statement of the grounds upon which the waiver is requested and the period of time for which it is requested.

(b) At the same time the application is sent to the District Manager, a copy of the application shall be forwarded to the appropriate Regional Program Di-

rector, National Institute for Occupational Safety and Health by the operator, and a copy showing the addresses of the appropriate District Manager and Regional Program Director shall be posted by the operator for at least 30 days on the mine bulletin board required by section 107(a) of the Act.

**Subpart F—Sanitary Toilet Facilities at Surface Worksites of Surface Coal Mines**

**§ 71.500 Sanitary toilet facilities at surface worksites; approved sanitary toilets; installation requirements.**

(a) Each operator of a surface coal mine shall provide and install at least one approved sanitary toilet, together with an adequate supply of toilet tissue, in a location convenient to each surface work site. A single approved sanitary toilet may serve two or more surface worksites in the same surface mine where the sanitary toilet is convenient to each such worksite. Where 10 or more miners use such toilet facilities, sufficient toilets shall be furnished to provide approximately one sanitary toilet for each 10 miners. (NOTE: Sanitary toilet facilities for surface work areas of underground mines are subject to the provisions of § 75.1712-3 of this chapter.)

(b) Only sanitary toilets approved by the Health Division, Coal Mine Health and Safety, Bureau of Mines, jointly with the National Institute for Occupational Safety and Health shall meet the requirements of this section.

(c) Applications for approval of sanitary toilets shall be submitted to: Health Division, Coal Mine Health and Safety, Bureau of Mines, U.S. Department of the Interior, Washington, D.C. 20240.

**§ 71.501 Sanitary toilet facilities; maintenance.**

Sanitary toilets provided in accordance with the provisions of § 71.500 shall be regularly maintained in a clean and sanitary condition. Holding tanks shall be serviced and cleaned when full and in no case less than once each week when in use by draining or pumping or by removing them for cleaning and recharging. Transfer tanks and transfer equipment, if used, shall be equipped with suitable fittings to permit complete draining without spillage and allow for the sanitary transportation of wastes. Waste shall be disposed of in accordance with State and local laws and regulations.

**Subpart G—Drinking Water**

**§ 71.600 Drinking water; general.**

An adequate supply of potable water shall be provided for drinking purposes in each surface installation and at each surface worksite of the mine.

**§ 71.601 Drinking water; quality.**

(a) Potable water provided in accordance with the provisions of § 71.600 shall meet the applicable minimum health requirements for drinking water established by the State or community in which the mine is located.

(b) Where no such requirements are applicable, the drinking water provided shall conform to the Public Health Service Drinking Water Standards, 42 CFR Part 72, Subpart J.

**§ 71.602 Drinking water; distribution.**

(a) Water shall be piped or transported in sanitary containers. Water systems and appurtenances thereto shall be constructed and maintained in accordance with State and local requirements. Where no such requirements are applicable, water systems and appurtenances shall be constructed and maintained in accordance with the National Plumbing Code (ASA A40.8—1955) which is hereby incorporated by reference and made a part hereof. (For information as to the availability of this code, see § 71.402(b).)

(b) Water transported to the site shall be carried, stored and otherwise protected in sanitary containers constructed of smooth, impervious, heavy gauge, corrosion resistant materials. The containers shall be marked with the words "Drinking Water."

**§ 71.603 Drinking water; dispensing requirements.**

(a) Water shall be dispensed through a drinking fountain or from a water storage container with an adequate supply of single service cups stored in a clean, sanitary manner. Water shall not be dipped from inside water storage containers. Use of a common drinking cup is prohibited.

(b) Water containers shall remain sealed at all times during use and shall not be refilled with water for reuse without first being cleaned and disinfected with the use of heat or sanitizers.

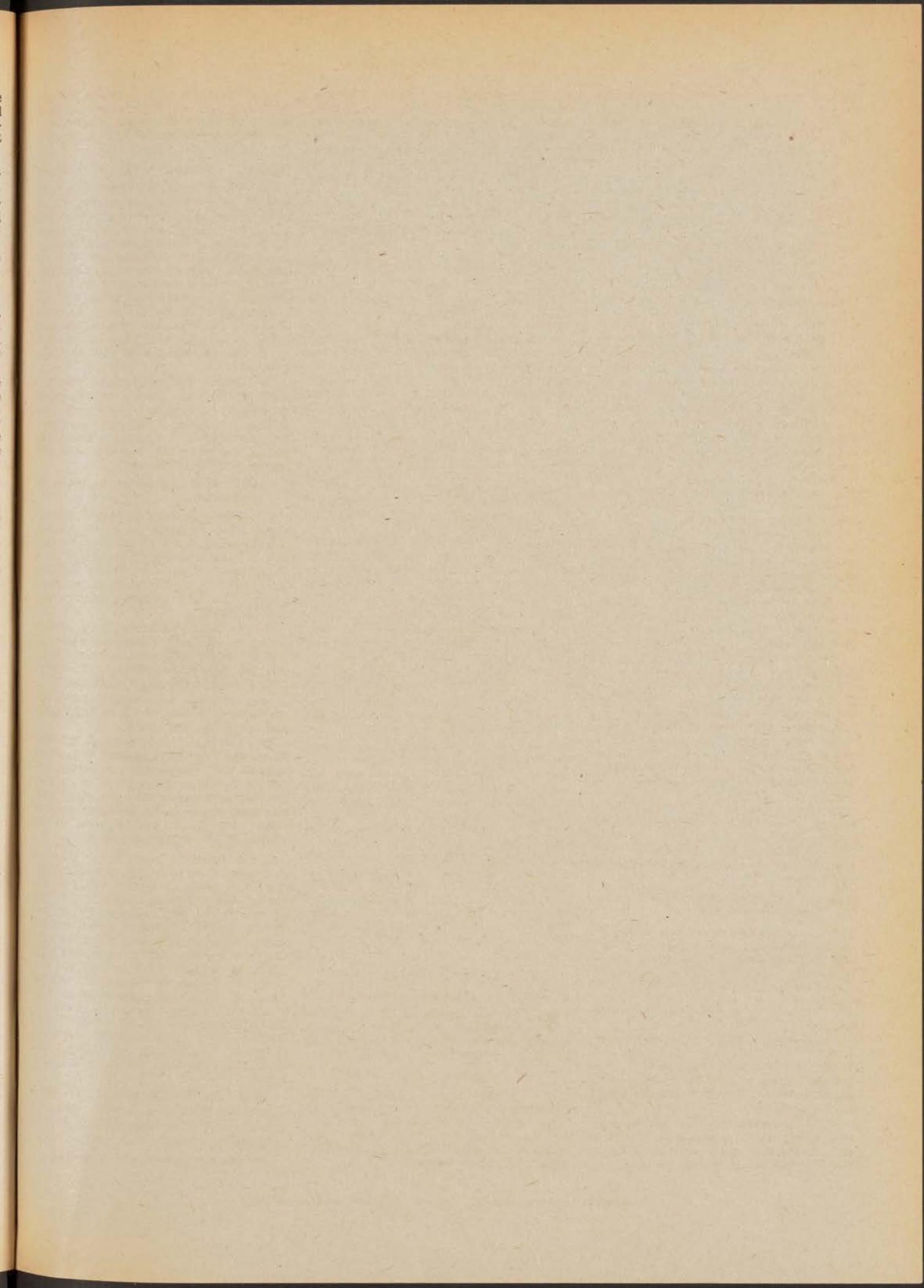
(c) Drinking fountains from which water is dispensed shall be thoroughly cleaned once each week.

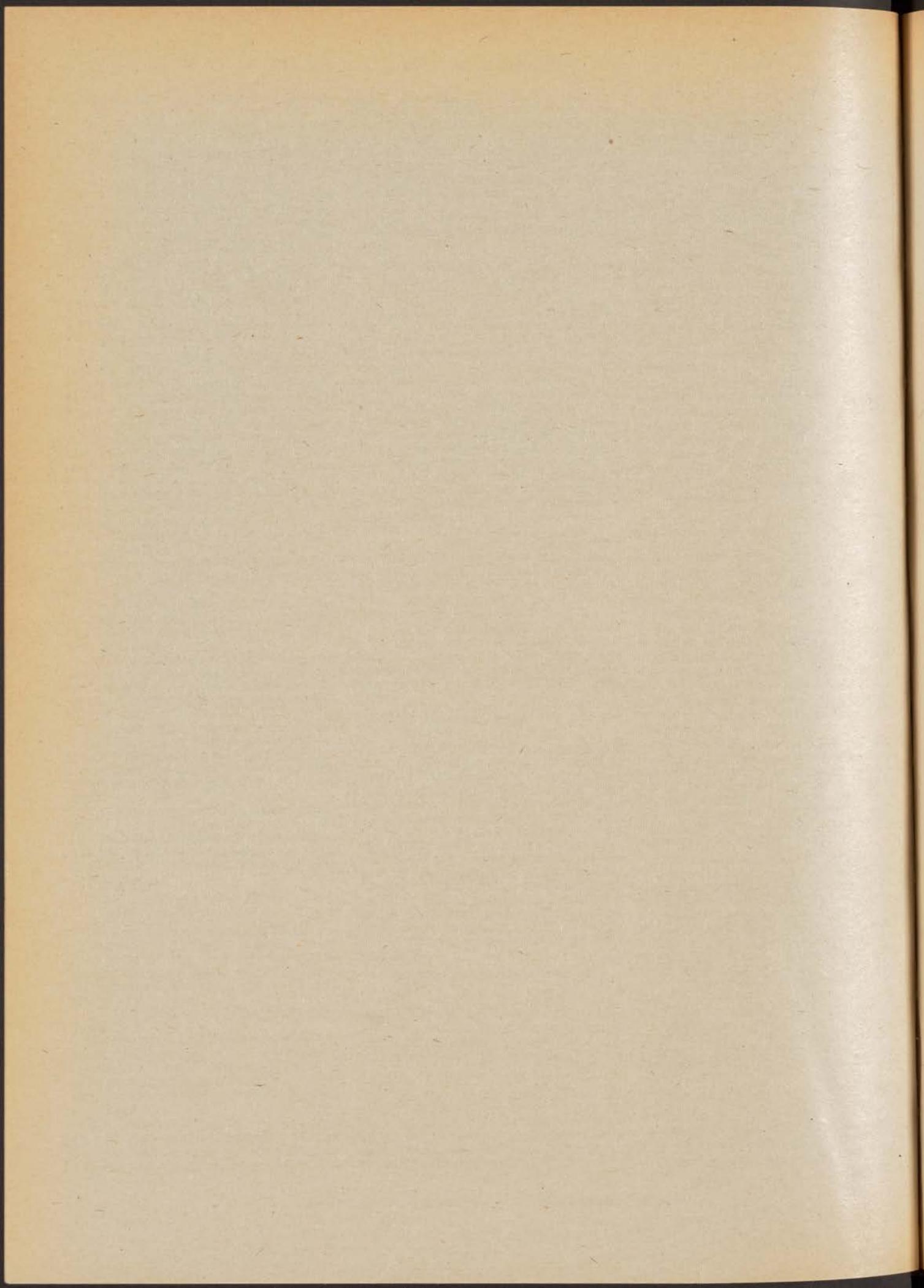
(d) Ice used for cooling drinking water shall not be immersed or in direct contact with the water to be cooled, unless it has been handled in a sanitary manner and unless the ice is made from the same source as the drinking water or from water of a quality equal to the source of the drinking water.

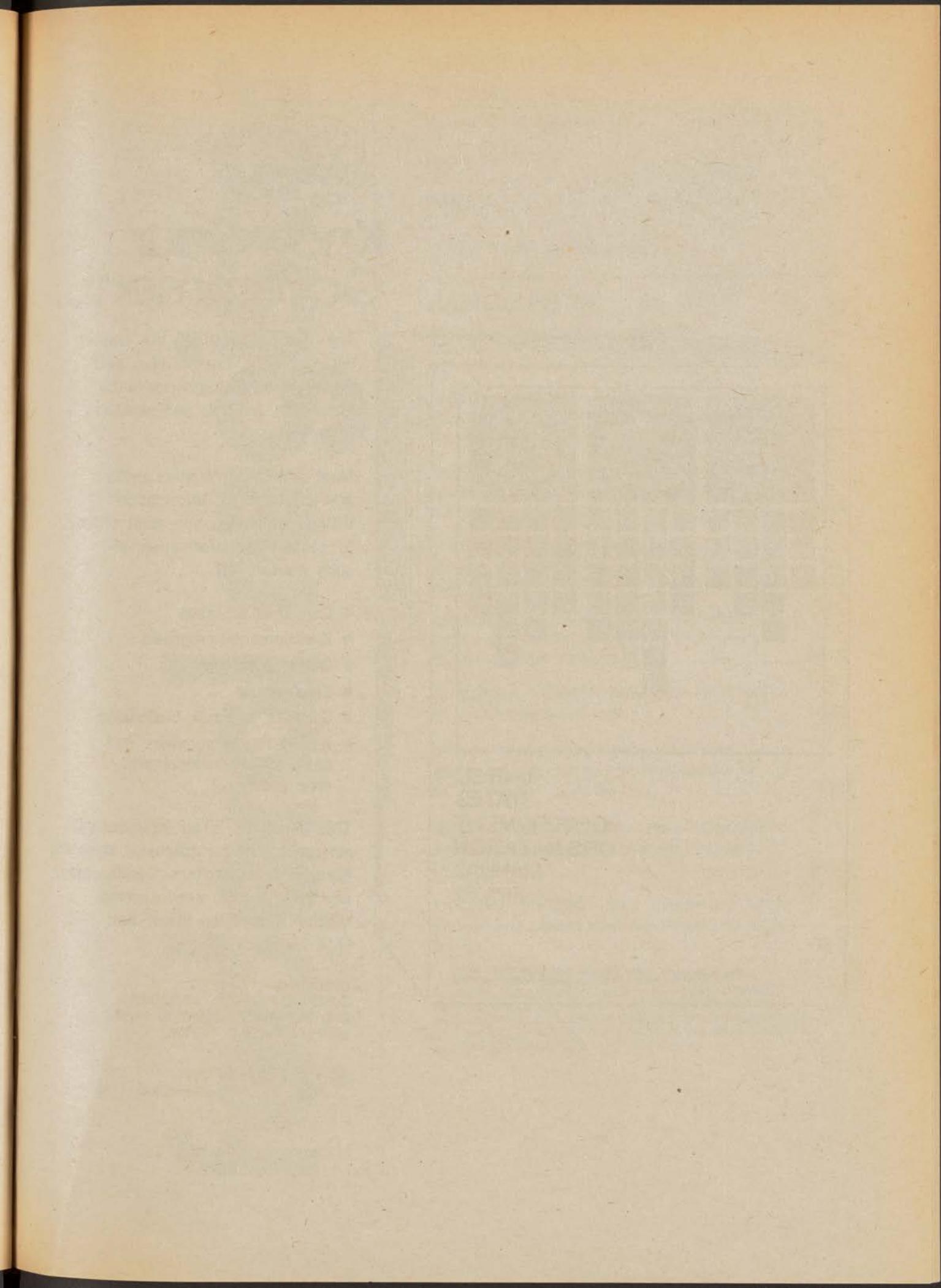
2. An operator may be granted an extension of time not to exceed 90 days from the effective date of Part 71 for compliance with § 71.100 upon a written application to the Coal Mine Health and Safety District Manager which demonstrates to the satisfaction of the Manager that the operator has made a good faith effort to achieve such compliance and that circumstances beyond his control have prevented the application of adequate dust control measures. A copy of the application shall be posted for at least 30 days on the bulletin board required by section 107 of the Act not later than the date such application is filed.

NOTE: The incorporation by reference provisions in this document were approved by the Director of the Federal Register on November 10, 1971.

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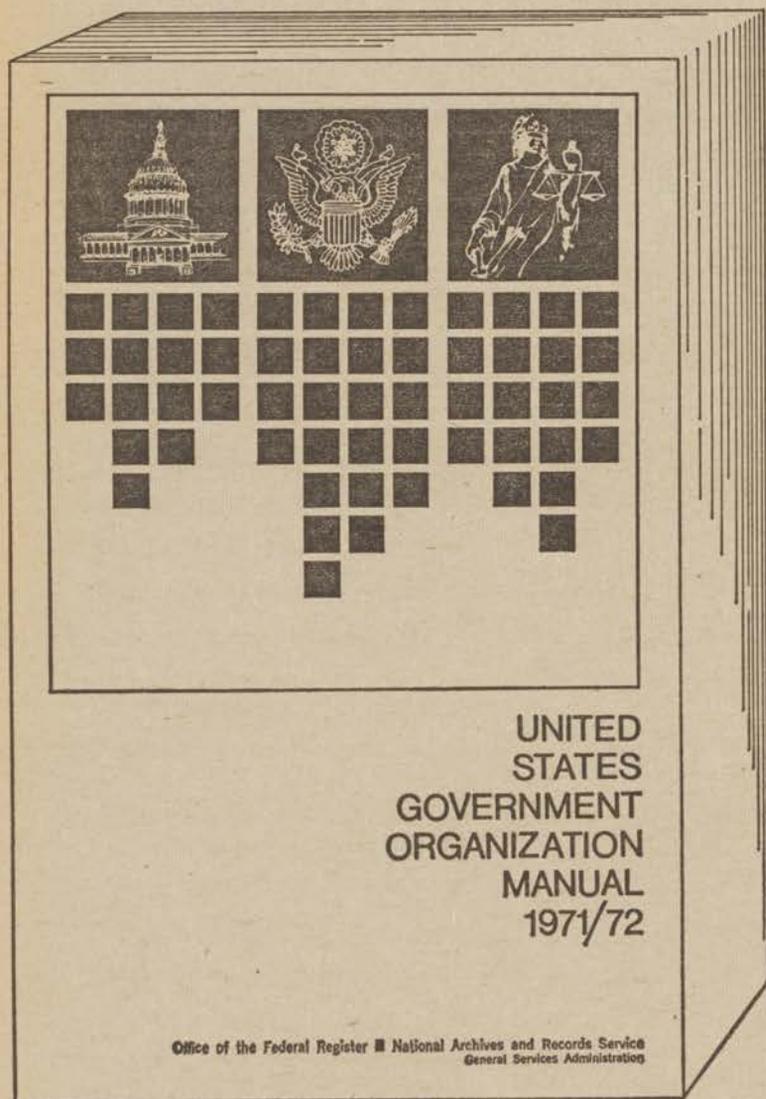








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